



Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N,
Bismarck, ND



5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on [Freetv.org](https://www.freetv.org) or
[Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) || Replay Later from [Freetv.org](https://www.freetv.org)

AGENDA

June 11, 2025


1. Roll Call
2. Approval of the April 9, 2025 Minutes
3. Consent Agenda *(The following item(s) are request(s) for a public hearing)*
 - 3-1 Biegler Subdivision
 - 3-2 Plains Ridge Subdivision
4. Public Hearing Agenda
 - 4-1 Special Use Permit Request - Wiese
 - 4-2 Article 8 – Special Uses – Ag-Recreation
5. Other Business:
6. Adjourn

– Next Meeting – July 9, 2025

Agenda Item 3-1

Biegler Subdivision

Project Summary

Status:	Consent Agenda
Petitioner/Developer	Ron and Kathy Biegler
Engineer	Mark Isaacs – ILSE. Inc
Location:	Part of Auditor's Lot E in the SE Quarter and Part of the SE Quarter all in Section 29, Township 139N, Range 76W, Burleigh County
	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>3-1-1 Location Map</p> </div>
Project Size:	Four (4) Lots on 22.76 Acres
Zoning Change:	Sterling Township
Petitioners Request	Approve preliminary plat. Call for a public hearing

History/Description

The petitioners approached Burleigh County regarding property located in Sterling Township. The property owners had earlier requested to purchase the excess Right of Way along County Highway 10, the excess was granted to the Biegler's on October 21, 2024. The Biegler's have purchased the land and all remaining items have been removed.

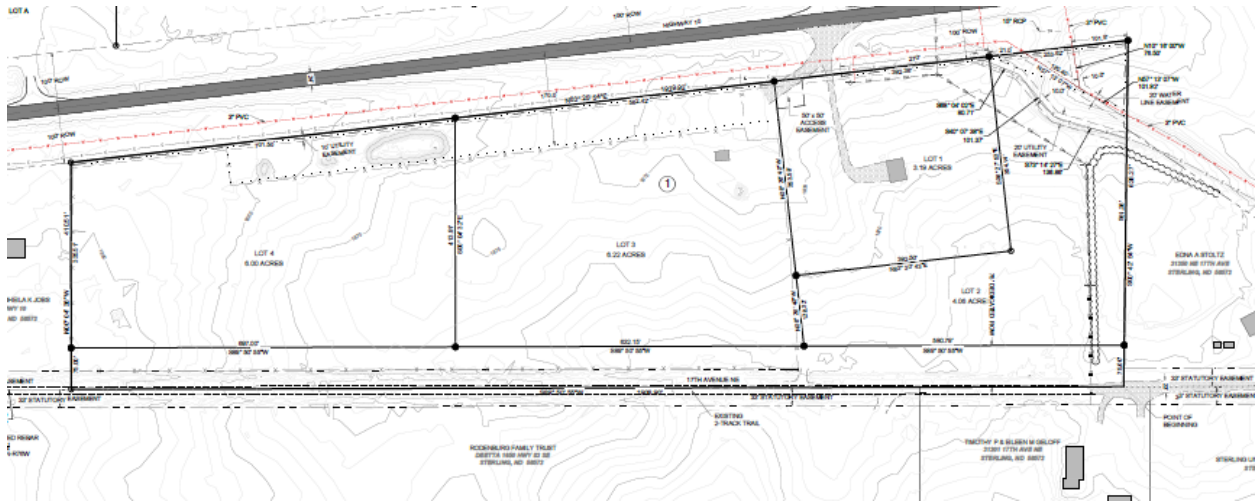
As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



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After removal of the items left on the released Right of Way, the Biegler's decided to move forward with the platting of the property into a four (4) lot subdivision.



Attachment 3-1-2 Preliminary Plat



Attachment 3-1-3 Site Map

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PLANNING AND ZONING COMMISSION

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PLANNING AND ZONING COMMISSION

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PLANNING AND ZONING COMMISSION

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Staff Findings – Preliminary Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural. Property is located in Sterling Township
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

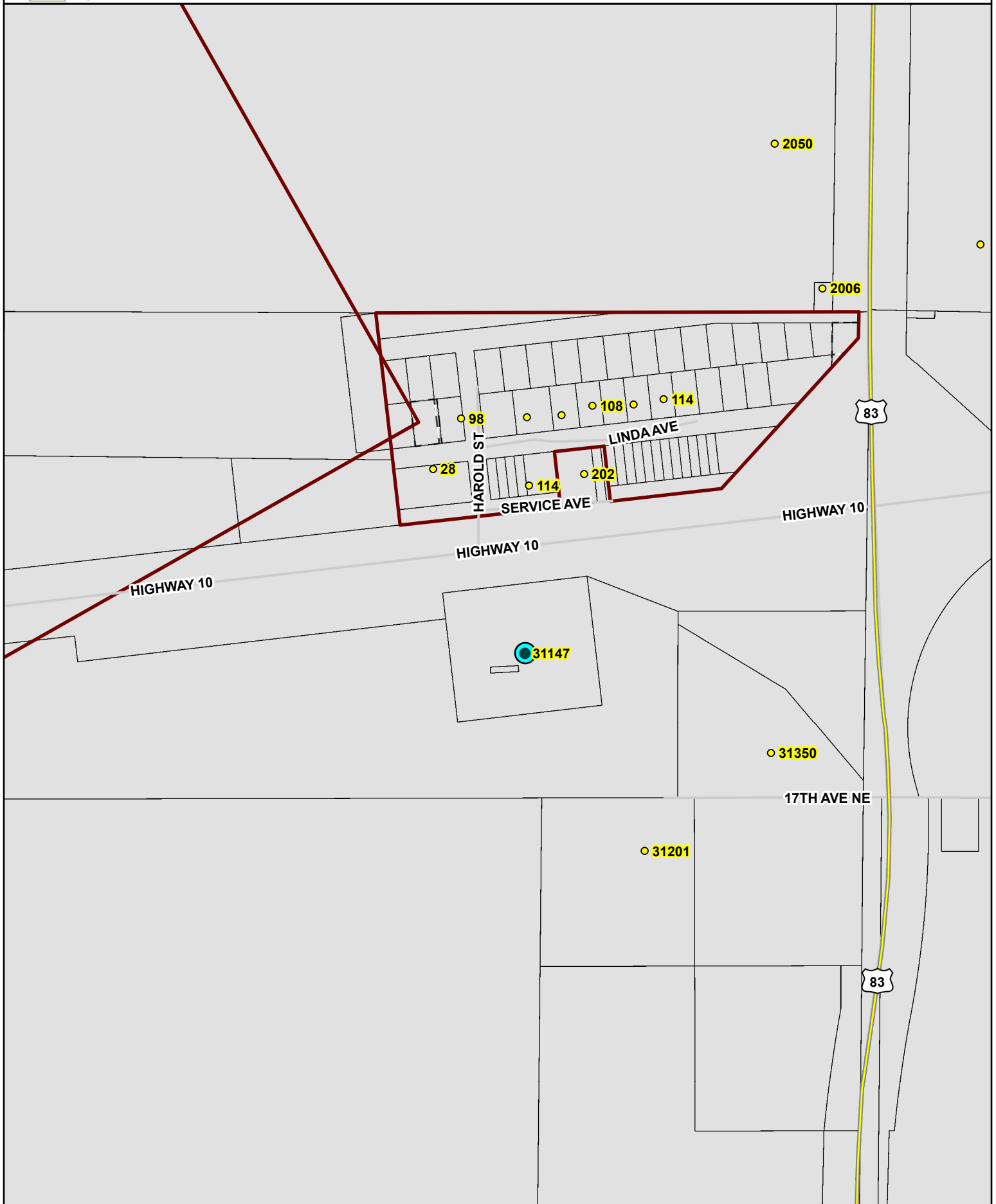
Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

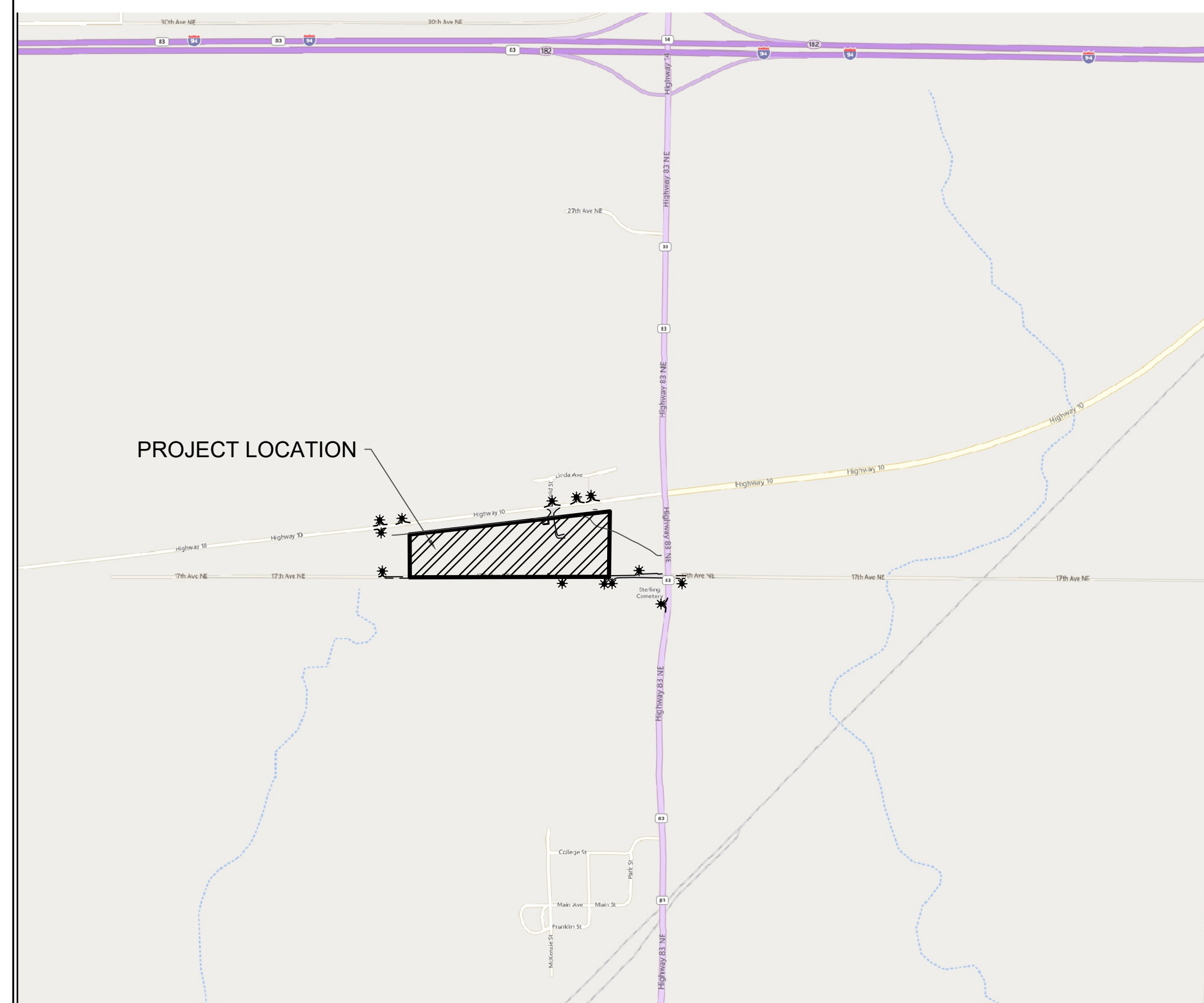
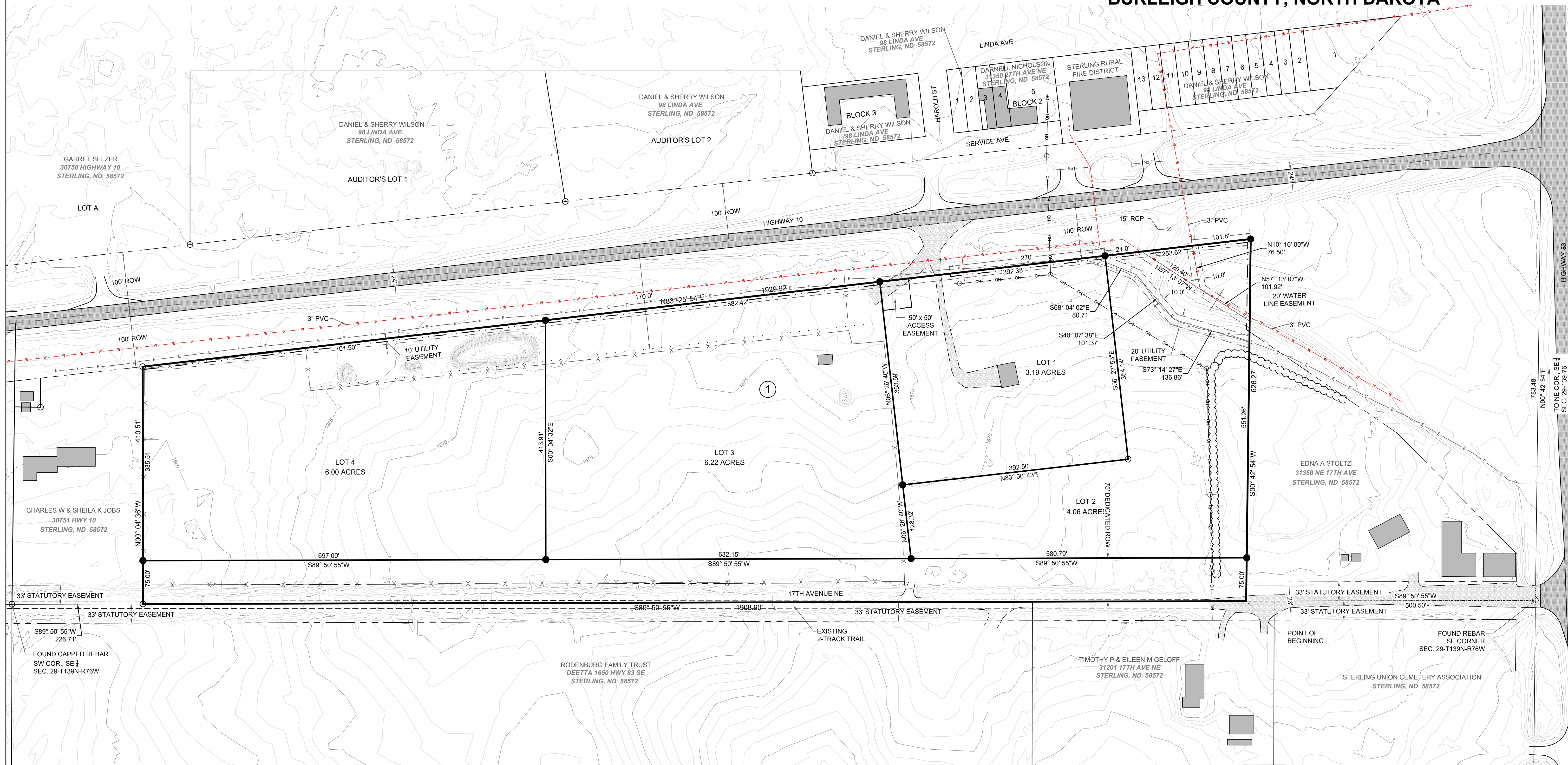
Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat and call for a public hearing.
2. Approve the preliminary plat with conditions and call for a public hearing after all condition have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.



PRELIMINARY PLAT
BIEGLER SUBDIVISION
PART OF AUDITOR'S LOT E IN THE SE QUARTER
AND PART OF THE SE QUARTER
ALL IN SECTION 29, T139N, R76W
BURLEIGH COUNTY, NORTH DAKOTA



LEGEND	
○	FOUND SURVEY MONUMENT
●	SET CAPPED REBAR - LS9628
—	ROW
—	RIGHT OF WAY
▒	EXISTING BUILDING
▒	EXISTING GRAVEL
— x —	EXISTING FENCE
— OH —	EXISTING OVERHEAD ELECTRIC
✱	EXISTING DRIVE APPROACH
⌋	EXISTING TREE BELT
▒	EXISTING ASPHALT
— · —	NON-ACCESS LINE
—	ACCESS EASEMENT
— W —	EXISTING 3" PVC WATER LINE
○	EXISTING POWER POLE
⊠	EXISTING UTILITY BOX

ACREAGE TABLE	
LOT 1	3.19 ACRES
LOT 2	4.06 ACRES
LOT 3	6.22 ACRES
LOT 4	6.00 ACRES
DEDICATED ROW	3.29 ACRES
TOTAL	22.76 ACRES

LAND DESCRIPTION

PART OF AUDITOR'S LOT E IN THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER ALL IN SECTION 29, TOWNSHIP 139 NORTH, RANGE 76 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 29; THENCE SOUTH 89° 50' 55" WEST ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89° 50' 55" WEST ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1908.90 FEET; THENCE NORTH 00° 04' 36" WEST A DISTANCE OF 410.51 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGHWAY 10; THENCE NORTH 83° 25' 54" EAST ON SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 1929.92 FEET; THENCE SOUTH 00° 42' 54" WEST A DISTANCE OF 626.27 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 22.76 ACRES MORE OR LESS; AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNERS:
RONNIE & KATHY BIEGLER
31302 5TH AVENUE NE
STERLING, ND 58572

JOYCE BIEGLER
4430 41ST AVE SE
TAPPEN, ND 58487

- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
 - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
 - EXISTING ZONING PROPOSED PLAT AREA AND SURROUNDING AREAS - AGRICULTURAL
 - 50' x 50' ACCESS EASEMENT TO SERVE LOT 3 BLOCK 1.

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

BIEGLER SUBDIVISION
PART OF AUD. LOT E
SOUTHEAST QUARTER
SECTION 29, T139N, R76W
BURLEIGH, NORTH DAKOTA

SHEET: 1 OF 1
SCALE: 1" = 80'
DRAWN BY: MBI
DWG DATE: 4/22/25
JOB NUMBER: 24061
DWG REVISION DATES
5/29/25
4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-995-2078
mark@isurveynd.com

Independent
Land
Surveying &
Engineering



PARCEL ID: 35-139-76-00-32-400

OWNER: HEATON, LEWIS R & SHERRY L

ACRES: 160

SITE ADDRESS:

MAIL ADDRESS: 28051 10TH AVE SE, MCKENZIE, ND 58572

LEGAL: STERLING TOWNSHIP Section 32 NW1/4 32-139-76

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Agenda Item 3-2

Plains Ridge Subdivision

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Seth Sandness
Engineer	Todd Marschall – Houston Engineering
Location:	Part of the SW ¼ of SW ¼ of Section 24, Township 140N, Range 80W, Burleigh County, ND Addressed as: 11201 41 st Street NE <div>3-2-1 Location Map</div>
Project Size:	Two (2) Lots – 14.1 Acres More or Less
Zoning Change:	A-Agricultural to R1-Rural Single Family Residential (Heard by P & Z, April 2020 but not heard by County Commission)
Petitioners Request	Approve preliminary plat. Call for a public hearing.

History/Description

Seth Sandness approached Burleigh County in February of 2020 for a four (4) lot subdivision and zoning change from A-Agricultural to R1-Rural Single Family Residential. At the April 2020 public hearing the subdivision was denied for the following reasons:

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



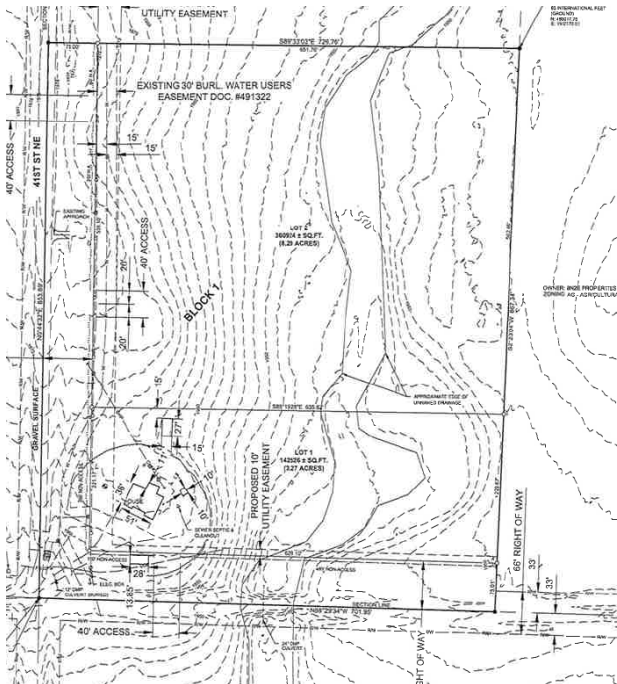
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1. There is only one access out onto NE 41st Street
2. Snow removal can be a concern
3. Wastewater may flow into Hay Creek tributary
4. Tree growing in the ditches leading to 41st could be a hazard
5. Road conditions on NE 41st and 110th Avenue are unimproved.
6. Improving 110th Avenue will be an additional cost to Burleigh County.

Seth Sandness decided not to appeal the decision.

In 2025, he was approached by his renter to purchase the property surrounding the house he has rented. Since the house is located on one (1) parcel, the parcel needed to be subdivided before the property could be purchased by his renter. He was advised to submit a new preliminary plat showing a two (2) lot subdivision and to request the zoning approval be submitted to the County Commission.



Attachment 3-2-2 Preliminary Plat



PLANNING AND ZONING COMMISSION

June 11, 2025



Attachment 3-2-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural. This was presented at the April 2020 meeting to change to R1-Rural Single Family but was not approved or denied.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A revised Stormwater Management Plan was requested.



PLANNING AND ZONING COMMISSION

June 11, 2025

Planning Staff Recommendation

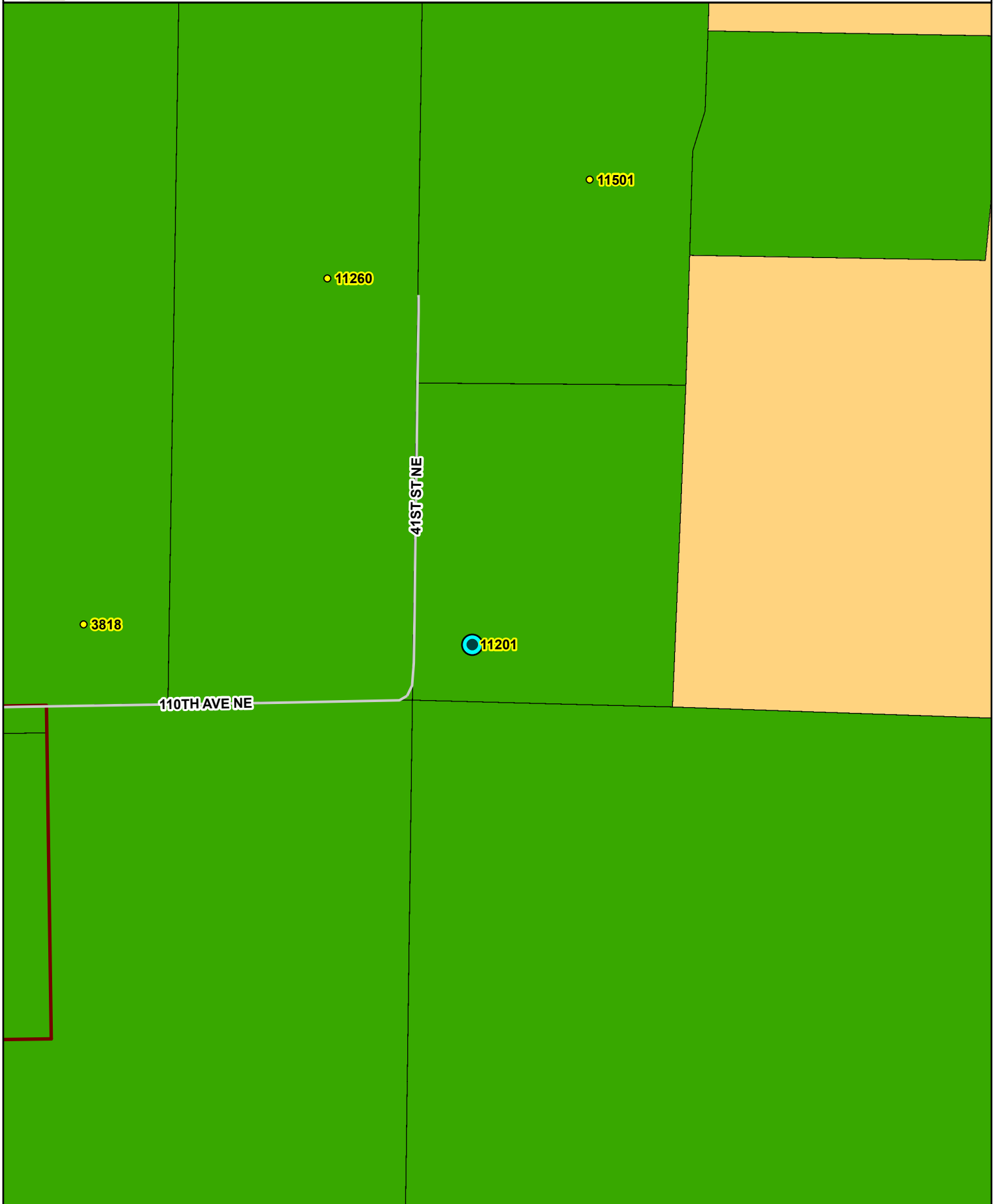
The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Staff recommends approval of the zoning change request from April 2020 with a "Do Pass" recommendation to the Board of Burleigh County Commissioners.

Planning Commission Action

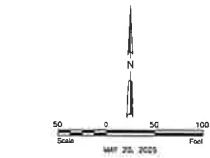
The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat and call for a public hearing.
2. Approve the preliminary plat with conditions and call for a public hearing after all condition have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.



PRELIMINARY PLAT PLAINS RIDGE SUBDIVISION

BEING A PLAT OF PART OF THE SW 1/4 OF SW 1/4 OF SECTION 24,
T. 140 N., R. 80 W., 5th P.M.
BURLEIGH, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N 0° 00' 00" E
MEASURED DISTANCE	100.00'
PLAT BOUNDARY	—
LOT LINE	---
UTILITY EASEMENT	- - -
UTILITY EASEMENT	- - -
EXISTING LOT LINE	- - -
EXISTING FENCE	X X
OVERHEAD POWER	—
UTILITY POLE	⊙
W/CLIP WIRE	⊙
TELEPHONE RISER	⊙
GATE VALVE	⊙
CLEANOUT	⊙
MANHOLE	⊙
SGN	⊙
MONITORING WELL	⊙
BUILDING	⊙
TREE ROW	⊙
NON-ACCESS	N.A.

PLAT INFORMATION

EXISTING ZONING AGRICULTURAL
PROPOSED ZONING R1 COUNTRY HOMES RESIDENTIAL DISTRICT
LOT ACRES 11.59 ACRES
RIGHT OF WAY ACRES 2.58 ACRES
TOTAL ACRES 14.17 ACRES
BASED ON MEASUREMENTS NO STATE PLANE SOUTH ZONE HAD AS DETERMINED BY RTK
OBSERVATION FROM THE MISTATES WIS. NETWORK SYSTEM. UNIT OF MEASURE
IS INTERNATIONAL FEET.

CONTOUR VERTICAL SCALE HAD 88

TOPOGRAPHIC CONTOURS AND DERIVED FROM THE CITY OF BISMARCK MPO LOAN
PROPERTY IS SITUATED IN ZONE D (100 YEAR FLOODPLAIN) AS DERIVED ON FEMA
FIRM PANEL 380150255C, DATED JUNE 06, 2024.

R1 ZONING SETBACKS

FRONT: 40'
REAR: 50'
SIDE: 10'

BENCHMARK

SW CORNER OF LOT 1 BLOCK 1
ELEV: 1930.24 NAVD 88

OWNER

SETH & AMBER BENDISSE
4411 WEST ROUNDUP ROAD
BISMARCK, NORTH DAKOTA 58103

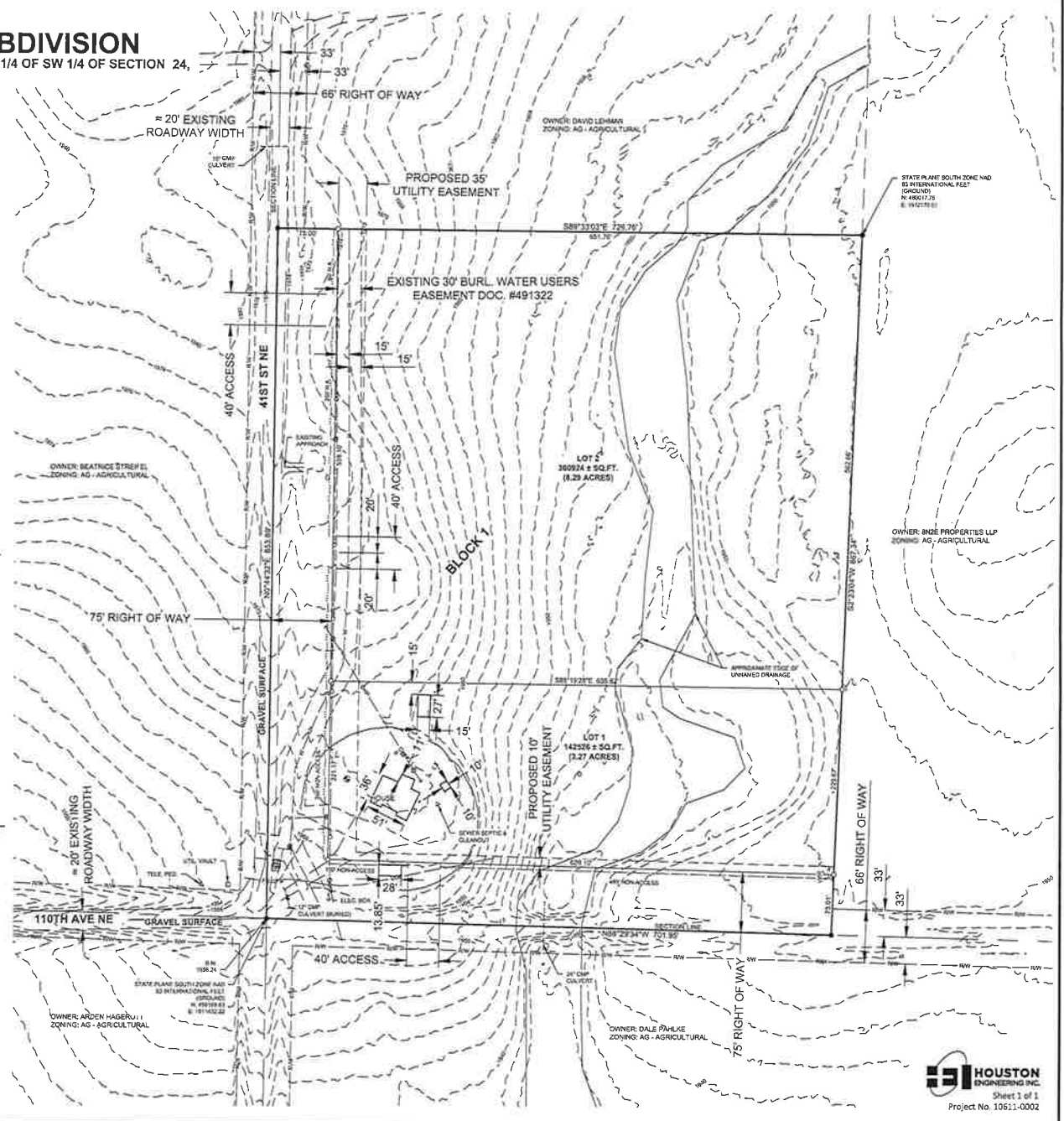
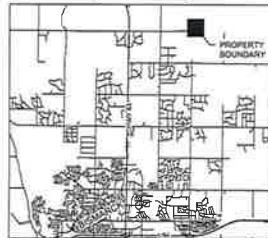
ENGINEER/SURVEYOR

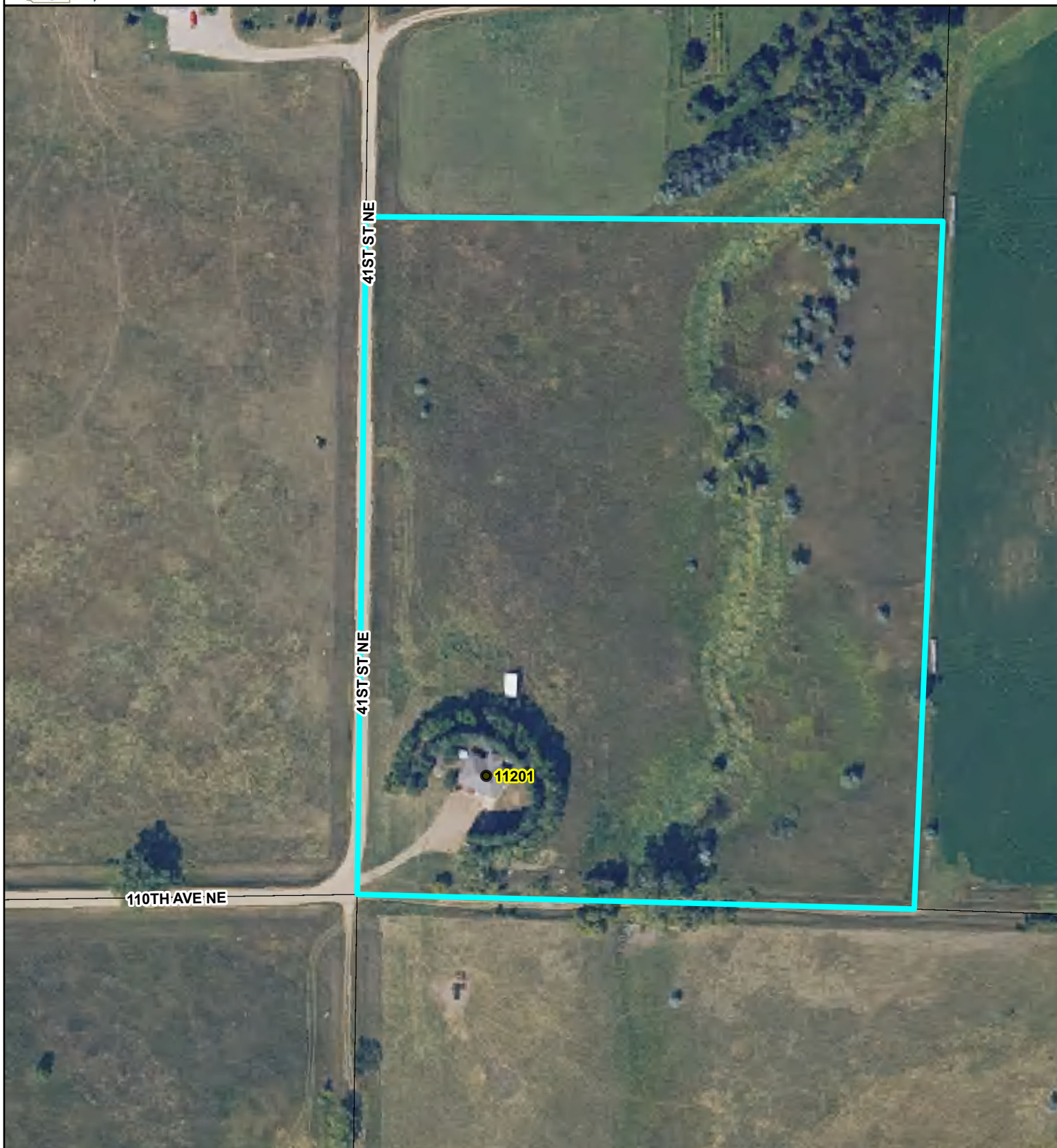
1000 MARSHALL
LICENSE NO. 4431
HOUSTON ENGINEERING, INC.
3713 LOCKPORT STREET
BISMARCK, NORTH DAKOTA 58101
PHONE: 701.323.3200

SURVEYOR'S NOTES

1. PLAT BOUNDARY IS THE SAME AS THE RECORDED BOUNDARY IN BISMARCK DEED
DOCUMENT NO. 87,881 FILED JUNE 26TH 2018 AT THE BURLEIGH COUNTY
RECORDERS OFFICE.

VICINITY MAP





PARCEL ID: 24-140-80-00-24-601

OWNER: SANDNESS, AMBER & SETH

ACRES: 14.138

SITE ADDRESS: 11201 NE 41ST ST

MAIL ADDRESS: 4401 W ROUNDUP ROAD, BISMARCK, ND 58503

LEGAL: BURNT CREEK TOWNSHIP Section 24 SW1/4 BEG @ COMMON CORNER TO SECTIONS 23-24 AND 25-26 THENCE S89°15'E FOR 702.8', N1°10'E FOR - 867.7', S89°42'W FOR 727.5', THENCE S854.6' TO POB 24-140-80

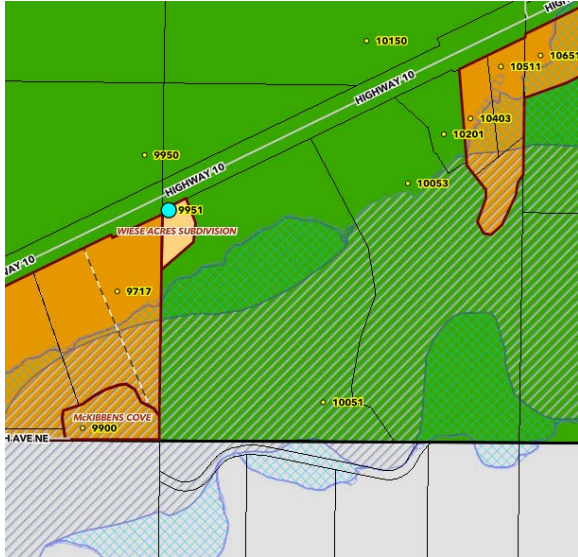
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Agenda Item 4.1 Wiese Special Use

Application for a Special Use Permit

Project Summary

Public Hearing Agenda:	Special Use Permit to move a building
Status:	Public Hearing
Petitioner/Developer	Gene & Kathleen Wiese
Location:	9951 Hwy 10, Bismarck ND Wiese Acres Subdivision Block 1, Lot 1  Exhibit 4-1-1 Location Map
Parcel Size:	2 acres R1-Rural Single Family Residential
Petitioners Request	"Do Pass" recommendation to the Board of Burleigh County Commissioners for a



	Special Use Permit to move a 1700 sf shop before house is completed
Posted Dates	Bismarck Tribune 5/29 & 6/5/2025 Surrounding Property Owners 5/30/2025 Burleigh County Website 5/30/2025

History/Description

Burleigh County Planning and Building Staff was approached by Gene Wiese regarding moving a 1700 sf pre-built shop from his property at 10750 Rushmore Road to their new property located at 9951 Highway 10. Burleigh County staff examined the building at the Rushmore Road location. It was determined the building was in good condition and allowable on the parcel. Staff determined the building meets all building codes.

Gene and Kathleen have received a permit to build their residence on the property located at 9951 Highway 10. They are also in the process of selling their home on Rushmore Road. They are not planning to sell the accessory building, but to move it when their house was completed. They have been advised to have the accessory building moved before the house is placed on the market.

The Wiese's have contacted their neighbors in regards to moving their building before their house is completed. They have not received responses to their inquiries. There are ten (10) surrounding properties within a quarter mile of 9951 Highway 10, with only two (2) with residences on the parcels.

Staff Findings:

1. The building to be moved meets the requirements for an accessory building in Burleigh County.
2. Staff has determined the building will not affect the surrounding neighbors
3. The size of the building is allowed on 2 acres of property. Article 6 – Incidental Uses
4. This building would be allowed in R1-Rural Single Family Residential Zoning
5. The building permit for a residence has been approved and issued.



6. The application for request of a Special Use Permit meets the requirements of Article 8 of the Burleigh County Zoning Ordinance.

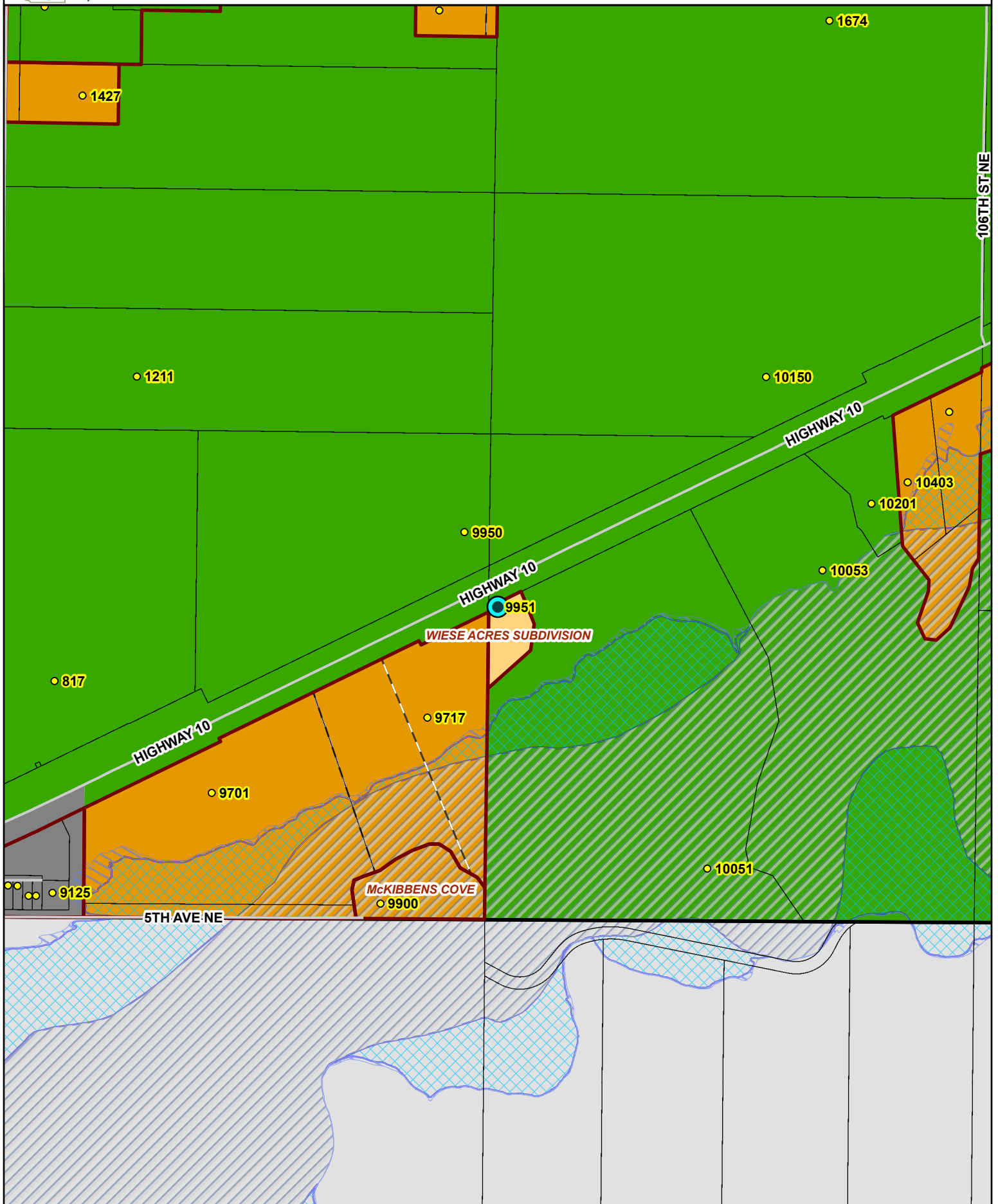
Planning Staff Recommendation

The request for a special use permit fulfils the application requirements of Article 8, Article 6 and Article 12 of the Burleigh County Zoning Ordinances. Planning Staff recommends a "Do Pass" recommendation to the Board of Burleigh County Commissioners with conditions set by the Planning and Zoning Commission.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the special use permit and give a "Do Pass" Recommendation
2. Approve special use permit with conditions and give a "Do Pass" recommendation after all conditions required are approved by the Planning and Zoning Commission.
3. Deny the special use permit with reason.
4. Table the special use permit for more information.





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Burleigh County Building, Planning & Zoning
PO Box 5518
Bismarck ND 58506

burleighcobuilding@nd.gov
701-221-3727

Date: June 11, 2025

TO: Burleigh County Planning and Zoning Commission

RE: Public Hearing to Amend Burleigh County Zoning Ordinances

FROM: Marla McMonagle, Associate Planner

AMEND ARTICLE 8 TO ADD AGRICULTURAL RECREATION:

Agricultural Recreation is described as:

An agriculture recreation use combines agricultural production with recreational uses that are in common with and ancillary to the primary agricultural use and in conjunction with a single-family dwelling.

Due to the growth in agricultural awareness and tourism in the state of ND, it has become necessary to include Agricultural Recreation in the Burleigh County Zoning Ordinances. A draft ordinance was presented to the Planning and Zoning Commission in July of 2024, and approved for a public hearing.

After a public hearing in August 2024 regarding the amendment, it was determined staff needed to meet with the Agricultural Recreation Focus Group to rework the amendment. The group met with staff on April 24th and May 15th.

Staff presented the group with two (2) separate ordinance amendments, the original amendment that was presented to the Planning and Zoning Commission in August of 2024 and a new draft ordinance. The focus group decided to use the new draft ordinance as the outline for the amendment. Most of the focus group approved the amendment and requested it to be presented to the Planning and Zoning Commission for final approval and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.

Attachment:

Article 8 – Special Uses – Agricultural Recreation

ORDINANCE 25-----

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 8 AND 11 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO AGRICULTURAL RECREATION

Section 1. **Amendment** Article 8 of the Zoning Ordinance is hereby amended and re-enacted as follows:

Section 31 - Agricultural Recreation

Agricultural Recreation may be permitted in an Agricultural District as a special use. All persons, entities or organizations wishing to establish the use of Agricultural Recreation within Burleigh County must apply for and be granted a special use permit.

Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

Agriculture. *The Science or practice of cultivating the soil, producing crops and or raising livestock.*

Agriculture Recreation. *An agriculture recreation use combines agricultural production with recreation uses that are in common with and ancillary to the primary agricultural use and in conjunction with a single-family dwelling.*

1. Allowable Uses on ten (10) acres or more, no more than seventy-five (75) days per year. Exception: Educational Agricultural Tours
 - a. "You-Pick" orchards or tree cutting - under 50 people per day.
 - b. Corn or Hay Bale Mazes –under 50 people per day.
 - c. Hay Rides - under 50 people per day.
 - d. Tractor or farm equipment rides - under 50 people per day.
 - e. Farm animal viewing and petting - under 50 people per day.
 - f. Tasting events for products - under 50 people per day.
 - g. Relating to the principle agricultural use at which less than 50 people per day.

Minimum Requirements:

1. Outdoor lighting fixtures directed so direct light is visible above a height of 5 feet. lighting fixtures near adjacent properties must have special shielding to help eliminate light pollution on adjacent properties.
2. Outdoor lighting must be five (5) feet from the adjacent properties.
3. Sound generated by outdoor amplification of music or voice must not exceed 55 decibels during daylight hours, 45 decibels during nighttime hours, measured from the property line.
4. Events shall be held between the hours of 9:00 am to 9:00 pm, with one-hour before and after event for set-up and clean up only.
5. Adequate restroom facilities must be provided.
6. On-site Parking must be provided. No road side parking. All parking areas must be mowed or graveled to prevent fire hazards.

2. Allowed with a Special Use Permit on 40 acres or more:

- a. Domestic Winery –which uses products grown on site or within the region and as licensed through NDCC.
- b. Domestic Distillery - which uses products grown on site or within the region and as licensed through NDCC.
- c. Brewer Taproom- which uses products grown on site or within the region and as licensed through NDCC.
- d. Any event relating to the principle agricultural use at which more than fifty (50) persons attend per day.
- e. Any event relating to the principle agricultural use that occurs more seventy-five (75) days per year.
- f. Event specific over-night camping i.e. camping for trail rides, rodeos, agricultural events.

Additional requirements for Special Use Permits:

1. Outdoor lighting fixtures directed so direct light is visible above a height of 5 feet. Lighting fixtures near adjacent properties must have special shielding to help eliminate light pollution on adjacent properties.
2. Outdoor lighting must be five (5) feet from the adjacent properties.
3. Sound generated by outdoor amplification of music or voice must not exceed 55 decibels during daylight hours, 45 decibels during nighttime hours, measured from the property line.
4. Events shall be held between the hours of 9:00 am to 9:00 pm, with one-hour before and after event for set-up and clean up only.
5. Adequate restroom facilities must be provided.
6. On-site parking must be provided. Parking is to be organized and must have a minimum of 12 ft lanes for travel. No road side parking. All parking areas must be mowed or graveled to prevent fire hazards.

7. A site plan including, but not limited to, multiple means of ingress and egress, emergency response plan must be provided.
8. Limitations/requirements as determined by the Board of Burleigh County Commissioners for each special use permit. These limitations and requirements are special use permit specific and may not be required on all agricultural recreation special use permits.

Section 2. Amendment: Article 11, A-Agricultural Zoning District, Section 4 Special Uses amended to include the following:

Agricultural Recreation

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Severability If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such as adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date This ordinance shall take effect after final passage, adoption and publication as provided by law

Passed and adopted this _____ day of _____, 2025

Final passage and adoption:

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this _____ day of _____, 2025

Mark Splonskowski, Burleigh County Auditor/Treasurer