

## Burleigh County Planning and Zoning Meeting Minutes

March 12, 2025

**PRESENT:** Chairman Dennis Agnew, Commissioners Mike Connelly, Alvie Jarratt, Dale Patrick, John Risch, and Brian Zuroff. Commissioner Brian Bitner attended on-line. Commissioner Bea Streifel and Wayne Munson were absent.

**OTHER:** Marcus Hall, County Engineering, Brian Reinke, Rural Fire Department, Mitch Flanagan and Marla McMonagle - County Planning, and Members of the Public (see Sign in Sheet)

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

Chairman Agnew called for a motion to approve the February 12, 2025 minutes.

| MOTION:   | RESPONSIBLE PARTY   | RESULTS                      |
|---|---|------------------------------|
| Approve the February 12, 2025 minutes                         | 1 <sup>st</sup> Commissioner Zuroff<br>2 <sup>nd</sup> Commissioner Risch   | Motion Approved<br><br>7 – 0 |
| <b>CONSENT AGENDA</b>   |   |                              |
| There were no items on the Consent Agenda                     |   |                              |
| <b>PUBLIC HEARING</b>   |   |                              |
| <b>4.1 Summit Point 2<sup>nd</sup> Subdivision Short Plat</b> | Lots 3 & 4 Summit point 1 <sup>st</sup> Subdivision   |                              |
| Marla McMonagle<br>Associate Planner                          | Approached and gave a summary of the Summit Point 2 <sup>nd</sup> Subdivision and why it was being created. The owners wanted to combine (2) two lots into one (1) lot. <i>(Article 33, Section 12)</i> |                              |
| Commissioner Risch  | Asked if the intent was to build a single-family house. Marla stated yes.   |                              |
| Commissioner Zuroff   | Asked with the future development and the master plan, if this should be called something else.   |                              |
| Staff McMonagle   | No, we have planned for this and will adjust the master plan as the need arises. We also made the stipulation they follow the PUD and the Covenant.   |                              |
| Commissioner Connelly   | Why the PUD and not something else.   |                              |

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| Staff McMonagle   | Because it is a lot combination in Summit Point 1 <sup>st</sup> , we are using Article 33, Section 12 to short plat the lot combination and the zoning stays the same – PUD   |                    |
| Hearing no other questions from the commissioners, Chairman Agnew opened the public hearing.                |   |                    |
| Chairman Agnew closed the public hearing after no public comments were made.                                |   |                    |
| Commissioner Bitner   | stated the property is owned by a family member, and he has no financial stake in the property, but in the interested of transparency, he felt it needed to be noted.   |                    |
| Commissioner Patrick  | made a motion to allow Commissioner Bitner to vote Commissioner Connelly 2 <sup>nd</sup> the motion.  |                    |
| <b>MOTION:</b>  | <b>RESPONSIBLE PARTY</b>  | <b>RESULTS</b>     |
| Allow Commissioner Bitner to vote on the item.  | 1 <sup>st</sup> . Commissioner Patrick<br>2 <sup>nd</sup> Commissioner Connelly   | Approved:<br>7 - 0 |
| Summit Point 2 <sup>nd</sup> Discussion continued   |   |                    |
| Commissioner Zuroff   | Made a motion to approve Summit Point 2 <sup>nd</sup> Subdivision and give a “Do Pass” recommendation to the county commission. Commissioner Patrick seconded the motion.   |                    |
| <b>MOTION:</b>  | <b>RESPONSIBLE PARTY</b>  | <b>RESULTS</b>     |
| Approved the Summit Point 2 <sup>nd</sup> Plat and give a “Do Pass” recommendation to the County Commission | 1 <sup>st</sup> Commissioner Zuroff<br>2 <sup>nd</sup> Commissioner Patrick   | Approved:<br>7 - 0 |
| <b>4.2 Article 8 – Special Uses – Solar Energy Systems</b>  | Continuation of the February 12, 2025 Public Hearing regarding solar energy systems   |                    |
| Director Mitch Flanagan   | Stated the changes have been highlighted in the ordinance. He explained the off-grid definition that was added. He also pointed out the size classification changes. Section 9 states there are special conditions that cannot be listed at this time because of all the changes happening. |                    |
| Commissioner Risch  | Asked if the kilowatt size was enough for a residential. Director Flanagan stated he used the national average.   |                    |
| Commissioner Patrick  | Questioned the R1 was excluded and why was roof mounted   |                    |

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| Commissioner Risch   | Stated that if residential is excluded, can the resident go over the size for residential.   |                    |
| Commissioner Connelly  | Stated a resident does not have to get a special use permit for a roof mounted system. Director Flanagan stated they will need a building permit.  |                    |
| Commissioner Zuroff  | The scale of 1 to 20 is okay for residential he would like to see a different scale. Director Flanagan stated it reads "or larger". Commissioner Zuroff suggested a change.                                      |                    |
| With no other comments from the commissioners, Chairman Agnew opened the public hearing.   |  |                    |
| No comments from the public hearing, Chairman Agnew closed the public hearing.   |  |                    |
| Commissioner Connelly  | Made a motion to accept the changes shown, 2 <sup>nd</sup> by Commissioner Patrick   |                    |
| <b>MOTION:</b>   | <b>RESPONSIBLE PARTY</b>   | <b>RESULTS</b>     |
| Approve Article 8, Special Uses – Solar Energy Systems with the changes and give a "Do Pass" recommendation to the County Commission | 1 <sup>st</sup> Commissioner Connelly<br>2 <sup>nd</sup> Commission Patrick  | Approved:<br>7 - 0 |
| <b>OTHER BUSINESS:</b>   |  |                    |
| Director Flanagan  | Asked if the tabled Article 8 – Special Uses – Data Centers could be moved off the June Agenda and added to the April Agenda.  |                    |
| Chairman Agnew   | Questioned if a use is not called out in the ordinance is it not allowed?  |                    |
| Director Flanagan  | Stated if an individual item is not in the ordinance, then we have no say in the matter.   |                    |
| Commissioner Patrick   | If this comes back again, if somebody approaches with massive amounts of information like the last pubic hearing, he would like to see that amount of information given to the commissioners before the meeting. |                    |
| Commissioner Bitner  | Made a motion to move the tabled agenda item from June to April. Seconded by Commissioner Patrick.   |                    |
| Commissioner Patrick   | Stated he would like to see a time limit on the public hearing in April.   |                    |

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| Director Flanagan  | Stated if an item is not in ordinance, and they want to build, we can't go back and put restrictions on it.  |                   |
| Chairman Agnew   | Stated we can make changes if we want when we hear it at the April meeting.  |                   |
| <b>MOTION:</b>   | <b>RESPONSIBLE PARTY</b>   | <b>RESULTS</b>    |
| Removed table Article 8 – Special Uses – Data Centers from the June Agenda to the April Agenda                           | 1 <sup>st</sup> Commissioner Bitner<br>2 <sup>nd</sup> Commissioner Patrick  | Approved<br>7 - 0 |
| <b>5-1 Non-Access Lines</b>  | Make an administrative change to non-access lines on a plat.   |                   |
| Director Flanagan  | Explained why an administrative change is needed to change non-access lines on a plat. Owners are asked to replat if they would like to change a non-access line using a resolution and affidavit. |                   |
| Chairman Agnew   | Asked what is considered a minor change to non-access line?  |                   |
| Director Flanagan  | Stated it would be on a singular access for one lot, not for the whole plat.   |                   |
| Commissioner Patrick   | Made a motion to allow administrative changes for non-access lines.<br>Seconded Commissioner Connelly  |                   |
| <b>MOTION:</b>   | <b>RESPONSIBLE PARTY</b>   | <b>RESULTS</b>    |
| Allow county staff to make to make administrative changes to change non-access lines with the County Commission approval | 1 <sup>st</sup> Comm Patrick<br>2 <sup>nd</sup> Comm. Connelly   | Approved<br>7 - 0 |

Chairman Agnew asked for a motion to close the meeting.

The meeting was closed at 6:00 pm

  
Dale Patrick, Vice Chairperson

  
Marla McMonagle, Staff

## Burleigh County Planning and Zoning Meeting Minutes

February 12, 2025

**PRESENT:** Chairman Dennis Agnew, Commissioners Mike Connelly, Wayne Munson, Dale Patrick, Bea Streifel, and Brian Zuroff. Commissioner John Risch attended on-line. Commissioner Brian Bitner and Alvie Jarratt were absent.

**OTHER:** Marcus Hall, County Engineering, Brian Reinke, Rural Fire Department, Mitch Flanagan and Marla McMonagle - County Planning, and Members of the Public (see Sign in Sheet)

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

Chairman Agnew called for a motion to approve the January 8, 2025 minutes.

| MOTION:  | RESPONSIBLE PARTY   | RESULTS                      |
|--|---|------------------------------|
| Approve the January 8, 2025 minutes                          | 1 <sup>st</sup> Commissioner Patrick<br>2 <sup>nd</sup> Commissioner Connelly   | Motion Approved<br><br>7 – 0 |
| <b>CONSENT AGENDA</b>  |   |                              |
| There were no items on the Consent Agenda                    |   |                              |
| <b>PUBLIC HEARING</b>  |   |                              |
| <b>4.1 Article 8-Special Uses – Solar Farms</b>              | Amend Article 8 – Special Uses to included Solar Farms  |                              |
| Mitch Flanagan, Director Burleigh County Building & Planning | Approached and gave a summary of the amendment, the reason for it, and the history of the amendment. This is the final public hearing on this amendment. Explained the yellow highlighted areas.  |                              |
| Commissioner Risch   | Is concerned about the \$1,000.00 fee and if a private citizen needs to pay the \$1,000.00 fee. Would like to see homeowners who place rooftop solar panel to be exempt from the Special Use Fee.   |                              |
| Commissioner Patrick   | Would like to see an exemption for Single Family Residents only.  |                              |
| Dir. Flanagan  | The ordinance protects the surrounding property owners’ rights by not allowing a neighbor to place solar panels on all their acreage which could be 2 to 10 acres. The Special Use fee allows the county to make sure that does not happen. |                              |

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| Comm. Risch & Comm. Patrick  | Would like to see an exemption for Single Family Residences. The ordinance does not state a homeowner is exempt if they place solar panels on their roof. It needs to be stated in the ordinance.  |
| Commissioner Zuroff  | Suggested an exemption for Single Family Residential for rooftop panels only.  |
| Commissioner Connelly  | Suggested since we have been working on this amendment for some time if we could go ahead and send the amendment to the County Commission for approval, then add the exemption later?  |
| Dir. Flanagan  | Would like to make the correction before the amendment is sent to the County Commission. He reminded the commission any ordinance action can be appealed. If a citizen does not agree, they can request an appeal. He will put exemption for residential homes, rooftops only.   |
| Commissioner Streifel  | Page 1, Section 1, would like to see "limited adverse impact" feels it is to suggestive would like to see it changed to "no adverse impact"  |
| Dir. Flanagan  | Stated it needs to be open ended so a neighbor cannot stop solar panels from being installed because they feel it has an adverse impact because he doesn't like seeing the panels as an example.   |
| Commissioner Streifel  | Withdrew her suggestion  |
| Comm. Connelly   | Offered several suggestions for the Amendment – typographical, highlighting, and bolding of items.   |
| Chairman Agnew asked if there were any additional comments from the Commission. Hearing no more questions, he opened the Public Hearing. |  |
| Ryan Warner, Lightspring Energy Technologies   | <p>He is the co-owner of Lightspring Energy Technologies. He has some suggestions on the wording:</p> <p>-They go by scale and not by size, so it doesn't matter to them if it is a residential system. Would like to have a definition using scale in the ordinance. Smaller system like a house need less oversight then a large system. Any system over 50 megawatts the Public Service Commission must review the permit.</p> <p>Page 3 of 9 – Height of the ground mount listed is arbitrary. Ground mounts are designed for the system and the building. So far, 17' is the highest. He would like to see 20' because it is to expensive to ground mount a solar panel over 20'</p> <p>Page 4 of 9 – 10% lot coverage might not be the best size. Would like to see an exemption to help farmers maximize their property. Would like</p> |

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|                | <p>to see an exemption for co-located solar panels at the commission’s discretion.</p> <p>Would like to see the at least 10 acres for size of solar farms. It is confusing</p> <p>Page 7 of 9 – Part 8 would like this removed or changed to “connect in parallel to the system. Would like to see a description of off grid systems.</p> <p>He also explanted the various sizes of panels at Commissioner Patrick’s request.</p>  |
| James Kambatz  | <p>Co-founder of Lightsprings Energy Technologies.</p> <p>The high restriction does not make sense because of the expense to go larger. He showed a picture of the United Tribes Center which are 15’ but cost an extra expense. You can farm under the panels because of the height. The 15’ height allows for use of the land under the panels.</p> <p>On the limitation of size being 10 acres minimum should be removed because a lot of the land required for a solar farm will vary by the type of system.</p> |
| Comm. Connelly | Stated the ground mount land size is for residential property.   |
| James Kambatz  | If it is just for the residential, it might be best to move it out of general information  |
| Dir. Flanagan  | Stated the size is for all types of systems as an accessory use.   |
| Jim Kambitz    | Would like to size the 10 acre or 10% because it gets to cost prohibitive to build.  |
| Greg Owens     | Capital Electric – has been working with Mitch and would be able to answer your questions  |
| Chairman Agnew | Asked what a citizen of the county must do to off-set their electrical costs.  |
| Greg Owens     | They usually contact a firm like Lightsprings. Decides what type of systems. Once the application is submitted it is reviewed by staff for safety, size, whether it will work with Capital Electric. They have the inter-connections reviewed and installed. The process gets more involved as the size changes. There are 20 to 30 residential sites in Burleigh County.  |

| Chairman called for final comments, then closed the public hearing.    |  |                    |
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| Comm. Connelly   | Page 5 of 9 The 10 acres size came up in discussion. This could be left alone because all property is limited. The 10 acres is for A-Ag zoned properties |                    |
| Dir. Flanagan  | Should add a section on conditions and allowances to this ordinance. This will give flexibility. We are trying to limit the adverse impacts.             |                    |
| Comm Munson  | Asked if solar panels increase the value or taxes.   |                    |
| Dir. Flanagan  | Does not know.   |                    |
| Comm. Streifel   | Are these reviewed by the States Attorney I know there were so items for her review.   |                    |
| Dir. Flanagan  | Yes, but she has not responded, so if she doesn't respond it is ok. This is a standard ordinance and we can cover everything with this ordinance.        |                    |
| Chairman Agnew   | Asked if a person wants to cover 15% of their lot to this, could the County change the 10% for him   |                    |
| Dir. Flanagan  | The neighbors would have to be able to comment.  |                    |
| Comm. Connelly   | Made a motion to send this ordinance to the county commission.   |                    |
| Dir. Flanagan  | We could hold this ordinance, there is no rush to submit it. We can fix it before we send it to the commission. It could be tabled and brought back.     |                    |
| Commissioner Connelly motioned died for a lack of a second.            |  |                    |
| Comm. Zuroff   | Made a motion to table action on this amendment pending further review after revisions have been made.   |                    |
| Comm. Patrick  | 2 <sup>nd</sup> the motion.  |                    |
| Comm Munson  | Asked Mitch for a list of revisions before we voted on the motion.   |                    |
| Dir. Flanagan  | Listed the revisions.  |                    |
| Commissioners also listed additional revisions for the ordinance.      |  |                    |
| MOTION:  | RESPONSIBLE PARTY  | RESULTS            |
| Table action on this amendment pending revisions made to the amendment | 1 <sup>st</sup> . Commissioner Zuroff<br>2 <sup>nd</sup> Commissioner Patrick  | Approved:<br>7 - 0 |



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| <b>4-2 Article 8 Special Uses – Data Centers</b>   | Amend Article 8 to allow Data Center by special use   |
| Dir. Flanagan  | Detailed the amendment and the changes made since the first review and House Bill 1289. The purpose of the amendment is lessening the impact to the surrounding areas. Our ordinance is for basic data centers for like Microsoft. House Bill 1289 allows these centers in any zoning if they meet the sound requirements. House Bill 1289 is for crypto centers, not what we are talking about in the ordinance.   |
| Comm. Streifel   | Asked about the landscape buffer and what it means?   |
| Comm. Connelly   | Did not see any changes needed. He talked about the amount of electricity used for the different systems and how the citizens ended up covering the cost. This will be a question for every single one of these.  |
| Comm. Munson   | He is excited about this coming to Burleigh County, but is concerned the legislatures will supersede our ordinances and need to remember that when closing or extending the public hearing.   |
| With no other comments from the commissioners, Chairman Agnew opened the public hearing. |   |
| Nic Phillip  | <p>Applied Digital (AD) – they built Jamestown and Ellendale sites. Described his company, what they do and how much they give back to the community.</p> <p>When asked about the noise generated from the facility, he stated it depends on the way the wind blows will change the sound and where you hear it. It is hard to measure because of all the different factors involved.</p> <p>Property taxes are based off components of the building, not the equipment inside the building.</p> <p>Comments on the ordinance:</p> <ul style="list-style-type: none"> <li>- Feels the ordinance is a moratorium on data centers in ND. Feels all these types of facilities are the same with how they affect the surroundings.</li> <li>- Definition of a Data Center in the ordinance would make all offices data centers.</li> <li>- The landscape buffer is a concern when it comes to security in the facilities.</li> <li>- The application is fine with the exception of “ ..description of how the project meets market demand ...” this is not a question which would be asked of any other applicant.</li> </ul> |

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|                  | <ul style="list-style-type: none"> <li>- Acoustical Engineer – noise level is hard to determine because of various factors. Until the various equipment is in operation together it is a hard to tell the amount of sound that is generated.</li> <li>- Site Plan – The site plan in the ordinance is not feasible to develop until the project is sold and going to be developed. It is too cost prohibitive to include all the items requested in the application. AD can't supply the required site plan for the application, until they sell the project. They cannot sell the project without showing they have a permit.</li> <li>- Questions why AD would be required to obtain a building permit to replace a chiller for example (item f)</li> <li>- Must be in an I-Industrial Zoned area, the county might want to add something about a size in a residential area. There is a House Bill in session now that might negate this.</li> <li>- Fees: Could cause the county to see litigation because it goes against the 5<sup>th</sup> Amendment of the Constitution. For example, our 5-billion-dollar project would require a 5-million-dollar fee. This could be considered a "taking" The 5-million-dollar fee is more than you would require to review our plans.</li> <li>- Why would the county want AD to tear down the building and restore the land if they fail as a business? The building has value.</li> <li>- Irrevocable letter of credit This is a hard item for them to comply with because AD would have to make a deposit of say 5 billion dollars which would not be available for them to use. I think you should look at the size of the company, or not require this.</li> <li>- Why height and having electrical underground in an I-Industrial zoning.</li> <li>- The fencing requirements is not a concern to them because they design their fencing for security. So flexibility is important.</li> </ul> <p>His suggestion is to wait 6 months on this until the legislative session is over. The League of Cities and the Association of Counties around the nation are working on a model ordinance which can be used by the counties to help write their ordinances. This also helps having a standard ordinance throughout the state.</p> <p>AD does not have a project in Burleigh County at this time, but they have been watching this area and felt they could help.</p> |
| Nathan Schneider | Bismarck-Mandan Chamber of Commerce  |

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|                | Appreciates the commission working on this project. He asked for the Bis/Man Chamber of Commerce EDC would like this tabled until the legislatures finish. He stated the ordinance has several items that are non-starter for developers interested in Burleigh County. Urge the commission to wait about 6 months until draft ordinance is completed. He thanked Nick Phillips for coming to the hearing because he does not have an interest in Burleigh County, so he has no interest in the ordinance, but came to help the commissioners.   |
| Comm. Munson   | Would like to table the ordinance after listening to the comments tonight.   |
| Comm. Zurhoff  | There is a need for an ordinance. We need to be concerned about the smaller companies that want to come in a build. He would like to deny this ordinance and wait until the new draft ordinance is developed. He would like to drop this for 6 months. Knowing the League of Cities and the Association of Counties are working on a draft ordinance which will look very different from this.   |
| Chairman Agnew | There is a motion on the floor to table this amendment until the legislature is done and the draft ordinance is available. The motion was 2 <sup>nd</sup> by Comm. Connelly. The public hearing has not been closed so we will continue.   |
| Ryan Warner    | This is emerging business, so regulation is complicated. Definitions need some work. It doesn't make sense to treat data centers, crypto center and AI differently. The ordinance does not point out that it is for large scale data centers, not the small home type. Would like to see this defined in the ordinance. He would also like to see things defined by scale. The acoustic standards are difficult to define, you will need to outline how you plan to measure the sound. The other concern is the decommissioning plan. It doesn't make sense to resource standard. These buildings have value. It doesn't make sense to put money aside to tear them down. Just remodel them for another use. |
| Chairman Agnew | We have a motion on the table and called for other comments  |
| Comm. Munson   | Asked what Dir. Flanagan recommends – tabling this item, voting on it or waiting for the draft ordinance?  |
| Dir. Flanagan  | He doesn't know when the model ordinance will be out. Model ordinances are typical for places that do not have ordinances. A lot of research was done on this. He is against waiting for the model   |

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|   | ordinance. Submitting a site plan industry standard. The ordinance is trying to protect the county.  |   |
| Casey Einrem Burleigh County Highway Department | We are looking at the general set up of the site. The plan doesn't need to be so in depth during the upfront process. He suggests a pre-application site plan.                               |   |
| Nick Phillips                                   | He was trying to point out the site plan in the ordinance asks for an intensive site plan. He would like to see that changed to a pre-application type site plan                             |   |
| Comm. Zuroff                                    | The requirements for the site plan is cut and pasted out of the I-Industrial Zoning, so he feels it is the right request for this ordinance. It a civil review, not an architectural review. |   |
| Chairman Agnew                                  | Would like to see us have something rather than nothing especially waiting 6 months. We can change the ordinance in the future.  |   |
| Comm. Munson                                    | I believe as a minimum we show wait until the legislature is done.   |   |
| Comm. Connelly                                  | Suggested if we could ask for guidance from the county commission.   |   |
| Comm. Risch                                     | Feel we can take Nicks suggestions and change the ordinance.   |   |
| Chairman Agnew                                  | Asked for a vote on the motion.  |   |
| <b>MOTION:</b>                                  | <b>RESPONSIBLE PARTY</b>   | <b>RESULTS</b>  |
| Continue the public hearing until July          | 1 <sup>st</sup> Comm Munson<br>2 <sup>nd</sup> Comm. Connelly  | <b>Denied</b><br>Yes Votes – Comm. Munson, Patrick and Risch<br>No Votes – Comm. Zuroff, Streifel, Connelly, Chairman Agnew |
| Chairman Agnew closed the public hearing        |  |   |
| Dir Flanagan                                    | He will do more research on this ordinance through different associations  |   |
| Comm. Zuroff                                    | Made a motion to table the amendment until the State Legislation is completed. Seconded by Patrick   |   |
| Dir. Flanagan                                   | Asked if there also recommendation to put moratorium on Data Centers   |   |
| Comm Zuroff                                     | It is not in our duties to do that, so I am not asking for a moratorium.   |   |
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| MOTION:  | RESPONSIBLE PARTY   | RESULTS          |
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| Table the amendment until the State Legislation                | 1 <sup>st</sup> Comm Zuroff<br>2 <sup>nd</sup> Comm. Patrick  | Approved<br>7 -0 |
| <b>4-3 Article 8 – Special Uses – Accessory Dwelling Units</b> | Allowing small accessory dwelling unit (ADU) with the principal dwelling.   |                  |
| Dir. Flanagan  | Reviewed the ordinance and the requirements for building an accessory dwelling unit. He explained they are not permanent residences and they can not be rented out. There is a size limit based on the size of the lot and the principal residence. There is a non-conversion agreement which the property owner will sign and be recorded. |                  |
| Comm Risch   | Affordable housing is important currently. Would like to see some of the restriction on not allowing other than family members. What about if a property owner needs additional income? Why is only one bedroom allowed? It is too restrictive when affordable housing is a major need currently  |                  |
| Comm Streifel  | Asked it the amendment had been reviewed by the States Attorney? Questions the last paragraph on the non-conversation agreement. Feels the owner’s permission is required.  |                  |
| Dir. Flanagan  | Notice will be sent to the property owner, then entrance can be made.   |                  |
| Comm Streifel  | The wording needs to be changed.  |                  |
| Dir. Flanagan  | Will change the wording. The county has tried affordable housing with the Stonegate Subdivision. Affordable housing is not a consideration when we require 2 acres.   |                  |
| Comm Streifel  | Believes the one-bedroom limits family on have a helper for an ailing family member who lives in the ADU  |                  |
| Comm. Zuroff   | The parking restrictions bedroom restrictions, sewer usage comes from the City ordinances. Off street parking is a requirement of the City. County doesn’t have a central sewer system. It is for each residence. He would like to see the bedroom, and off-street parking restrictions removed   |                  |
| Comm. Connelly   | Is ok with not having a room description, but he hasn’t run into a situation were the caregiver needs a room.   |                  |
| Comm. Risch  | Is still concerned about having a family member live there only, and why can’t it be rented out.  |                  |

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| Dir. Flanagan  | It is a special use requirement. It is limited allowance for the use of the special use permit. We are trying to limit renting the accessory building to the general public. |
| Comm. Risch  | People can rent rooms in their house.  |
| Comm. Zuroff   | How are we going to verify the person living in the building is family or not? Family are extended. How do you draw the line on this? How is the county going to enforce it? |
| Dir Flanagan   | Some of the ordinances are generic. The idea is if there is a problem, then the county can refer to the ordinance if there is a complaint.                                   |
| Casey Einrem   | ADU came up in a meeting of the City. The City's consultant recommended a size limit and a bedroom limitation. They are having the same conversations we are having.         |
| Chairman Agnew Opened the public hearing                         |  |
| Chairman Agnew closed the public hearing after no one approached |  |
| Comm. Munson   | We are doing this so we have something to fall back on in the future. It gives an enforcement standard for the county to fall back on.                                       |
| Chairman Agnew   | How does this not turn into allowing two houses on a property.   |
| Comm Munson  | We are doing this ordinance because citizens asked for it. It is something for the future.   |
| Comm. Connelly   | Nursing homes are getting so expensive. Dwelling Units like this are a need for families. Having something in place is very important.                                       |
| Comm Risch   | Would like the bedroom provision removed and the owner occupied removed.   |
| Chairman Agnew   | There is nothing in the ordinance about charging for this unit. Can we put the limitation of not charging rent for these units?  |
| Dir. Flanagan  | There is no multi-family housing in Burleigh County. We do not allow apartments in Burleigh County. We would have to change the zoning to an R3. If they want to rent.       |
| Casey Einrem   | Having a restriction on the bedrooms keep people from putting in unlimited bedrooms.   |
| Comm Risch   | Made a motion to change the ordinance to read two (2) bedrooms and removed the owner-occupied requirement.   |

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| Motion died for a lack of a 2 <sup>nd</sup> . |  |  |
| Comm. Munson                                  | Made a new motion to approve the amendment as written.<br>Commissioner Patrick 2 <sup>nd</sup> the motion. |  |
| Dir. Flanagan                                 | The non-conversion agreement is not part of the ordinances. The agreement can be changed administratively. |  |
| <b>MOTION:</b>                                | <b>RESPONSIBLE PARTY</b>   | <b>RESULTS</b>   |
| Approve the ordinance as written              | 1 <sup>st</sup> Comm. Munson<br>2 <sup>nd</sup> Comm. Patrick  | Approved<br><br>6 -0<br><br>Comm. Risch was disconnected from the meeting, and could not vote. |
| <b>OTHER BUSINESS</b>                         |  |  |
| There was no other business                   |  |  |

Chairman Agnew asked for a motion to close the meeting.

The meeting was closed at 9:20 pm



Dennis Agnew, Chairperson

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Marla McMonagle, Staff

## Burleigh County Planning and Zoning Meeting Minutes

January 8, 2025

**PRESENT:** Chairman Dennis Agnew, Commissioners Mike Connelly, Alvie Jarrett, Wayne Munson, Dale Patrick, John Risch, and Bea Streifel. Commissioner Brian Bitner attended on-line. Commissioner Zuroff was absent.

**OTHER:** Marcus Hall, County Engineering, Brian Reinke, Rural Fire Department, Mitch Flanagan and Marla McMonagle - County Planning, and Members of the Public (see Sign in Sheet)

| AGENDA ITEM   | ACTION   |                          |
|---|--|--------------------------|
| Election of Officers  | Planning Director Mitch Flanagan opened the meeting and called for nominations for Chairman and Vice Chairman  |                          |
| Commissioner Jarratt  | Made a motion to continue with the present officers for 2025. Commissioner Riske seconded the motion.  |                          |
| MOTION:   | RESPONSIBLE PARTY  | RESULTS                  |
| Allow the present officers to stand and continue through 2025               | 1 <sup>st</sup> Commissioner Jarratt<br>2 <sup>nd</sup> Commissioner Riske   | Motion Approved<br>8 - 0 |
| Chairman Agnew called for a motion to approve the December 11, 2024 minutes |  |                          |
| MOTION:   | RESPONSIBLE PARTY  | RESULTS                  |
| Approve the December 11, 2024 minutes                                       | 1 <sup>st</sup> Commissioner Patrick<br>2 <sup>nd</sup> Commissioner Jarratt   | Motion Approved<br>8 - 0 |
| CONSENT AGENDA  |  |                          |
| There were no items on the Consent Agenda                                   |  |                          |
| PUBLIC HEARING  |  |                          |
| <b>4-1 RRH Subdivision and Zoning Change</b>                                | A one (1) lot subdivision containing 19.87 acres, more or less described as: A part of the Southwest ¼ of Section 21, Township 139 North, Range 76 W, Burleigh County, ND<br><br>Zoning change from A-Agricultural to C-Commercial |                          |



| Staff -Marla McMonagle   | Approached and gave a summary of the history of the proposed subdivision and the process used for the zoning change to be conducted by Burleigh County. Sterling Township has zoning jurisdiction.         |                         |
|--|--|-------------------------|
| There were no questions for staff  |  |                         |
| Chairman Agnew opened the public hearing.  |  |                         |
| Sean Baker – Loves Travel Stops  | Introduced himself to the commission and explained he is the representative for Love’s in this area and around rest of the country.  |                         |
| Comm. Risch  | Asked if Loves Travel Stop would be open 24 hours  |                         |
| S. Baker   | Stated yes   |                         |
| Comm. Bitner   | What accommodations have you made for the sewer at this site.  |                         |
| Rado K. Nedkov – CEI - Engineering   | Approached and introduced himself to the commission. He stated they are planning a 5-acre lagoon for the site which will be approved by the ND DEQ. The sewer system will be part of the lagoon.           |                         |
| Comm. Bitner   | Is there a permit for the sewer?   |                         |
| R. Nedkov  | Stated they are in the process of getting ND DEQ approval.   |                         |
| Comm. Bitner   | Stated concerns for a previous subdivision in Burleigh County that had a sewer system approved by ND DEQ that allowed release of effluent from the subdivision that is possible to be dumped into a creek. |                         |
| R. Nedkov  | All sewer will be handled in the lagoon.   |                         |
| Comm. Patrick  | Since the lagoon uses evaporation, what happens in the winter?   |                         |
| R. Nedkov  | That is the reason we have a large 5-acre lagoon. The lagoon was designed for this purpose.  |                         |
| No one else approached to give comments, Chairman Agnew closed the public hearing.   |  |                         |
| There was no discussion between the commissioners.   |  |                         |
| MOTION:  | RESPONSIBLE PARTY  | RESULTS                 |
| Approve the final plat of RRH Subdivision and zoning change give a “Do Pass” recommendation pending approval of the sewage plan and ND DEQ approval of the sewage system | 1 <sup>st</sup> Commissioner Bitner<br>2 <sup>nd</sup> Commissioner Patrick  | Motion Approved<br>8- 0 |

**OTHER BUSINESS**

There was no other business

Chairman Agnew asked for a motion to close the meeting.

The meeting was closed at 5:30 pm



Dennis Agnew, Chairperson



Marla McMonagle, Staff