

Burleigh County Planning and Zoning Meeting Minutes

December 10, 2025

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

OTHERS: Casey Einrem, County Engineering, Mitch Flanagan and Marla McMonagle, County Planning Department 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 November 12, 2025 minutes. The minutes were approved unanimously.

There were no public comments

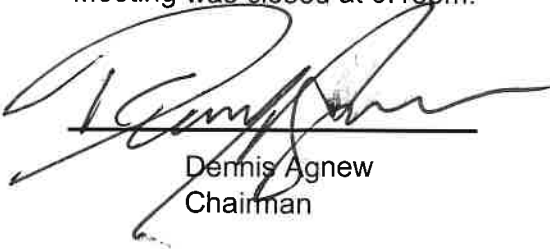
CONSENT AGENDA	
There were no items on the consent agenda	
PUBLIC HEARING AGENDA	
4-1 Huez Subdivision - Continuation A one (1) lot subdivision containing 13 acres more or less.	Would like to approval of the Final Plat Approval of the final plat Give a "Do Pass Recommendation to the Board of Burleigh County Commissioners.
Mitch Flanagan - Director	Gave a summary of the proposed subdivision, why it was continued from the November 12 th meeting. He explained we had not received an opinion from the State Attorney's office regarding whether a lot can be removed from a subdivision and included in another subdivision. He submitted a petition from his neighbors that approve of the building. The property is privately owned. He recommended tabling the item until we receive an attorney's opinion.
Commissioner Zuroff	Asked if the developers of the surrounding property decided to drop their concern? When this is developed in the future, the petitioners have the obligation to build half the road?
Director	That will be decided in the future.
Chairman Agnew re-opened the public hearing	
No one approached with comments opened the floor to the Commissioners to discuss the petition	
Commissioner Connelly	Asked if they could approve the petition with the contingency of getting a opinion from the State Attorney

Director	He recommends tabling it for the State Attorney's opinion, but we do these lot combinations all the time.	
Commissioner Zuroff	Recommended to table it.	
Director	We could also ask for a different attorney's opinion too.	
Chairman Agnew closed the public hearing.		
Commission Patrick	Made a motion to approve the plat with the condition of obtaining an attorney's opinion regarding the century code	
Commission Risch	Seconded the motion	
Director	Can not guarantee we will get an State Attorney's opinion	
Chairman	Asked if Commissioners would like to change the motion to obtain a legal opinion not just the State's Attorney's opinion.	
Commissioner Risch	Pulled his motion stating he would like to approve the petition and be done with it since we haven't heard from the State Attorney's office.	
Commissioner Patrick	Made a motion to approve the petition without a condition.	
Commissioner Risch	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Final Plat and give a "Do Pass" recommendation	1 st Commissioner Patrick 2 nd Commissioner Risch	Approved 8 - 0
4-2 Kuntz Subdivision Burnt Creek Township Section 7, Lot A of the NE 1/4	Create a two (2) lot subdivision containing 40 acres more or less	Approve the final plat and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Staff McMonagle	Gave a summary of the petition and the buildings located on the property. She gave a history of the first petition for an Accessory Dwelling Unit Special Use and how the decision to plat the property into a subdivision instead to build a larger house.	
Chairman Agnew opened the public hearing		
No one spoke on the Kuntz Subdivision, so Chairman Agnew closed the public hearing		
Commissioner Connelly	Made a motion to approve the final plat and give a "Do Pass" recommendation the Board of Burleigh County Commissioners.	
Commissioner Zuroff	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Final Plat and give a "Do Pass" recommendation	1 st Commissioner Connelly 2 nd Commissioner Zuroff	Approved 8 - 0
4-3 Spring Coulee Subdivision – Short Plat	Combine a two (2) lot subdivision into a one (1) lot subdivision to build an accessory building	Approve the final plat and give a "Do Pass" recommendation to the Board

Lot 1, Block 1, Spring Coulee Subdivision		of Burleigh County Commissioners.
Staff	Gave a description of the request to combine the lots into a one (1) lot subdivision. The petitioner had split the lot into two (2) lots in 2007	Approve the final plat and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
Chairman Agnew opened the public hearing		
Hearing no comments, Chairman Agnew closed the public hearing		
Commissioner Risch	Made a motion to approve the replat and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners	
Commissioner Patrick	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Final Plat and give a "Do Pass" recommendation	1 st Commissioner Connelly 2 nd Commissioner Zuroff	Approved 8 - 0
OTHER BUSINESS		
5-1 Amendment Article 21 – FP - Floodplain District Regulations	Add authorization to the introduction of Article 21 FP- Floodplain District Regulations	Approve and call for a public hearing
Director	Explained the addition to Article 21 to be in compliance with State and Federal requirements.	
Chairman Agnew	Asked The Director to explain what the floodplain district was	
County Engineering – Casey Einrem	This happens every ten years, a study is done to assess the impacts of the floodplain areas and FEMA decides what the floodplains are. If the owners disagree, they are able to be removed from the map.	
Chairman Agnew	Is there a map that is just the County?	
County Engineering	We are very careful in deciding what is in the floodplain because once an area is included in the floodplain it is hard to remove it.	
Director	There will be a meeting on the 17 th . It helps to have this information, so townships don't issue building permits in the floodplain. NDRAM is a map that was created to show where the unmapped floodplain/floodway areas are.	
Chairman Agnew	It helps to have something for the townships since they do not have the staff to do the research.	
County Engineering	We do more in-depth research when we start projects.	
Commissioner Connelly	There were a lot of reviews when the new maps came out because of newer technology.	
County Engineering	We did the Missouri River and Apple Creek recently	
Director	The DWR wants our ordinances to be the same as theirs.	

5.2 2026 Planning and Zoning Commission Meeting Calendar	2026 Calendar	Notification of the new calendar and the November date TBD
Staff	Explain the November date is on a holiday, so staff is working on a different date with the City of Bismarck which schedules the Tom Baker Meeting Room	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the 2026 Planning and Zoning Commission Calendar.	1 st Commissioner Zuroff 2 nd Commissioner Patrick	Approved 8 - 0
No other items were on the agenda, meeting was closed.		

Meeting was closed at 6:15pm.



Dennis Agnew
Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

November 12, 2025

PRESENT: Commissioners Mike Connelly, Alvie Jarratt, Dale Patrick, John Risch, Brian Zuroff, Bea Streifel, Chair Dennis Agnew and Commissioner Brian Bitner and Wayne Munson were absent.

OTHERS: Casey Einrem, County Engineering, Mitch Flanagan and Marla McMonagle, County Planning Department 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 October 8, 2025 minutes. The minutes were approved unanimously.

There were no public comments

CONSENT AGENDA		
Kuntz Subdivision	Auditor's Lot "A" in the Northeast Quarter of Section 7, Township 140 North, Range 80W, Burleigh County, ND	Approval of the preliminary plat and call for a public hearing.
Chairman Agnew	Asked if there were any questions regarding the Consent Agenda and if not asked if the commission would like to pass the consent agenda.	
Commissioner Zuroff	Made a motion to approve the consent agenda and move the Kuntz Subdivision to a public hearing	
Commissioner Risch	Seconded the motion.	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the preliminary plat and call for a public hearing	1 st Commissioner Zuroff 2 nd Commissioner Risch	Approved 7 - 0
PUBLIC HEARING AGENDA		
4-2 Gawley Subdivision and Zoning Change Tract "C" of the NW ¼ Township 139, Section 6, Range 79W, Burleigh County, ND	Would like to approval of the Final Plat and zoning change from A- Agricultural to R1- Rural Single Family Residential	Approval of the final plat and zoning change. Give a "Do Pass Recommendation to the Board of Burleigh County Commissioners.
Marla McMonagle - Staff	Gave a summary of the proposed subdivision and zoning change. Lot contains ten (10) acres.	
Commissioner Risch	Concerned about the lot size if it is ten (10) acres or less than ten (10) acres	
Staff	After giving up the R/W the lot will be just under ten (10) acres	
Commissioner Streifel	Was wondering about the minor concern.	
Staff	It was the SWMP Waiver which was granted.	
Chairman Agnew	Opened the public hearing	


Landon Niemiller – Swenson Hagen	Clarified the ten (10) acres and the ambiguity of the income for a-agricultural lots.	
No one else approached. Chairman Agnew closed the public hearing.		
Commissioner Zuroff	Made a motion to approve the subdivision and zoning change and give a “Do Pass” recommendation to the Board of Burleigh County Commissioner	
Commissioner Risch	Seconded the motion.	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Final Plat and Zoning Change and give a “Do Pass” recommendation	1 st Commissioner Zuroff 2 nd Commissioner Risch	Approved 7 - 0
4-1 Huez Subdivision Canfield Township, Section 5, NW 1/4	Combine three (3) lots into a one (1) lot subdivision containing 13 acres more or less	Approve the final plat and give a “Do Pass” recommendation to the Board of Burleigh County Commissioners
Planning Director Mitch Flanagan	Gave a summary of the request. The petitioners would like to build a riding arena for personal use on their property. Comments received stating the one lot in proposed Huez Subdivision, is a part of the Country View Estates. He stated the concerns are taking a subdivision lot out of an existing subdivision. NDCC Title 40-50-1-16 states replatting existing subdivisions are allowed.	
Comm. Zuroff	There is a master plan for Country View Estates is this part of the master plan? Are all the lots in the master plan?	
Director	We have not seen a master plan. Only one (1) lot is in the subdivision.	
Comm. Connelly	If the 1 lot were not vacated are they not able to build?	
Director	Yes, they still could but reduce the subdivision down to 11 acres. They want all three (3) lots combined into one (1).	
Comm. Streifel	What is the century code regarding the subdivision of lots.	
Director	Title 40-50-1-16 regarding platting after the sale.	
Comm. Risch	If they don't get a subdivision can they build across the lot line.	
Director	To build across the lot line, they would have to plat.	
Chairman Agnew opened the public hearing:		
Steve Mariner – Country View Subdivision	I am one of the Country View Estates owners. We do have a master plan. Doesn't feel it is right to pull a lot out of the subdivision since we have covenants in place. We would prefer the lot not be pulled from the subdivision.	
Comm. Zuroff	Are horse barns allowed in the Country View Estates subdivision?	
Steve Mariner	They are not allowed in the subdivision. The 2 lots were originally in the master plan.	
Comm. Zuroff	Are the covenants filed and recorded?	
Steve Mariner	They were	

Chairman Agnew	Can you elaborate on the second access?
Steve Mariner	He was told they needed a second access when they developed the subdivision and they needed additional lots to continue the development. They have now purchased land so they can build the 2 nd access.
Chairman Agnew	When you say continue, is that to the east?
Steve Mariner	Yes, the whole 213 acres that are left were all master planned
Comm. Risch	You stated you would not allow a 40' access to the petitioner lot through their subdivision. There is a road, can't they use that. He can use the lot currently.
Steve Mariner	We built the subdivision road so we could continue the development, but we stopped without a 2 nd access. In order to get a building permit, the former owner had to buy the subdivision lot to access his property.
Comm. Patrick	What covenant would be violated?
Steve Mariner	There was an agreement with the previous owner to sell the lot back to them. He just purchased the lot to have an access to his lot.
Amber Huez – Petitioner	We were told by the township they could combine the lots to build our arena. We bought the property because on the other two (2) lots we were allowed to have horses. We are combining the lots now, so we can build a riding arena. If we don't combine them we will have to reduce the size of the accessory building. The accessory building will be located on the Northeast side of the property. It will not be placed on the area which is now Lot 2, Block 3. That area will be open space. They also collected signatures from the neighbors who are ok with the arena.
Comm. Risch	The riding arena will not be on the subdivision lot?
Amber Huez	The two 5+ acre lots are not part of subdivision lot and are different zoning
Comm. Streifel	Is this an arena or just a building?
Amber Huez	It is an indoor riding arena with a lean-to, Big enough for our family to ride in it and an area for the horse stalls.
Comm. Zuroff	Asked what the lot coverage is allowed on the lot? Was wondering if they could remove the Country View lot from the subdivision and still build a building as large as they want. The Country View lot would be a separate lot.
Director	The sq./ft. allowed would be 22,600 sq./ft without the 3 rd lot it would allow 19,200 sq./ft.
Coridon Huez	The township stated we need to combine the lots, then we could build the building they want. They need the large size because of the type of riding the family does. It requires a long distance with starting and stopping.
Comm. Zuroff	You are looking at a 100 x 200 building with an additional 2600 sf for the stalls.
Coridon Huez	Yes, we need the three (3) combined lots to get the size building they want to build. They would be at maximum allowable size accessory building.

Brandon Schook	He feels by allowing this subdivision, he can purchase three (3) subdivision lots and property behind, then make the subdivision disappear	
Mark Isaacs	Clarified that only one (1) lot was in the subdivision.	
Staff	Did research on the agreement today because it was mentioned they had an agreement with the previous owner concerning the lots. There was no agreement recorded or in the original mortgages involved with the property that the Huez purchased.	
Comm. Zuroff	Asked what the verbiage was in the Century Code	
Director	Read Title 50 40 1-16 from the Century Code. He recommended to table the plat so the master plan can be submitted.	
Comm. Streifel	Asked when the 80 acres were purchased?	
Director	In 2022	
Chairman Agnew called for a motion to continue the public hearing.		
Commissioner Zuroff	Made a motion to continue the public hearing to allow the master plan for the development be submitted. He also hoped the continuation would allow the two parties to try to work something out. Asked to get the State's Attorney to provide an opinion on this.	
Commissioner Patrick	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Continue the public hearing until December for more information	1 st Commissioner Zuroff 2 nd Commissioner Patrick	Approved 7 – 0
4-3 Ketterling Special Use 4420 Lookout Trail	Would like to build an accessory building over the allowable square footage on his lot	Requesting a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
Director	Explained the allowable lot coverage is 4% which allows the Ketterling's 7335.5 sf of accessory building. The property has a 40' x 40' pole barn which leaves a remaining allowable square footage. The new building will be 7680 sf.	
Comm. Patrick	What is the use of the new building.	
Director	An indoor winter riding arena.	
Chairman Agnew opened the public hearing		
Keith Ketterling	They have owned show horses for over 40 years and they have always wanted a indoor riding arena. For their type of riding, they need to start training in January, an indoor arena would allow them to start training earlier. It will be for private use and match their existing buildings.	
Chairman Agnew	Why can you not build a smaller building?	
Keith Ketterling	We need the bigger building because of the events we participate in and the size of the horses.	
Staff	Explained the math used for the allowable lot usage.	
Chairman Agnew closed the public hearing.		
Commissioner Risch	Made a motion to approve the request and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners.	
Commissioner Streifel	2 nd the motion	
Commissioner Zuroff	The allowable accessory sf being 7,335 if we allow this, they would be 2,000 square feet over. Now it is a riding arena, but latter it could be used for storage and what if there is a fire. He doesn't feel this is a good idea.	

MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Special Use Permit for the oversized accessory building	1st Commissioner Risch 2nd Commissioner Streifel	Approved 5 – 2 Comm. Zuroff and Chairman Agnew voted against the SUP
4-4 Wentz Special Use Request 8225 Burnt Creek Island Road	Request a SUP to build a 2808sf accessory building on a lot without a residence	Requesting a “Do Pass” recommendation to the Board of Burleigh County Commissioners.
Director	Gave a brief summary of the request. The petitioners would like to build a accessory building on a property without a residence. We received two (2) letters against the building with over 66 letters sent	
Chairman Agnew	How large is the building	
Director	2808 Sf a 1600sf difference	
Chairman Agnew Opened the public hearing		
Bryan Wentz	His son owns the lot with 3 lots beside it. It could be platted into a subdivision, but they decided not to go that route.	
Chairman Agnew	What are your future goals for this property.	
Bryan Wentz	There are no plans of changing the use of the building in the future.	
Chairman Agnew closed the public hearing		
Comm. Zuroff	Suggested the property owner to subdivide the properties so they can build as big as they want without the special use	
Commissioner Patrick	Made a motion to approve the SUP and give it a “Do Pass” recommendation to the Board of Burleigh County Commissioners.	
Commissioner Risch	2 nd the motion	
Comm. Risch	Can they put a house on the lot in the future?	
Staff	He is over the allowable square footage for a lot without a residence. If it had a residence he would be allow about 4000 sf.	
Commissioner Streifel	Asked if there was a time line for using the special use.	
Staff	He has one (1) year to build with the special use.	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Special Use and Give it a “Do Pass” recommendation to the Board of Burleigh County Commissioners	1 st Commissioner Patrick 2 nd Commissioners Risch	Approved 4 -3 Comm. Zuroff, Comm. Connelly and Chairman Agnew voted against the approval
OTHER BUSINESS		
Discussion was held on changing the allowable 4% to a higher allowable amount. Hearing no other business, the meeting was adjourned at 6:50pm		

Meeting was closed at 6:50pm.



Dennis Agnew
Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

October 8, 2025

PRESENT: Chair Dennis Agnew, Commissioners Mike Connelly, Alvie Jarratt, Wayne Munson, Dale Patrick, John Risch, Bea Streifel. Commissioners Brian Bitner and Brian Zuroff were absent

OTHERS: Casey Einrem, County Engineering, Mitch Flanagan and Marla McMonagle, County Planning Department 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

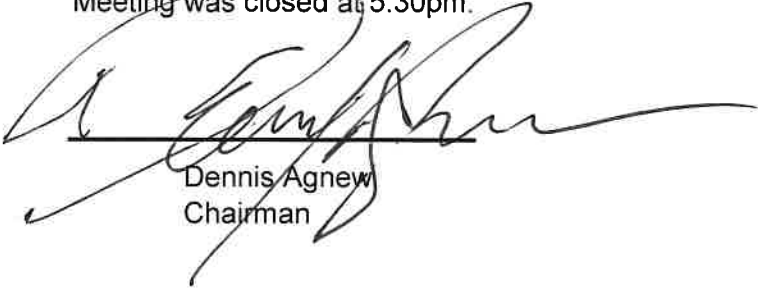
Chair Agnew called for a motion to approve the September 10, 2025 minutes. The minutes were approved unanimously.

PUBLIC COMMENTS		
There were no public comments		
CONSENT AGENDA		
Grawley Subdivision and Zoning Change from A-Agricultural to R1-Rural Single Family Residential	Tract "C" of the NW 1/4, Section 6, Township 139, Range 79W, Burleigh County, ND	Approval of the preliminary plat and zoning change. Call for a public hearing.
Commissioner Streifel	Asked if the petitioners had requested the zoning change and if they could have stayed A-Agricultural	
Marla McMonagle – Staff	Stated the zoning change was recommended because after easements, the acreage might not have been 10 acres as required by the zoning ordinances.	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the preliminary plat and call for a public hearing	1 st Commissioner Patrick 2 nd Commissioner Munson	Approved 7 - 0
PUBLIC HEARING AGENDA		
4-1 Variance Request Lot 12, Block 2, Country Hills Subdivision, Burleigh Co. Addressed as: 8507 Rolling Hills Road	Request for a 35' variance to the east property line set back of 50'	Approval of the variance. Give a "Do Pass Recommendation to the Board of Burleigh County Commissioners.
Associate Planner – Marla McMonagle	Presented the request from the petitioner. He is on a corner lot. His lot is narrow. A 50' setback would put his building on his septic drain field. The other part of the lot has a slope and is not a good location.	
Commissioner Munson	Asked if we had a similar request recently that was passed by the commission.	

Staff – McMonagle	Affirmed and stated it was the same type of situation with a corner lot, but some adjustments were made to the placement.	
Chair Agnew Opened the public hearing		
Hearing no comments, Chair Agnew closed the public hearing.		
Commissioner Risch	Made a motion to pass the variance request and give a “Do Pass” recommendation to the Board of Burleigh County Commissioner.	
Commissioner Patrick	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the variance request and give a “Do Pass” recommendation to the Board of Burleigh County Commissioners	1 st Commissioner Risch 2 nd Commissioner Patrick	Approved 7 - 0
4-2 Biegler Subdivision Parts of Auditor’s Lot “E” in the SE 1/4 and part of the SE 1/4 all in Section 29, Township 139N, Range 76W, Burleigh County, ND	A four (4) lot subdivision on 22 acres more or less. Zoning jurisdiction is Sterling Township	Approve the final subdivision and give a “Do Pass” recommendation to the Board of Burleigh County Commissioners
Staff - McMonagle	Gave a summary of the request and the history regarding the property’s excess ROW purchase. The SWMP plan has not been approved. Staff is requesting the SWMP be approved before the plat is submitted to the Board of Burleigh County Commissioners.	
Comm. Risch	Asked if all the lots would have access on Hwy 10.	
Casey Einrem - Burleigh County Engineering	There are existing road approaches on Hwy 10, but they will be using new access points for the new lots.	
Chair Agnew opened the public hearing.		
Chair Agnew closed the public hearing when no comments were made.		
Comm. Patrick	Made a motion to approve the subdivision with a “Do Pass” recommendation after the SWMP has been approved.	
Commissioner Connelly	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the subdivision with the condition the SWMP be approved before submitting the plat to the Board of Burleigh County Commissioners.	1 st Commissioner Patrick 2 nd Commissioner Connelly	Approved 7 - 0

OTHER BUSINESS	
Staff – McMonagle	Informed the commissioners of the new procedure for the monthly agenda and the monthly agenda packets. The agenda will be distributed first, then the commissioners will receive their packets.
Chair Agnew called for a motion to close the meeting.	

Meeting was closed at 5:30pm.



Dennis Agnew
Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

September 13, 2025

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

OTHERS: 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.

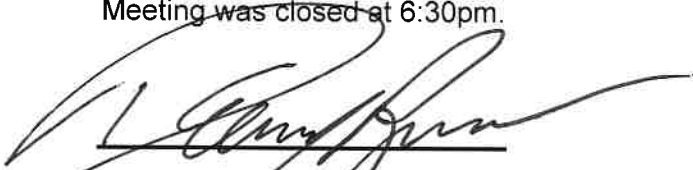
Vice Chairman Patrick called for a motion to approve the August 13, 2025 minutes. The minutes were approved unanimously.

CONSENT AGENDA		
Huez Subdivision	Lot 2, Block 3 in Country View Estates and Auditor's Lots "N" & "O" all in Section 3, Township 138N, Range 79W, Burleigh County, ND	Approval of the preliminary plat and call for a public hearing.
Vice Chairman Patrick	Asked if there were any questions regarding the Consent Agenda and if not asked if the commission would like to pass the consent agenda.	
Commissioner Zuroff	Made a motion to approve the consent agenda and move the Huez Subdivision to a public hearing	
Commissioner Jarratt	Seconded the motion.	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the preliminary plat and call for a public hearing	1 st Commissioner Zuroff 2 nd Commissioner Jarratt	Approved 7 - 0
PUBLIC HEARING AGENDA		
4-1 Special Use Permit – Accessory Dwelling Unit 1951 149 th Ave NW – Burnt Creek Township, Section 7, Lot A of the NE ¼, Beginning at the NW Corner, E 1320', S 1320', W 1320' N 1320' to the point of the beginning	Request for a special use permit to build an Accessory Dwelling Unit on their 40-acre parcel	Approval of the Special Use Permit. Give a "Do Pass Recommendation to the Board of Burleigh County Commissioners.
Associate Planner – Marla McMonagle	After review of the SUP application, the petitioner has decided to subdivide his property to build a single-family residence. The submitted building plans do not fit the limitations of an ADU. The petitioner asked the public hearing to be canceled.	
MOTION	RESPONSIBLE PARTY	RESULTS
Cancel the public hearing for the ADU – Special Use Permit.	1 st Commissioner Zuroff 2 nd Commissioner Jarratt	Approved 7 - 0

4-2 41 Wind LLC – Temporary MET Tower. Canfield Township, Section 5, NW 1/4	A Special Use Permit request to set a temporary MET tower to measure wind speeds and atmospheric pressures.	Approve the Special Use and give a “Do Pass” recommendation to the Board of Burleigh County Commissioners
Planning Director Mitch Flanagan	Gave a summary of the request. The tower will be 197’ in height and stated his concerns of the submitted tower drawings and that the engineer was not a ND registered engineer, and the stamped drawings are from 2018.	
Comm. Zuroff	Asked if the land owner had signed off on the application and lease	
Vice Chairman Patrick opened the public hearing:		
Tim Ross – 41 Wind LLC	Stated he had a lease from the property owners. He can submit the lease if special use passes. He has talked to Mitch about the engineered drawings. They are working with an engineer in Bismarck to get the drawings updated and stamped.	
Comm. Zuroff	He usually sees the owners name as a developer, but this does not have this.	
Vice Chair Patrick	Are the stamped drawings a requirement for approval of this?	
Comm. Zuroff	Yes, it should	
Vice Chairman Patrick closed the public hearing		
Commissioner Zuroff	Made a motion to approve the SUP with the conditions as follows: 1. ND Engineer stamped current drawings 2. The ANSI/TIA-222-H- is a Structural Design Standard for Antenna Supporting Structures, Antenna and Small Wind Turbine Support Structures. References to this document provides specifications, design calculations for height and wind (3 second gusts) for Antennae towers, also environmental loads such as ice, including designs standards for the tower’s foundation. The project’s NRG Systems report has reference to this standard but the date of the engineer’s stamped report appears to be 11-2018. As part of the zoning application, a request for 1 copy of current construction ready documents (stamped foundation and structural drawings), site plans and permit application, construction plans should be designed to the ANSI/TIA-222H standard or equivalent. 3. Property owner’s approval in writing.	
Commissioner Munson	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the SUP once the conditions listed are met	1 st Commissioner Zuroff 2 nd Commissioner Munson	Approved 7 – 0

OTHER BUSINESS	
Director Flanagan	Informed the commissioners about the ETA meetings between the City of Bismarck and the County. He stated a decision has not been made, but they are working a map and plan. The next public meeting will be held on September 17 th and the commissioners are invited to attend.
Comm. Connelly	Added additional information regarding the objections and reasons why there is talk about eliminating the ETA. How zoning and zoning districts are different in the city versus the county and some of the options being discussed.
Vice Chairman Patrick called for a motion to close the meeting.	

Meeting was closed at 6:30pm.



Dennis Agnew
Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

August 13, 2025

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

OTHERS: Casey Einrem, County Engineering, Mitch Flanagan and Marla McMonagle County Planning Department 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 July 9, 2025 minutes. The minutes were approved unanimously.

CONSENT AGENDA		
There were no items on the Consent Agenda		
PUBLIC HEARING AGENDA		
4-1 Special Use Permit	A special use permit to move a house from 7801 52 nd Street NE to 8251 52 nd Street NE	Approval of the Special Use Permit. Give a "Do Pass Recommendation to the Board of Burleigh County Commissioners.
Associate Planner – Marla McMonagle	Explained the reason for the special use permit and the conditions of the house to be moved.	
Commissioner Risch	Asked if they were moving the house from one of their properties to another of their properties.	
Staff	Stated they were moving from one property to another	
Chairman Agnew opened the public hearing:		
Leon Sabot	He explained it was his mother's house and his son Luke purchased it from the estate. Luke wants to move the house to property he purchased located about 900 yards up the road.	
Commissioner Risch	Why do we even need a Special Use permit for a house move?	
Planning Director – Mitch Flanagan	Stated this gives the neighbors a chance to weigh in on the decision.	
Chairman Agnew asked if anybody else would like to be heard. No one approached. The public hearing was closed.		
Commissioner Patrick	Made motion to approve the Special Use Permit with the conditions of a foundation	
Commissioner Munson	Seconded the motion	
Commissioner Jarratt	Asked why a building permit would not cover the building move	

	Staff	The building permit only covers the foundation. A special use gives the neighbors a chance to consider the building.	
MOTION		RESPONSIBLE PARTY	RESULTS
Approve the Special Use Permit with the condition that a building permit is obtained for the foundation		1 st Commissioner Patrick 2 nd Commissioner Munson	Approved 8 - 0
OTHER BUSINESS			
There was no other business			
Chairman Agnew called for a motion to close the meeting.			

Meeting was closed.



Dale Patrick
Vice Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

July 9, 2025

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

OTHERS: Casey Einrem, County Engineering, Mitch Flanagan and Marla McMonagle County Planning Department 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 June 11, 2025 minutes. The minutes were approved unanimously with corrects from Commissioner Streifel.

CONSENT AGENDA		
There were no items on the Consent Agenda		
PUBLIC HEARING AGENDA		
4-1 Plains Ridge Subdivision and Zoning Change from A to R1	A proposed 2-lot subdivision and zoning change from A-Agricultural to R1 Rural Single Family Residential.	Approval of the final plat and zoning change. Give a "Do Pass Recommendation to the Board of Burleigh County Commissioners.
Associate Planner – Marla McMonagle	Explained the subdivision request and the zoning change. The zoning change was never voted on in a previous meeting. The subdivision is a 2-lot subdivision, containing 14.1 acres. 1 lot is 8.9 acres, 1 lot is 3.27 acres.	
Commissioner Streifel	Asked if the access for the additional lot is approved.	
Staff	Stated yes it has been decided and placed on the plat	
Commissioner Risch	Asked if all the concerns addressed before have been address.	
Staff	Yes, they have been addressed and corrected.	
Commissioner Streifel	Stated she lives across from the property and received notification. She asked if any commissioner objected to her voting on this matter. There was no objection by the commissioners.	
Chairman Agnew opened the public hearing:		
Nic Cullen – Houston Engineering	He is here to answer any questions the Commissioners might have regarding the plat. No one had questions for him.	
Les Lanzo-Fusee – Baldwin	She does not live in the area, but is concerned about Hay Creek. She feels if development continues around Hay Creek, she is concerned that it will kill the creek. She wanted to know what the slope is.	
Commissioner Risch	Asked if her concerns where regarding septic systems draining in the creek.	

Les Lanzo-Fusee	She is concerned about fertilizer, garage waste everything going into the creek.	
Commissioner Patrick	Was concerned it was a running creek.	
Nic Cullen	Identified the stormwater drainage area, and wetland area. They are trying to prevent erosion, and protect the wet land. He explained the property owner just wants to sell a lot to his renter. They do not plan to continue development.	
Chairman Agnew asked if anybody else would like to be heard. No one approached. The public hearing was closed.		
Commissioner Streifel	Stated she has lived in the area for years and knows Hay Creek. It does flow at times and has even caused flooding along 26 th Street. It is an important creek for moving water.	
Commissioner Zuroff	Made a motion to approve the subdivision and zoning change.	
Commissioner Patrick	Seconded the motion.	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Plain Ridge Subdivision and Zoning Change from A-Agricultural to R1- Rural Single Family Residential	1 st Commissioner Zuroff 2 nd Commissioner Patrick	Approved 8 - 0
4-2 Article 8 Special Uses Agricultural Recreation	An amendment to add Ag-Recreation to Article 8 – Special Uses of the Burleigh County Zoning Ordinance.	Approve the amendment and give a “Do Pass” recommendation to the Board of Burleigh County Commissioners.
Staff – Marla McMonagle	Explained the changes the Planning and Zoning Commission made after the first public hearing held on June 11, 2025. The changes have been made to the amendment. (see agenda packet) She explained there are some questions regarding some activities that allow up to 50 people/50 days.	
Commissioner Risch	Since corn and hay bale mazes have been removed from the ordinance, does that mean there will be no corn and hay bale mazes in the county?	
Commissioner Streifel	Feels there is some confusion that Corn Mazes are not allowed without a special use permit, to being under a special use permit required.	
Commissioner Zuroff	Are corn mazes allowed now in Burleigh County?	
Commissioner Streifel	Stated this is where the confusion is. They would like corn mazes allowed with a special use.	
Commissioner Risch	Is concerned about listing uses, then someone else might come with an activity that is not listed.	
Staff	Said the section regarding 50 people/ 50 days are uses listed and there is a section which allows for additional uses.	
Director Flanagan	Stated it is impossible to list all activities which could be allowed on ag land.	
Commissioner Bitner	Would like to make the ordinance not as restrictive, may be add “such as” under activities allowed.	

Commissioner Patrick	Agreed with Commissioner Bitner and would like to see something like that also.
Staff	Reminded the commissioners that any changes to be made must be included in the motion because after the motion is made, changes can not be made without coming back to a public hearing.
Chairman Agnew opened the public hearing	
Melissa Miller	Would like to have the number events to be per month instead of number of days. She likes the idea of a special use for each activity, so the commission can view what the impacts to the area would be.
Jamie Feist	He would like to see a special use permit for all ag-rec activities.
Jamie Feist	Felt corn and hay bail mazes needed a permit, not that they should be eliminated completely.
Karen Martineson	She is happy with the changes made at the last public hearing. Are there any teeth to the ordinance? Is there enforcement of the ordinance at all? She feels 50 days is a lot of days, especially if it is everyday for 50 days. It is 8 weeks total. Would like to see it limited so it is not every weekend.
Commissioner Streifel	If we change this how many times a month would you consider?
Karen Martineson	She would like to see maybe 4 days a month, just so it is not every Friday, Saturday and Sunday.
Heidi Griess	She feels some people are breaking the rules, so everyone is being punished. It puts a burden on those people that don't have the issues of close neighbors, on acreage that is away from everybody else. Is there a way to limit the burden to those people? Asked what a Special Use Permit costs?
Staff	Explained that a special use permit can contain a variety of events. You would not have to get a special use for each event. If you need to add an event you could bring it back to the commission without another special use permit.
Chairman Agnew Closed the public hearing	
Commissioner Risch	Needs clarification on the sentence regarding having to apply for a special use, but the events listed do not require a special use.
Staff	That is one area of confusion that needs to be addressed tonight.
Director Flanagan	The issue of having events without a special use permit needs to be decided. A decision has not been made on whether these items need a special use permit.
Commissioner Streifel	If you are going to commercialize your property, you need to get a special use permit. We have several issues going on currently. Allowing some uses could cause additional problems. She would like to see all ag-recreation require a special use permit. Everyone can come in and present it to staff. Maybe lower the cost of these special use permits.

Commissioner Bitner	Feels we are trying to much with the ordinance. He would like to see everyone request a special use. This would allow the commission to look at the concerns of the area and the events.	
Commissioner Patrick	Would like to see no days listed, to remove that section and have everyone for ag-recreation come to the commission for a special use permit so we can look at these as a case by case basis.	
Chairman Agnew	Gave a summary of the discussion so far. He listed possible changes that have been discussed.	
Commissioner Patrick	Suggested the minimal requirements be a guidance document to give to those looking at a special use permit.	
Commissioner Risch	Expressed confusion on what the suggested changes are and how we are going to eliminate the concerns expressed.	
Commissioner Bitner	Likes the idea of a guidance documents. He suggested that we remove the listing of events because we will not be able to list every possible activity. He would like to see the section listing events on 10 acres and 40 acres should be removed and the number of days also.	
Chairman Agnew	Reminded the commissioners there is also the option of a PUD if people would like to do more than is allowed.	
Staff McMonagle	The number of people at 50 will not bring in that much income. It they are having over 100 people a day, day after day and charging, that is commercial.	
Commissioner Streifel	Made a motion to remove Item 1 a – g. Keep the minimum requirements, Remove Item 2 a - f. Keep the minimum requirements.	
Commissioner Bitner	Agrees with removing those items.	
Commissioner Streifel	Asked if they could only charge \$100.00	
Commissioner Bitner	Fees are decided at the county level.	
Commissioner Patrick	Seconded the motion	
Staff	Asked if the minimum requirements could be combined to reduce repetition and asked if they would like the amended motion to come back to the Planning and Zoning Commission.	
Commissioner Streifel	Added "the minimum requirements can be combined to reduce redundancy"	
Commissioner Patrick	Agreed with the addition to the motion.	
Commissioner Bitner	Offered to review the amendment once the changes are made so it can be submitted to the County Commission.	
MOTION	RESPONSIBLE PARTY	RESULTS
Make the following changes to the submitted amendment: 1. Remove Section 1, Item 1, a – g. 2. Remove Section 1, Item 2, a -f 3. Combine remaining minimum requires removing redundancies.	1 st Commissioner Streifel 2 nd Commissioner Patrick	APPROVED 7 -1 Commissioner Zuroff was opposed.

4. Submit the amended ordinance with a "Do Pass" recommendation.		
OTHER BUSINESS		
Commissioner Connelly	Stated on August 4, the Bismarck City Commission and the County Commission are going to meet and discuss the ETA and suggests people attend the meeting to hear what is going on in the ETA.	
Commissioner Zuroff	He would like it on the record that he has never advised anyone to knowingly or intentionally to break the law. He had a discussion with Mr. Feist's neighbor after a past meeting and she was asked what her options were. I gave her 3 options. I'm sorry if she misunderstood that. I did not adviser her to break the law.	
Chairman Agnew	This ordinance had more public input and meetings than any other ordinance. He thanked those who participated, commented and got this ordinance done.	
Chairman Agnew called for a motion to close the meeting.		

Meeting was closed.



Dennis Agnew
Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

June 11, 2025

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

OTHERS: Casey Einrem, County Engineering, Mitch Flanagan and Marla McMonagle County Planning Department 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 April 9, 2025 minutes. The minutes were approved unanimously.

CONSENT AGENDA		
3-1 Biegler Subdivision	Four (4) lots on 22.76 acres	Approve a Public Hearing
3-2 Plains Ridge Subdivision	Two (2) lots on 14.1 acres	Approve a Public Hearing
Chairman Agnew asked for a motion to approve the Consent Agenda as a whole.		
MOTION	RESPONSIBLE PARTY	RESULTS
To approve the Consent Agenda as is	1 st Commissioner Zuroff 2 nd Commissioner Risch	Approved 8 – 0
PUBLIC HEARING AGENDA		
4-1 Special Use Permit Request – Wiese	A request to move a 1700 sf building onto the parcel before the residence is built	Give a “Do Pass Recommendation to the Board of Burleigh County Commissioners.
Director Flanagan	Explained the special use request, the condition of the building to be moved and the locations of the building and the property it is to be moved to. No neighbor was opposed to the building.	
Chairman Agnew opened the public hearing:		
No one approached to comment. The public hearing was closed.		
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Special Use Permit	1 st Commissioner Connelly 2 nd Commissioner Risch	Approved 8 - 0
4-2 Article 8 Special Uses Agricultural Recreation	An amendment to add Ag-Recreation to Article 8 – Special Uses of the Burleigh County Zoning Ordinance.	Approve the amendment and call for a 2 nd Public Hearing
Staff – Marla McMonagle	Explained the process of writing the amendment after the Planning and Zoning Commission requested staff meet again with the focus group to work on the amendment. Staff explained the items that would be exempt from a public hearing, the number of days it would be allowed, and the number of people per day. If you have over 50 people, you will need a special use permit	

	Explained the types of events which would require a special use permit. The County would be allowed to add requirements specific to each event, but there are general requirements for an Ag-Recreation special use permit
Commissioner Risch	Papa's Pumpkin Patch type establishment would need a special use permit. Would that size and type of business need a special use permit?
Staff McMonagle	Yes, or a PUD. Stated the owner of Papa's Pumpkin Patch attended our meeting. The focus group worked hard to allow further growth in Ag-Recreation type businesses and not limit entrepreneurs, or those who want to share their farms, but make a little money too.
Commissioner Jarratt	Questioned the amount of people which would be allowed on a 10 acres parcel without a special use permit
Staff McMonagle	Explained if you were having more than 50 people a special use permit was required not matter the size of the acreage.
Commissioner Streifel	Suggested the number of days at 75 was to long since the growing seasons for a variety of plants is less than that.
Chairman Agnew opened the public hearing	
Kurt Fleck	Stated he attended the focus group and wants clarification of the intent of the ordinance is to limit ag-recreation to strictly agriculture pursuits.
Commissioner Risch	Is the wording ok now?
Kurt Fleck	He would like to see more clarification that the ordinance applies to agriculture only.
Commissioner Patrick	Asked if it should be added to the ordinance, change the days to 50 days.
Commissioner Streifel	We started at 30 days per day, if you want to add more days later when we can. This ordinance doesn't stop family functions or weddings. It limits the amount of activities other than family events.
Commissioner Zuroff	The overall scope of the ordinance is the "line in sand" we can always change that "line" Not everyone will agree, but it gives a starting point for the ordinance. We need to have a starting point.
Commissioner Risch	What about animals and having educational tours?
Commissioner Jarratt	He is concerned about the 75 days. A special use permit can be discussed. He is concerned about not having to apply for a special use permit, so there would be no control of the activities.
Jamie Feist	He attended the focus group and met everyone last year when we started this. He feels 75 days is to long. He doesn't agree with a draft ordinance where you can have 50 people per day for 75 days in a row. Last year we didn't have an ordinance for a corn maze. Items like corn mazes should be required to have a permit no matter how many people. If there is no permit the commission can not withdraw the permit. If there is any type of commercialization it must have

	public input. 50 people a day for 75 days can cost neighbors a lot of money and the commission can't do anything about it.
Chairman Agnew	What do you want changed?
Jamie Feist	The allowable uses besides educational uses should require a special use permit.
Commissioner Streifel	You feel there should not be any allowable uses without a special use permit? Is there a number of days?
Jamie Feist	75 is excessive. I think that not all the activities have an impact, but some do, so I feel the neighbors should be allowed to speak up on each individual activity.
Karen Martineson	She is concerned about the 75 days. She would be in favor of 60 days or less
Heidi Griess	She was part of focus group. She felt the focus group made a good compromise at 75 days. Having everyone come in for a special use permit for a person who would like to have for example, an event with 50 people, for 5 days a year, is time consuming. Special use permits takes six (6) weeks at a minimum. If you limit it just to crops, it eliminates everyone else. She would like to have the sentence which reads "all persons, entities or organizations wishing to establish the use of Agricultural Recreation with Burleigh County must apply for and be granted a special use permit" clarified because it contradicts item 1.
Chairman Agnew	What would you suggest for the number of days?
Heidi Griess	You have a long narrow lot, 50 people for 75 days in a row would be terrible. 60 days might work.
Commissioner Streifel	Would you like to see a special use, then be allowed to extend it for a number of uses and time frame?
Heidi Griess	The amount of time it takes to get a special use could make it prohibitive for an entrepreneur or a small farmer.
Kurt Fleck	Suggests the commission maybe start with 30 days. The process for the pumpkin patch started as a small patch, then it grew. We cannot compare our ordinance to what Papa's Pumpkin Patch is now. Papa's Pumpkin is established and growing. We need to allow growth and flexibility.
Chairman Agnew closed the public hearing	
Commissioner Risch	Made a motion to approve as presented, but remove 2 nd sentence in the first paragraph "all persons, entities or organizations wishing to establish the use of Agricultural Recreation with Burleigh County must apply for and be granted a special use"
Commissioner Zuroff	2 nd the motion.
Commissioner Streifel	Reminded the commission the purpose of agricultural zoned land is to not allowed the commercialization of agriculture land. She reminded the commissioner on what ag zoned land is and the purpose of it.
Commissioner Patrick	The decibels for noise should be lowered to 35 decibels

Commissioner Bitner	Will not support an ordinance that does not require a special use permit for any activity. Less days is a better starting point. Did anyone talk to the County States Attorney?	
Staff McMonagle	It has been submitted to the States Attorney for review.	
Commissioner Connelly	Doesn't feel everything needs the amount of time spent for a special use. We are getting close to stepping on property rights. Feels like corn mazes are on the edge of being commercial. We can't be too restrictive when it comes to what people can do on their property.	
Commissioner Jarratt	Cannot approve an ordinance that allows commercialization of agriculture like a corn maze. Commercial operations need a special use permit	
Commissioner Risch	This is a compromise. I think we should allow people to do things on their property.	
Chairman Agnew	Asked staff if they charge money for the activity is it commercial.	
Staff McMonagle	The number of people at 50 will not bring in that much income. If they are having over 100 people a day, day after day and charging, that is commercial.	
Commissioner Streifel	This ordinance is not for your normal agricultural activities. When you start bringing in people to your site to attend events, it is more than agricultural.	
Commissioner Connelly	I think we need to vote on the motion, so we can move on to correction to the ordinance.	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the amendment as written with the removal of "all persons, entities or organizations wishing to establish the use of Agricultural Recreation with Burleigh County must apply for and be granted a special use"	1 st Commissioner Risch 2 nd Commissioner Zuroff	Denied 2 – 6 Commissioners Risch and Zuroff approved the motion
Commissioner Patrick made a motion to send the amendment back to the Planning staff to make corrections: Change 75 days to 50 days, decibels night time decibels from 35 to 45 and remove corn mazes and hay rides as agricultural recreation activities. Call for a 2 nd public hearing. Commissioner Connelly seconded the motion.		
MOTION	RESPONSIBLE PARTY	RESULTS
Send the amendment back to Planning Staff to make the following corrections: 1. Change 75 days to 50 days 2. Change nighttime decibels from 45 to 35. 3. Remove Corn Mazes and Hay Bale Mazes as an allowable use.	1 st Commissioner Patrick 2 nd Commissioner Connelly	Approved 6 – 2 Commissioners Zuroff and Risch voted no.

Commissioner Connelly	He is meeting with the City of Bismarck regarding the ETA. Discussion will be held within the next week or so. He feels the Planning and Zoning Commission needs to be aware of this activity.
Commissioner Streifel	We have three (3) opening coming up in December for the Planning and Zoning Committee. Since there are only two (2) members which outside the ETA, she would like to see more representatives from the rural areas outside the ETA.
Chairman Agnew asked for any other business, then called for a motion to close the meeting.	

Meeting was closed.



Dennis Agnew
Chairman



Marla McMonagle
Staff

May 14, 2025 Meeting Canceled

No Agenda Items

Burleigh County Planning and Zoning Meeting Minutes

April 9, 2025

PRESENT: Vice Chairman Dale Patrick, Commissioners Mike Connelly, Alvie Jarratt, Wayne Munson, John Risch, Bea Streifel and Brian Zuroff. Chairman Dennis Agnew and Commissioner Brian Bitner were not present

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)

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

Vice Chairman Patrick called for a motion to approve the March 12, 2025 minutes.

MOTION:	RESPONSIBLE PARTY	RESULTS
Approve the March 12, 2025 minutes	1 st Commissioner Zuroff	Motion Approved 7 – 0
	2 nd Commissioner Streifel	
CONSENT AGENDA		
There were no items on the Consent Agenda		
PUBLIC HEARING		
4.1 Special Use Permit Request - Schatz	Place a mobile home on a property with a residence	
Marla McMonagle Associate Planner	Approached and gave a summary of the special use request. The Schatz family would like to place a mobile home on a property to use as an office, but the manufactured home could also be considered an additional residence.	
Commissioner Risch	Questioned the size of the acreage and whether it is affecting this residence.	
Staff McMonagle	The reason for the SUP is because there is another residence on the parcel	
Commissioner Zuroff	Questioned whether a septic permit was needed for this permit.	
Commissioner Munson	Stated the manufactured home has a kitchen, and bathroom in it, who to say they won't use it	

Planning Director Flanagan	Stated the they would be able to use the home for family but not to rent. It will have a septic permit issued.	
Director Flanagan	Stated the commission could limit it to only an office. They can be required to apply for a septic.	
Vice Chairman Patrick	Stated the motion can require a septic system.	
Commissioner Connelly	Questioned the location of the building as a fire hazard.	
Staff McMonagle	Stated they would be required set the building far enough away per building codes. The setback would be 10' per Director Flanagan	
Vice Chair Patrick opened the public hearing. No one approached with comments. The public hearing was closed.		
MOTION:	RESPONSIBLE PARTY	RESULTS
Allow the special use permit with the condition a properly sized septic system be applied for and be installed before the special use is granted.	1 st . Commissioner Munson 2 nd Commissioner Zuroff	Approved: 6 – 1 Commissioner Streifel did not approve
4-2 Article 8 – Special Uses – Data Centers <i>(continuation of February 12, 2025 public hearing)</i>	Approval of the Article 8 – Special Uses, Data Centers. Amended per the requests of the February 12, 2025 public hearing.	
Director Flanagan	Reviewed the history of the amendment and the various changes that were recommended during the February meeting. The changes are high lighted in the amendment that was included in the agenda packet. <i>See Attachment 1 to the minutes.</i> He discussed the model ordinance.	
Vice Chairman Patrick	Explained where the decibel level was derived from. The 35 decibels were recorded at night at the Faulker Mine. He thinks 45 decibels is too high.	
Director Flanagan	Did not include the ambient sound level before the property is developed.	
Commissioner Zuroff	Is concerned about the decibel levels of other farm equipment i.e. elevator blowers, compared to the data center levels. Vice Chairman Patrick stated the elevators blowers can be turned off by the owners, but not the data centers.	

Director Flanagan	Stated we do not have an ordinance regarding sound. Atmospheric conditions could be varied. He also stated the amendment allows for adjustments to the special use permit.
Commissioner Connelly	Stated if people purchase land after the construction, they are purchasing when the system was placed.
Commissioner Risch	Stated the model ordinance states 80 decibels. This is too high.
Vice Chair Patrick opened the public hearing with the reminder of time limits and items to be new.	
Nathan Schneider The Chamber EDC	Mr. Nick Phillips is on line, but he cannot hear or speak. Staff stated they will check what is wrong. He is not sure what version was on line. He was not able to get the amendment. He says the ordinance is too restrictive, economically short-sighted and out of step for a forward-thinking society. It discourages innovation and economic growth, significant barriers for company's looking to invest in digital business. It states that Burleigh County is closed for digital business. He is concerned that the ordinance is chasing away the good business to block the bad business. It is unbalanced and lumps too many business types in the ordinance. It is prohibitive. The setbacks are extreme and prohibitive. The process is bulky and cumbersome. The fees are extensive.
Commissioner Risch	What kinds of jobs do these data centers create?
Nathan Schneider	This is an item you should talk to Nick Phillips about. He knows what and where jobs are created on these farms
Commissioner Munson	What do you think about the fees?
Nathan Schneider	He thinks a million-dollar fee seems like a large amount for the work that staff does for the special use permit.
Commissioner Connelly	Isn't the energy cost of all MDU customers increasing because of the Williston data center?
Commissioner Zuroff	You can't compare Ellendale to Burleigh County. He feels the ordinance levels the playing field. Asked Director Flanagan how the permit fee is determined.
Director Flanagan	Stated it was determined by the hard costs. The fee is minimal compared to other costs. The costs are not just the work the staff does, but for future zoning, comprehensive plan, monitoring site work, condition of roads to jobsite and having to hire consultants for the planning. Locating a single data center is like spot zoning

Greg Owen Capital Electric	Capital Electric likes the idea of different thresholds. Project costs of this scale will add up quickly. A lot of contractors interested in these sites are looking at using their own power generation sources for these sites.
Commissioner Risch	Why was the new ordinance not available to people
Director Flanagan	Staff did send the ordinance for posting on the website. We will need to investigate why it was not there.
Nick Phillips	<p>He can not hear on Zoom and there is a delay.</p> <p>It was recommended to wait until the legislative session to finalize this. We agree there should be controls, but not so excessive. The permit fee needs a definition of what is being permitted. Some information requested is confidential. You can have the owner information, but not the tenant information. It is reasonable to have contact information of the owner. The sound information is something that is come out of California, and North Dakota does not compare to California. The noise level will be impacted by the time of year, weather, and location. It is very complicated in the ordinance. The section on decommissioning the building, should go away because this is not a strip mine. The building has value, not just as a data center. The security/bond costs the company before the project even starts. There is a tax benefit to our operation, we hire people and the buildings have tax value. He would like to meet with us before it is approved and work with the County regarding this. He was open to questions, but could not hear us.</p>
Vice Chairman Patrick closed the public hearing	
Director Flanagan	Is willing to work with Nick and he has made 18 changes he asked for. The permit fee covers the costs of staff monitoring, changes to future land use, hiring consultants to document auditory levels from any complaints. The ordinance is not directed at the Ellendale project, this is for all projects. If we do not have an ordinance in place we are at risk.
Vice Chair Patrick	Do we have any project with a decommissioning plan?
Director Flanagan	Yes, we do with the wind towers.
Commissioner Zuroff	The cost of permit fees is not cost prohibitive, it is only 1 to 2% of the overall project costs. We need the contact information posted on all sites, no matter what.
Commission Munson	Our requirement to have the tenant information on the application is not our business. This needs to be removed from the ordinance, so we just

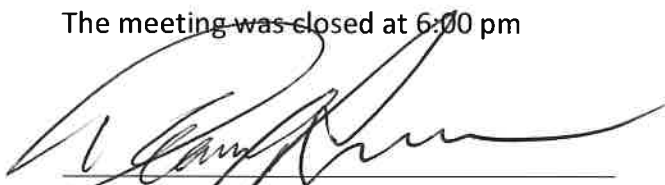
	have the owner of the building. I would remove the “or tenant” from the application process.
Commissioner Risch	If this ordinance passes we will never see a data center in Burleigh County.
Commissioner Munson	Mitch did a great job on the ordinance. My motion to wait until the session is over was to give the League of Cities and others to work on a model ordinance.
Director Flanagan	This was put on the schedule now because we received the draft model ordinance, which will not work for us.
Commissioner Connelly	Regarding the generator, that line should be eliminated because they found in Williston to be sustainable during peak hours.
Director Flanagan	Different conditions can be added to the special use permit. If the generators producing 80 decibels- this is loud. Regarding the decommissioning is not to take down buildings which are valuable, it is the buildings that do not have value. Spot Zoning, leaves the chance of blight in an area.
Commissioner Risch	If the decibel level is at standard, then why are we concerned.
Director Flanagan	We are trying to eliminate problems before they start.
Commissioner Zuroff	The decommissioning plan is for those companies that do not survive and then the county is stuck with a building that might have toxic waste.
Commissioner Connelly	Offered a summary of the changes. He stated they could send the ordinance with changes to the commission. If more changes are needed in the future, we can submit an amended document.
Commissioner Streifel	Are we pass the point of a temporary moratorium for data center? Can we pass one just on a temporary basis?
Director Flanagan	There are no moratoriums for data centers in Burleigh County. He could write one, but the ordinance allows for adjustment of the special use to be site specific.
Vice Chairman Patrick	We could submit this with the changes and make the changes later.
Commissioner Connelly	Wants to make sure that the generator conversation is held on all applications for any type of data centers.
Commissioner Risch	He would like to see a moratorium on data centers.

Director Flanagan	He has not written a moratorium for data centers and it would take a second meeting here, then to the county commission in June.	
Commissioner Munson	Would like to see some changes made when we pass this, we can make changes in the future, or rewrite the ordinance in the future. He does not want see an ordinance that stops development, but he also believes the special use permit gives control to the county.	
Vice Chairman Patrick asked for any other comments, asked for a motion.		
Commissioner Munson	<p>Made a motion to approve the ordinance with the following modifications:</p> <ol style="list-style-type: none"> 1. Strike identifying the operator or lessee from Application, Section 1A and Section 3 Design standards 2. Change the distance to ½ mile instead of 1 mile. 3. Remove all of Item K. <p>Motion seconded by Commissioner Risch</p>	
Commissioner Streifel	Wants to keep the 1 mile	
Commissioner Risch	It is the decibels that matter, not the distance.	
Commissioner Connelly	Would like to keep the generator item in so the citizens do not get charge for electricity they are not using.	
Commissioner Zuroff	Does not want to delete Item K. We need financial security so we don't become a testing ground.	
Commissioner Munson	Amended his motion to include the 1-mile distance and not remove Item K	
Commissioner Risch	Will not second the amended motion	
Commissioner Jarratt	Seconded the amended motion.	
MOTION:	RESPONSIBLE PARTY	RESULTS
<p>Approved the Article 8 – Special Use – Data Centers with the following modifications:</p> <ol style="list-style-type: none"> 1. Application – remove verbiage from 1A and Section 3- Section 6 which includes listing the operator and lessee from the application process 	<p>1st Commissioner Munson 2nd Commissioner Jarratt</p>	<p>Approved: 6 – 1 Commissioner Risch did not approve</p>

OTHER BUSINESS:		
5-1 BESS Moratorium <i>Battery Energy Storage Systems</i>	Resolution for a moratorium on BESS	
Director Flanagan	Explained the moratorium and the reason for it. He explained that BESS is a new land use and can affect the health and safety of Burleigh County. The moratorium is not for smaller systems anything below 5 megawatts is not included. The moratorium gives the county a chance to write a future ordinance for these type facilities.	
Commissioner Risch	The resolution includes all BESS size is not listed. Would like to see a size limited	
Director Flanagan	He will add utility size systems over 5 megawatts.	
Commissioner Munson	Made a motion to approve the moratorium with the modifications made.	
Commissioner Risch	Seconded the motion.	
MOTION:	RESPONSIBLE PARTY	RESULTS
Approve the resolution with the modification made and give a "Do Pass" recommendation to the County Commission	1 st Commissioner Munson 2 nd Commissioner Risch	Approved 7 - 0

Vice Chairman Patrick asked for a motion to close the meeting.

The meeting was closed at 6:00 pm



Dennis Agnew, Chairperson

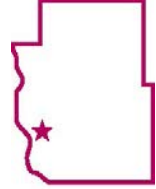


Marla McMonagle, Staff



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

May 14, 2025

This meeting has been canceled due to a lack of agenda items

– Next Meeting – June 11, 2025

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 st Commissioner Zuroff 2 nd Commissioner Risch	Motion Approved 7 – 0
CONSENT AGENDA		
There were no items on the Consent Agenda		
PUBLIC HEARING		
4.1 Summit Point 2nd Subdivision Short Plat	Lots 3 & 4 Summit point 1 st Subdivision	
Marla McMonagle Associate Planner	Approached and gave a summary of the Summit Point 2 nd 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.	

Staff McMonagle	Because it is a lot combination in Summit Point 1 st , 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 nd the motion.	
MOTION:	RESPONSIBLE PARTY	RESULTS
Allow Commissioner Bitner to vote on the item.	1 st . Commissioner Patrick 2 nd Commissioner Connelly	Approved: 7 - 0
Summit Point 2 nd Discussion continued		
Commissioner Zuroff	Made a motion to approve Summit Point 2 nd Subdivision and give a “Do Pass” recommendation to the county commission. Commissioner Patrick seconded the motion.	
MOTION:	RESPONSIBLE PARTY	RESULTS
Approved the Summit Point 2 nd Plat and give a “Do Pass” recommendation to the County Commission	1 st Commissioner Zuroff 2 nd Commissioner Patrick	Approved: 7 - 0
4.2 Article 8 – Special Uses – Solar Energy Systems	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	

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 nd by Commissioner Patrick	
MOTION:	RESPONSIBLE PARTY	RESULTS
Approve Article 8, Special Uses – Solar Energy Systems with the changes and give a "Do Pass" recommendation to the County Commission	1 st Commissioner Connelly 2 nd Commission Patrick	Approved: 7 - 0
OTHER BUSINESS:		
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.	

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.	
MOTION:	RESPONSIBLE PARTY	RESULTS
Removed table Article 8 – Special Uses – Data Centers from the June Agenda to the April Agenda	1 st Commissioner Bitner 2 nd Commissioner Patrick	Approved 7 - 0
5-1 Non-Access Lines	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. Seconded Commissioner Connelly	
MOTION:	RESPONSIBLE PARTY	RESULTS
Allow county staff to make to make administrative changes to change non-access lines with the County Commission approval	1 st Comm Patrick 2 nd Comm. Connelly	Approved 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 st Commissioner Patrick 2 nd Commissioner Connelly	Motion Approved 7 – 0
CONSENT AGENDA		
There were no items on the Consent Agenda		
PUBLIC HEARING		
4.1 Article 8-Special Uses – Solar Farms	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.	

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>

	<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.		
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 nd 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 st . Commissioner Zuroff 2 nd Commissioner Patrick	Approved: 7 - 0

4-2 Article 8 Special Uses – Data Centers	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"> - 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. - Definition of a Data Center in the ordinance would make all offices data centers. - The landscape buffer is a concern when it comes to security in the facilities. - 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.

	<ul style="list-style-type: none"> - 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. - 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. - Questions why AD would be required to obtain a building permit to replace a chiller for example (item f) - 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. - Fees: Could cause the county to see litigation because it goes against the 5th 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. - 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. - 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. - Why height and having electrical underground in an I-Industrial zoning. - The fencing requirements is not a concern to them because they design their fencing for security. So flexibility is important. <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

	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 nd 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

	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.	
MOTION:	RESPONSIBLE PARTY	RESULTS
Continue the public hearing until July	1 st Comm Munson 2 nd Comm. Connelly	Denied Yes Votes – Comm. Munson, Patrick and Risch 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.	

MOTION:	RESPONSIBLE PARTY	RESULTS
Table the amendment until the State Legislation	1 st Comm Zuroff 2 nd Comm. Patrick	Approved 7 -0
4-3 Article 8 – Special Uses – Accessory Dwelling Units	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.	

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.

Motion died for a lack of a 2 nd .		
Comm. Munson	Made a new motion to approve the amendment as written. Commissioner Patrick 2 nd the motion.	
Dir. Flanagan	The non-conversion agreement is not part of the ordinances. The agreement can be changed administratively.	
MOTION:	RESPONSIBLE PARTY	RESULTS
Approve the ordinance as written	1 st Comm. Munson 2 nd Comm. Patrick	Approved 6 -0 Comm. Risch was disconnected from the meeting, and could not vote.
OTHER BUSINESS		
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

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 st Commissioner Jarratt 2 nd Commissioner Riske	Motion Approved 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 st Commissioner Patrick 2 nd Commissioner Jarratt	Motion Approved 8 - 0
CONSENT AGENDA		
There were no items on the Consent Agenda		
PUBLIC HEARING		
4-1 RRH Subdivision and Zoning Change	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 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 st Commissioner Bitner 2 nd Commissioner Patrick	Motion Approved 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