

Burleigh County Planning and Zoning Meeting Minutes

December 13, 2023

Present: Chairman Dennis Agnew, Commissioners, Steve Marquardt, Wayne Munson, Dale Patrick, Mike Schmitz. Commissioner Bea Streifel attended remotely. Commissioners Brian Bitner, Alvie Jarratt and Brian Zuroff were not able to attend.

Others Present: Marcus Hall & Casey Einrem, County Engineering, Mitch Flanagan, Director, Building, Planning, Zoning, and Marla McMonagle, Building, Planning and Zoning. Members of the public – See Sign in Sheet

Chairman Agnew called the meeting to order.

| Agenda Items | Discussion | Action taken | Responsible Party | Motion |
|--------------------------------|---------------|---|--|-------------------|
| Approval of November 8 minutes | No discussion | Motion: Approved the November minutes | 1 st Comm. Patrick 2 nd Comm. Schmitz | 6 – 0 Approved |
| Consent Agenda | | | | |

There were no items on the Consent Agenda

Public Hearings

Braunagel Subdivision: A one (1) lot subdivision described as: Part of the NE 1/4 of the SE 1/4 of Section 33, Township 139N, Range 78W in Burleigh County, ND

Mitch Flanagan presented the subdivision to the commission. No questions were asked by the commission.

Chairman Agnew opened the public hearing: No one approached with comments. The public hearing was closed.

| Agenda Item | Discussion | Action taken | Responsible Party | Motion |
|-----------------------|-----------------------|---|--|-------------------|
| Braunagel Subdivision | No further discussion | Motion: Approve the Final Braunagel Subdivision Plat and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners. | 1 st . Comm. Schmitz 2 nd Comm. Patrick | 6 – 0 Approved |

| | | |
|-----------------------------|--|--|
| Other Business: | | |
| There was no other business | | |

Meeting was adjourned at 5:30 pm



Dennis Agnew
Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

November 8, 2023

Present: Chairman Dennis Agnes, Commissioners, Alvie Jarratt, Steve Marquardt, Dale Patrick, Mike Schmitz, Bea Streifel, Commissioners Brian Bitner and Brian Zuroff attended remotely. Commissioner Munson was not able to attend.

Others Present: Casey Einrem, County Engineering, Mitch Flanagan, Director, Building, Planning, Zoning, and Marla McMonagle, Building, Planning and Zoning. Members of the public – See Sign in Sheet

Chairman Agnew called the meeting to order.

| Agenda Items | Discussion | Action taken | Responsible Party | Motion |
|---|---------------|--|--|-------------------|
| Approval of October 11, 2023 minutes | No discussion | Motion: Approved the October minutes | 1 st Comm. Marquardt 2 nd Comm. Patrick | 8 – 0 Approved |
| Consent Agenda | | | | |
| Braunagel Subdivision: A one (1) lot subdivision described as: Part of the SE ¼ of Section 33, Township 139N, Range 78 W. | | | | |
| Mitch Flanagan presented the preliminary plat for the Braunagel Subdivision. There was no discussion. | | | | |
| Commission Marquardt made a motion to approve the Braunagel Subdivision for a public hearing. Commissioner Patrick seconded the motion. | | | | |
| Agenda Item | Discussion | Action taken | Responsible Party | Motion |
| Braunagel Subdivision | No Discussion | Approve a public hearing | 1 st Com. Marquardt 2 nd Com. Patrick | 8 – 0 Approved |
| Public Hearings | | | | |
| Aberle Park 4th Subdivision: A two (2) lot Subdivision described as: Lots 1, 2, 3, Block 1, Aberle Park Third Subdivision of the North ½ of Section 28, Township 139 N, Range 78 W. | | | | |
| Mitch Flanagan presented the subdivision to the commission. No questions were asked by the commission. Chairman Agnew opened the public hearing: No one approached with comments. | | | | |

Landon Neimiller, Swenson, Hagen & Company approached and explained this plat was a lot modification of the Aberle Park Third Subdivision in order to make larger lots for prospective buyers.

| Agenda Item | Discussion | Action taken | Responsible Party | Motion |
|---|-----------------------|---|---|-------------------|
| Aberle Park 4 th Subdivision | No further discussion | Motion: Approve the Final Aberle Park Fourth Subdivision and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners. | 1 st . Comm. Bitner 2 nd Comm. Schmitz | 8 – 0 Approved |

Riverbend Subdivision and Zoning Change: A five (5) lot subdivision described as: Auditor's Lot B in the SW 1/4, Section 3, Township 137N, Range 80W

Zoning Change: Lots 1, 2, 3, 4, Block 1 zoning change from A-Agricultural to R1-Rural Single Family Residential

Mitch Flanagan approached and presented the proposed subdivision, floodplain development and concerns regarding access to subdivision were discussed. He also explained the rumored moratorium on the area this subdivision is located.

Marla McMonagle approached and presented the zoning change.

Chairman Agnew opened the public hearing:

Tim Miller approached and expressed concerns regarding the moratorium and was not allowed to subdivide his property. He is concerned about access in an emergency evacuation, and the possible development and traffic in the area. He would like to see a traffic study done in this area.

Mitch Flanagan asked who denied his plat application. Mr. Miller stated he talked with Ray Ziegler about his building permit and about another house that was rebuilt. Marla McMonagle explained she had worked with Ray Ziegler and it was the building permit for an accessory building and a house that sustained 60% damage in a fire. McMonagle also explained she assisted Mr. Miller in his research regarding the moratorium. She was able to find where the moratorium was discussed at various times, but was never voted on, and put in place.

Patrick Hart approached: He is in support of developing the area, but is concerned about Sibley Drive is deteriorating and would like the County to investigate building up Sibley Drive to handle the building traffic and new residential lot traffic.

Ryan Melin approached: He is a rural fireman and deemed an expert in wildland fires in North Dakota and is on several national committees on wildland fire prevention. He explained the property was purchased for several fire personnel to live in the country.

He stated it is important to him to develop this area with larger lots and with the forty (40) acre lot maybe involved in conservation efforts. He stated Sibley Drive is not designed for larger equipment and agrees it needs to be improved. He had discussion with several county agencies to make sure he was addressing any concerns before he started the process.

He stated the concerns regarding the emergency access needs will not be affected by the additional four (4) lots. He was involved with the fire in the area which is causing concern for the area residents. He stated this will not be a concern with the addition of the subdivision.

Chairman Agnew asked about the plans for the forty (40) acre lots. Mr. Melin stated he is planning to leave it as a conservation area.

Seeing no one else approach, Chairman Agnew closed the public hearing and open the floor to the commissioners.

| Agenda Item | Discussion | Action taken | Responsible Party | Motion |
|---|-----------------------|--|--|-------------------|
| Riverbend Subdivision and Zoning Change | No further discussion | Motion to approve the subdivision and zoning change. | 1 st . Comm. Patrick 2 nd Comm. Marquardt | 8 – 0 Approved |
| Other Business: | | | | |
| 2024 Calendar was presented | | | | |

Meeting was adjourned at 6:30 pm



Dennis Agnew
Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

October 11, 2023

Present: Chairman Dennis Agnes, Vice Chairman Brian Zuroff, Commissioners, Alvie Jarratt, Steve Marquardt, Wayne Munson, Dale Patrick, Mike Schmitz. Bea Streifel was not able to attend on line due to online access to the Tom Baker Room computer.

Others Present: Casey Einrem, County Engineering, Mitch Flanagan, Director, Building, Planning, Zoning, and Marla McMonagle, Building, Planning and Zoning. Members of the public – See Sign in Sheet

Chairman Agnew called the meeting to order.

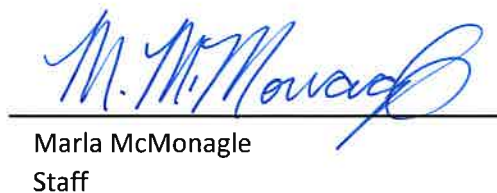
| Agenda Items | Discussion | Action taken | Responsible Party | Motion |
|---|---------------|--|---|-------------------|
| Approval of September 13, 2023 minutes | No discussion | Motion: Approved the August 9 2023 minutes | 1 st Comm. Marquardt 2 nd Comm. Zuroff | 7 – 0 Approved |
| Consent Agenda | | | | |
| There were not items on the consent agenda | | | | |
| Public Hearings | | | | |
| Lengenfelder Subdivision: A two (2) lot subdivision located at: Auditor's Lot A in the NE 1/4, Section 8, Township 140 N, Range 75W Mitch Flanagan presented the subdivision to the commission. No questions were asked by the commission. Chairman Agnew opened the public hearing: No one approached with comments. | | | | |
| A motion was made to approve the Lengenfelder Subdivision and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners. | No Discussion | Motion: Approve the Final Lengenfelder Subdivision Plat and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners. | 1 st . Comm. Marquardt, 2 nd Comm. Zuroff | 7 – 0 Approved |

| | | |
|-----------------------------|--|--|
| Other Business: | | |
| There was no other business | | |

Meeting was adjourned at 5:30 pm



Dennis Agnew
Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

September 13, 2023

Present: Vice Chairman Brian Zuroff, Commissioners Brian Bitner, Alvie Jarratt, Steve Marquardt, Wayne Munson, Dale Patrick, Bea Streifel. Mike Schmitz was present on video.

Others Present: Casey Einrem, County Engineering, Mitch Flanagan, Director, Building, Planning, Zoning, and Marla McMonagle, Building, Planning and Zoning. Members of the public – See Sign in Sheet

Vice Chairman Zuroff called the meeting to order.

| Agenda Items | Discussion | Action taken | Responsible Party | Motion |
|---|---------------------------------------|--|--|-------------------|
| Approval of August 9, 2023 minutes | No discussion | Motion: Approved the August 9 2023 minutes | 1 st Comm. Marquardt 2 nd Comm. Munson | 8 – 0 Approved |
| Consent Agenda | | | | |
| Lengenfelder Subdivision Preliminary Plat A two (2) lot subdivision on a 40 acre parcel described as: Auditor's Lot A in the NE 1/4 , Section 8, Township 140N Range 75W | | | | |
| Riverbend Subdivision Preliminary Plat Zoning Change Auditor's Lot B in the SW 1/4 Section 3, Township 137N, Range 80 W Zoning Change from A-Agricultural to R1-Rural Single Family Residential Addressed: 8641 Sibley Drive, Bismarck, ND | | | | |
| Riverbend Subdivision Preliminary Plat A Auditor's Lot B in the SW 1/4 Section 3, Township 137N, Range 80 W a five (5) lot subdivision on 57 acres more or less. | | | | |
| Vice Chair Zuroff suggested approval of the Consent Agenda Comm Marquardt made a motion. Comm. Jarratt Seconded the motion. | There was no discussion on the motion | Motion: Approve the items on the consent agenda for public hearings. | 1 st Comm. Marquardt 2 nd . Comm. Jarratt | 8 – 0 Approved |

Public Hearings

Horseshoe Flats Subdivision and Zoning Change a three (3) lot subdivision described as: Part of Lot 2, Block 2 in Zuraff Subdivision and Tracts A, 33 A and 33 B all in the NE & NW 1/4 of Section 33, Township 139N, Range 78W

Marla McMonagle present the zoning change to Lot 3, Block 1 from R1-Rural Single Family Residential to A-Agricultural Zoning. Marla stated the zoning change was to have consistent zoning on Lot 3, Block 1

| | | | | |
|---|--|---|---|-------------------|
| Clay Hogert approached. He was concerned his lot was included in the Horseshoe Flats Subdivision. Marla explained his lot was located west of the Horseshoe Flats Subdivision and not included in the plat and zoning change. | There were no further questions or comments for Marla. There was no member of the public who approached. | | | |
| Mitch Flanagan Presented Horseshoe Flats Subdivision. A three (3) lot subdivision located at Part of Lot 2, Block 2 in Zuraff Subdivision and Tracts A, 33 A and 33 B all in the NE & NW 1/4 of Section 33, Township 139N, Range 78W | There were no questions There was no member of the public who approached. | Motion: Approve the zoning change and final plat of Horseshoe Flats Subdivision and give it a "Do Pass" recommendation to the Board of Burleigh County Commissioners. | 1 st . Comm. Marquardt, 2 nd Comm. Jarratt | 8 – 0 Approved |

| | | |
|---|---|--|
| <p>8N2E Properties Zoning Change from A-Agricultural to R1-Rural Single Family Residential on 503 acres described as: Burnt Creek Township, Section 24:</p> <ul style="list-style-type: none"> - NW ¼ - S ½, NE ¼ - SE ¼ - SW ¼ less 30.18 acre Tract 1, 11.9 acre Tract 2 and 14 acre tract owned by Amber and Seth Sandness | | |
| <p>Marla McMonagle presented the requested zoning change from A-Agricultural to R1-Rural Single Family Residential. Marla was asked if this was a normal procedure to zone a large area with a development plan? Marla stated it is a common practice to change the zoning on larger parcels before a Master Plan for a subdivision is submitted. The area parcels and the 2045 plan of Bismarck supports the zoning change.</p> | | |
| <p>Vice Chair Brian Zuroff opened the Public Hearing</p> | | |
| <p>Kylin Schnabel Approached: He is concerned about the roads and the use of the roads in the area.</p> <ul style="list-style-type: none"> - Concerned about the size of lots. 1 residence per 1 acres. - Traffic - Hunting - This change is to stop the pipeline from coming through the property. | <p>Vice Chair Zuroff and Casey Einrem explained the building of the roads. Staff explained no houses are to be built until they submit a plat. All changes on the property must go through the platting process with a public hearing.</p> | <p>Staff explained this is only a zoning change, not a subdivision plat.</p> |
| <p>Mark Thompson approached: He lives on the NE corner of the section and his property borders this property. He is concerned about if he were to purchase and farm on 10 acres of this land will the zoning revert to A-Ag zoning?</p> <p>He is also is concerned about someone purchasing the property and putting several houses on the parcel.</p> | <p>It was explained it must go back through the process to change the zoning back to A-Agricultural.</p> | |
| <p>Lon Klusman approached. He is the spokesperson for 8N2E Properties. He explained their proposal and the steps the partners have taken to make sure their family plans are followed now and in the future.</p> | | |

| | | |
|---|---|--------------------|
| Dan Morris approached. He stated he is a member of the family involved in the future development. He explained the devotion the family has for the development of the land and how it was always a discussion in the family and they have a goal for this property | | |
| Shelly Miller approached. She stated she lives SE of these properties. She was against this zoning change until she listened to the spokespersons for the development. She has changed her mind and supports the development and future for this property. | | |
| Mark Thompson approached. Stated he changed his mind about this development. He knows the family and is more at ease about the developed and are for in support of it. | | |
| Vice Chair Zuroff seeing no others approach closed the public hearing and asked the commissioners for comments: | | |
| Comm Bitner stated he has never heard of anyone changing their minds after listening to testimony. | | |
| Comm. Streifel stated she was concerned about the zoning change. She feels the partnerships has addressed the concerns of the people who wrote in commented against the development. She is for the zoning change | | |
| Comm. Munson made a motion to approve the zoning change Comm. Patrick 2nd the motion. | Motion: Approve the zoning change and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners | 8 – 0 Approved. |
| Other Business: | | |
| There was no other business | | |

Meeting was adjourned at 7:00pm



Dennis Agnew
Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

August 9, 2023

Present: Chairman Dennis Agnew, Vice Chairman Brian Zuroff, Commissioners Mike Schmitz, Alvie Jarratt, Steve Marquardt, Wayne Munson, Dale Patrick, Bea Streifel. Commissioner Brian Bitner was present on video.

Others Present: Marcus Hall, County Engineer, Casey Einrem, County Engineering, Mitch Flanagan, Director, Building, Planning, Zoning, and Marla McMonagle, Building, Planning and Zoning. Members of the public – See Sign in Sheet

Chairman Dennis Agnew called the meeting to order.

| Agenda Items | Discussion | Action taken | Responsible Party | Motion |
|---|---|---|---|---|
| Approval of July 12 Minutes | No discussion | Approved the July 12, 2023 minutes | 1 st V. Chair B. Zuroff 2 nd Comm. Munson | 8 – 0 Approved |
| Consent Agenda | | | | |
| 8N2E Zoning Change Request 503 acres located in Burnt Creek Township | | | | |
| Marl McMonagle presented the zoning change involving 503 acres in Burnt Creek Township. The petitioners would like to change the zoning from A-Agricultural to R1 Rural Single Family Residential. The future plan is a large lot subdivision. | | | | |
| Chairman Agnew asked Staff if it was ok to do a zoning change without a plat. Marla stated yes, they can | Comm. Patrick asked whether the proposed summit pipeline goes thru this property, Marla stated it does, but as of today the pipeline site permit did not pass the PSC. | Comm. Streifel questioned whether the Article 12 allows the agricultural uses. Marla stated yes it allows agricultural uses. | Comm. Patrick made a motion to call for a public hearing on the zoning change. Comm. Bitner 2 nd the motion. | Approved 8 – 0 the motion to move the zoning change to a public hearing. |
| Horseshoe Flats Subdivision and Zoning Change request – a three (3) lot subdivision and a one (1) lot zoning change described as: Part of Lot 2, Block 2, Zurauff Subdivision and Tracts A, 33A and 33B in the NE & NW 1/4 of Section 33, Township 139N, Range 78W, Burleigh County ND | | | | |
| Mitch Flanagan presented the preliminary plat of Horseshoe Flat Subdivision and the requested zoning change for Lot 3, Block 1. The petitioners would like to subdivide their land and change the zoning from R1-Rural Single Family Residential to A-Agricultural zoning. | | | | |
| Chairman Agnew asked if both | There were no further questions or comments. | | Comm. Munson made a motion | Approved 8 – 0 |

| | | | | |
|--|--|--|---|--|
| owners consent to the change and if their ownership was established. Mitch stated Yes. | | | to approve the preliminary plat and zoning change for a public hearing. Comm Streifel 2 nd the motion | Motion to move the preliminary plat and zoning change to a public hearing. |
| Public Hearing | | | | |
| There were no items for a public hearing. | | | | |
| Other Business | | | | |
| There was no item for other business | | | | |

Meeting was adjourned at 6:00pm



Brian Zuroff
Vice Chairman



Marla McMonagle
Staff

Burleigh County Planning and Zoning Meeting Minutes

July 12, 2023

Present: Chairman Dennis Agnew, Vice Chairman Brian Zuroff, Commissioners Steve Bakken, Alvie Jarratt, Steve Marquardt, Wayne Munson, Dale Patrick, Mike Schmitz, Bea Streifel. Commissioner Brian Bitner was present on video.

Others Present: Marcus Hall, County Engineer, Casey Einrem, County Engineering, Mitch Flanagan, Director, Building, Planning, Zoning, and Marla McMonagle, Building, Planning and Zoning. Members of the public – See Sign in Sheet

Chairman Dennis Agnew called the meeting to order.

| Agenda Items | Discussion | Action taken | Responsible Party | Motion |
|---|--|---|--|--------------------------|
| Approval of May 10 th Minutes | No discussion | Approved the May 10, 2023 minutes | 1 st Comm. S. Marquardt 2 nd V. Chair B. Zuroff | 8 – 0 Approved |
| Consent Agenda | | | | |
| No items on Consent Agenda | | | | |
| Public Hearing | | | | |
| Klings Subdivision – Two (2) lot subdivision. Located at: E1/2 Section 5 Township 142N Range 77W | | | | |
| Mitch Flanagan presented Klings Subdivision to the Commission. A “Do Pass” with conditions was recommended. The condition is: “The section line located between the East parcels described as: Rock Hill Township, Section 4 N1/2 SW1/4 and Rock Hill Township, Section 4, S1/2 SW1/4 Less 7.32 Acres R/W and the West Parcel described as: Rock Hill Township, Section 5, SE1/4 Les 7.32 Acres R/W | | | | |
| The Commissioners expressed concern regarding the Section Lane Vacation | Marcus Hall approached and discussed the section line vacation and the use of the established R/W | Marlin Kling Approached and discussed the reason for the subdivision and the section line vacation | Tom Weigel, Moore Engineering approached and discussed the design of the plat and why | |
| Motion: Approve and give a “Do Pass recommendation with conditions: Section line must be vacated. | | | 1 st . V. Chair B. Zuroff 2 nd Comm. Jarratt | Motion Approved 8 – 0 |

| | | | | |
|--|--|--|---|--------------------------|
| Aberle Park Third Subdivision Described as: Part of Auditor's Lots 2 and 3 and Lot 1, Block 2 Aberle Park Second Subdivision, addressed as 16165 Industrial Park Drive | | | | |
| Zoning Change – A-Agricultural to I-Industrial | | | | |
| Marla McMonagle approached and presented the subdivision and zoning change to the Commission. The staff recommended an approval of the Aberle Park Third Subdivision with a "Do Pass" recommendation. Approval of the zoning change with a "Do Pass" recommendation. | | | | |
| The Commissioners expressed concern regarding the roads in the subdivision. | Marla McMonagle stated the roads have already been built. The Board called Casey Einrem | Casey Einrem stated Industrial Park Drive was built to county standards when Aberle Park Subdivision was platted as part of a master plan for the area. | No public comments were made | |
| Motion: Approve the Aberle Park Third Subdivision and give a "Do Pass" recommendation Approve the zoning change from A-Agricultural to I-Industrial | | | 1 st Comm. M. Schmitz 2 nd Comm. W. Munson | Motion Approved 8 - 0 |
| Other Business: | | | | |
| There were no items for other business. | | | | |

Meeting was adjourned at 6:00pm


 Dennis Agnew
 Chairman


 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

June 14, 2023

THIS MEETING HAS BEEN CANCELED- NO AGENDA ITEMS

– Next Regular Scheduled Meeting July 12, 2023

Burleigh County Planning and Zoning Meeting Minutes

May 10, 2023

Present: Chairman Dennis Agnew, Vice Chairman Brian Zuroff, Commissioners Steve Bakken, Alvie Jarratt, Steve Marquardt, Wayne Munson, Dale Patrick, Mike Schmitz, Bea Streifel. Commissioner Brian Bitner was absent

Others Present: Marcus Hall, County Engineer, Casey Einrem, County Engineering, Mitch Flanagan, Director, Building, Planning, Zoning, and Marla McMonagle, Building, Planning and Zoning. Members of the public – See Sign in Sheet

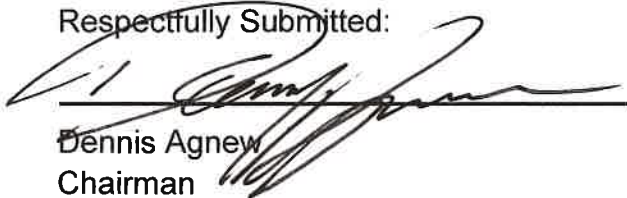
Chairman Dennis Agnew called the meeting to order.

| Agenda Items | Discussion | Action Taken | Responsible Party(s) | Motion Approved |
|---|--|--|--|------------------------|
| Approval of March 8, 2023 Minutes | No Discussion | Approved the March 8, 2023 minutes | 1 st Comm. Munson 2 nd Comm. Zuroff | 8 - 0 |
| Consent Agenda | Discussion | | Responsible Party(s) | Motion Approved |
| 3.1 Klings Subdivision 3.2 Aberle Park 3 rd Subdivision 3.2ZC Aberle Park 3 rd Zoning Change 3.3 Turtle Cove Subdivision 3.3ZCTurtle Cove Zoning Change | No Discussion | All items were approved to move to a public hearing. | 1 st Comm Zuroff 2 nd Comm. Patrick | 8-0 |
| 3.4 Article 33 Amendment 3.4 Article 12 Amendment | Director Mitch Flanagan approached and gave a summary of each amendment and the reason for the changes. Article 33 Subdivision Regulations and Article 12 R1 – Rural Single Family Residential | All items were approved and recommended for a public hearing at the Board of Burleigh County Commissioners | 1 st Comm Patrick 2 nd Comm Munson | 8-0 |
| Public Hearing | Discussion | Action Taken | Responsible Party(s) | Motion Approved |

| | | | | |
|---------------------------|--|--|--|------------------------|
| | | | | |
| 4.1 CLH Acres Subdivision | <p>Marla McMonagle present the CLH Acres preliminary plat at the public hearing. The final plat was to have been submitted before the meeting. McMonagle explained that since this is a two (2) lot subdivision, and there were no surrounding property owners present who objected to the new subdivision, she would like approval of the final plat only after the recommended changes were made and approved by engineering.</p> <p>Casey Einrem – County Engineering objected to the preliminary plat being approved as a final plat. Commission Zuroff explained McMonagle recommendation was common on two (2) lot subdivisions.</p> | Approve preliminary plat pending all corrections are completed prior to final plat being presented to the County Commission. | 1 st Comm Zuroff 2 nd Comm Munson | 8-0 |
| Other Business | Discussion | Action Taken | Responsible Party(s) | Motion Approved |
| | There was no Other Business | | | |

With no further business the meeting adjourned at 6:30 p.m.

Respectfully Submitted:


Dennis Agnew
Chairman


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

APRIL 21, 2023

THIS MEETING HAS BEEN CANCELED
Due to lack of agenda items

Next Regular Scheduled Meeting May 10, 2023

Burleigh County Planning and Zoning Meeting Minutes

March 8, 2023

Present: Chairman Dennis Agnew, Vice Chairman Brian Zuroff, Commissioners Brian Bitner, Alvie Jarratt, Steve Marquardt, Wayne Munson, Dale Patrick, Mike Schmitz, and Bea Streifel.

Others Present: Julie Lawyer, States Attorney, Marcus Hall, County Engineer, Casey Einrem, County Engineering, Mitch Flanagan, Director, Building, Planning, Zoning, and Marla McMonagle, Building, Planning and Zoning. Members of the public – See Sign in Sheet

Chairman Agnew opened the meeting at 5:15pm

| Agenda Items | Discussion | Action Taken | Responsible Party(s) | Motion Approved |
|----------------------------------|---|--|--|------------------------|
| Approval of the February Minutes | No Discussion | Approved the February 8, 2023 minutes | 1 st Comm. Munson 2 nd Comm. Streifel | 9 - 0 |
| Other Business | Discussion | | Responsible Party(s) | Motion Approved |
| Ethics in Planning | Marla McMonagle gave a brief presentation on ethic for Planning Commissioners emphasizing the open meeting laws | No Action | | |
| Consent Agenda | Discussion | Action Taken | Responsible Party(s) | Motion Approved |
| CLH Acres Subdivision | Staff gave a brief overview of CLH Acres Subdivision – Section 14, Township 140 N Range 81 W including Outlot A -a two (2) lot subdivision Lot 1 = 56.83 acres, Lot 2 = 22.97 acres. Zoning is A-Agricultural | Approve the preliminary plat and call for a public hearing | 1 st Comm. Bitner 2 nd Comm. Jarret | 9-0 |

March 8, 2023

| Public Hearing | Discussion | Action Taken | Responsible Party(s) | Motion Approved |
|--|--|---|----------------------|-----------------|
| Draft Ordinance regarding SUP for Hazardous Liquid Pipelines | Director Flanagan reviewed the information regarding the Hazardous Liquid Pipeline. He stated the dangers of the pipeline and review the different sizes and safety measures required for the pipeline | | | |
| | <p>Comm. Munson asked about the setbacks and easements for other pipelines.</p> <p>Comm Marquardt asked it the depth of the pipeline and if we have the ability to set the depth of the pipeline or regulate the crossing of other pipelines since the CO₂ pipeline crosses over three (3) other pipeline types..</p> | <p>Director Flanagan stated there is no firm setbacks because people don't really know what setbacks would be required. The setbacks vary from place to place. 500' is what is outline on the pipeline map.</p> <p>Director Flanagan stated he didn't know the depth of the other type of pipelines but what the PSC is asking which is 42" at the top of the pipeline and a 8' depth for undeveloped section line.</p> | | |
| | Comm. Schmitz emphasized that this ordinances is an order and we have to be careful when determining this ordinance and we need to think about this appropriately going forward. | | | |
| | Comm. Zuroff is concerned the ordinance does not addresses the different types of pipelines i.e. feeder, transmission . | States Attorney Julie Lawyer stated Item 20 under Definitions has a definition of hazardous pipelines which is generic and the commission can change it if they like. | | |

March 8, 2023

| | | | | |
|--|--|--|--|--|
| | <p>States Attorney Lawyer relayed to the commissioners that duel ordinances are allowed under the law. If a federal, state or any other regulatory body has setback list, for an example, the regulating agenda will use the federal, state or other regulation and the ordinance will not be applied. If there is nothing listed in the federal, state or other regulatory ordinance then the county's would apply. This is a good thing since if they do not have an issue addressed, then the counties will be used.</p> <p>She also reminded the Commissioners this ordinances is for all pipelines not just the CO₂ pipeline.</p> | | | |
| | <p>Comm. Bitner asked if Julie and Mitch were aware of any setbacks in place by the PSC</p> | | | |

SA Lawyer she needed to look deeper into what they are asking.

Director Flanagan stated we have no idea what a 24" pipeline would do. He stated

| | | | | |
|--|---|---|--|--|
| <p>Chairman Agnew explained the rules and how the public hearing is going to run.</p> | <p>PUBLIC HEARING</p> | | | |
| | <p>Karl Rakow Gave the county items to address regarding CO₂ pipelines safety and regulations. He suggests the pipeline should be 6 to 8 even 10 miles out of town.</p> <p>Curtis Jundt He stated he is an engineer that has worked on pipelines for a living. He informed the Commissioners what would be needed to keep people safe and the danger of these pipelines.in technical terms</p> <p>Gaylynn Becker: talked about the effects of CO₂ on people and how hard it is to detect.</p> <p>Greg Schonert he is for the amendment. He stated Summit asked for land and land for a road. His family is opposed to the pipeline. Summit Pipeline has threatened to sue his family. He also stated this is not the only pipeline gong to be set through Burleigh County.</p> <p>Tim Keller stated the pipeline is running through his property. He was told it was food grade carbon. He is concerned about the safety of the residents and animals. He showed a picture showing the plume of a fire and how the smoke spreads across the city of Bismarck.</p> <p>Lon Klusman we are here because of the Government gave tax benefits to the pipeline companies because of Climate Change Hysteria. Iowa has not signed off on it until 2024, SD will discuss it in November 2023, and</p> | <p>He does not think this pipeline should be in North Dakota</p> <p>Comm. Bitner asked if Mr Dahl could stay at the podium pass his five (5) minutes. Comm. Zuroff stated all speakers should get equal time, if we are following Roberts Rules of Order.</p> | | |

March 8, 2023

| | | | | |
|--|---|--|--|--|
| | MN is asking for an environmental study for the complete pipeline. | | | |
| | Mary Jo Ehrman showed the maps of the pipeline and how close the pipeline is to housing, towns and future growth.. | | | |
| | Lynn Straight asked what will happen to our crops if the pipeline broke. If CO ₂ gets in the soil crops cannot grow. | | | |
| | Sue Kleinsasser The southside of the county wants the commission to remember the people south of town. They live in a valley and if this pipeline breaks it is a death sentence for them. | Comm Bitner asked if there was an ideal setback for her. She stated at least two (2) miles, but would prefer five (5) miles. | | |
| | Marty Beard feels the CO ₂ pipeline people are disrespectful to the commissions. He feels it is important to keep fighting this pipeline and the commission needs to be strong the people will support the commissions. | | | |
| | Justin Buckingham stated he has CO ₂ pipeline experience. He stated the ordinance must be passed to protect the citizens of Bismarck. He stated there would be no time to evacuate Bismarck and Mandan if the trunk line explodes. The commissioners need to pass the strongest ordinance possible against these different pipelines. | | | |
| | Marv Abraham showed a video of a test pipeline rupture to show the commissioners what an 8" pipeline explosion looks like. The proposed pipeline is a 24" pipeline. He asked Comm. Bitner if there is a process | Comm Bitner stated that there is no form of notification regarding something like this pipeline. | | |

March 8, 2023

| | | | | |
|--|--|--|--|--|
| | to notify the hospitals etc. because so many people don't know about this pipeline. | | | |
| | Larry Smith , he represents the Professional Land Surveyors of ND. They are requesting surveyors on easements be completed by ND Professional Land Surveyors and that blank easements not be used because they are not allowed by ND Century Code. Larry stated we have laws to follow, but Summit is not following those laws. | Comm Bitner asked Larry about where he would like the change made. Larry stated it is in Section 7, Line 1. Comm Zuroff asked if using blanket easements are not recorded, is it legal? Mr. Smith feels that it is illegal. | | |
| | Steve Nagel he is concerned about the long-term. He feels the capture of CO ₂ is illogical because of the long term. He asked about slow leaks? How are they going to be detected? Chronic CO ₂ causes neurological damages. | | | |
| | Marylyn Bryon a partner in 8N2E their property is in direct line of the pipeline. Her family land is special to them. The family worked to purchase the land. She asked the commission to keep in mind the people who sacrificed for this land. She asked them to protect the land rights of these families | | | |
| | Roberta Klusman a partner in 8N2E She would like the commission to protect the land and the land owners of the county from these pipeline company. | | | |
| | Karl Rokow feels the pipeline company is working to get this pipeline in the ground | | | |

March 8, 2023

| | | | | |
|--|---|--|--|--|
| | because new pipeline standards are being explored after the Mississippi explosion. He would like to know what studies Summit Pipeline has completed. | | | |
| | Curtis Jundt approached stated that the route for this pipeline is the worst possible route. He has sited pipelines all his life but has never worked with CO ₂ pipeline, but understand the thermodynamics to know this is a dangerous pipeline. | | | |
| | Jamie Sorenson asked how this is going to affect property values. She states this will absolutely affect real estate values in her opinion as a realtor | | | |
| | Gary Anderson approached and stated he tried to talk to Summit, but they will not talk to him. He is concerned about dehydration not being questioned. He stated Summit was planning on using 10% welds but got caught and now is doing 100% welds and they need diamond wrap which is not part of the pipeline. | Comm Bitner asked for Mr. Anderson to send him any questions he has for Summit which will help the commission which is the gathering point for information. | | |
| | Public Hearing is closed. | | | |
| | Discussion | | | |
| | Chairman Agnew asked Mitch Flanagan (MF) if he knew about how many parts per million could be released during a leak. | MF he has not come across anything regarding the parts per millions | | |

| | | | | |
|--|---|---|--|--|
| | Comm Zuroff stated he does not like the ordinance. Can we have a moratorium on pipelines? | MF stated if we do a moratorium on pipelines, we would still need an ordinance after the moratorium is over. Comm Bitner stated CA is not allowing CO ₂ pipelines until more research and regulations are in place. She is for the moratorium. | | |
| | <p>Comm Schmitz stated our ordinance is for all pipelines and he is concerned we do not have much control. He is concerned that this ordinance would limit other pipelines which.</p> <p>Chairman Agnew asked why we can't just do an ordinance for this CO₂ pipeline.</p> | <p>MF feels the ordinance could address the size, pressure and the type of pipeline.</p> <p>Comm Bitner asked Mr. Jundt what size pipelines are in North Dakota and what the pressure was so they can regulate the size and pressure in pipelines.</p> | | |
| | Curtis Jundt states 1440 psi is the highest pressure he knows of and is surprised this pipeline is intended to 2100 psi. | Comm. Streifel asked if there were any studies on the plums from a pipeline break. | | |
| | Curtis Jundt there is no history regarding CO ₂ pipelines. Natural gas pipelines have over 100 years of history. There are too many variables to know about the plums. | Comm. Marquardt asked States Attorney Julie Lawyer why we can not put a moratorium on the pipelines. | | |
| | States Attorney Julie Lawyer (SA) says anything we do, if the PSC has controls over the issue, the PSC has controlling interest. She also reminded the commission that whatever you do must be the same for all. | Comm. Zuroff stated it seems like no matter what we do, we are going to get sued, so why don't we just go for it? | | |

| | | | | |
|--|--|--|--|--|
| | The commission can place a moratorium on the pipeline, however, the PSC can override it. | | | |
| | <p>SA Commented on Comm Zuroff's statement that we have to be concerned whether they can collect attorney's fees if they sue. "It is a matter of how much tax payer money you want to lose?"</p> <p>If the State or PSC comes involved in a suit between the county and the pipeline, the state will uphold their ruling. Not to support the pipeline, but to support their ruling.</p> | <p>Comm Zuroff asked why we cannot differentiate and write an ordinance that is just CO₂ related? SA stated you can regulate the size and pressure, depth, etc, but you cannot say this ordinance is just for CO₂ pipelines. It is against the law.</p> | | |

| ORDINANCE CHANGE | DISCUSSION | ACTION | RESPONSIBLE PARTY | APPROVAL |
|---|------------|--------|--|----------|
| Section 27 – Item 1 – Definitions #20 Pipeline add over 1000 psi and over 16" diameter | | | 1 st Bitner 2 nd Zuroff | 9 -0 |
| Section 27 – Item 1 – Definitions #20 Pipeline add "a" to psi | | | 1 st Bitner 2 nd Zuroff | 9-0 |
| Section 27 – Item 7 Permit Application Requirements for Pipeline Companies - #5 Add to "such as pumps, valve sites," "shutoff valves located at 26,400 lineal feet, with fracture arrestors approximately half-way between each shutoff valves. | | | 1 st Munson 2 nd Zuroff | 9-0 |
| Section 27 – Item 7 Permit Application Requirements for Pipeline Companies # 2 Add Class 3 Cultural Resource Study, NDDNR, & Shipo etc. Staff is to correct wording to add these requirements. | | | 1 st Munson 2 nd Jarret | 9-0 |


| | | | | |
|--|----------------------------|--|---|-----|
| Section 27 Item 6 #1 Change “not less than 4 miles” to “not less than 10 miles” #2 Change “not less than 2 miles” to “not less than 4 miles” #6 Change “not less than 1,000 feet” to “not less than 10 miles” #7 Change “beyond” to “parallel to the ordinary high-water mark”. | | | 1 st Munson 2 nd Patrick | 9-0 |
| Section 27 Item 7 Permit Application Requirements for Pipeline Companies # 1 Add “and easements prepared by a Registered Professional Land Surveyor. | | | 1 st Munson 2 nd Bitner | 9-0 |
| Section 27 Item 8 Fees and Assessments, Line 1, point a. Change “the amount of \$300.00” to “3% of the cost of the pipeline construction cost in Burleigh County.” | This motion was with drawn | | | |
| | | | | |

| Agenda Item | Discussion | Action Taken | Responsible Party(s) | Motion Approved |
|--|--|--|---|-----------------|
| Approval of the changes to the Amendment | | Moved to approve the changes to Article 8, Section 27 and send it to the Burleigh County Commission for approval | 1 st Patrick 2 nd Bitner | 9-0 |
| March 23, 2023 Meeting | Cancel the March 23 rd special meeting and public hearing | | | |

March 8, 2023

With no further business the meeting adjourned at 10:45 p.m.

Respectfully Submitted:


Dennis Agnew
Chairman
Marla McMonagle
Staff

March 8, 2023

Burleigh County Planning and Zoning Meeting Minutes

February 8, 2023

Present: Chairman Dennis Agnew, Vice Chairman Dale Patrick, Commissioners Steve Bakken, Alvie Jarratt, Steve Marquardt, Jim Peluso, Bea Streifel, Brian Zuroff. Commissioner Bitner joined virtually.

Others Present: Marcus Hall, County Engineer, Casey Einrem, County Engineering, Mitch Flanagan, Director, Building, Planning, Zoning, and Marla McMonagle, Building, Planning and Zoning. Members of the public – See Sign in Sheet

Mitch Flanagan, Director, Building, Planning, Zoning opened the meeting and asked for nomination for Chairman, and Vice Chairman.

| Agenda Items | Discussion | Action Taken | Responsible Party(s) | Motion Approved |
|--|---|--|---|------------------------|
| Election of Chairperson | No Discussion | Elected Dennis Agnew to Chairperson of the Planning and Zoning Commission | 1 st Comm. Streifel 2 nd Comm. Zuroff | 8 - 0 |
| Election of Vice Chairperson | No Discussion | Elected Brian Zuroff as Vice Chairperson of the Planning and Zoning Commission | 1 st . Comm Jarret 2 nd Comm Bitner | 8 - 0 |
| Approval of the corrected September 14 th Minutes | No Discussion | Approved the corrections to the September 14, 2023 minutes | 1 st Comm. Marquardt 2 nd Comm. Zuroff | 9 - 0 |
| Approval of the October 12 th Minutes | No Discussion | Approved the October 12, 2023 minutes | 1 st Comm Marquardt 2 nd Comm Schmitz | 9 - 0 |
| Consent Agenda | Discussion | | Responsible Party(s) | Motion Approved |
| Draft Ordinance regarding SUP for Hazardous Liquid Pipelines | Director Flanagan Presented information regarding the Hazardous Liquid Pipeline and what the counties can do. He gave various examples of what other counties are doing and how dangerous the pipeline could be. | | | |

February 8, 2023

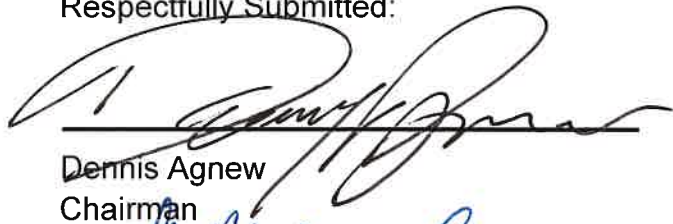
| | | | | |
|--|---|---|--|--|
| | <p>Comm. Zuroff stated he did a cursory look regarding the ordinance and had several questions. Is there a Special Use Permit for pipelines? What is the process for a permit, are we copying the state ordinance? Comm Zuroff stated there are pipeline located under the city, WAPA lines etc. He is also concerned with jurisdictional overstep</p> | <p>Director Flanagan stated we are asking for setbacks, more safety requirements, a mitigation plan and addition information regarding health and safety issues.</p> | | |
| | <p>Comm. Schmitz asked about future building with easements and he is concerned that in years ahead will the builder know about the easements? "If requiring a 2 mile setback for a pipeline, shouldn't it be the same for any new building?"</p> | <p>Director Flanagan explained how dangerous this pipeline could be. He was asked by the County Commission to set setbacks.</p> | | |
| | <p>Comm. Zuroff is concerned with the setbacks and how it can affect different property owners differently.</p> | | | |
| | <p>Comm. Bitner explained the setbacks are for the installation of the pipelines around existing homes, and buildings. The easement will be for after the pipeline is installed.</p> | | | |
| | <p>Comm. Jarret stated the pipelines which are installed already, information is already known about those. The new pipeline there are a lot of unknowns.</p> | | | |
| | <p>Comm. Bitner asked that the Mississippi report that was given to the County Commissioners be presented to the Planning and Zoning Commission.</p> | | | |
| | <p>Comm. Bitner asked that a clause regarding known and unknown information be added to the ordinance.</p> | | | |

| | | | | |
|--|--|---|--|--|
| | Comm. Munson asked about the townships that the county doesn't have jurisdiction in. Comm Bitner stated most of those townships are waiting for our ordinance. | | | |
| | Comm Patrick stated he is concerned about the setbacks and if there was an incident how bad it would be. | | | |
| | Comm. Streifel asked if a short video could be played to show how dangerous these pipelines are. She asked about what the extreme temperatures would affect the pipeline, and how pipelines can crack. Comm. Streifel stated she lives 2/3 of a mile away from the proposed pipeline route. She would like to know how the ordinances will affect the pipeline after it is abandoned | Director Flanagan stated there are conditions in the ordinances if the pipeline is abandoned. He also stated we can prepare local pipeline ordinances, but we cannot write one that would be considered over-regulative. | | |
| | Comm. Zuroff stated he is concerned about law suits if our ordinance is written wrong. | | | |
| | Comm Marquardt asks if the route on the map is the actual map of the pipeline? How many residences are affected by this pipeline | Director Flanagan stated this is what has been approved by the Public Service Commission. There are 1200 residences near the pipeline plus two (2) schools. | | |
| | Comm. Schmitz stated we need to focus our attention on the ordinance first and foremost because that is what we are here for. | | | |
| | Comm Bitner made a motion to call for a public hearing on March 8 th . Comm Munson asked if Comm Bitner would like to clarify the motion by adding the dates and approval of the 2 nd special meeting. March 23. Comm. Jarret 2 nd the revised motion | | | |

| | | | | |
|--|--|---|---|------------------------|
| Draft Ordinance regarding SUP for Hazardous Liquid Pipelines | | <i>MOTION: Call for a public hearing on March 8 and a special meeting with a public hearing on the Hazardous Pipeline SUP Ordinances</i> | 1 st Comm Bitner 2 nd Comm. Jarett | 9 – 0 |
| | Video presentation from Comm. Streifel | After a short discussion it was decided to not show the video at this time. | | |
| Public Hearing | Discussion | Action Taken | Responsible Party(s) | Motion Approved |
| | There are no items for a public hearing. | | | |
| Other Business | Discussion | Action Taken | Responsible Party(s) | Motion Approved |
| | There was no Other Business | | | |

With no further business the meeting adjourned at 6:30 p.m.

Respectfully Submitted:


Dennis Agnew
Chairman


Marla McMonagle
Staff

February 8, 2023



Burleigh County Planning and Zoning Commission Meeting Agenda

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



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

JANUARY 11, 2023

THIS MEETING IS CANCELED

LACK OF AGENDA ITEMS

Next meeting will be on February 8, 2023