



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

July 9, 2025

1. Roll Call
2. Approval of the June 11, 2025 Minutes
3. Consent Agenda *(The following item(s) are request(s) for a public hearing)*

There are no items on the Consent Agenda
4. Public Hearing Agenda
 - 4-1 Plains Ridge Subdivision
 - 4-2 Article 8 – Special Uses – Ag-Recreation
2nd Hearing
5. Other Business:
6. Adjourn

– Next Meeting – August 13, 2025

Agenda Item 4-1 Public Hearing

Plains Ridge Subdivision

Project Summary	
Status:	Public Hearing
Petitioner/Developer	Seth Sandness
Engineer	Todd Marschall – Houston Engineering
Location:	<p>Part of the SW ¼ of SW ¼ of Section 24, Township 140N, Range 80W, Burleigh County, ND</p> <p>Addressed as: 11201 41st Street NE</p> <div>4-1-1 Location Map</div>
Project Size:	Two (2) Lots – 14.1 Acres More or Less 1 lot = 8.9 acres 1 lot = 3.27 acres
Zoning Change:	A-Agricultural to R1-Rural Single Family Residential (Heard by P & Z, April 2020 but not heard by County Commission)
Posted:	Bismarck Tribune 6/25/2025 7/2/2025 Burleigh Co. Website 6/24/2025 Surrounding Property Owners - Quarter mile radius 6/24/2025
Petitioners Request	Approve final plat and give a “Do Pass” recommendation to the Board of Burleigh County Commissioners.

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



PLANNING AND ZONING COMMISSION

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History/Description

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

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

Seth Sandness decided not to appeal the decision.

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

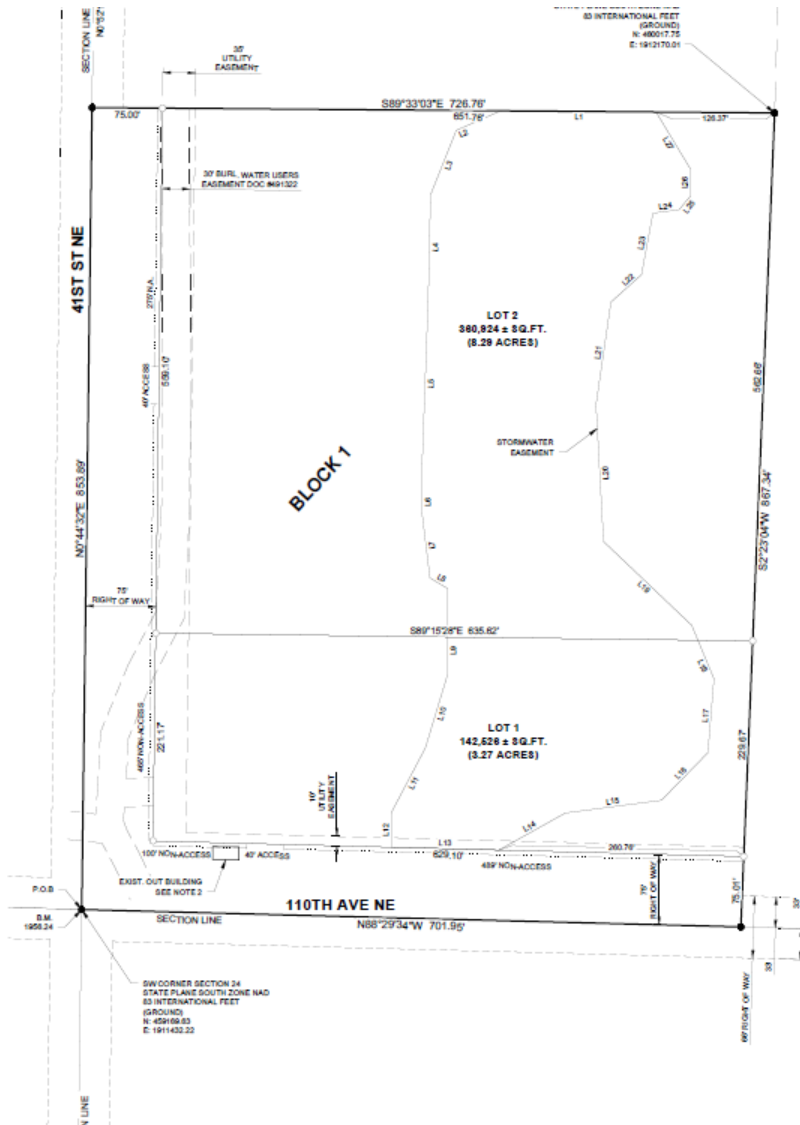
The petitioner is asking for a zoning change from A-Agricultural to R1-Rural Single Family Residential. The zoning change submitted in February of 2020 was not motioned for approval or denial at the public hearing. The petitioner is asking the Planning and Zoning Commission to approve the zoning change. Without the zoning change, the lot cannot be platted.

The Storm Water Management Plan for the two (2) lot subdivision has been submitted and approved by County Engineering. Access to the occupied lot has been approved and access for the unoccupied lot has been assigned on the final plat.



PLANNING AND ZONING COMMISSION

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Attachment 4-1-2 Final Plat

July 9, 2025



PLANNING AND ZONING COMMISSION

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Attachment 4-1-3 Site Map

Staff Findings – Final Plat

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



PLANNING AND ZONING COMMISSION

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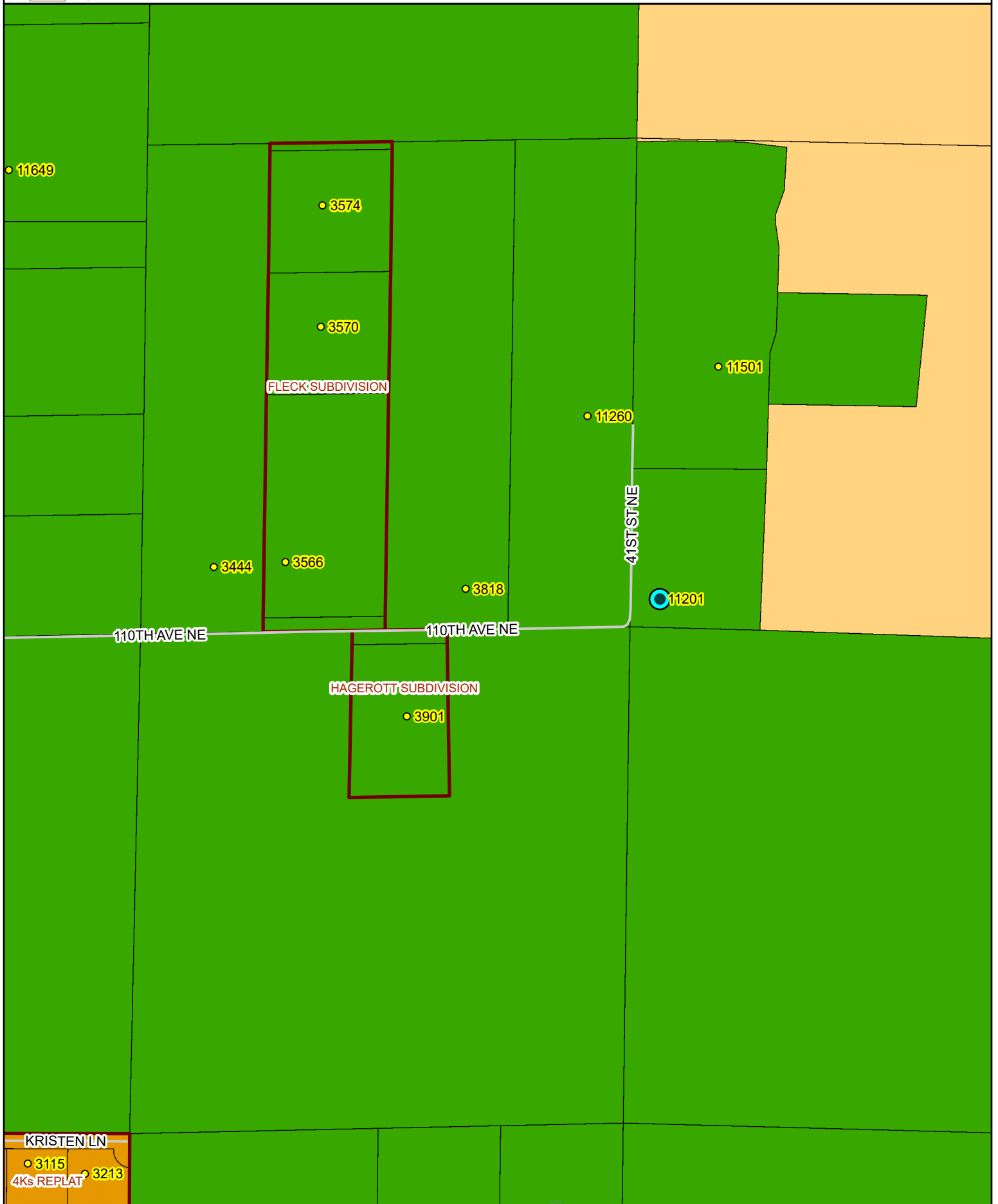
Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and zoning change and giving a "Do Pass" recommendation to the Board of Burleigh County Commissioners

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and zoning change and give a "Do Pass" Recommendation
2. Approve the final plat and zoning change with conditions and give a "Do Pass" recommendation.
3. Deny the final plat and zoning change with reason.
4. Table the final plat and zoning change for more information.



PLAINS RIDGE SUBDIVISION

PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION 24, TOWNSHIP 140 NORTH, RANGE 80 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION:

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 140 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE NORTH 00 DEGREES 44 MINUTES 32 SECONDS EAST, ON AND ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 853.89 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 03 SECONDS EAST, A DISTANCE OF 726.76 FEET; THENCE SOUTH 02 DEGREES 23 MINUTES 04 SECONDS WEST, A DISTANCE OF 867.34 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE NORTH 88 DEGREES 29 MINUTES 34 SECONDS WEST, ON AND ALONG SAID SOUTH LINE, A DISTANCE OF 701.95 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 14.11 ACRES, MORE OR LESS.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT SETH AND AMBER SANDNESS, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESIGNATED HEREON TO BE SURVEYED AND PLATTED AS "PLAINS RIDGE SUBDIVISION", TO THE COUNTY OF BURLEIGH, NORTH DAKOTA AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL WATER, CULVERTS, STORMWATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HERE ON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR STORMWATER DRAINAGE TO THE COUNTY OF BURLEIGH FOR THE USE OF CHANNELING STORM WATERS IN ACCORDANCE WITH THE COUNTY OF BURLEIGH REQUIREMENTS. UNLESS APPROVED BY THE COUNTY OF BURLEIGH, THESE AREAS SHALL REMAIN UNALTERED EXCEPT FOR REPAIRS AND MAINTENANCE.

SETH SANDNESS
4401 WEST ROUNDUP ROAD
BISMARCK, NORTH DAKOTA 58503

AMBER SANDNESS

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) ss

ON THIS ____ DAY OF _____, 2025, BEFORE ME PERSONALLY APPEARED SETH AND AMBER SANDNESS, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION:

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES PLAINS RIDGE SUBDIVISION AS SHOWN ON THIS PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2025.

DENNIS AGNEW - CHAIRMAN

ATTEST: MITCH FLANAGAN - SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION, NORTH DAKOTA, WAS TAKEN BY RESOLUTION AND APPROVED ON THE ____ DAY OF _____, 2025.

BRIAN BITNER - CHAIRMAN

ATTEST - MARK SPLONSKOWSKI
COUNTY AUDITOR/TREASURER

APPROVAL OF THE COUNTY ENGINEER

I, MARCUS J. HALL, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE THIS PLAT OF PLAINS RIDGE SUBDIVISION, AS SHOWN ON THIS PLAT, DATED THIS ____ DAY OF _____, 2025.

MARCUS J. HALL, PE
COUNTY ENGINEER

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, TODD MARSHALL, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 6TH DAY OF APRIL, 2020 AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. MONUMENTS TO BE SET PRIOR TO PLAT RECDORDATION.

TODD MARSHALL, LAND SURVEYOR
LICENSE NO. 4431

HOUSTON ENGINEERING, INC
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA, 58501

LEGEND

IRON MONUMENT FOUND
1/2" I.D. PIPE SET
PLAT BOUNDARY
LOT LINE
UTILITY EASEMENT
EXISTING LOT LINE
NON - ACCESS

PLAT INFORMATION

LOT ACREAGE: 11.55± ACRES
RIGHT OF WAY ACREAGE: 2.55± ACRES
TOTAL ACREAGE: 14.11± ACRES

BASIS OF BEARINGS: ND STATE PLANE SOUTH ZONE NAD83 AS DETERMINED BY RTK OBSERVATION FROM THE MIDSTATES VRS NETWORK SYSTEM. UNIT OF MEASURE IS INTERNATIONAL FEET.

VERTICAL DATUM: NAVD 88

BENCHMARK: SOUTHWEST CORNER OF SECTION 24 - ELEVATION 1956.24

OWNER

SETH & AMBER SANDNESS
4401 WEST ROUNDUP ROAD
BISMARCK, NORTH DAKOTA 58503

ENGINEER/SURVEYOR

TODD MARSHALL
LICENSE NO. 4431
HOUSTON ENGINEERING, INC.
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA 58501
PHONE 701.323.0200

NOTES

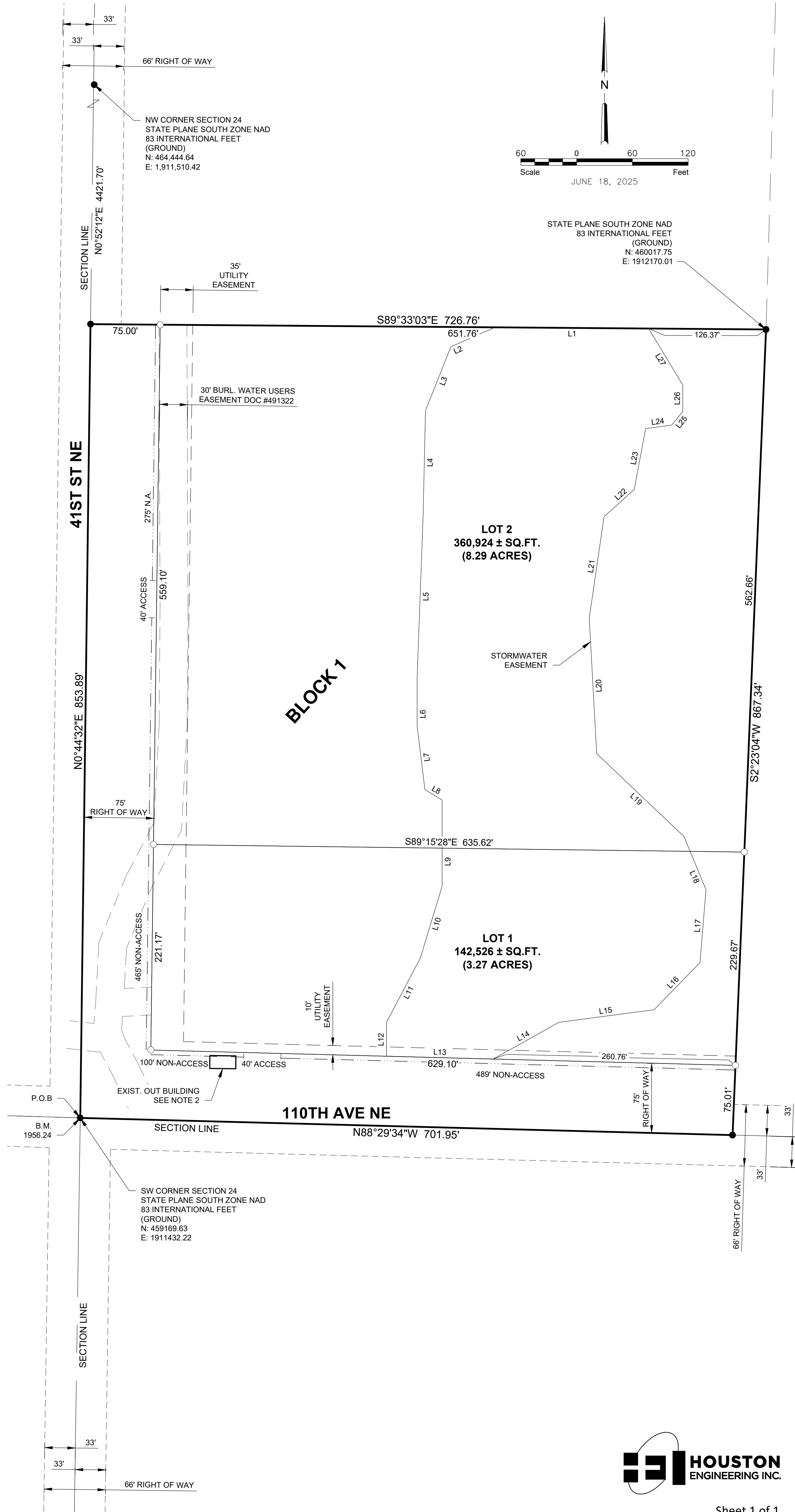
- PLAT BOUNDARY IS THE SAME AS THE DESCRIBED BOUNDARY IN WARRANTY DEED DOCUMENT NO. 873807 FILED JUNE 26TH, 2018 AT THE BURLEIGH COUNTY RECORDERS OFFICE.
- NO CONSTRUCTION OF NEW STRUCTURES ALLOWED IN DESIGNATED PUBLIC RIGHT-OF-WAY. STRUCTURES EXISTING IN PUBLIC RIGHT-OF-WAY ON OR BEFORE FILING OF THIS PLAT MAY REMAIN.
- STORM WATER EASEMENTS ARE CONSTRUCTED TO COLLECT, STORE, CONVEY, AND/OR TREAT STORM WATER RUNOFF. THEY ARE CONSTRUCTED TO PREVENT FLOOD DAMAGE AND ADVERSE ENVIRONMENTAL IMPACTS TO PROPERTIES BOTH WITHIN AND OUTSIDE THE PLAT. PROPERTY OWNERS SHALL NOT PLACE ANY TYPE OF FILL MATERIAL OR MAKE ANY ALTERATIONS TO THE PERMANENT VEGETATIVE COVER WITHIN THE EASEMENT (I.E., NO OPEN TILLED SOIL AREAS WILL BE ALLOWED). THEY SHALL NOT PLANT ANY TREES OR SHRUBS WITHIN THE EASEMENT WITH THE INTENT TO SCREEN OR PROVIDE A SNOW SHELTER BELT. INDIVIDUAL TREES AND SHRUBS MAY BE PLANTED WITHIN THE EASEMENT WITH PRIOR APPROVAL OF THE COUNTY ENGINEER. PROPERTY OWNERS SHALL NOT CONSTRUCT ANY TYPE OF STRUCTURE (E.G., INCLUDING HOUSES, GARAGES, OUTBUILDINGS, SHEDS, DRIVEWAYS, PARKING PADS, FENCES, LANDSCAPING GARDENS AND SEPTIC TANKS, ETC.) OR ANY OTHER FEATURE THAT INTERFERES WITH THE INTENDED USE OF THE STORM WATER EASEMENT.

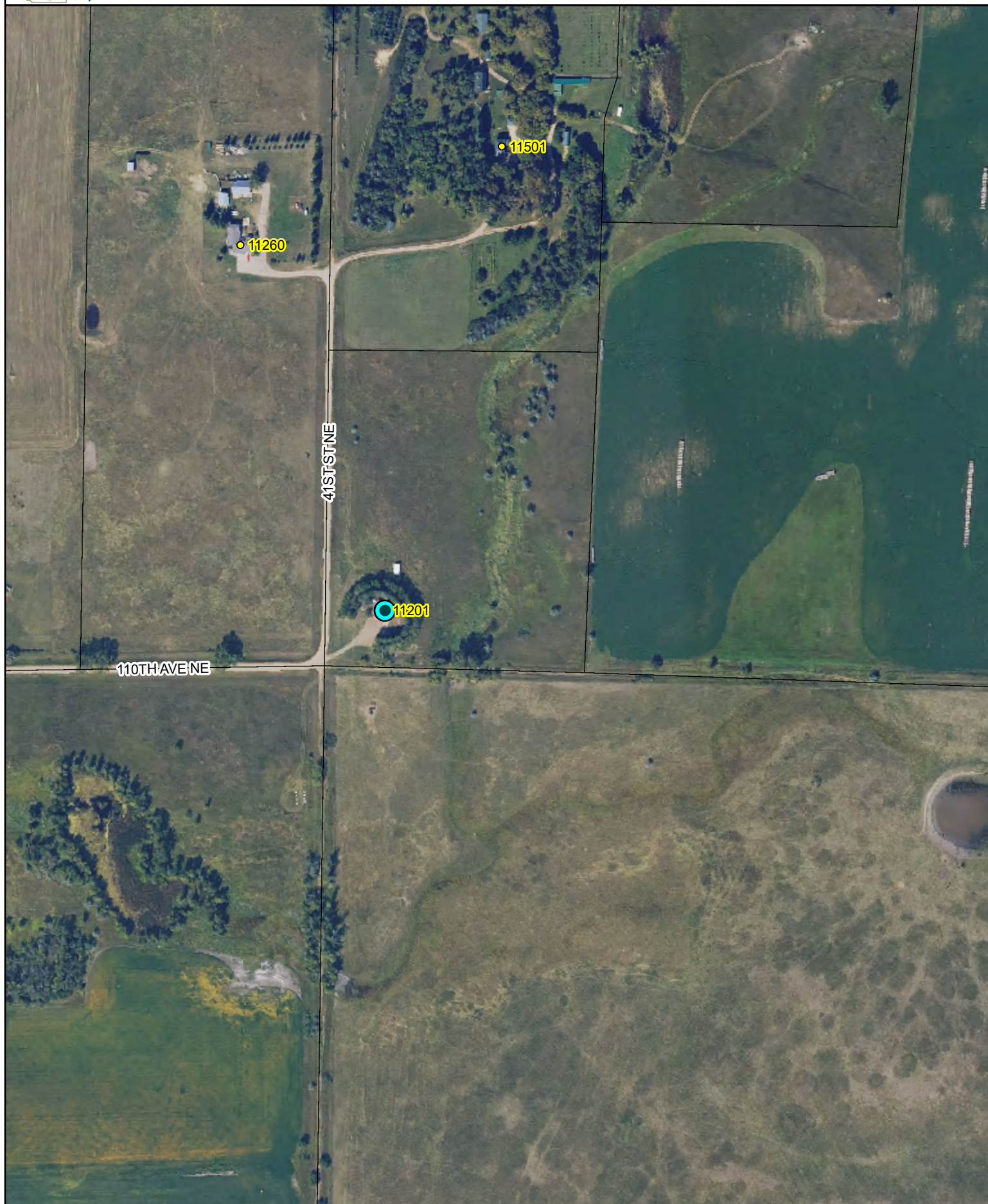
Parcel Line Table

Line #	Length	Direction
L1	165.24'	N89° 33' 02.86"W
L2	51.83'	S66° 13' 46.56"W
L3	73.94'	S21° 42' 39.85"W
L4	111.30'	S11° 16' 56.58"W
L5	176.87'	S2° 06' 33.42"W
L6	51.01'	S0° 00' 00.00"E
L7	69.18'	S6° 58' 04.98"E
L8	21.66'	S58° 54' 34.99"E
L9	92.74'	S0° 00' 00.00"E
L10	80.61'	S16° 52' 59.59"W
L11	78.42'	S27° 41' 46.82"W
L12	36.33'	S0° 00' 00.00"E
L13	114.81'	S88° 29' 33.64"E
L14	80.97'	N60° 51' 18.38"E

Parcel Line Table

Line #	Length	Direction
L15	103.25'	N82° 23' 29.51"E
L16	70.73'	N44° 22' 39.79"E
L17	78.85'	N4° 43' 16.56"E
L18	61.89'	N22° 33' 45.11"W
L19	129.47'	N46° 29' 45.93"W
L20	145.90'	N3° 06' 39.99"W
L21	110.42'	N8° 16' 35.06"E
L22	43.68'	N48° 04' 33.67"E
L23	66.64'	N10° 33' 09.24"E
L24	28.28'	N82° 28' 26.82"E
L25	18.87'	N39° 35' 52.78"E
L26	28.59'	N0° 00' 00.00"E
L27	71.02'	N31° 10' 07.42"W





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***BURLEIGH COUNTY
BUILDING/PLANNING /ZONING
DEPARTMENT***



DATE: June 27, 2025
TO: Burleigh County Planning and Zoning Commission
RE: 2nd Public Hearing to Amend Burleigh County Zoning Ordinances
FROM: Marla McMonagle, Associate Planner

AMEND ARTICLE 8 TO ADD AGRICULTURAL RECREATION

Staff presented the Planning and Zoning Commission with the draft ordinance for Agricultural Recreation at a public hearing on June 11th. After several comments from the public regarding the number of days and number of attendees in which an activity could be held without a Special Use Permit (SUP), the allowable decibels and whether a corn maze and hay bail maze were agricultural activities a motion was made:

Change the number of days for allowable activities without a permit to fifty (50) from seventy-five (75) days. Remove corn and hay bail mazes as an allowable activity. Change the decibels for night time noise to 35 decibels from 45 decibels in all instances.

The changes are high lighted on the new amended Article 8 – Special Uses. A 2nd public hearing has been scheduled for July 9th.

One item that was originally removed within the first motion which failed was the sentence:

“All persons, entities or organizations wishing to establish the use of Agricultural Recreation within Burleigh County must apply for and be granted a special use permit”

When meeting with the focus group, the members wanted to have an attendee and a date limit which would be allowed without having to seek a special use permit. Members that approached us after the meeting are confused about whether a SUP would be needed for events under fifty (50) people and under fifty (50) days.

Attachment:

Article 8 – Special Uses – Agricultural Recreation

ORDINANCE 25-----

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

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

Section 31 - Agricultural Recreation

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

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

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

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

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

Minimum Requirements:

1. Outdoor lighting fixtures directed so direct light is visible above a height of 5 feet. lighting fixtures near adjacent properties must have special shielding to help eliminate light pollution on adjacent properties.
2. Outdoor lighting must be five (5) feet from the adjacent properties.
3. Sound generated by outdoor amplification of music or voice must not exceed 55-35 decibels during daylight hours, 45 decibels during nighttime hours, measured from the property line.
4. Events shall be held between the hours of 9:00 am to 9:00 pm, with one-hour before and after event for set-up and clean up only.
5. Adequate restroom facilities must be provided.
6. On-site Parking must be provided. No road side parking. All parking areas must be mowed or graveled to prevent fire hazards.

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

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

Additional requirements for Special Use Permits:

1. Outdoor lighting fixtures directed so direct light is visible above a height of 5 feet. Lighting fixtures near adjacent properties must have special shielding to help eliminate light pollution on adjacent properties.
2. Outdoor lighting must be five (5) feet from the adjacent properties.
3. Sound generated by outdoor amplification of music or voice must not exceed 55 decibels during daylight hours, 45 35 decibels during nighttime hours, measured from the property line.
4. Events shall be held between the hours of 9:00 am to 9:00 pm, with one-hour before and after event for set-up and clean up only.
5. Adequate restroom facilities must be provided.
6. On-site parking must be provided. Parking is to be organized and must have a minimum of 12 ft lanes for travel. No road side parking. All parking areas must be mowed or graveled to prevent fire hazards.

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

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

Agricultural Recreation

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

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

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

Passed and adopted this _____ day of _____, 2025

Final passage and adoption:

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

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

Mark Splonskowski, Burleigh County Auditor/Treasurer