

**BURKE COUNTY PLANNING & ZONING COMMISSION**

**PO Box 310**

**Bowbells ND 58721-0310**

**Telephone (701) 377-6242**

**mmacbeth@nd.gov**

August 21, 2018

The Burke County Planning and Zoning Commission met in regular session in the Community Room of the Burke County Courthouse at 7:57 a.m. Chairperson **Debbie Kuryn** called the meeting to order.

Members of the Council present were:

**Jason Wettstein**  
**Lisa Knutson**

**Tony Pandolfo**  
**Arlo Griesbach**

**Kenneth Christensen**  
**Ted Hawbaker**

Others present were:

**Jeanie Jensen, County Auditor**  
**Marla Macbeth, Zoning Coordinator**  
**Jarret Van Berkom, County Commissioner**

**Michael Herman, Tax Equalization**  
**Clay Cameron, NextEra Energy**  
**Tom Von Bische, NextEra Energy**

**Jeremy Grohs, Sheriff**  
**Tara Fox, NextEra Energy**  
**Christopher Ollson, Ollson Env. Health Mgmt.**  
**Bourke Thomas, Atwell**

**Lyann Olson, Burke County Tribune**  
**Casey Furey, Crowley Fleck Law**  
**Deanna Julsen, NextEra Energy**

**Tami Lucy**  
**Linda Kimball**  
**Troy Ramage**  
**Marshall Chrest**  
**Larry Tinjum**  
**Maynard Sandberg**  
**Tim Stewart**  
**Marlow Nelson**

**Karen Smith**  
**Joan Chrest**  
**Raymond Atwood**  
**Frank Hanson**  
**Melinda Bauer**  
**Pat Caroline**  
**Justin Melby**  
**Jon Thingvold**

**Liz Casteel**  
**Ronald Peters**  
**Denise Chrest**  
**Hal Ross**  
**Sharon Anderson**  
**Keith Kallberg**  
**Julie Voeck**  
**Shawn Nalley**

A motion was made by Arlo Griesbach and seconded by Lisa Knutson to approve the July minutes as distributed. Motion carried.

At motion was made by Tony Pandolfo and seconded by Kenneth Christensen to approve the August 1<sup>st</sup> minutes as distributed. Motion carried.

**Building Permit:**

**Kenneth & Carrie Nygaard** submitted an application to place a new house on their property in Soo Township. (Outlot 233 of Section 33 T-163-N R-91-W) Ted Hawbaker made the motion

Debbie Kuryn, Chairperson  
Kenneth Christensen, Member  
Ted Hawbaker, Member  
Tony Pandolfo, Member



Marla MacBeth, Coordinator  
Jason Wettstein, Member  
Lisa Knutson, Member  
Arlo Griesbach, Member  
112 PU-18-344 Filed 03/08/2019 Pages: 4  
Exhibit E- Burke County Planning and Zoning  
Committee Minutes for August 21, 2018  
Ted Hawbaker

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to approve the application contingent on our receiving a copy of their septic inspection. Jason Wettstein seconded the motion. Motion carried.

**Larry Tinjum** and **Denise Chrest**, representing the Coteau Preservation Alliance, presented a telephone list of 372 individuals who are opposed to the proposed wind farm. (Secretary requested a copy of the list to attach to these minutes but one was not provided.) **Casey Furey** with Crowley Fleck Law stated that the list is 'hearsay' and could not be considered a petition. Mrs. Chrest advised that it was a phone list, not a petition.

**Public Hearing:**

**8:05 a.m. – Gaylen & Tamara Moody** submitted an application to renew the Conditional Use Permit for a gravel pit in Cleary Township. (W1/2 SE1/4 of Section 22 T-160-N R-93-W) Adjacent landowner notification was carried out. Arlo Griesbach made the motion to approve the application with the following conditions: two-year permit, applicant is responsible for dust control and any necessary road maintenance, and must work with the Burke County Weed Board to control noxious weeds. Lisa Knutson seconded the motion. Motion carried.

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**Burke Wind LLC** had submitted application(s) for a 300 megawatts (MW) wind energy center with 128 wind turbine generators, a 345 kV transmission line, a new collector substation and an operations & maintenance building.

**Project Boundary:**

**Foothills T-161-N R-92-W**  
Sections 7, 8, 14, 17 – 33

**Dimond T-160-N R-91-W**  
Sections 2 – 13

**Leaf Mountain T-161-N R-93-W**  
Sections 5, 8, 11 – 23

**Clayton T-161-N R-91-W**  
Sections 19, 28 – 31

**Harmonious T-161-N R-94-W**  
Sections 2 – 5, 7, 9 – 17, 21 – 24

**Keller T-162-N R-94-W**  
Sections 28, 32 - 35

**Lucy T-160-N R-92-W**  
Sections 1, 12

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**Transmission Line:**

**Leaf Mountain T-161-N R-93-W**

Sections 25, 26 & 35

**Cleary T-160-N R-93-W**

Sections 4, 9, 10, 15, 22, 26, 27, 34 & 35

**Colville T-159-N R-93-W**

Sections 3, 4, 8, 9, 17, 20, 29, 32, 33, 34

**APPLICATIONS:**

A request for a Conditional Use Permit for the wind farm in area listed above. Motion was made by Tony Pandolfo to approve the application but died for a lack of a second.

Ted Hawbaker made the motion to deny the application because it does not sync with the Burke County Comprehensive Plan. Jason Wettstein seconded the motion.

Secretary polled the Members: Kenneth Christensen voted to deny the application. Arlo Griesbach voted to deny the application. Ted Hawbaker voted to deny the application. Lisa Knutson voted to deny the application. Tony Pandolfo voted to approve the application. Jason Wettstein voted to deny the application. Motion carried to deny the application.

A request for a change of zoning from AG to Industrial for the Operations & Maintenance building on land owned by Larry Grindy etal located in Leaf Mountain Township (N1/2 NW1/4 of Section 25, Township-161-North Range-93-West) Arlo Griesbach made the motion to deny the application with Jason Wettstein, second.

Secretary polled the Members: Kenneth Christensen voted to deny the application. Arlo Griesbach voted to deny the application. Ted Hawbaker voted to deny the application. Lisa Knutson voted to deny the application. Tony Pandolfo voted to approve the application. Jason Wettstein voted to deny the application. Motion carried to deny the application.

A request for a Conditional Use Permit for a Substation on land owned by Larry Grindy etal located in Leaf Mountain Township. (N1/2 NW1/4 of Section 25, Township-161-North Range-93-West) Ted Hawbaker-made the motion to deny the application with Arlo Griesbach, second.

Secretary polled the Members: Kenneth Christensen voted to deny the application. Arlo Griesbach voted to deny the application. Ted Hawbaker voted to deny the application. Lisa

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Knutson voted to deny the application. Tony Pandolfo voted to approve the application. Jason Wettstein voted to deny the application. Motion carried to deny the application.

A request for a Conditional Use Permit for a Transmission Line on property listed above. Arlo Griesbach made the motion to deny the application with Ted Hawbaker, second.

Secretary polled the Members: Kenneth Christensen voted to deny the application. Arlo Griesbach voted to deny the application. Ted Hawbaker voted to deny the application. Lisa Knutson voted to deny the application. Tony Pandolfo voted to approve the application. Jason Wettstein voted to deny the application. Motion carried to deny the application.

A request for a Variance Application for Transmission Line on property owned by the Bentley Living Trust located in Colville Township. (S1/2 SE1/4, S1/2 SW1/4 of Section 4 Township-159-North Range-93-West) Jason Wettstein made the motion to deny the application with Arlo Griesbach, second.

Secretary polled the Members: Kenneth Christensen voted to deny the application. Arlo Griesbach voted to deny the application. Ted Hawbaker voted to deny the application. Lisa Knutson voted to deny the application. Tony Pandolfo voted to approve the application. Jason Wettstein voted to deny the application. Motion carried to deny the application.

Meeting was adjourned at 8:27 a.m., and the Commission is to meet again in regular session at 8:00 a.m. on Tuesday, September 18, 2018.

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Secretary, Burke County Planning and Zoning Commission