

Planning & Zoning Commission Proceedings
Monday, April 16, 2018

Vice-Chairperson Doug Krebsbach opened the meeting at 1:30 p.m. Present were Commissioners Krebsbach, Darwin Saari, Roger Britton, Donald Flinn, and Noelle Kroll. Also present were Mary Ellen Parker, Monte Miller, Ruth McLachlan, Coleen Schulz, Glenda Scholl, Dean Swanson, Sandy Swanson, Mark Giedd, Mike Thyberg, George Swanson, and Jordan Swanson of Washburn; Tayton Kramer of Max; Gene Wirtz, Marlys Swanson, Dwight Gradin, Mike Guenther, and Bucky Hinsz of Underwood; Kurt Fleck of Bismarck; Clark Price and Jeff Leidholm of Hensler; Daniel Lies of Douglas; Marty Haroldson of the North Dakota Department of Health; Al Christianson and Rachel Retterath of Great River Energy; Jeff Zueger of Blue Flint Ethanol-Midwest AgEnergy Group; Amber Boeshans of the North Dakota Livestock Alliance; Jason Wirtz of the North Dakota Department of Agriculture; Lynn Oberg, Shannon Jeffers, and Gerard Goven of the McLean County Water Resource Board; Calla Edwards of NDSU Extension; Land Use Administrator Todd Schreiner; Land Use Assistant Cassie Goetz; County Assessor Ryan Oberg; Highway Superintendent Jim Grey; States Attorney Ladd Erickson; Secretary Nancy Leidholm; and Alyssa Meier of BHG News Service. Absent were Commissioners Richard Hultberg and John Matthews.

Moved by Saari, seconded by Britton, to approve the minutes from the previous meeting as submitted. Roll Call Vote: Aye: Flinn, Saari, Britton, Kroll, and Krebsbach. Nay: None. Absent and not voting: Hultberg and Matthews. Motion carried.

Tayton Kramer of Max was present to request approval of a conditional use permit involving land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 150 North, Range 83 West, known as Outlot A, including 10 acres, to construct a non-farm structure on agricultural land. Krebsbach informed Kramer that the section line road into the property would be his responsibility to build up to county specs and once approved by Highway Superintendent Jim Grey would be maintained by the county.

Moved by Flinn, seconded by Britton, to recommend approval to the Board of County Commissioners the request for a conditional use permit involving land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 150 North, Range 83 West, known as Outlot A, including 10 acres, to construct a non-farm structure on agricultural land. Roll Call Vote: Aye: Flinn, Saari, Britton, Kroll, and Krebsbach. Nay: None. Absent and not voting: Hultberg and Matthews. Motion carried.

An informational portion of the meeting was held in regards to a feed lot proposal on Falkirk Mining Company property in conjunction with Great River Energy (GRE) and Dakota EcoBeef, LLC (LLC), consisting of Clark Price of Hensler, and Kurt Fleck and Dr. Jacob Carlson of Bismarck, to be located in the NE $\frac{1}{4}$ of Section 19, Township 145 North, Range 82 West. Price explained the layout of the feedlot to include hoop barns, open-yard pens, research pens, sick pens, a working facility, commodity shed, and feed storage bay with shop. He stated that the project would include about 5,500 – 6,000 head of cattle, initially starting out as all feeder cattle growing out to finish. Clark explained that over time they hope to have a specialty calf crop that need a niche market on the end going to a high value product export market. Water will be run from GRE to heat and cool the barns, pens and heavy-use pads, as well as water the livestock. Fleck added that research will be a part of the project as well as third partner Dr. Jacob Carlson, a veterinarian, is heavily involved in research.

Schreiner questioned odor control. Price stated that typically it is only a problem twice a year: during spring thaw and when applying manure. The manure management plan will address this. Price added that the barns are bed-packed barns and will come out once or twice a year depending on circumstances. Fleck added that it'll be more compost than slurry so there are a number of different ways to control the odor.

North Dakota Health Department (NDHD) representative Marty Haroldson stated that they will work in conjunction with the county in the permitting process. He stated that the size of the facility and the nutrient management plan will take into account a lot of the odor issues.

Lynn Oberg of the McLean County Water Resource Board ensured that water laws would be adhered to as the project develops. Discussion followed regarding holding ponds for lagoons and settling ponds for rain run-off, all of which are subject to engineer designs and haven't been designated yet. Schreiner discussed a 25 year 24 hour capture plan as required by NDHD because of wetlands to the northeast of the property and will be developed by the engineers as well.

Highway Superintendent Jim Grey explained that County Road 20 will need to be widened out and built up to a better standard to accommodate more traffic at the LLC's expense. Krebsbach suggested using a haul road agreement for damages as long as the business continues in regards to County Road 18. Fleck agreed. Discussion followed.

George Swanson questioned how far the odor could travel on the worst day to which Price answered possibly a mile.

States Attorney Ladd Erickson discussed the county's closure bond system and applying it to concentrated feeding operations which the Board of County Commissioners could grant a variance for if there is a solid NDHD agreement in place. He went on to say that in addition to state law, the county ordinance has a setback requirement of 300 feet from any intermittent water bodies where the state requires a setback of 50 – 100 feet. Erickson also discussed a possible road plan to address the extra traffic and how it relates to area residents.

Schreiner questioned how much land the project will cover. Price stated that the actual footprint is about 65 acres but wants to include the useable part of the rest of the quarter for the project. Schreiner then questioned expansion up to 14,000 head of cattle to which Price responded that right now there are no plans to expand beyond 5,500.

Erickson stated that with feedlot operations that are governed by both state law and county government, if the proponents satisfy all requirements laid out by law, even if a neighbor doesn't like the idea, that is not grounds to deny the request. The county doesn't have unlimited ability to decide if the feedlot can go through or not. A set of parameters have to be in place and if those are satisfied, then the permit needs to be granted.

Schreiner questioned if both a state and federal permit was needed to which Haroldson responded that because this will be a non-discharging facility it would require a state permit.

Gene Wirtz questioned if GRE was a partner in the operation. Price responded that the only part GRE is playing right now is in the supplying of water.

Erickson informed Price and Fleck that it is possible the county will place property tax as these are potentially taxable buildings, not Ag buildings.

Schreiner discussed the approval process stating that once the permit is approved by the Planning and Zoning Commission, if approved by the Board of County Commissioners, it will be pending the approval of the NDHD.

Jason Wirtz of the North Dakota Department of Agriculture (NDDA) listed their steps of the approval process:

- County approval
- Finalization of engineering
- NDHD approval

adding that both permits are required to operate stating that the NDDA doesn't hold any regulatory role. The agency assists producers with planning, giving advice on location, layout, run-off and odor control, among other things.

Erickson requested that the NDDA, NDHD, and McLean County Water Resource Board work together to get a ball-park idea of what it's going to take to keep the manure from getting into the water bodies before money is spent on engineering. Discussion followed.

There being no further business, the chairperson declared the meeting adjourned at 2:11 p.m.

Vice-Chairperson, Doug Krebsbach

Secretary, Nancy Leidholm