

**Planning & Zoning Commission Proceedings**  
**Monday, May 14, 2018**

Chairperson Rick Hultberg opened the meeting at 1:30 p.m. Present were Commissioners Hultberg, Doug Krebsbach, Darwin Saari, Donald Flinn, John Matthews, and Noelle Kroll. Also present were John Boe of Beulah; Clark Price of Hensler; Kyle Giffey of Garrison; Jacob Carlson of Baldwin; Kurt Fleck of Bismarck; Bruce Geyer of Minot; Kent Heilman of Glenburn; Anne Hansen of Washburn; Al Christianson and Rachel Retterath of Great River Energy; Jeff Zueger of Blue Flint Ethanol-Midwest AgEnergy Group; Marty Haroldson of ND Dept. of Health; Steve Cottingham of Falkirk Mining Company; Shannon Jeffers, Lynn Oberg, and Gerard Goven of the McLean County Water Resource Board; NDSU Extension Agent Calandria Edwards; State's Attorney Ladd Erickson; Land Use Administrator Todd Schreiner; Land Use Assistant Cassie Goetz; County Assessor Ryan Oberg; Secretary Nancy Leidholm; and Alyssa Meier of BHG News Service. Absent was Commissioner Roger Britton.

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

Neil and Clarice Miller of Wilton were present to request approval of a subdivision plat involving land located in a portion of the NW¼ of Section 24, Township 143 North, Range 81 West, to develop a four-lot rural subdivision to be known as Amry 3<sup>rd</sup> Subdivision. Schreiner informed Miller that the road has to be developed according to county specs with Highway Superintendent Jim Grey signing off on it. Hultberg questioned covenants for the subdivision to which Miller stated that they are the same as his existing subdivisions. Miller also stated that street signs have been ordered; that he will complete the roads and the Home Owners Association (HOA) will be responsible for maintenance as stated in the covenants. Possible future development south of the property was briefly discussed.

Moved by Krebsbach, seconded by Saari, to recommend to the Board of County Commissioners the approval of the subdivision plat request by Neil and Clarice Miller of Wilton involving land located in a portion of the NW¼ of Section 24, Township 143 North, Range 81 West, to develop a four-lot rural subdivision to be known as Amry 3<sup>rd</sup> Subdivision. Roll Call Vote: Aye: Matthews, Flinn, Kroll, Saari, Krebsbach, and Hultberg. Nay: None. Absent and not voting: Britton. Motion carried.

Kyle Giffey of Garrison was present to request approval of a subdivision plat involving land located in a portion of the SE¼ of Section 23, Township 148 North, Range 86 West, to develop a ten-lot rural subdivision to be known as Lots 1 through 7, Block 1; and Lots 1 through 3, Block 2; Double Tree Estates Fifth Addition. RV usage and road maintenance were discussed. Giffey stated that the maintenance of the road will be left up to the Home Owner's Association (HOA) and a letter regarding the heavy RV usage had been sent to the HOA as well. Bruce Geyer and Kent Heilman are current homeowners in the adjacent subdivision and were present to express their concern as road maintenance has been an ongoing issue. The road in question is a north/south portion of an unorganized township road. Matthews suggested that all of the HOA's of the various Double Tree Estates subdivisions join together in regards to road maintenance. Krebsbach stated that it is the county's responsibility to blade and maintain a developed section line road. States Attorney Ladd Erickson stated that forming a taxing district for the maintenance of roads is a possibility. Schreiner would like to see the HOA address the RV violations as well. Discussion followed.

Moved by Krebsbach, seconded by Flinn, to recommend to the Board of County Commissioners, approval of the request from Kyle Giffey of Garrison for a subdivision plat involving land located in a portion of the SE¼ of Section 23, Township 148 North, Range 86 West, to develop a ten-lot rural subdivision to be known as Lots 1 through 7, Block 1; and Lots 1 through 3, Block 2; Double Tree Estates Fifth Addition. Roll Call Vote: Aye: Matthews, Flinn, Kroll, Saari, Krebsbach, and Hultberg. Nay: None. Absent and not voting: Britton. Motion carried.

John K. Boe of Beulah was present to request approval of a conditional use permit involving land located in the S½SW¼ of Section 29, Township 148 North, Range 80 West, known as Outlot A, consisting of 2.82 acres, to construct a non-farm structure on agricultural land. Boe stated that there is nothing on the property as of now. He plans to build a 2,000 square foot shop/storage building and use the existing approach off of Highway 41 to access the property. Boe has a cabin on Crooked Lake a few miles away so he doesn't plan to put a home on this property. He may put in a holding tank for water but has no plans for rural water. Erickson questioned the line of sight from the approach due to Highway 41 being a high speed road. Boe stated that it was a pretty flat area.

Moved by Krebsbach, seconded by Flinn, to recommend approval to the Board of County Commissioners the conditional use permit request from John K. Boe of Beulah involving land located in the S½SW¼ of Section 29, Township 148 North, Range 80 West, known as Outlot A, consisting of 2.82 acres, to construct a non-farm structure on agricultural land. Roll Call Vote: Aye: Matthews, Flinn, Kroll, Saari, Krebsbach, and Hultberg. Nay: None. Absent and not voting: Britton. Motion carried.

Representatives of Dakota EcoBeef, L.L.C. including Clark Price of Hensler, and Kurt Fleck and Dr. Jacob Carlson of Bismarck, were present to request a conditional use permit involving land located on Falkirk Mining Company property in conjunction with Great River Energy (GRE) and described as the NE¼ of Section 19, Township 145 North, Range 82 West, to implement a 6,000 head cattle feedlot on 160 acres. 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. Price would like to see this happen as fast as possible optimistically hoping to be ready for cattle by October 15. For day to day operations he expects to employ three full-time and three part-time employees. If additional research is done, additional employees may be added.

Odor control was discussed. 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. Carlson stated that these types of systems are low on odor when well managed. The key is keeping pens scraped about three times a week, being piled and composted. Barns are self-contained. Manure will be applied to surrounding farmland and incorporated right away through tillage. Odor is mitigated by keeping the lot clean. Hultberg questioned how flies will be managed. Carlson stated that there is biologic control with the use of nats.

Highway Superintendent Jim Grey discussed the road maintenance agreement stating that the road is wide enough as it is, but would like to see some gravel added to make the base stronger. He doesn't feel speed will be an issue and minimal maintenance should be OK. Price, Carlson, and Fleck agreed.

Schreiner questioned McLean County Water Resource Board member Lynn Oberg regarding the county ordinance setback requirement of 300 feet from any intermittent water bodies. Oberg stated that an onsite inspection was done on May 3, 2018. The inspection included a downstream impact analysis of the proposed feedlot site and looking at the physical footprint of the feedlot they could not find any problems with the location and how it will be placed on the quarter of land. Oberg stated that a consult has been done with Matt Lindsay, a water engineer and hydrologist with the North Dakota State Water Commission, who reviewed the plans and indicated that no rules or regulations would be impacted by the placement of the feedlot. Oberg also stated that Dave Hendrickson, a conservationist with the Natural Resources Conservation Service (NRCS) out of Turtle Lake, had been contacted. Hendrickson consulted with his internal people and determined that there were no issues that would impact the NRCS in constructing the feedlot at the requested location. Oberg, on behalf of the McLean County Water Resource Board, recommended that the feedlot be constructed as proposed.

North Dakota Health Department (NDHD) representative Marty Haroldson stated that they will work in conjunction with the county in the permitting process adding that once the application is submitted they will go through their process which includes a 30 day comment period. Barring anything comes of that and everything is addressed, the permit will be issued. Haroldson stated that the size of the facility and the nutrient management plan will take into account a lot of the odor issues. Schreiner questioned odor complaints in the future to which Haroldson responded that those complaints should be directed to him. The NDHD would then do an air quality test and go from there. He also stated that as long as there are no issues, only a yearly inspection will be done. If there are issues, inspections will be done more often if needed.

Schreiner asked for comments from those in attendance and heard nothing.

Moved by Krebsbach, seconded by Flinn, to recommend approval to the Board of County Commissioners the conditional use permit request from Dakota EcoBeef, L.L.C. involving land located in the NE¼ of Section 19, Township 145 North, Range 82 West, to implement a 6,000 head cattle feedlot on 160 acres, contingent upon approval by the NDHD. Roll Call Vote: Aye: Matthews, Flinn, Kroll, Saari, Krebsbach, and Hultberg. Nay: None. Absent and not voting: Britton. Motion carried.

Moved by Krebsbach, seconded by Flinn, to amend the previous motion to include the following recommendations made by Erickson:

- The conditional use permit to be non-transferable.
- No bond required.
- Any violation of state laws would be in violation of county laws. If the NDHD would choose not to enforce state laws, McLean County would be able to do so.

Roll Call Vote: Aye: Matthews, Flinn, Kroll, Saari, Krebsbach, and Hultberg. Nay: None. Absent and not voting: Britton. Motion carried.

Krebsbach questioned whether the feedlot buildings could be taxed. Schreiner stated that the structures could be deemed as commercial on leased land. This has been turned over to the States Attorney to be determined at a later date. Schreiner has been in contact with the State Tax Department regarding this issue as well.

There being no further business the chairperson closed the meeting at 2:35 p.m.

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Rick Hultberg, Chairperson

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Nancy Leidholm, Secretary