

Stutsman County Planning & Zoning Commission Minutes – March 11, 2025

Meeting was called to order at 8:17 AM by chairman Brian Amundson. Roll call taken. Present were Brian Amundson, Duane Andersen, Joseph Heupel, David Steele, Levi Taylor, Amanda Hastings, and Tyler Perleberg, Zoning Administrator. Absent was Pam Phillips.

Others in attendance: Todd Langston & Jamison Veil- OtterTail Power, Jessica Alonge- Stutsman County Auditor/COO, Sarah Hellekson-City Administrator for Jamestown, Corey Shevlin & Alyssa Looysen- JSDC.

Chairman Amundson welcomed Mr. Heupel & Ms. Hastings as new members to the committee.

Mr. Steele motioned, Mr. Andersen seconded, to approve the August 21, 2024 meeting minutes. Motion approved.

Mr. Amundson opened committee discussion on the zoning issue with transmission line, stating that the Stutsman County Commission returned the issue back to the Planning & Zoning Committee for further work on it. He explained that he feels it is important for the committee to establish a timeline and set a goal for what the committee sees as pertinent to move forward on the issue. Mr. Amundson mentioned that there is some current legislation being discussed that have yet to be acted on that could have an impact on transmission lines. Mr. Perleberg added, for clarification, that the reasoning given for rejecting the transmission line proposal was directed at the language in NDCC 49-22.1-13 (2b) where it states that “a permit for the construction of a gas or liquid transmission facility within a designated corridor supersedes and preempts any local land use or zoning regulations.” Mr. Perleberg added that if the thought process was that the proposal was being rejected only due to the language for the oil & gas transmission lines, that there is almost identical language in NDCC 49-22-16 (2) relating to the electric transmission lines. NDCC 49-22-16 (2) states: “A permit for the construction of an electric transmission facility within a designated corridor supersedes and preempts a local land use, zoning, or building rule, regulation, or ordinance.” Mr. Taylor added that also in NDCC 49-22-05.1 is language pertaining to the 500-foot avoidance area for inhabited rural residences. He mentioned that to make it clear that the 500-foot setback is not just a PSC guideline, it’s also written as law in Century Code. Discussion took place about House Bill 1258. Ms. Hastings gave a breakdown of the bill that she put together and stated that there’s a vague term for “unreasonably restrictive” within the bill & stated it feels like a fluff bill that doesn’t have much meat in it. It was stated that HB1258 is slated to be heard in the Senate on March 21st. Further discussion took place about the superseding language the PSC uses, the potential of challenging the PSC, the potential for litigation, responsibilities to our county residents, & the future needs of transmission. Further discussion took place that if we are going to deviate from the PSC regulations and ND statute, then there should be some solid & factual reasoning as to why that might be infringing on property values or private property rights. It was collectively agreed upon by the committee to hold off on any further decisions until HB 1258 is acted on. The discussion continued that there’s been quite a bit of research done by a few committee

members and it was asked to share that data with the committee. Therefore, it was recommended to get that data to Mr. Perleberg & then he can email the data to the committee to look into. Mr. Taylor was hoping to look into the 500-foot setback in century code and see that if the PSC were to allow a further setback than 500, what kind of issue would that open up on their end of the permitting process. The committee made a plan for its next meeting to be held when HB 1258 has been acted on.

Discussion ensued about potential adjustments to the zoning ordinance. Mentions of solar farm & data center ordinances were brought up to possibly look into adopting into our ordinance depending on the committee's preferences and potential needs for those ordinances. Mr. Perleberg mentioned that developing new ordinances from scratch can be difficult, time-consuming, & full of legal terminology that he would struggle with. He added that if we wanted to mimic current ordinances that other counties have already adopted would be easy to find and send to the committee. Mr. Amundson stated that he feels that zoning doesn't necessarily need to be complicated and we don't need to have a huge manual, but at the same time it's expected that we do our due diligence on doing the research, what are the needs, and looking into if there's any types of zoning we'd like to proceed with or prioritize. Mr. Steele asked the OtterTail reps if there are any projections for future forecasted needs or projects. Mr. Langston said that the utilities governed by the PSC are required to submit an Integrated Resource Plan (IRP) that forecasts out for the next 10 years. He stated it is a public document that the public can look up. Mr. Shevlin added that from the JSDC perspective, future needs for electricity and natural gas are in high demand and are likely looking at hundreds of megawatts of power needed to run the industries. Mr. Steele asked Mr. Shevlin if you could pass along some of that data to the committee and any other resourceful information by any members of the committee be shared with Mr. Perleberg to send to the group.

With no further discussion, Mr. Heupel motioned, Mr. Taylor seconded, to adjourn the meeting.