

Stutsman County Planning & Zoning Commission Minutes – May 15, 2025

Meeting was called to order at 8:15 AM by chairman Brian Amundson. Roll call taken. Present were Brian Amundson, Duane Andersen, Joseph Heupel, David Steele, Pam Phillips, Levi Taylor, Amanda Hastings, and Tyler Perleberg, Zoning Administrator.

Others in attendance: Les & Ann Gasal, Beth Keller

Mr. Steele motioned, Ms. Phillips seconded, to approve the March 11, 2025 meeting minutes. Motion approved.

Mr. Amundson introduced the agenda item for the Conditional Use Permit Application for Wanzek Dairy Inc. located in the SW1/4 of Section 8 and NE1/4 of Section 7, Township 139 North, Range 66 West (Moon Lake Township). No representatives of Wanzek Dairy Inc. were in attendance, so Mr. Perleberg explained his conversations with Dwane Wanzek, the applicant. Tyler stated that the reason for the application is because our county ordinance states that when an existing animal feeding operation expands to handle more than 300 animal units, it's required to get approved for a CUP. In his discussion with Mr. Wanzek, it was stated that Wanzek Dairy operates dairy cattle under that amount currently, but they are planning to sell their dairy cattle and convert over to beef cattle and have around 800 head. Mr. Perleberg stated that they were not intending to change the footprint or size of their current buildings or feedlot at this time. Mr. Amundson stated with his experience in the cattle industry, the Wanzek's feedlot area is pretty sizable and is covered square footage wise. Mr. Andersen asked if there was any cattle operation on the third site beside the house, but it was unknown at this time. Mr. Steele asked how far the nearest residences are away from the site. Mr. Perleberg showed the committee on Google Earth the location of the TMT Farms site and stated certified letters were sent to all landowners within a ½ mile of the operation. Mr. Perleberg stated he received an email from the North Dakota Livestock Alliance in support of the project. He also stated that outside of the county's application process, Wanzek Dairy Inc. also has to get approval from the ND Department of Health's Environmental Quality Division for their animal feeding operation. Mr. Amundson opened the public hearing to the public for comment. Les Gasal, adjacent landowner, was told by Dwane Wanzek that it was planned to put 800 head of cattle in the feedlot and an additional 800 head at the barn site so he was looking for clarification on that. Further discussion took place about animal units and how that compares to actual head of animals. Mr. Amundson thought it appropriate to call Dwane Wanzek and ask for clarification. Mr. Amundson got Mr. Wanzek on the phone and asked for clarification on the number of head of cattle he is planning. Mr. Wanzek confirmed that he is planning 1,600 head, 800 at the south barn & an additional 800 in the feedlot. Mr. Amundson asked if the two lagoon facilities are already within specifications of the state health department. Mr. Wanzek confirmed that yes they are. The year 2012 was when the feedlot catch pond was put in and in 2015 the barn and lagoon were built. Mr. Amundson also asked about the third site where Dwane's house is at to see if there is anything planned for that location. Mr. Wanzek said they

were not planning on housing any cattle at that location. Mr. Andersen clarified then that with 1,600 head of cattle, the committee would actually need to permit up to 2,000 animal units according to our ordinance. Mr. Perleberg stated that he checked the setback for the difference between 1,000 & 2,000 and found that the setback is the same being ½ mile. However, Mr. Perleberg's one concern is that the letters sent to the adjacent landowners stated 800 animals, not 1,600. Mr. Taylor suggested that if the committee was willing to move this forward, we could re-send out the letters again clarifying the information. Beth Keller spoke about it being appropriate to send out the accurate information and then a concern for the future use of the land and the potential of the land being devalued due to the animal operation. Mr. Taylor moved to accept the CUP contingent on resending out a letter to the adjacent landowners correcting the information about the amount of head of cattle, seconded by Ms. Hastings. All voted in favor.

Mr. Perleberg brought up the cost of sending out certified letters now, so he suggested to the committee to amend our ordinance to eliminate the expense or change our fee structure to include that expense. Mr. Taylor asked if there was a way to add a variable fee based on the project since some may only have a handful of letters and other projects might have many. Mr. Perleberg confirmed that we could add the fee onto the application cost once he confirms how many letters need to be sent out. Mr. Heupel motioned to amend our fee structure to add the cost of certified mailings to the current application fee amounts in our ordinance, Mr. Steele seconded. All voted in favor.

Mr. Amundson introduced the last agenda item of general discussion. Mr. Perleberg stated the last time we met, we had a lot of discussion on transmission lines and the committee wanted to wait to see what was going to happen with House Bill 1258 during legislation. He stated HB1258 did pass so he's wondering how the committee would like to move ahead with our transmission line proposals. Mr. Steele asked if we had made any changes to our ordinance on electric, gas, or oil transmission lines. Mr. Perleberg stated that nothing has been approved so we don't have anything in our ordinance pertaining to them. He clarified that we do have certain sized substations in our ordinance, but nothing for the lines themselves. Discussion took place about the JetX project currently in the works. Mr. Taylor mentioned that OtterTail was looking at an alternate route further east of the current proposed route and Mr. Perleberg mentioned that he heard from Homer Township that they did implement a 2,640 foot setback in their township, and Corwin Township put in a 2,600 foot setback. Mr. Heupel suggested we wait to see what happens with the transmission line in those townships and if the PSC doesn't supersede those setbacks, that our county ordinance look to piggyback on that and seriously consider implementing similar changes. Mr. Amundson shared some of the conversations he's had with different groups and states where people want these projects going through their property because the payments are sizable enough so he believes our state has a negotiation problem, not a tower problem. Mr. Andersen stated the point he believes most people are missing is that the landowners signing the contracts are good with the project because they're

getting compensated, but the people living 500 feet away from the lines that are not getting any compensation is the problem and he reminded the committee that our purpose & intent of having a zoning ordinance is to promote the health, safety, & welfare of the people of Stutsman County and protecting property rights and ensuring adequate public services. Mr. Amundson & Mr. Heupel spoke that they think a good approach is to create conditions for the conversations between property owners and companies to take place. Other types of zoning topics were brought up, as well, pertaining to solar energy, battery storage facilities, data centers, & carbon capture facilities. Discussion took place about splitting up these types of facilities and doing research on them to see if moving forward with new ordinances is desired. Mr. Amundson asked if there were one or two volunteers from the committee to look into additional research on those topics of interest. Ms. Hastings volunteered for Solar Farms. Mr. Andersen volunteered for Data Centers. Mr. Taylor volunteered for high voltage transmission lines. Mr. Steele volunteered for Battery Energy Storage Systems. And lastly, Mr. Taylor & Ms. Hastings volunteered for Carbon Capture facilities. The committee discussed about holding the next P&Z meeting around the week or two after July 4th. Mr. Perleberg will set up the actual date & time when July gets closer.

With no further discussion, Mr. Amundson adjourned the meeting at 9:40 AM.