

Stutsman County Planning & Zoning Commission Minutes – July 23, 2025

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

Others in attendance: Larry Burkle

Ms. Phillips motioned, Mr. Steele seconded, to approve the May 15, 2025 meeting minutes. Motion approved.

Mr. Amundson opened committee discussion on the research that was done since the last meeting on battery energy storage systems, data centers, carbon capture facilities, high voltage transmission lines, & solar energy. Mr. Steele discussed his findings on battery energy storage systems (BESS). Mr. Steele explained that he found there are various types of these systems for commercial and industrial purposes, but also for small residential purposes. The residential systems are used for storing power in the event the power goes out, serving similar purposes as a home generator would. He explained that concerns for zoning purposes aren't with the small residential systems, but are with the commercial & industrial systems which he found are typically zoned in industrial or energy zoned areas or required a special use permit. They typically required decommissioning plans to ensure proper removal after they're done. He found it common that these are set up in storage-like containers or warehouses. He said it's common that these systems are found next to existing electrical generation facilities like solar or wind farms. Fire suppression was talked about and other concerns, like visual and noise were mentioned as something to be aware of. Mr. Amundson discussed that we could add BESS or some of the other types of facilities as a conditional use in specific zoning districts versus developing a section within the ordinance. Mr. Perleberg explained doing that would still require applicants to come in front of this committee and hold a public hearing on the project that allows the public to give feedback and express concerns about the project prior to approving or denying the application. Mr. Perleberg further explained that if the committee thought it was important to have a condition or two, such as setbacks from residences, we could add it as a zoning district regulation rather than develop it's own zoning section. Noise & visual issues were the highest concerns for BESS.

Mr. Andersen discussed his research on data centers and some concerns that come with the facilities. He found that they are becoming very important and very profitable businesses. He stated in some of research that there was a huge property tax benefit in other states, but in North Dakota the equipment and personal property, which is the brunt of the expense of these facilities, is exempt. Also, he stated that there isn't much impact to the economy since there isn't a high employee count and little impact to school districts with the lack of kids that would be new. He explained there's challenges & concerns with water consumption if the facilities are liquid cooled, high electricity demand, noise, ag land loss, reclamation, & visual impacts. Mr. Amundson added, that in his own experience living close to the data center north of

Jamestown, the facility is very bright at night. Noise, visual, & reclamation were the highest concerns discussed.

Mr. Taylor discussed his research on carbon capture facilities. He talked about two main types of carbon capture. The first was a direct air capture (DAC) facility that he described as high powered fans that suck the carbon out of the air and then store it deep in the ground, a lot of times 6,000 feet under ground. The other type was facilities, like ethanol plants, that capture the carbon out of the emissions those plants would be blowing off and store that in the ground. Mr. Taylor further explained he watch a webinar put on by NDACo about zoning that explained what we can and can't do from a zoning standpoint. He said what we're able to zone is the stuff above ground but anytime there's parts underground, like storage, that gets into the PSC at the state level. He said in regards to the DAC facilities, noise was a factor with the high powered fans blowing constantly. It was discussed that a carbon capture facility would likely be located in an industrial zone only. Mr. Andersen & Mr. Steele discussed health hazards if there was a leak or explosion with CO₂. The gas isn't seen and has no smell so it is dangerous and vehicles will shut down if it's heavy enough to eliminate oxygen. Mr. Taylor stated some facilities may require a lot of water so a large amount of truck traffic may be present and something to be aware of.

Mr. Taylor transitioned into high voltage transmission lines. He discussed easements and setbacks that he researched. Mr. Taylor did not find anything in his research around the country where the setbacks anything more than 500 or 1,000 feet. He stated that some have a setback based on the height of the poles. It was clarified that the PSC requirement for North Dakota for setback from inhabited residences is 500 feet. Talk about legislation took place and how House Bill 1258 that passed allows the PSC to overrule local setbacks if the distance is deemed unreasonable by the PSC. Mr. Taylor talked about his own rural living area and researched what he thought would be a comfortable distance for a setback which he thought 1,200-1,300 feet feels more reasonable. Concerns brought up about the transmission lines were potential health risks, noise, aesthetics, & affecting property values. Larry Burkle, resident of Homer Township, expressed some of his concerns with the transmission lines. Discussion on how the PSC works and how the county's conditional use permit process is handled occurred. It was clarified that the county does not have zoning authority in regards to electric transmission lines for Homer Township or any other townships that handle their own zoning ordinance.

Solar Farms were briefly discussed. Mr. Taylor said one concern to be aware of is how noxious weeds are maintained within the solar complex. Mr. Perleberg stated that most solar ordinances he's researched include language for perimeter fencing for security purposes around the solar farms.

Mr. Amundson discussed how to approach these facilities and the concerns that come with it and asked how the committee would like to proceed with these uses on whether they feel it necessary to move forward with specific sections added to our ordinance or adding the uses to

our current zoning districts in section 3 of ordinance as a conditional use with the potential of adding a regulation or two under that section. Mr. Perleberg did state he has been working on a new section for Solar Wind & Data Centers and he feels the resources are out there to look into those fairly easily. He further mentioned that BESS facilities are very new to North Dakota and he hasn't seen any ordinances in our state on these yet so if we wanted a new section on these, it may be starting from scratch. He mentioned that he hasn't seen much for Carbon Capture facilities either. Mr. Taylor did have a draft of an ordinance from Morton County for Direct Air Capture. Discussion ensued on if noise regulations were implemented, how would the county verify the decibels and administer that. Setbacks were discussed again.

The committee discussed prioritizing these uses and how to move forward. Mr. Perleberg stated next steps would be to determine what the committee wants, and if an amendment is proposed, we'd hold a public hearing on the amendment and if approved at the public hearing, the amendment would then move onto to the Stutsman County Commission. The committee discussed the electric transmission lines and how it was the impression from the Stutsman County Commission to wait until after the legislative result of HB1258, review the language that was previously proposed, and talk about coming back to the commission with another suggestion. The committee decided to move forward at this time with acting only on the electric transmission lines. It was agreed by the committee to not include gas & liquid transmission lines this time. Mr. Taylor made a motion to amend our previous proposal and have a 1,200 foot setback and keeping the language for electric transmission lines with a design in excess of 115 kilovolts and at least one mile long. Mr. Andersen seconded the motion. Discussion took place if it was necessary to add language to allow a variance or waiver if within the setback. Mr. Perleberg stated that there is a variance process already in our ordinance but stated that the variance process does require a meeting with this committee where allowing a waiver would not. The committee was content with the current variance process. A vote on the motion was taken and all voted aye.

The committee discussed having the public hearing soon so it was decided that Thursday, August 7th would be the next meeting.

With no further business, Mr. Amundson adjourned the meeting at 9:55 AM.