

**MEETING MINUTES**  
**POPE COUNTY PLANNING ADVISORY COMMISSION**  
**Thursday September 28, 2023**

The Planning Advisory Commission convened in regular session on Thursday, September 28, 2023 at the Pope County Courthouse, 3<sup>rd</sup> floor Meeting Room.

**Members Present:** Roger Isdahl, John Messenger, Ivie Cooley, Mark Halls, Russell Barkeim, Larry Lindor (County Commissioner) and Paul Gerde (County Commissioner)

**Other Officials Present:** Land & Resource Management staff, David Green (Director), Jessica Hill (Zoning Administrator), Ariel Hughes (Feedlot Officer) and Shelley Retrum (Sr. Administrative Associate)

**Call to Order**

The meeting was called to order by Chairman Messenger at 6:22 p.m.

**Additions and Corrections to the Agenda**

There were no additions or corrections to the agenda noted. Motion to approve of the agenda made by Lindor with second by Halls. Motion carried with no dissenting votes noted.

**Review minutes of August 24, 2023**

The minutes of the Planning Advisory Commission meeting held on Thursday; August 24, 2023 were submitted for approval. Motion by Barkeim to accept the minutes as written. Motion seconded by Cooley. Motion carried with no dissenting votes noted.

**Tabled/Old/Other Business:**

**C.U.P. #23199 Operate an agriculturally related commercial business**, application by Eric Paulson with Belgrade Cooperative Association (PID 07-0151-001)

Applicant proposes to locate and operate a supply facility which provides seed, fertilizer (including anhydrous ammonia) and liquid propane to the local agricultural community. Messenger introduces the item followed by staff report as presented by Director Green and comments *Upon this item being tabled at the August 24<sup>th</sup> Planning Advisory Commission hearing, further information was provided by the applicant to clarify various aspects of the proposed operation.* The following additional items have been provided:

1. A Professional Site Plan
2. Photos of Anhydrous Ammonia tanks at Belgrade site
3. Operating procedures for the Belgrade site
4. Hazard Review for Belgrade Site
5. Examples of Incident Response Plans for other sites (Belgrade and Villard sites)
6. Pressure Relief Valve Installation/Replacement Record for the Belgrade site

time frame our trucks would be in use and the number of trucks on the road. We will help with dust control by using calcium chloride and agree to assist with any road maintenance if required and or needed. I believe we addressed a lot of the concerns. There is discussion as far as possible future expansion and security fencing and/or security cameras. Cooley comments would you consider possibly putting up a fence and a grove of trees for neighbors to see less of your operation and from a safety perspective? Applicant Paulson comments with having trees it could be more of a safety concern while dealing with anhydrous ammonia but we would be willing to consider if this was a condition made by the board. As far as the fencing we have security cameras in place and they would be locked up but again, if this was a condition made by the board, we would consider this as well. Commissioner Lindor comments after consulting with my attorney, in view of my relationship with the land owner, I will abstain from voting in this case. Chairman Messenger comments since we previously held public comments at our meeting on August 24<sup>th</sup>, we will not be opening to the public for further comments unless someone has something new to share. Jim Wesen seeks permission to provide more public input which is granted by Chairman Messenger. Wesen comments that at the last meeting we discussed safety and liability issues with residential houses in the area. I spoke with the township officials with concerns with dust, odor, security and the extra use of the road. It is going to be a real severe problem. You have numerous people that have expressed their concerns about putting this near a residential area. Belgrade Coop is the only one supporting this. No one wants this in their front yard. This is not a good location for this kind of operation for health, safety and liability concerns. Chairman Messenger allows for more public input. Irene Hagen comments what would happen if an accident took place. This is not worth endangering lives. Joshua Phillips comments we are a family that has invested a lot of money into our home. It is dangerous for my family if the tank exploded. I have a stack of incidents to show that explosions have happened. Kerby Strickler comments our biggest concern is safety. It is very dangerous and I have grandchildren. The other question I have is with the expansion; will there be more tanks? Kory Strickler comments we are close to this and I am not against agriculture uses, it is safety concerns with this kind of business. It is right out our front door. There will also be increased traffic which will drive out wildlife in the area. Also, with it being managed from the Brooten/Belgrade area, how quickly will they be able to respond if there is an incident. Cooley comments can you consider moving it further north? Paulson comments it is as far north as we can move it at this time for the farmer to still have tillable land. The expansion would be north and east. Barkeim comments as far as the future expansion will it include more tanks? Paulson comments No, the 30,000 gallon tank would stay the same and be adequate for future expansion. We are allowed up to 100,000 gallons and at that point additional setbacks would be required. There is discussion on how many residences are located in the area and if this would be a potential for future rezoning to residential. Messenger seeks a motion. Motion is made by Cooley to offer a recommendation of denial for the Conditional Use Permit as requested. Motion is seconded by Barkeim. Opposed are Isdahl, Halls, and Gerde. Motion fails. Motion is made by Cooley to offer a recommendation of approval provided that the conditions as identified in the staff report and as amended to include a mature tree line of a minimum of 6 feet tall, calcium

6. Failure to meet any of the conditions listed above may result in revocation of this permit following procedures established by and listed in the Pope County Land Use Controls Ordinance.

Marthaler was in attendance and offered an opportunity to defend his application. Marthaler comments *I had a conversation with Director Green and Feedlot Officer Ariel Hughes. I am okay with moving it so it meets the requirements and I am okay with meeting Ariel Hughes to establish these setbacks.* There is discussion on how many animal units to be registered as a feedlot and zoning questions in reference to a feedlot. Chairman Messenger opens a public hearing and seeks comments. Ron Block comments *I have a small home in Grove Lake that is adjacent to the Marthaler residence. As you can see there are a lot of people here tonight that are my neighbors and we all feel this is just a bad idea to permit this. The location is near all of the residences and with the noise, smells and the flies it is affecting our property values in a negative way. There is also additional noise in the middle of the night. Every single person on the county road is opposed to this.* Gary Neumann comments *I am northeast of the farm and when there is a dominant southwest wind, we cannot have people over because of the smell and flies. We are also concerned with property values.* Bernadette Wilson comments *I live directly across from this parcel and if you are moving it 500 feet it will do nothing. There are times I cannot have people at my home because the smell is so bad. I am concerned what this is doing to my groundwater and if I should ever want to sell my home someday what this will do to my home value. I am strongly against this.* Chairman Messenger closes the public hearing. The public hearing was followed by a site visit report as presented by Messenger and Barkeim. The site team comments *it is a small town with neighbors. It does seem a little out of place. It could be located in a better location.* Messenger seeks a motion. Motion is made by Halls to recommend approval of the C.U.P. request with conditions identified in the staff report. The motion is seconded by Isdahl. Motion passes with Messenger and Cooley opposed.

**C.U.P #23260 Amend the previously issued Conditional Use Permit #22161**, application by Jeremy Walker (PID 02-0079-000)

Applicant is seeking to amend previously issued Conditional Use Permit (CUP #22161). The original CUP indicated approval of a New Feedlot which was to be located in a Non-Intensive Agriculture Zoning district. However, in an effort to preserve tillable and grazable lands, Walker proposes to utilize and expand structures and components associated with the previously established family dairy operation which happens to be located in a shoreland designated zoning district. Messenger introduces the item followed by staff report as presented by Director Green. Staff recommends approval of the application with the following conditions.

1. The identified feedlot may not exceed 200 animal units, nor shall the feedlot be stocked, at any time, in excess of the capacity as accounted for in the manure management plan and the feedlot must remain compliant with township, county and state rules at all times.

Mark Halls was in attendance and offered an opportunity to defend the application. Halls comments *the reason we are doing this was the one that is there currently was damaged by a storm. This will fit in generally the same size and impervious surface is not an issue.* Chairman Messenger opens a public hearing and seeks comments. There were no comments offered from the public in attendance, for or against the proposal at this time. Chairman Messenger closes the public hearing. The public hearing was followed by a site visit report as presented by Messenger and Barkeim. The site team comments *it is very sensible to replace the damaged building and it will be a good upgrade.* Messenger seeks a motion. Motion is made by Barkeim to recommend approval of the C.U.P. request with conditions identified in the staff report. The motion is seconded by Isdahl. Motion passes with Halls abstaining.

**Rezoning Case# 2023-02**, application by Pope County Land and Resource Management (Multiple Parcels)

Messenger introduces the item followed by staff report as presented by Zoning Administrator, Jessica Hill and comments *the area under consideration for zoning change is bounded on the south and west by the City of Long Beach and on the east by the City of Glenwood, where the existing adjacent land uses are recreational in nature. Our proposal is to change this zoning from Non-Intensive Agriculture (A-1) to Residential (R). This area was subdivided as O'Larry's Addition in 1995 before county wide zoning was established in 1999. When county wide zoning was established, the appropriate zoning may have been overlooked as it was platted for residential use and there were already residences there. Also the tools available to them at the time are not what we have today and it may have been hard to find all of these type of developments. However, with the passing of the county wide zoning this area became Non-Intensive Agriculture which is designed to limit residential development, and consequently made the existing residences nonconforming uses. In the A-1 zoning district, only 2 residences (farm or non-farm) are allowed per quarter quarter section. Currently there are 6 non-farm residences in the Northeast Quarter of the Southeast Quarter and 4 non-farm residences in the Northwest Quarter of the Southeast Quarter. Pope county does not have any permitting history for these residences, therefore the Township was likely involved in the permitting process. By amending the zoning district to be Residential (R), the current non-conforming uses would become conforming as residential dwellings are a permissible use in the (R) zoning district.* There is discussion if a right-to-farm would be required by these residences that exist and future homes. Chairman Messenger opens a public hearing and seeks comments. There were no comments offered from the public in attendance, for or against the proposal at this time. Chairman Messenger closes the public hearing. The public hearing was followed by a site visit report as presented by Messenger and Barkeim. The site team comments *it only makes sense since there are all homes and residential.* Motion is made by Barkeim to recommend approval of the request. The motion is seconded by Cooley. Motion passes with Halls opposed.

**Ordinance Amendments**, application by Pope County Land & Resource Management Department

## Section 11 Administration

- Section 11.1 Land Use Permits
- Section 11.2 Zoning Administrator
- Section 11.3 Fees

**Discussion:** Staff has initiated the proposed amendments in compliance with the following goal as established in the 2018 Pope County Comprehensive Land Use Plan.

### *Land Use Compatibility*

4. *Ensure that land use regulations are clear, promote greater certainty in the land development process, and are consistent with the goals of the Comprehensive Plan and the well-being of the County's residents and landowners.*
  - a. *Conduct a thorough review of the County's zoning and subdivision ordinances to identify those parts which are unclear or inconsistent with the Comprehensive Plan or other county policies and make the appropriate amendments.*

Throughout the years there have been amendments to the official zoning map as well as the text of the ordinance. These proposed amendments are an effort to provide clarification in the ordinance language and associated performance standards. These proposed amendments were distributed to the Board for review and future discussion.

**Adjournment** 8:05 p.m. Motion by Lindor to adjourn the Planning Advisory Commission meeting. Motion seconded by Cooley. Motion carried with no dissenting votes noted.

Respectfully submitted,



Shelley Retrum/Sr Administrative Associate  
Pope County Land & Resource Management