

**OFFICIAL PROCEEDINGS OF THE PLANNING AND ZONING COMMISSION OF EMMONS
COUNTY, NORTH DAKOTA AT IT'S REGULAR MEETING
FEBRUARY 24, 2026**

Chairman Craig Miller called the meeting to order at 3:00 P.M. with Commissioners Dean Deis, Wayne Ehley, James Gartner, Aaron Leier, David Moch and Dan Weber being present. Absent was Eric Schmidt and Loren VanderVorste. Also present was Josh Odden and Marlys Ohlhauser.

The Pledge of Allegiance was recited.

Wayne Ehley motioned to approve the minutes of the January 28, 2026 meeting. Seconded by James Gartner. All members voted in favor. Motion carried.

Dan Weber motioned to approve the agenda. Seconded by Aaron Leier. All members voted in favor. Motion carried.

James Gartner motioned recommending a "Do Pass" to the Emmons County Commission for a building permit for Wayde Huber to build a 24 X 33 addition onto residence and construct a 63 X 48 garage on the S ½ NE ¼ SE ¼ NW ¼ & N ½ SE ¼ SE ¼ NW ¼ of Section 32, Township 133, Range 76. Seconded by Dean Deis. All members voted in favor. Motion carried.

Dan Weber motioned recommending a "Do Pass" to the Emmons County Commission for a building permit for LeRoy Slater to move in a 16 X 80 trailer house on Lot 7, Coyote Hill, Section 23, Township 132, Range 79. Seconded by Wayne Ehley. All members voted in favor. Motion carried.

James Gartner motioned recommending a "Do Pass" to the Emmons County Commission for a building permit for Fairview Farms, Inc. to erect a grain bin on Section 8, Township 130, Range 75. Seconded by David Moch. All members voted in favor. Motion carried.

Wayne Ehley motioned recommending a "Do Pass" to the Emmons County Commission for a building permit for Zach & Whitney Serr to move in a modular home on 330' X 660' Tract in the SE ¼ of Section 33, Township 133, Range 76. Seconded by Aaron Leier. All members voted in favor. Motion carried.

James Gartner motioned recommending a "Do Pass" to the Emmons County Commission for a building permit for Craig Miller to remodel one stall garage into living space and mud room on the NE ¼ Less RW, Section 30, Township 134, Range 76. Seconded by Dean Deis. All members voted in favor. Motion carried.

Aaron Leier motioned recommending a "Do Pass" to the Emmons County Commission for Plat of Tract 1, SW ¼ NE ¼ & the SE ¼ NW ¼ of Section 22, Township 134, Range 78, 5th P.M. and Plat of Tract 2, S ½ NE ¼ of Section 22, Township 134, Range 78, 5th P.M. Seconded by Dan Weber. All members voted in favor. Motion carried.

A brief discussion was held regarding the review and update of the zoning ordinances. James Gartner suggested that Erin Magrum share the points he has documented outlining the proposed changes. Erin Magrum emphasized that one key goal is to reform outdated zoning ordinances. He advised the group not to get hung up on making the document perfect, but instead to skim through it and identify areas that need fine tuning. It was also emphasized that placing moratoriums on certain types of development can serve as a valuable tool in managing zoning and guiding growth.

The agenda included an opportunity for an individual in attendance to provide public comment pursuant to Senate Bill No. 2180.

Wayne Ehley moved to recess the meeting until 4:00 P.M. Seconded by David Moch. All members voted in favor. Motion carried.

As advertised, a public hearing was held at 4:00 P.M. to consider the application for a Conditional Use Permit application submitted by Intermountain Infrastructure Group, LLC. The request was to allow the installation of a new fenced gravel compound, two (2) new prefabricated equipment shelters, two (2) generators, and one (1) CT-rated meter with test switch and 400-amp fused disconnect. The project also includes the installation of new conduit and conductors to provide power to the factory-installed automatic transfer switch (ATS) and panels located within the equipment shelters. Project is located on lots 3-4 & S ½ SW ¼ Less Par #44, Section 2, Township 132, Range 77.

Participating by telephone were Lynda McClung of Network Connex, Authorized Agent for Intermountain Infrastructure Group, LLC, and Brady Adams, Chief Operating Officer for Intermountain Infrastructure Group, LLC.

Chairman Miller asked for clarification regarding the Conditional Use Permit application fee. Brady Adams confirmed that Intermountain Infrastructure Group, LLC will pay the required permit fee of \$19,500, which represents 3.00% of the estimated total project cost of \$650,000 in Emmons County.

Aaron Leier asked if the \$650,000 project cost represented an engineer's estimate. Brady Adams stated that it is a close estimate derived from current product costs and may vary depending on construction timing and any potential delays.

David Moch inquired about the estimated start date of construction. Brady Adams responded that construction is expected to begin as soon as weather conditions permit.

Chairman Miller officially ended the public hearing portion of the meeting.

James Gartner made a motion to recommend a "Do Pass" to the Emmons County Commission for the conditional use permit for Intermountain Infrastructure Group, LLC to install a new fenced gravel compound, two (2) new prefabricated equipment shelters, two (2) generators, and one (1) CT-rated meter with test switch and 400-amp fused disconnect. The project also includes the installation of new conduit and conductors to provide power to the factory-installed automatic transfer switch (ATS) and panels located within the equipment shelters. Project is located on lots 3-4 & S ½ SW ¼ Less Par #44, Section 2, Township 132, Range 77. The motion was seconded by Wayne Ehley with the understanding that the fee will be 3% of the total project costs in Emmons County. All members voted in favor. Motion carried.

Dean Deis motioned to recommend a "Do Pass" to the Emmons County Commission for a building permit for Lynda McClung, Network Connex (Authorized Agent for Intermountain Infrastructure Group, LLC) for the installation of a new fenced gravel compound expansion, two (2) new prefabricated equipment shelters, two (2) new generators, one (1) new CT rated meter with test switch and 600A fused disconnect, one (1) new CT rated meter with test switch and 400A fused disconnect, and new conduit and conductors to provide power to factory installed automatic transfer switches (ATS) and panels in shelters. Location of project: Lots 3-4 & S ½ SW ¼ Less Par #44, Section 2, Township 132, Range 77. Seconded by Dan Weber. All members voted in favor. Motion carried.

James Gartner moved to recess until 5:00 P.M. Seconded by Wayne Ehley. All members voted in favor. Motion carried.

As advertised, a public hearing was held at 5:00 P.M. to consider the application for a Conditional Use Permit application submitted by Cavendish Farms, Inc. to construct, operate, or maintain the following: The Linton Sea View Farm (SVF) storage project will create a new storage facility three miles South and three miles West of Linton, North Dakota. The new storage facility will consist of constructing four (4) 5 million pound environmentally controlled warehouses, two fan houses, and a permanent truck scale on recently acquired undeveloped land adjacent to Linton SVF farmland. The project location is on the SE ¼ of Section 26, Township 132, Range 77 and on the SW ¼ of Section 26, Township 132, Range 77.

Present from Cavendish Farms, Inc. were Troy Hanson, Project Manager (Engineering); Alex Schmeling, Engineering Manager; Kristie Steffen, Regional Raw Storage Manager; and Jody Ketterling, Farm Operations Manager for the farms at Tappen, ND and Linton, ND.

Troy Hanson provided a summary of request proposing the construction of a new 20-million-pound potato storage facility on agricultural land. The proposed site will encompass approximately 22 acres. Each storage building will consist of two (2) 5-million-pound bins connected by a concrete plenum that leads to a fan house.

In addition, the project will include one (1) permanent truck scale with an associated scale house. The proposal also includes construction of approximately one mile of gravel access roadway connecting the site to 84th St. SE.

The objective of the project is to construct a fully compliant and fully operational facility by September 1, 2026. The proposed storage site will be located on 22 acres in the SW ¼ of Section 26, Township 132, Range 77.

Hanson explained that the proposed storage site is needed due to a current shortfall in storage capacity. At present, harvested potatoes are transported either to the processing facility in Jamestown or to third-party storage sites. However, these offsite storage locations are not environmentally controlled, which can damage the living tubers.

The Jamestown processing plant is currently undergoing a modernization project aimed at increasing production capacity. Establishing onsite storage would allow harvested potatoes to be placed immediately into a controlled environment with optimal temperature, humidity, and airflow. Improved environmental control helps preserve potato quality, which directly impacts processing yields and overall finished product quality.

Hanson stated that they believe the request is consistent with the area's agricultural and rural development objectives. The proposed site will support the active farming currently taking place in Emmons County. This project aligns with land-use goals by promoting local agricultural productivity and reducing the time required to complete harvest. Consolidating crop handling during harvest also improves public traffic conditions during that time. Hanson explained that because there is currently no on-site storage, potatoes that are harvested must be trucked out of the area immediately, which creates heavy traffic patterns. With the new site, potatoes would be stored on-site, allowing transportation to be spread out over the following nine to ten months.

This project maintains the rural land-use designation by keeping the operation directly tied to agricultural production. Ultimately, it also provides an economic benefit, as increased sales in the primary sector generate additional tax revenue for the state of North Dakota.

Chairman Miller asked about potential future expansion of Cavendish Farms, Inc. in Emmons County. Troy Hanson stated that no formal expansion plans currently exist.

Wayne Ehley asked what decibel level the fans will run at. Troy Hanson will provide that information to the board. Ehley also asked how often the fans will be running. Kristie Steffen responded that the potato fans run 24/7 and are located inside the fan house. The fan house is typically closed unless the inlets open, which usually occurs at around 5%. Because the fans are enclosed, the decibel level outside will not be very loud. If you are off the 22-acre property, you are unlikely to hear any noise.

Chairman Miller asked which road was used to haul potatoes from the fields during the last few harvests. Jody Ketterling stated that both 82nd St. SE and 84th St. SE were used. He also noted that they have been using these roads to haul the product out. He added that the hauling period is expected to change from a two-week window to a ten-month window. Chairman Miller also asked about the weight of the trucks, and Ketterling said the trucks load about 25,000 pounds of product.

Dan Weber asked about additional electrical demands. Jody Ketterling stated that everything has been discussed with KEM Electric and that they are more than able to supply the necessary capacity.

David Moch asked if they have backup generators. Troy Hanson stated that there are no backup generators in the plant.

Dean Deis asked if they were going to use some of the storage for the Cattail Facility. Jody Ketterling stated that they would not.

Chairman Miller asked how many people would be employed at the new facility. Jody Ketterling answered that during the fall harvest they employ around 85 individuals. This site could potentially add another 15 employees for about a month, and there could be an additional three or four full-time employees added.

Aaron Leier asked if they would be maintaining the road between 84th St. SE and the warehouse. Jody Ketterling stated that they have been maintaining that road and that will continue.

Roger Martin, Linton Airport Authority Board Member, asked about lighting during nighttime harvesting and during the winter months, expressing concern that the lights could distract pilots. Jody Ketterling stated that, to help alleviate this concern, the proposal includes permanent fixture lights (yard lights). Martin also raised a concern about wasted or spoiled potatoes potentially attracting birds. Ketterling stated that they do not stockpile potatoes outside.

Dan Weber asked about dust control given the number of trucks passing by a couple of farmsteads. Jody Ketterling stated that they are committed to providing \$10,000 per year to help with road maintenance.

Justin Mosset commented that the last mile of 84th St. SE on 7th Ave. will not support the truck traffic being proposed. He noted that the road is in rough shape and could use gravel and possibly a culvert. Chairman Miller stated that the commissioners had a conversation with Wold Engineering, P.C.

Erin Magrum suggested that Cavendish Farms, Inc. apply for a haul road agreement.

Chairman Miller officially ended the public hearing portion of the meeting.

James Gartner made a motion to recommend a “Do Pass” to the Emmons County Commission for the conditional use permit for Cavendish Farms, Inc. to construct, operate, or maintain the Linton Sea View Farm (SVF) storage facility three miles South and three miles West of Linton, North Dakota. The new storage facility will consist of constructing four (4) 5 million pound environmentally controlled warehouses, two fan houses, and a permanent truck scale on recently acquired undeveloped land adjacent to Linton SVF farmland located on the SE ¼ of Section 26, Township 132, Range 77 and SW ¼ of Section 26, Township 132, Range 77. The motion was seconded by Dan Weber. Roll Call “YES”: Dean Deis, Aaron Leier, Wayne Ehley, Craig Miller, David Moch, Dan Weber and James Gartner. Motion carried.

Wayne Ehley motioned to recommend a “Do Pass” to the Emmons County Commission for a building permit for Cavendish Farms, Inc. to construct a new potato storage site consisting of two buildings and a permanent truck scale and scale house. Each building will consist of (2) two 5-million-pound storage bins and a fan house. Storage bldgs. and septic system are located on the SE ¼ of Section 26, Township 132, Range 77 and the truck scale and scale house are located on the SW ¼ of Section 26, Township 132, Range 77. Seconded by Dean Deis. Roll Call “YES”: Dean Deis, Aaron Leier, Wayne Ehley, Craig Miller, David Moch, Dan Weber and James Gartner. Motion carried.

James Gartner motioned to approve Resolution No. 2026-02-1.

A RESOLUTION ESTABLISHING A TIME LIMIT FOR PUBLIC COMMENT

WHEREAS, the Emmons County Planning and Zoning Commission (the “Commission”) conducts public meetings in accordance with North Dakota law; and

WHEREAS, the Commission recognizes the importance of providing members of the public a reasonable opportunity to be heard on matters within its jurisdiction; and

WHEREAS, the Commission also recognizes the need to conduct meetings in an orderly, efficient, and fair manner to ensure that all interested persons have an opportunity to provide comment;

NOW, THEREFORE, BE IT RESOLVED by the Emmons County Planning and Zoning Commission as follows:

- 1. Public Comment Period Established.** A public comment period shall be provided during meetings of the Commission when required by law or when otherwise permitted by the Chair.
- 2. Time Limitation.** Each individual wishing to address the Commission during a public comment period shall be limited to a maximum of five (5) minutes.
- 3. Group Representation.** Groups or organizations are encouraged to designate one spokesperson. The five (5) minute limit shall apply per individual speaker.
- 4. Adjustment of Time.** The Chair may reduce or extend the time limit for individual speakers when necessary, and when permitted by law, to ensure fairness, accommodate the number of speakers, or efficiently conduct Commission business.
- 5. Decorum.** All public comments shall be directed to the Commission as a whole and shall comply with any established rules of decorum.
- 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

ADOPTED this 24th day of February 2026, by the Emmons County Planning and Zoning Commission.

EMMONS COUNTY PLANNING AND ZONING COMMISSION

ATTEST:
s/s Marlys Ohlhauser
Secretary

APPROVED:
s/s Craig Miller
Chairman

Seconded by David Moch. All members voting in favor. Motion carried.

There being no further business before the board, James Gartner motioned to adjourn the meeting. Seconded by Wayne Ehley. The meeting adjourned at 6:00 P.M.

Approved: March 31, 2026

Craig Miller, Chairman
Planning and Zoning Commission

Marlys Ohlhauser, Secretary
Planning and Zoning Commission

**OFFICIAL PROCEEDINGS OF THE PLANNING AND ZONING COMMISSION OF EMMONS
COUNTY, NORTH DAKOTA AT IT'S REGULAR MEETING
JANUARY 28, 2026**

Planning and Zoning Secretary, Marlys Ohlhauser, called the organizational meeting to order at 4:00 P.M.

The Pledge of Allegiance was recited.

Roll Call: Dean Deis, Wayne Ehley, James Gartner, Aaron Leier, Craig Miller, David Moch, Josh Odden, Marlys Ohlhauser, Eric Schmidt and Dan Weber. Absent: Loren VanderVorste. Also present was States Attorney, Joseph H. Hanson.

The Oaths of Office were administered by States Attorney, Joseph M. Hanson.

Planning and Zoning Secretary, Marlys Ohlhauser, opened nominations for the 2026 Chairman. Aaron Leier nominated David Moch. David Moch nominated Craig Miller. Dean Deis moved to cease nominations, seconded by Craig Miller. All members voted in favor. Motion carried.

The board voted by paper ballot. David Moch received four votes and Craig Miller received four votes. David Moch declined the position. Craig Miller was declared Chairman for 2026.

Chairman Miller opened nominations for the 2026 Vice Chairman. James Gartner nominated Aaron Leier. Dean Deis moved to cease nominations, seconded by David Moch. All members voted in favor. Motion carried. Aaron Leier declined the position.

Wayne Ehley nominated Eric Schmidt for Vice Chairman. Eric Schmidt nominated David Moch. Dean Deis moved to cease nominations, seconded by James Gartner. All members voted in favor. Motion carried.

The board voted by paper ballot. Eric Schmidt received three votes and David Moch received four votes. David Moch was declared Vice Chairman for 2026.

Suggestions for adding items to the agenda included review zoning books with updated ordinances, public comment opportunity, date and time for planning and zoning meetings and NW Landowners. James Gartner motioned to add these items to the agenda and to approve the amended agenda. Seconded by Dan Weber. All members voted in favor. Motion carried.

Joseph M. Hanson distributed copies of North Dakota Century Code 11-33 County Zoning.

James Gartner motioned recommending a "Do Pass" to the Emmons County Commission on the Plat – Lot 1 in the Northeast ¼ of Section 32, Township 131, Range 74 of the 5th P.M., Emmons County, North Dakota. Seconded by Wayne Ehley. All members voted in favor. Motion carried.

Eric Schmidt motioned recommending a "Do Pass" to the Emmons County Commission for a building permit for Kelly Nieuwsma to move in a double wide trailer and a utility shed and construct a three-stall garage on the NE ¼ of Section 17, Township 129, Range 75. Seconded by Dean Deis. Motion carried.

The board reviewed an email from Cavendish Farms for a proposed storage project for Linton Sea View Farms consisting of constructing four 5 million pound environmentally controlled warehouses, two fan houses, and a permanent truck scale on recently acquired undeveloped land adjacent to Linton SVF farmland. James Gartner motioned to advice Cavendish Farms to apply for a Conditional Use Permit. Seconded by David Moch. All members voted in favor. Motion carried.

The board reviewed the Conditional Use Permit application submitted by Lynda McClung – Network Connex, authorized agent for IIG to install new fenced gravel compound, (2) new prefabricated equipment shelters, (2) new generators, (1) new CT rated meter with test switch and 400 A fused disconnect,

new conduit and conductors for power to factory installed ATS and panels in shelters. The board agreed that the process for Conditional Use Permits is after the Auditor receives the application and the \$750.00 permit application fee, the Auditor and Chairman meet and set a date for a public hearing.

The board briefly reviewed the Emmons County Planning and Zoning Manual.

James Gartner motioned to adopt a Resolution providing each individual in attendance a maximum of five minutes for the opportunity to provide public comment pursuant to Senate Bill 2180. Seconded by Dean Deis. All members voted in favor. Motion carried.

James Gartner motioned to set the date and time for Planning and Zoning Commission meetings the last Tuesday of every month at 3:00 P.M. at the Emmons County Courthouse (Commissioners Room). Seconded by Eric Schmidt. All members voted in favor. Motion carried.

Chairman Miller announced that the Northwest Landowners Association (NWLA) is hosting a conference on February 2-3, 2026 in Bismarck. The purpose of the conference is to educate landowners, local officials and the public on growing industries in North Dakota aiming to help protect property rights.

There being no further business before the board, Dean Deis motioned to adjourn the meeting. Seconded by Eric Schmidt. The meeting adjourned at 5:30 P.M.

Approved: February 24, 2026

**Craig Miller, Chairman
Planning and Zoning Commission**

**Marlys Ohlhauser, Secretary
Planning and Zoning Commission**