

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES

TUESDAY 05/19/20

The Hamilton County Joint Planning Commission held a public meeting on May 19, 2020 at 7:00 pm.  
Zoom Meeting via Video Conference

Eastman called the meeting to order at 7:07 pm, stating that the open meetings act was posted on the screen share for public inspection.

Members Present:

Bangs, Bamesberger, Blase, Eastman, Eckert, Lyons, McDonald and Ortegren.

Members Absent: Hongsermeier, Hutsell, Jensen, and Kinney

Also present were: Zoning Administrator, County Attorney, and other members of the public.

The public notice of the meeting was read into the record by the Zoning Administrator.

Chairperson Eastman asked if there was any conflict of interest on the agenda.

Bangs moved to approve the agenda. Blase seconded the motion.

All yes by voice vote. Motion passed.

Lyons moved to approve the minutes of the last meeting. Ortegren seconded the motion.

All yes by voice vote. Motion passed.

McDonald made a motion to remove the item from the table. Eastman seconded the motion.

All yes by voice vote. Motion passed.

**Item #1** – Discussion/Consideration to consider the proposed Text Amendment to Wastewater Disposal Systems for Misc. Uses, Section 8.27.02: Minimum Requirements, of the County Zoning Regulations.

McDonald asked the zoning administrator to read the minimum requirements including the requested change.

McDonald stated that the NDEE may send out information saying that a larger lagoon would help with the smell.

Kay Lyons asked about the 1,800' and how close the nearest residence is currently. Zoning Administrator stated that the SW corner of the current lagoon to the nearest home is 1,977'.

Lyons asked if the county should be more restrictive since the neighbors in the area already oppose the lagoon.

McDonald interjected and said this lagoon is already existing and by allowing the owner to expand would help with odor as pumping would only be needed once again versus numerous times a year.

Travis Blase commented that the NDEE states their concern is with the truck traffic producing more effluent and nothing about odor. NDEE actually has no regs or authority to control odor. NDEE allowed an expansion based on size, so the odor concern is still not addressed. Blase is not against the lagoon becoming larger, his concern is over getting closer to a residence, may cause a floodgate of other operators to want creep closer to residences around the county.

McDonald said that if expansion were to take place and adding more water will help minimize odors. All pits smell, big or small, just more when your pumping and stirring the slurry and expansion will lessen the impact.

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES

TUESDAY 05/19/20

Eastman was concerned that when the lagoon is pumped, it runs off into the creek at times.

McDonald said that is what happens when you're forced to pump to make room, as the lagoon being full is a violation, and pumping is not.

Bamesberger was concerned that we would open ourselves up for other lagoon issues around the county if this was allowed.

Lyons asked what the current regulations were at the time the truck wash was built? ZA answered that the old regulations had no setback for a lagoon, as it was a permitted use. The setback of 2,640' from residence was added in 2019 with the passing of the updated county regulations. Does the truck wash have a conditional use permit? The ZA stated that it was not required in 2017 when the lagoon was installed as it was permitted. Just a zoning permit was applied for to commence the project.

McDonalds believes that this pit should be holding brown water, as the truck wash is supposed to be scalping out the solids. Bangs asked if it smells worse day by day as it fills or when it's being pumped out?

McDonald believes what makes the odor worse is the hog manure.

Lyons stated that the regulation was set at 2,640' for a reason, and instead of moving away from that, we should support the regulation and protect the public near this existing lagoon.

McDonald agreed that the setback should remain at 2,640' going forward, but as this one is existing, they should be allowed to expand to ease the concerns and in turn will make it more ecofriendly.

McDonald asked Matt Griess a question about pumping the extra, when the lagoon is full to the Aurora Water Treatment Plant?

Matt Griess commented that the city of Aurora is not set up to handle the livestock waste from the truck wash.

Mr. Griess stated that the biggest concern was last year during the flooding, they had no choice but to pump, which in turn required the NDEE to write up the truck wash due to continued complaints. No other facility was written up in the state during that period. That is what triggered the NDEE to recommend an expansion to help with complaint issues.

McDonald made a motion to approve the text amendment to change the setback to 1,800' for existing wastewater lagoons from residences. The motion was seconded by Bangs.

Eastman asked if we want to add any conditions to this change? There was continued discussion about the NDEE can't control odor, that would have to be a county control. Lyons' concern was about this being approved and becoming a bigger problem for the people who live by it daily. Griess's stated he is starting to work with a company to manage odor. He is frustrated as no neighbor has ever talked with him about the situation and ways to work together. Lyons commented that we need to be good neighbors to the truck wash, the neighbors of the lagoon, and the farmers bringing the trucks to be washed. Blasé talked that he was concerned that the requirements are wanting changed to meet compliance, this can become a very slippery slope going forward for everyone. We shouldn't change our regulations just to help one company.

Eastman asked for the administrator to call the roll:

-Voting Yes: McDonald, Bangs, and Ortegren

-Voting No: Bamesberger, Eastman, Blase, Eckert and Lyons

-Absent and not voting: Hongsermeier, Hutsell, Jensen, and Kinney

Motion Failed.

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES  
TUESDAY 05/19/20

Bamesberger made a motion to deny the text amendment application to change the setback to 1,800' from residences. The motion was seconded by Blasé.

Eastman asked for the Zoning Administrator to call the roll:

-Voting Yes: Bamesberger, Blasé, Eastman, Eckert, Lyons

-Voting No: Bangs, Ortengren, McDonald

-Absent and not voting: Hongsermeier, Hutsell, Jensen, and Kinney

Motion Passed.

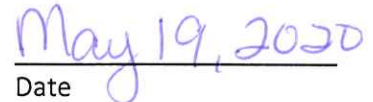
Administrator Report – Still working on the last 2 villages. The June meeting this planning board will review some typos and tweaks to the county and village regulations. It was asked about resuming public face to face meetings per the governor. We will continue to follow any health directive that is issued for Hamilton County.

Bangs moved to adjourn the meeting at 8:05 pm. McDonald seconded the motion.

All yes by voice vote.

Motion passed.

  
\_\_\_\_\_  
Chairman, Hamilton County Joint Planning Commission

  
\_\_\_\_\_  
Date