



## Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5<sup>th</sup> Street N,  
Bismarck, ND



5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on [Freetv.org](https://www.freetv.org) or  
[Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) || Replay Later from [Freetv.org](https://www.freetv.org)

### **AGENDA**

**FEBRUARY 14, 2024**


1. Roll Call
2. Approval of January Minutes
3. Consent Agenda *(the following item(s) are request(s) for a public hearing)*  
There are no items on the consent agenda
4. Public Hearing Agenda
  - 4.1 Bauer Butcher Shop Special Use Permit
5. Other Business:
  - 5.1 Burleigh County Zoning Ordinance
6. Adjourn – Next Meeting March 13, 2024



## Agenda Item 4.1 Bauer Butcher Barn

### Application for a Special Use Permit

#### Project Summary

Public Hearing Agenda:	Special Use Permit
Status:	Public Hearing
Petitioner/Developer	Susan and Leon Bauer
Property Owner:	Susan and Leon Bauer
Location: <div data-bbox="446 882 803 949" data-label="Caption"><p>Exhibit 4-1-1 Location Map</p></div> 	Crofte Township, Section 18, Lot C of Government Lot 1 and E ½  Addressed as 21175 26 <sup>th</sup> Street NE, Baldwin, ND
Parcel Size:	52.57 acres A- Agricultural Zoning
Petitioners Request	Approval for a Special Use Permit for a Butcher Shop



Posted Dates	Bismarck Tribune 1/31 & 2/7/2024 Surrounding Property Owners 2/1/2024 Burleigh County Website 2/2/2024
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### History/Description

Burleigh County Planning and Building Staff was approached by Susan Bauer regarding opening a butcher shop on their property. The Bauer's have contacted the State Department of Health and Human Services NDHHS, regarding permits and conditions required for operating and licensing of their proposed butcher shop. Their intentions are to construct a new building to house their operation.

The Bauer's plan to butcher animals for processing from customers. This meat will not be for sale it will be returned to the customer. The Bauer's will purchase and sell only frozen USDA packaged meats, including packaged meats for processing hamburger and sausages.

The petitioners are required by the State of North Dakota to receive an approved Burleigh County Special Use Permit before they can apply for the Retail Exempt Meat Market.

### Staff Findings:

1. Zoning will not be changed, and the property will retain A-Agricultural zoning.
2. A limited meat packing facility, is allowable in Ag zoning by Special Use Permit as per Article 11 of the Burleigh County Zoning Ordinance.
3. Petitioners will be submitting applications for "Meat Processing Establishment – Custom Exemption."



## PLANNING AND ZONING COMMISSION

February 14, 2024

4. Petitioners will be applying for "Food Establishment License for Retail Exempt Meat Market."
5. The septic system is in the design stage and will be designed by a state licensed engineer.
6. Petitioners have been working with the ND Department of Agriculture, ND Health and Human Services, Small Business Administration and the Lewis & Clark Development Group.
7. Petitioners have received an approval letter from South Central Regional Water District for rural water use.
8. Crofte Township has been contacted. We have not received their comments, but should have them before the meeting.
9. The application for request of a Special Use Permit meets the requirements of Article 8 of the Burleigh County Zoning Ordinance.



### Planning Staff Recommendation

The request for a special use permit fulfils the application requirements of Article 8 and Article 11 of the Burleigh County Zoning Ordinances. Based on the above findings, zoning reports and policies of the current Comprehensive Plan, Planning Staff recommends approval of the Special Use Permit with the following minimum requirements.

#### Required Conditions:

1. Meet all ND State requirements/licensing for operations of a Meat Processing Establishment – Custom Exemption
2. Maintain all ND State Licensing for a Retail Exempt Meat Market
3. Septic system must be an engineered design
4. Other requirements set by Planning Commission
5. Require all new buildings, septic and mechanical systems be permitted by the Burleigh County Building Department.

### Planning Commission Action

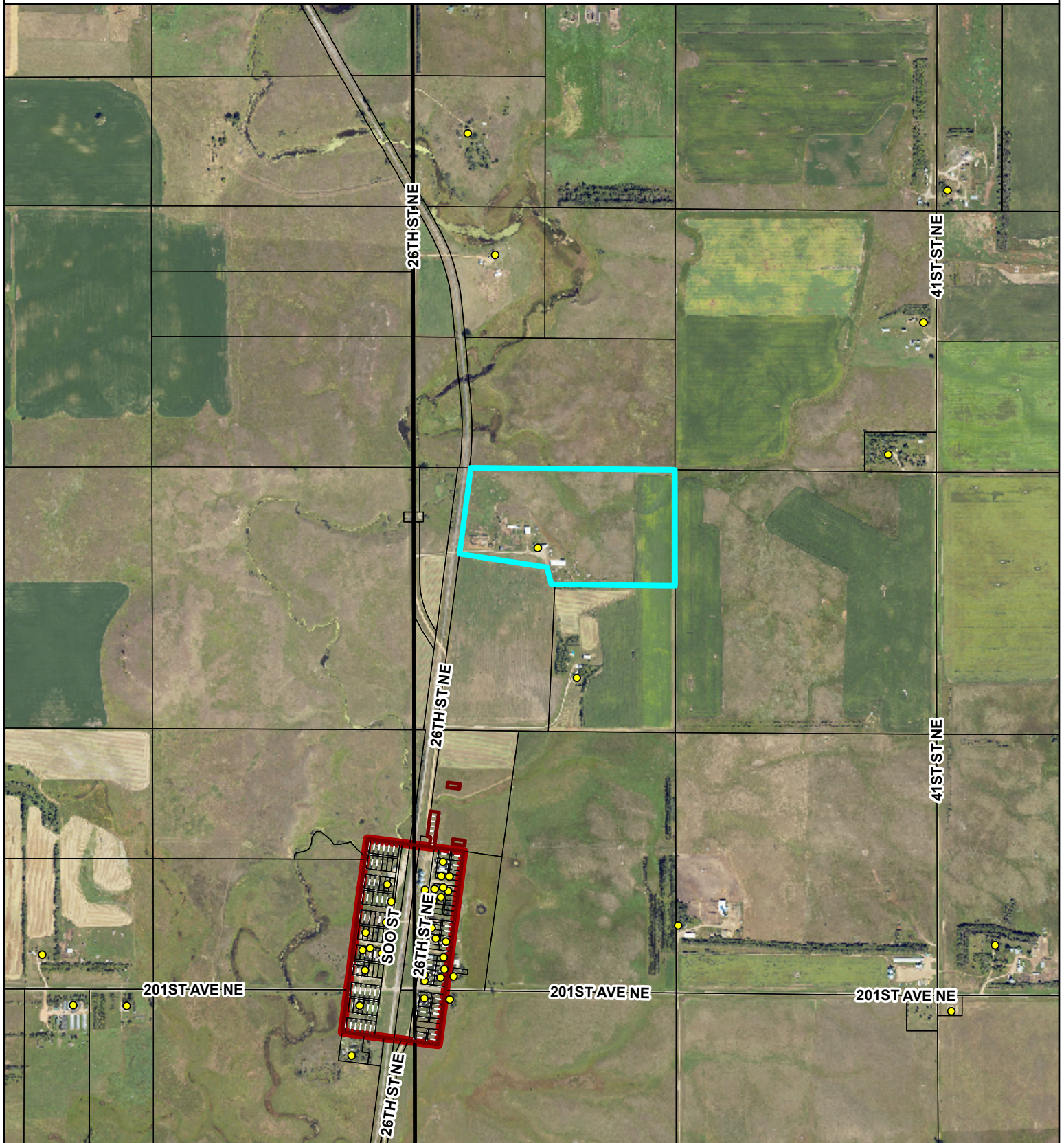
The Burleigh County Planning and Zoning Commission can:

1. Deny the special use permit with reason.
2. Table the special use permit for more information.
3. Approve special use permit with required conditions and give a "Do Pass" recommendation.



**BURLEIGH COUNTY, NORTH DAKOTA**  
**LOCATION MAP**

N  
2/2/2024



PARCEL ID: 52-141-79-00-18-410

OWNER: BAUER, SUSAN L & LEON J

ACRES: 52.57

SITE ADDRESS: 21175 NE 26TH ST

MAIL ADDRESS: 21175 26TH ST NE, BALDWIN, ND 58521

LEGAL: CROFTE TOWNSHIP Section 18 LOT C OF GOVERNMENT LOT 1 & E1/2 IRR PLAT 729972; 730693 18-141-79

From: Leon, Susan and Ryan Bauer

Date: January 5, 2024

RE: Custom Exempt and Retail Exempt Meat Processing facility

Nestled on our family ranch north of Baldwin we are looking to begin the endeavor of starting a Custom Exempt and Retail Exempt livestock processing facility. A business we would proudly call Bauer's Butcher Barn.

We feel there is a great need for more livestock processing facilities in our area. North Dakota prides itself as an agricultural dominated state. There are roughly 1.85 million cattle that roam this great state alone (ND.gov) Where in comparison there are only 113 meat processors in North Dakota as of January 1st, 2024 (NDDA.ND.gov). By adding our Custom Exempt/Retail Exempt facility to that list we would be able to keep more North Dakota raised animals processed locally.

Our youngest of three sons, Ryan who is nineteen, is currently enrolled in the Meat Processing program through North Dakota School of Science and North Dakota State University. Where he is learning through hands-on experience this trade. He is set to graduate in May of 2024. It is his passion that has fueled this project.

The size of our facility will be a 64x60 building where we would be able to process approximately 15-20 animals per month. We plan on processing mainly cattle and pigs. We have approvals for rural water use from South Central Regional Water and a local Sanitation company who will be picking up our inedible. We would like to start construction early this spring.

Leon and Ryan will be the partners in this exciting venture. They feel confident that this will be a very welcome service to the surrounding ranchers in our rural community. Their goal is to keep farm to table local, ethical, and sourceable to all.

Thank you for your time and consideration in helping a young man keep a dying trade alive.

Sincerely,

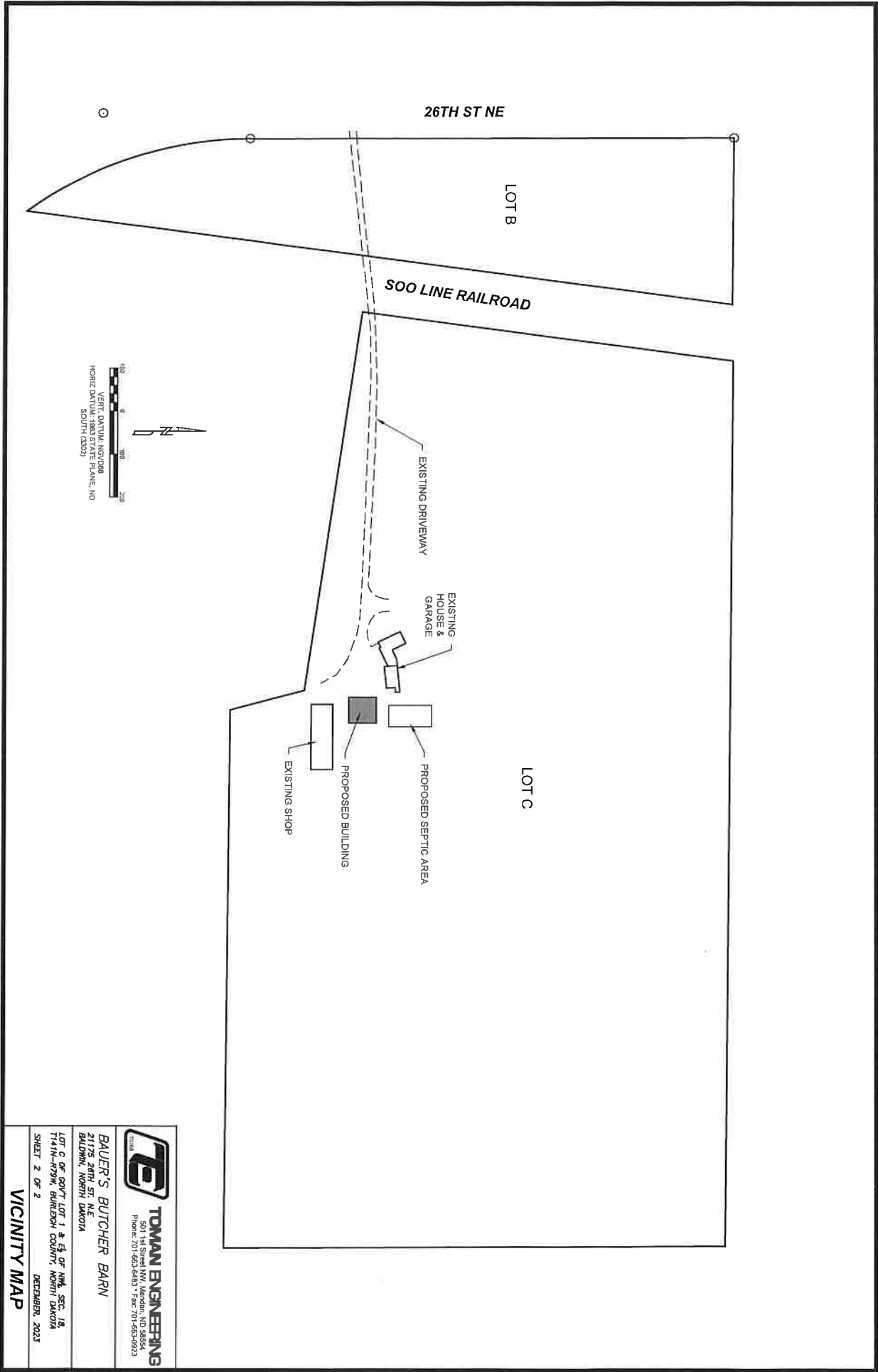
Leon, Susan and Ryan Bauer

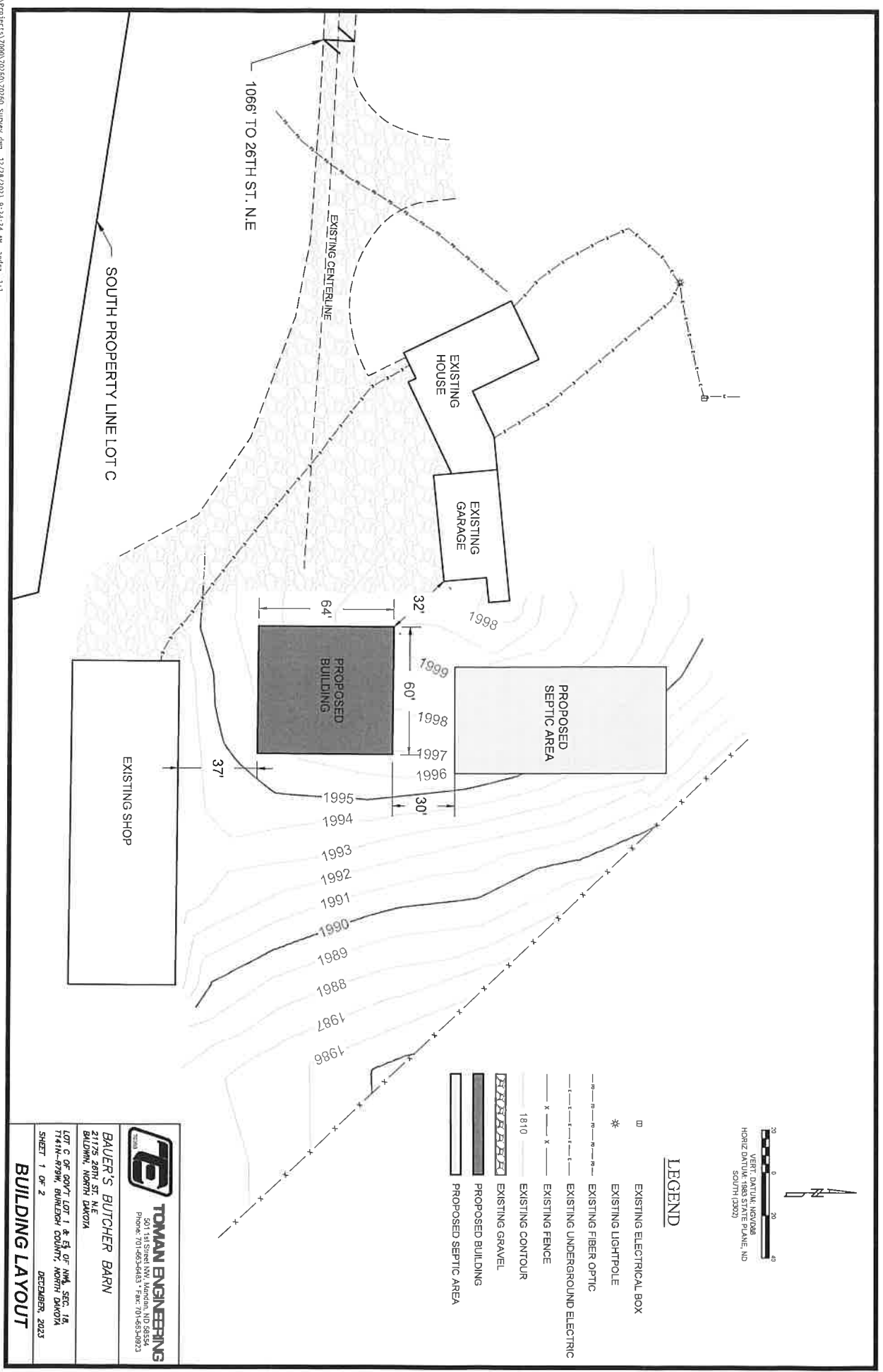
21175 26<sup>th</sup> St NE


Baldwin, ND 58521



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**TOMAN ENGINEERING**  
501 1st Street NW, Minnetonka, MN 55345  
Phone: 761-663-6443 • Fax: 761-553-0923

**BAUER'S BUTCHER BARN**  
21175 26TH ST. N.E.  
BURLING, NORTH DAKOTA

LOT C OF 2047 LOT 1 & R. OF 1/4 SEC. 18  
T14N-R79W, BURLEIGH COUNTY, NORTH DAKOTA  
SHEET 1 OF 2  
DECEMBER, 2023

**BUILDING LAYOUT**

## McMonagle, Marla M.

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**From:** Susan Bauer <bauerx5@yahoo.com>  
**Sent:** Sunday, February 4, 2024 5:50 PM  
**To:** McMonagle, Marla M.  
**Cc:** Flanagan, Mitch  
**Subject:** Re: Bauer Special Use Permit  
**Attachments:** Barn 4.png

You don't often get email from bauerx5@yahoo.com. [Learn why this is important](#)

**\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\***

Hello,  
Here is more info on our project.

We plan on doing Custom Exempt processing, which means the customer owns the animal, we provide the service of processing it then the customer gets his whole animal back.

We also want to do Retail Exempt processing, which means we purchase boxed meat that has already been inspected by the USDA and we can further process it into sausages and hamburger etc.

The building will be constructed per State Inspection guidelines for possible future expansion. Our contractor is Creative Construction, Chad Dietrich. The building will be a 64x60 and will look like a barn as seen in the picture below.

I will be submitting the following applications:  
Meat Processing Establishment License Application  
- For the Custom Exemption

Food Establishment License Application (can only be submitted once SUP is granted)  
- For the Retail Exempt Meat Market  
- Contact is Mike Lee with Health & Human Services

We have an approval letter from South Central Regional Water District for rural water use.

Myron Strom with Strom Sanitation will pick up our offal and take it to the landfill. He is currently doing this for NoDak Meats in Steele. I will be getting confirmation letters from Myron and the landfill.

We have been working with Nathan Kroh with the ND Dept of Ag. He has been great in helping us navigate through this process.

We are also working with Tyler Delmar with Small Business Administration.

Chris Masse with Lewis & Clark Development Group has been helping me work through the application process for the Meat Processing Intermediary Lending Program.

We are meeting with the Chad Monday afternoon to go over final blueprints. We will also be discussing the septic system as I know the Commissioners will want to know more details about that. Can I email you Monday night with an update on the septic system?

Please see image below as this is what the building will be similar to.

If you have any further questions, please don't hesitate to call me 701-226-3631

Thanks,  
Susan Bauer



On Friday, February 2, 2024 at 04:15:12 PM CST, McMonagle, Marla M. <mmcmmonagle@nd.gov> wrote:

Hello,

I have been working on your special use permit and I need some more information. What type of licensing are you applying for from the state? Can you send me your applications? I would like as much information as possible to give to the P & Z Commissioners. I'm sure there will be questions regarding what your butcher shop operation will entail!

I'm planning on sending the staff report out on Monday. If you have the information handy can you send it to me? I don't necessarily need the documents by Monday, however, I would like to include the classification you will be operating under. You can just drop me an email with that information. Give me a call if you have any questions! ☺

Thanks Susan, have a good weekend!

**Marla McMonagle**

**Associate Planner**

**Burleigh Co. Building/Planning/Zoning Dept.**

**PO Box 5518, Bismarck ND 58506-5518**

**(701)221-3727 fax(701)221-3726**



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