

## **MERCER COUNTY PLANNING COMMISSION MINUTES**

The Mercer County Planning Commission met Thursday evening November 20<sup>th</sup>, 2025 at the Beulah Civic Center, Eslinger called the meeting to order at 7:00 p.m. C.T.

Members Present: Mike Eslinger, Chris Renner, Kevin Hafner, Casey Voigt, Shane Cole (Gerald Bieber – entered meeting late)

Members Absent: Rick Bauman, Joey Neumiller

Others Present: Beaver Brinkman, Jen Gabel, Kevin Hermann, Attorney Mark Kaffar

Eslinger opened the meeting with an approval of the agenda. Motion by Renner, seconded by Cole, to approve the agenda, all members present voted “aye”, motion passed. Motion by Voigt, seconded by Hafner, to approve the minutes of September 18<sup>th</sup>, 2025 and November 3<sup>rd</sup>, 2025. All members present voted “aye”, motion passed.

### **P&Z Manual**

Eslinger encouraged the audience to ask questions or make comments. Eslinger handed the meeting over to Attorney Mark Kaffar. Mark started off by going line by line on the Sand & Gravel Pit ordinance that was denied by the County Commission last year. Wanted to talk about bonds being 150% of the projected project cost. Voigt brought up Letters of Credit in lieu of Bonds. Kaffar prefers Letters of Credit. It was stated bonds are better for startup or small businesses. #2 – it was suggested to add a DEQ permit for water. #3 – possible extension. #5 – daylight hauling – would be up for litigation. Kaffar does not support this item. P&Z wants it. Kaffar stated that it is hard to regulate “daylight hours”. P&Z still wants it left in. #6 – was a yes, no discussion.

Bonds – 19:41 (time stamp) – 150% of the cost of removal/construction. Letter of Credit versus Bonds. Voigt wants to speak to Trudy that spoke at a recent conference. Re-evaluate bonds every 5 years due to inflation and to expanding pits. P&Z is leaning towards bonds but Letters of Credits will be looked into by Voigt. Lots of discussion of costs of bonds.

Kaffar discussed temporary housing – NOT permanent – must give names of all people staying on location for emergency/rescue purposes. 14 days out of 28. A maximum of 3 units on 5 acres. No temporary housing located on less than 5 acres. \$300 per unit. Eslinger stated several times that P&Z does not set fees, that is for the county commission. Garbage, grey water, black water disposal discussed. Eslinger wants to add language to state “dispose of properly.” Kaffar stated they can make that change. Brinkman asked if this is for Ag land too. Kaffar stated this is only applicable to Industrial & Commercial zoning not Ag.

Campgrounds – Campgrounds and Mobile Home districts to be split up to not have confusion. Garbage, animals, weeds must be taken care of. They need to have an emergency management plan. The state has to approve of the yearly permit as does the county. Kaffar would like to increase the setbacks between campers from the 10’ that is required by NDCC to 18” due to slide outs and fire safety. Storm Shelters in camp grounds must have an 80% capacity and each site is estimated at 3.5 people/site. The shelters will be built to ICC standards which is up to 240 mph winds for our area. Brinkman asked what

the minimum fire protection requirements are? Kaffar stated there are no fire protection requirements that he could find. He will do 30 minutes of research in neighboring counties or states. Wind & Solar was brought up with little to no discussion.

Kaffar stated the Land Use Plan/Map could delineate were small "lake lots" would be appropriate. He stated we are potentially losing a substantial amount of tax revenue due to the larger lake lots not being affordable to a wider range of price points. Eslinger stated that he will support smaller lake lots. Hafner stated he lives up at the lake and he supports smaller lake lots. Lake lot sizes will be determined by Western Plains Public Health. Kaffar will have updated language at the next meeting.

Bieber & Hermann brought up pipelines and transmissions lines. It was stated that it was regulated by the PSC. Voigt stated it would be nice to have access to the proposed natural gas line. Kaffar stated that he is reading a long document and he will have language at the next meeting.

Voigt asked how many more meetings would be needed to go through the rest of the manual. Kaffar stated that he would need 2 more meetings in December to go through the rest of it. Voigt asked if it would be brought to one of the January Commission meetings? Kaffar stated yes.

No discussion on dates for the December meetings.

Motion to adjourn made by Cole, seconded by Bieber. The meeting was adjourned at 8:32 pm.

APPROVED:

Jenny Dettmann

Deputy Tax Director/Land Use Administrator

-for Jen Neumiller, Secretary

ATTEST:

Mike Eslinger, Chairman