MERCER COUNTY PLANNING COMMISSION MINUTES

The Mercer County Planning Commission met Monday afternoon December 8th, 2025 at the Mercer County Courthouse in Stanton, Eslinger called the meeting to order at 2:00 p.m. C.T.

Members Present: Mike Eslinger, Chris Renner, Joey Neumiller, Kevin Hafner, Casey Voigt, Shane Cole, Rick Bauman, Gerald Bieber entered the meeting at 2:10pm

Members Absent:

Others Present: Beaver Brinkman, Jen Gabel, Attorney Mark Kaffar, Attorney Jennifer M. Gooss

Attorney Gooss asked the board if the order of agenda items could be moved with Chapter 3 being at after Temporary Uses. Motion by Renner, seconded by Voigt, to approve the agenda as amended, all members present voted "aye", motion passed. Motion by Voigt, seconded by Hafner, to approve the minutes of November 20th, 2025. All members present voted "aye", motion passed.

P&Z Manual

Eslinger handed the meeting over to Attorney Gooss. Attorney Gooss handed out updated Chapter 5 to board members. Attorney Gooss pointed out a couple new additions she made today under the building permits regarding inspections and issuing a certificate of occupancy. Under penalties, a section was added that the county may abate the violation. Renner asked what an example would be. Gooss responded any violation by not following a zoning code. Jen N. would like in the ordinance clarification on joint jurisdictions. Gooss said this should show on updated Land Use Maps. Kaffar responded this can also be laid out in the Land Use Plan. Eslinger said it would be easy to add a reference to see Century Code. Gooss can add it under Chapter 2, under jurisdiction. Question on building permits on farmers. Gooss said it is in Chapter 2 who needs building permits. Jen wants it clear in the ordinance that temporary uses are not "grandfathered" in. Gooss said the temporary uses are renewed on a yearly basis. Even if the operations don't change they will still have to follow ordinance changes. It will be clearly stated in the ordinance. Gooss exited the meeting.

Attorney Kaffar handed out updated changes for Chapter 3. Kaffar is working with Apex engineering in regards to storm water management and having the smaller lot size sizes. This will only pertain to the lake area. These are going to be smaller footprint homes. They cannot be stand-alone lots, it will need to be a development. Discussion on the minimum development size. Eslinger asked if there will need to be green space. Kaffar replied yes. General consensus on one acre lots with the minimum development size being 10 acres. Discussion on shop houses and how to permit these. Kaffar's thought is to have them provide gross receipts on annual basis and setting a dollar amount. If exceeded then that property is primarily used for a commercial purpose then residential purpose. Renner said if it's lived in it's a house. Eslinger said we have to know the intent. Eslinger would like to see shop houses require more acreage because of their size. Suggested was 5 acres for residential and 10 acres for commercial. Jen asked if the shop houses are going to have a minimum size to fall into this category. Some discussion on sizes. Jen wants clarification on non-farm residences. Jen thinks they should be associated with some sizeable acreage to apply for a non-farm residence. Updating the Land Use map now and all the non-farm residences are still "zoned" ag and many are not associated with any ag land and don't do any kind of

farming. Jen would like, at least 10 acres, if not then they automatically zoned residential. Eslinger mentioned we should also know what their intent is going to be.
Moving on to pipeline regulations. Kaffar eliminated most of separation requirements and just followed ND Century Code. He believes it's important that the county still have an application period looking at it from an emergency response standpoint, so we have what PSC has on file, not going beyond what they require. So, the county knows what's going down the pipeline, what the setbacks are, get the maps. So, all information is given from state to the county, so our constitutes know what's going on. Renner stated to add to follow all state/federal regulations. Voigt would like the ordinance to be specified just to intrastate and PSC. Moving on to sand/gravel pits. Kaffar increased setbacks. He feels it mirrors industrial processing. A waiver could be signed from the landowner. Eslinger feels it is to large of a setback for a ma/pa gravel pit. Voigt said we have stricter setbacks then what coal does. ND Century code does not have required setbacks for sand/gravel but does for coal. Voigt doesn't mind the setback for the dwelling but does not like the setback from the property line. He thinks at a minimum we should mirror coal regulations for property line setbacks. Renner agreed. Eslinger stated that's why the sand and gravel ordinances should be kept separate. Sand mining uses chemicals. Added verbiage on page 22-57 regarding how the permit can be suspended or revoked. Much discussion on weeds. Have a written plan to be approved by the weed board was discussed. Discussion on regulations to help stop the blow sand from getting on the roads. Eslinger stated that's why they couldn't work when the wind blew over a certain mph. Kaffar stated that doesn't stop it from blowing off the piles and keeping it on their land for example using a snow fence, to keep it on site. Force them to come up with answers, have a written plan. Renner thinks DEQ should get involved. Facilities are required to keep a log on drivers. Discussion again on nighttime driving. Kaffar said this could be up for litigation. Eslinger feels they could do something illegal. Discussion on Sherriff's department inspections. Next meeting scheduled for Dec 22nd @ 2:00pm at the Mercer County Courthouse. Voigt mentioned he will not be at the next meeting but wanted to mention regarding the current setbacks on wind/solar that was worked on with landowners and would like them to remain. Kaffar will go back and look. Voigt said in the beginning of this we wanted to be more uniform with McLean and Oliver but they have organized townships, Mercer County does not. Eslinger leaves McLean County out on purpose because Mercer County does not touch them. Projects often overlap counties that's why we have looked at Morton, Dunn, Oliver in the past.
Looking ahead, it was decided that Kaffar will email out the final product for review after Christmas. The public hearing will be January 15, 2026 at our regularly scheduled meeting day. Two readings at the County Commission level will be January 21st & February 4th, 2026.

Motion to adjourn made by Bieber, seconded by Neumiller. The meeting was adjourned at 3:57 pm.

APPROVED:
Jen Neumiller
Land Use Administrator

ATTEST:
Mike Eslinger, Chairman