

## MERCER COUNTY PLANNING COMMISSION MINUTES

The Mercer County Planning Commission along with the Mercer County Commission Board held a joint meeting on Monday evening November 3<sup>rd</sup>, 2025 at the Stanton Courthouse, to discuss the proposed ordinance changes submitted by Donovan & Kaffar/Apex Engineering. Chapters 2,3,4,6,7 (Storm Water will become Ch. 8) were emailed to all board members prior to the meeting. Paper copies were disbursed at the meeting. Eslinger called the meeting to order at 5:59 p.m. C.T.

Members Present: Mike Eslinger, Chris Renner, Joey Neumiller, Shane Cole, Kevin Hafner, Casey Voigt, Gerald Bieber (Voigt & Bieber entered the meeting at 6:01)

Members Absent: Jesse Schiferl, Rick Bauman

Others Present: Commission Chairman Gene Wolf, Commissioners Mark Pierce and Jamee Folk, Auditor Carmen Reed, Deputy Auditor Mark Erhardt, Deputy Tax Director Jenny Dettmann, Dan Arens of the Hazen Star, Attorney Mark Kaffar, Attorney Jennifer M. Gooss, City of Beulah Jen Gabel, City of Hazen EJ Gabel, Coteau Freedom Mine Darren Hellman, Amanda Hoffer, Joe Grannis.

Eslinger opened up the meeting by thanking everyone for coming. He reminded everyone that this meeting is for informational purposes only. No motions will likely be made. He turned the meeting over to the attorneys at 6:01pm. Attorney Gooss mentioned that Chapter 1 was not included on this agenda as there is multiple changes, which are mostly terms and those will be updated towards the end of the rewrite.

Gooss then moved on to changes in Chapter 2. Erosion and sediment were moved to Chapter 4. Temporary Uses were moved to this chapter. All uses and variances will now be under one chapter. Folk asked where the school bus access went to, as it has been removed from this Chapter. Gooss mentioned it's addressed in Chapter 3. Folk stated she wanted to make sure the century code is addressed in the ordinance (24-7-35) as there has been problems in the county with minimum maintenance roads and school bus routes. Gooss will take a look.

Attorney Kaffer took over for Chapter 3 review. He initially put Livestock auction facility under permitted use under Ag but after discussion with Land Use Administrator thought it best to move to a Conditional Use. The boards agreed. He explained that they took out the different R-districts and are now just presenting one rural residential district. Boards are looking for more clarification on hobby farms and still having HOA's and adding a chart based upon size of lot, per how many animals are allowed. Eslinger mentioned he wanted to see the minimum acreage raised from 2 acres to 5 acres. Kaffer said when you have a larger minimum acreage it makes it more restrictive. He was also looking at having certain areas for example, at Lake Sakakawea be a smaller acreage. This can also bring more tax revenue. These areas would be defined in the Land Use Plan. Much discussion but no change at this time. Boards would like to see RV and Mobile Home Parks separated. Much discussion on storm shelters. Kaffer could find no regulations on storm shelters. Suggested to follow international building codes. Renner stated it should be different for campgrounds than MH parks. Other ideas were different types of storms events in the code, making storm shelters tax exempt, suggestion of at least 80% capacity size for size of said park.

Discussion was had on prohibiting onsite burning in junk and salvage yards, it was decided to keep. Make sure junkyards are defined and licensed with regulations in place. Next on the agenda is sand, gravel rock. It was discussed to separate sand mining from the others. Sand uses different chemicals than gravel/scoria mining. Folk mentioned the weeds do help with the erosion and blowing of the sand and thinks a plan with the weed officer would be sufficient. Temporary on-site mobile housing was discussed and was decided it may be allowable if a permit was applied for and approved. Folk would also like to see higher bonds in regards to reclamation with increases if needed. Eslinger talked about an updated ordinance that was wrote two years ago that was denied, it was geared towards sand and gravel that was never passed at the Commission level. Decibel rating in Data Centers were discussed. In the proposed, there is different levels in the zoning districts, recommended to do 45 decibels at night and 55 during the day across the board. Setback at 1 mile. Also, was discussed to do the decibels ratings for all industry. Kaffer was wondering about additional ordinances on ore processing and battery. Pierce felt these don't need their own ordinance and should fall under Industrial Zoning. Any additional regulations for a certain facility can be a condition on their permit. Kaffer was wondering about shop house regulations. Some discussion if they should be commercial or residential, Land Use Admin gave an example, still looking for more clarification.

Under Chapter 4 specific uses were moved to Chapter 3

Chapter 5 there is no draft yet, as Gooss is looking for more direction for the building permits. Was suggested to have building permits valid for 1 year and then applicants coming back for an extension at no additional fee. State Code is to be followed.

Chapter 6 (subdivision chapter) discussion on a non-refundable application fee to cover expenses that go into getting the applications ready for the boards.

The rewrite has Chapter 7 as the storm water chapter, it will be moved to Chapter 8, as Chapter 7 will remain as the Flood Prevention Chapter. Chapter 8 will then become Chapter 9.

Renner brought up the setbacks for hazardous liquid pipelines. They are far too restrictive. Pierce agreed saying he has had several phone calls. With the proposed setbacks these pipelines would not be able to run through the county at all. Kaffer agreed and reminded them that this was just a draft. This particular one coming from Burleigh County. He said he will do more research in this area. Renner said Kaffer could accept the state guidelines for pipelines. Pierce said he should look at McLean & Oliver Counties. Pierce asked the attorneys for a red line draft of Chapter 3 to show the changes. Kaffer & Gooss, said while feasible, it would take a lot of time as chapter 3 was a total overhaul with new sections and wording.

Commissioners would like land use map added to November 5<sup>th</sup> Commission agenda.

Motion to adjourn made by Renner, seconded by Cole. The meeting was adjourned at 8:22 p.m. C.T.

APPROVED:  
Jen Neumiller, Secretary

ATTEST:  
Mike Eslinger, Chairman