

MERCER COUNTY PLANNING COMMISSION MINUTES

The Mercer County Planning Commission met Wednesday evening June 10th, 2026 at the Beulah Civic Center in Beulah, Eslinger called the meeting to order at 7:01 p.m. C.T.

Members Present: Mike Eslinger, Chris Renner, Casey Voigt, Kevin Hafner, Andy Thomas, Gerald Bieber, Shane Cole, Steve Guenther (Commissioner Alternate)

Members Absent: Joey Neumiller, Rick Bauman

Others Present: Dan Arens, Wayne Windhorst, Kevin & Linette Irwin, Lori Hammer, Sheila Roth, Wes Klein, Michael Berg, Kaylene Berg, Wes Berg, Kristy Smith, Chase Dauenhauer-Next Era, Jack Schuh, Brenda Cook, Scott Harmstead, Nancy Evanoff, Bill Tveit, Signe Snortland, Kimball Banks, Briana Scheid, Liz Lundstrom, Alice Heupel, Barb Mattheis, Dallas Maas, Bill Tyron, Kale & Miranda Rorvik, Mike Knuth, Barry Plorium, Marcia Jurgens, Darlene Voegel, Darwin Knutson, Kaylen Beauchamp, Amy Bieber, Bryan & Barb Dewitt, Judy Knoell, Deb Allmendinger, Erik Edison, Sue Cahoon, Stephanie & William Dillingham, Korrine & Shanon Sailer, Kristopher Waller, Vickie Batroot, Carol Boeckel, Jeff & Darlene Foster, Joe & Carry Bren, Arnie & Celine Kuntz, Tara Dukart, Ty Baumann, Elizabeth Wanner, Kyle Gundmunsen, Lester Heringer, Nathan & Kathy Busche, Anita Faut, Linda Eslinger

Eslinger asked for any additions or corrections to tonight's agenda. Eslinger would like to change the order of the ordinances to be discussed. Sand/Gravel, Solar, Wind, Industrial Standard, Industrial District, and then Data Center. Motion by Voigt to approve amended agenda, seconded by Guenther, members present voted "aye", motion passed. Motion by Voigt, seconded by Cole, to approve the minutes of May 13th, May 19th, June 2nd 2026. All members present voted "aye", motion passed.

New Business

Zoning Case #26-06-01

This public hearing is being held for the purpose of considering an application from Kale Rorvik for approval of a Conditional Use for a Non-Farm Residence within the Agricultural Zone of the Mercer County Zoning District Map. The subject parcel is located approximately 6 miles east and 1 mile south of Hazen. The subject parcel is 2.30 acres in size and is described as Tract A in the SE4SE4 located in Section 18 T144N R85W of the Fifth Principle Meridian, Mercer County, North Dakota. Mr. Rorvik relayed he got his approach permit in 2024, SW water and electric is present. Motion by Cole to approve, seconded by Bieber. Roll call vote, all members present voted "aye", motion carried.

Darwin Knutson, Mercer County resident, thanked the board for their efforts. He would like the companies to come forward that are going to own and operate these proposed projects. He believes the county should design a Community Development Impact Contract with these companies.

Other Business

Land use Maps

Land Use Admin Neumiller, updated the board on the Land use Maps that Moore engineering updated in the last 6 months. There are 3 maps; Land Use, Zoning, Land Use & Zoning Combined. The last time

the Land Use Map was updated was 1986. The maps are now color coded. These are informational maps. We will add them to the website. Motion by Voigt to approve, seconded by Renner. Roll call vote, all members present voted "aye", motion carried.

Ordinance Review

Sand/Gravel. Eslinger stated one of the main things we are looking at is making it more restrictive with our gravel and scoria pits for weed control, having the water board involved, and hauling during daylight hours. Eslinger opened it up for public comment:

Public Comment: Does this cover all trucking? Eslinger stated, it involves trucking, hauling during daylight hours, and if there is an emergency and we need extra sand or gravel, it's a matter to notify the county commissioners. Existing gravel pits in Mercer County are grandfathered in. When a gravel pit becomes inactive, then try to reactive it they will have to go under the new rules. These are temporary use and are annual renewals.

Questions from the public on #13 & 14. Will have States Attorney review these sections.

Public Comment: On #4, I do not think I would want a pile of Sand 500ft from public road way. With the winds and storms, we have had I do not know if we would want that. Eslinger stated we need to keep sand and gravel together, that is what it is at currently. Public Comment: Can't you amend the part saying 500ft to 1000ft just for sand as a committee and leave gravel where it is? Eslinger stated on the original I believe it was 1250ft for sand and we can amend that. So 1250ft for sand and 500ft for gravel we can amend it. Harmstead recommended to separate them on the current definitions shown at 500ft and then if you wanted to have an additional one at 1250ft, add that in for Frac Sand. Motion by Cole, seconded by Bieber to change sand/gravel setback to 500 ft and sand fracking to 1250ft.

Public Comment: Can we add shield lighting? Renner amended the motion to include adding shield lighting. Gunthner seconded, Roll call vote, all members present voted "aye", motion carried. Roll call to approve the ordinance as amended. Eslinger, Voigt, Hafner, Bieber, Cole, Guenthner voted "aye", Renner & Thomas voted "nay". Motion carried.

Solar

Public Comment: Solar in ND has a capacity factor of about 10%. So, if 1000 acres of solar comes you only get about 10% to get 17 megawatts. For every megawatt of unreliable, requires a megawatt for backup. 167 Megawatts because its required by somebody, you will have to also add 167 megawatts of base level, who pays for the base level. It is a terrible idea.

Public Comment: If it does go through, make it a dual use to where you can graze cattle, sheep etc. and move crops under it. In other counties that is how they do it. It is a matter of raising the structure and then that way it is grazable.

Public Comment: Should there be in this solar facility ordinance for storm mediation. In other states when a storm comes through they are finding it shatters the glass and fly's into other residences that don't have the solar and use their land for grazing. Voigt replied noting it's covered already in the ordinance. Harmstead relayed this is one of the most restrictive solar ordinances he has seen in the state and country. Hafner stated we are just setting guidelines for when they do come in. Eslinger stated it is more restrictive then the previous ordinance but does allow for them to come to Mercer County. Motion by Cole to approve, seconded by Renner. Roll call vote, Eslinger, Voigt, Hafner, Bieber, Cole, Renner, Thomas voted "aye", Guenthner voted "nay". Motion carried.

Wind

Eslinger stated this one got brought back up to define habitable structures. Harmstead stated habitable structure is defined as the 911 address.

Public Comment: Is there any setback that is not safety related. Harmstead stated Highway 1806 is a scenic highway and that is just for eyesite.

Public Comment: Who determines the word promptly. In one county there is still a blade laying on the ground from years ago. The developer, the industry is going to determine the word promptly not the county because of their attorneys. Eslinger stated when you use the word promptly, some people mean now and others mean when they get to it. We should have a time limit. Should we do 90 days or 120 days? Majority vote to remove the word promptly with 120 days. Question on wording on Page 4 (4B) why the property owner is responsible for certified mailings. Should be listed as applicant. Harmstead will fix. Motion to approve with changes to the discussed terminology and adding the timeframe by Cole, seconded by Bieber. Roll call vote, Eslinger, Voigt, Hafner, Bieber, Cole, Renner, Guenther voted "aye", Thomas voted "nay".

Industrial Use Standards

Eslinger turned meeting over to Harmstead. Harmstead stated Industrial Use standards is a new portion in chapter 4, this will just be for industrial uses. When we get the industrial district draft it will go to what standards go to what and this industrial standard is basically an encyclopedia for what the standards are. No building or structure will be within 1250 of residence. I have a blanket requirement and I believe this is a bit restrictive. I believe this should be taken out. If there is an area zoned residential next to commercial we need to consider these however there are a buffer standard already which is you can provide a sight and sound barrier. If you want to keep that then maybe in parts A & B and remove A and replace B1 with the buffer strip and keep B2. Guenther replied, you don't know what the material and waste products are right now 300' may work for some and others may need more. Should move it to a quarter of a mile of the waste projects. Harmstead replied, the open storage of anything that is openly stored not in the building that includes waste. I think the buffer strip is more with the view. I think there might be a difference there from the buffer to the waste. I think they need to be separated. The buffer strip can help with the view but other things such as waste ties into something else. Eslinger asked how they came up with 300ft. Harmstead replied everywhere is different. Eslinger we are going on the side of caution.

Public Comment: on the Buffer zone, we are a rural community. Can we incorporate an environmental impact where they have to plant the trees and shrubs in that buffer zone instead of being an empty lot? Harmstead stated the existing industrial district has a buffer requirement already and it is pretty open already, we could make it be trees, a fence, etc. This way there is flexibility to the type of project they have. This is only specific if it's next to industrial. That could apply to any industrial use. Part C firefighting access was in last year's draft and I kept it in there because that way there is easy access for firefighting equipment. Where I have things highlighted, alternatives are mentioned. The first one is notification radius; Alternative A is a 5-mile owner notice or the alternative B is 1 mile. Guenther mentioned he would like to see the 15-day notice be moved to 30. Eslinger agrees. Discussion between board members. Alternative B was decided and changing notice to 30 days.

Public Comment- They should provide their own fire protection. Harmstead replied the Emergency Management section is meant to be broad because that way potential emergencies are covered. There is a process so that way you can come to an agreement. Once that need is identified then the plant has to supply those resources beyond what is already existing. This is common for these types. This section has an area for wild fire, coordination with county emergency manager.

Public Comment- So, this saying that if there is a project being built that introduces additional hazard that the owner has to fund the Beulah police/ fire etc. to hire more people. That is not the same thing which what the other comment was where they need to hire their own fire department. Eslinger replied it could provide more on-site staff. Harmstead it could read that but I don't think we should have that because maybe some projects won't need it. The fine lines may not be laid out until the permit is submitted.

Public Comment: To me it does not make sense to have the plan not laying before the conditional use permit on the specifics. MSHA OSHA requirements. Those should be brought to your Planning and Zoning for being able to submit a permit. Otherwise it is subjective to variables you are trying to work around and all the hazards and threats.

Moving on, Harmstead stated he has walked through the environmental section and emergency management standards. Construction and maintenance standards mainly have to do with road impacts that a project would have. One thing missing from that is that a road hauler agreement is that a highway superintendent is a part of that group and that is an addition I am proposing.

Public Comment: You skipped over the environmental impact language. The environmental review is submitted by the applicant but in section 5 it says that it does not require funded finding by 0 impact and does not by itself prohibit approval of conditional use permit.

Public Comment: We should be able to look at a conditional use and be able to say no. You are literally giving them the power with that one sentence. Guenthner replied it's saying you have to do the study and we are not expecting you to find 0 impact, but it's saying if you do find something it doesn't mean you will 100% get approval. It is a little confusing but that is the way I am understanding a 0 impact.

Public Comment: I sent a letter to the planning and zoning board in April recommending that the study be done by a 3rd party. This could be written by the janitor but they would not have any expertise with environmental studies. We have talked before about have a 3 tier for data center for instance. One could refer to those three levels to let the preparer know what type of document you are expecting to receive. It should be someone who is paid for by the developer and not someone the developer can choose who is in their pocket. Harmstead stated there is a 3rd party review in the noise section. This section could get the 3rd party added. This is another alternative so the county doesn't have to hire someone.

Public Comment- Why was vibration eliminated under scope of environmental review. Vibration is an important view on humans and animals. Harmstead stated, With the noise study and noise mitigation we just wanted to keep it in noise.

Public Comment: The noise that you hear is in decibel A the noise that you feel is measured in DBC and DBZ. Can this language get added in there? Harmstead replied in the noise mitigation part 5, talks about low frequency, this section will go to any type of noise low or high.

Public Comment: One of the adjustments was the average baseline adjustment to the property line so now the noise is only going to be measured on their property and how it affects me won't matter anymore? When we started this process, you said that you were going to have a planning and zoning subcommittee and they were going to meet and work through this process. The draft you are now looking at through all that work out. None of this was shared at the last planning and zoning meeting. If you presented the process, where did the current draft come from. Mike Eslinger and Casey Voigt said that it was going to be commas and things like that. This one has whole sections and things that are gone. Harmstead replied most of this is formatting. I did consult with some in my company and looked at other noise studies in different states. This is making sure it is more in line with the industry. Renner states he makes changes out the board's direction. Eslinger stated we need to pick between Alternative A or B for noise mitigation. Harmstead stated on page 8 & 9, the alternative here is we did get comments from the industry, we wanted to lay out the alternatives cause those comments are different than our draft. A is for what we have seen all along. B is for only do it once post construction. I would recommend what we already had in there but I wanted to offer both. Consensus of the board for Alternative A.

Moving on to traffic impact study. Harmstead stated there was some formatting issues he ran into so those were the changes, otherwise no changes. The last section is ownership, we took out of data center and placed here because it applies to all industrial uses. There is still foreign ownership but has been cut down and will tie into the state and federal laws. There is Alternative A&B, wind is currently set up with 30 days prior to the change the application has to be made before the transfer of that permit.

Alternative to that is within 30 days after the change of ownership. Majority vote for Alternative A.

Guenther referred back to Page 1, #2 and what distance the board was thinking. Majority vote of 500 ft.

Motion to approve ordinance as amended by Cole, seconded by Renner, roll call vote, all members present voted "aye", motion carried.

Industrial District

Eslinger the intent is to provide for the development of the material fossil fuel and agricultural in Mercer County. Harmstead, I will bring all the sections together and do a review for definitions at the end. I believe what is in here is self-explanatory and brought together as part of this process. At the end it has a table that ties conditional use or permitting use on what are the standards we talked about. Under noise mitigation permitted uses are not required but for conditional it is required. However, there may be some that don't require it such as storage. We should alter to have it specified like it is for data center and based on Planning and Zoning requirements. Guenther asked on page 2 why do we have electrical power generator under coal generator? Harmstead that should be stricken. Land Use Admin asked if ownership should be on the table on Page 3. Harmstead yes and will be added.

Public Comment: Environmental review is not required for some but should we move it to upon request by the county? Harmstead replied the reason those are not required is because those are already identified as permitted use. They have done their due diligence and found their land already zoned as it. It comes to an applicant to find a place that is already permitted for something.

Public Comment: We have conditional uses as the battery energy source system but under permitted uses #2 manufacturing processing of mineral resources for doing earth medal or processing facility for that, that's already a permitted use? Harmstead replied in the existing district you will want to lean on that. I really followed that as close as I could, in the existing permitted uses and in the industrial district

today include.

Motion by Voigt to approve ordinance, removing 3A and add ownership to the table, seconded by Hafner, roll call vote, all members present voted "aye", motion carried.

Data Center

Linette Irwin presented a list of questions to the board. See attachment A.

Public Comment: When we started this process, it was agreed to form a subcommittee to work on ordinances and we have used 2-3 meetings on the data center and made changes. Over the last several meetings we haven't worked on the data center. At the last meeting we did not review the data center but we talked about. The draft I have is not what we worked on with the data center that were made outside the subcommittee. We are wondering Why? We just want to know why the changes were made and why they weren't done at the subcommittee. A lot of these changes were submitted through NextEra. Why are we answering to their needs and not to the needs of Mercer County?

Public Comment: Refer to environmental review in chapter 4 industrial use standards page 6. Everything is crossed out. So, we have to go to environmental review and it says environmental review section 4, you go to page 7 under G and it's all crossed out. The data center shall provide environmental review required by section C- it's all crossed out. These changes are one right after another. Who had access to this document that the public didn't to make all these changes?

Public Comment: Who did make the changes? Renner responded, we all did. Liz Lundstrom hands a written statement to Land Use Admin and statement entered in for minutes. See attachment B. She responds, it is attesting to what we had talked about for process and have already discussed. Voigt responded what was taken out of the ordinance was put into Industrial Use.

Harmstead stated under definitions instead of located on or off site the referencing structure was just changed to on site. A lot of that is going to go through the state, we do not have a lot of say in that. Also, a lot of that will be covered under the assessment. That is why that was struck. We want to focus on the site. There will be other permits to associated with anything off site.

Under requirements on page 2 there is a nice long list of application requirements, all that has to be submitted and deemed complete before anything is processed or taken into the process. We have talked a lot that staff will need to look at that. There is a number of things that are preliminary and a lot of this is preliminary because when an application goes through the review process things are likely to change, especially when you apply conditions. By the time it gets approved, it goes from preliminary to a final product and that is compliant. That is why preliminary is in there so often.

Voigt asked what is the difference from proposed to preliminary. Harmstead replied they are the same thing but I tried to use preliminary more often. Public doesn't like the word preliminary.

Harmstead, the next one is on page 5 it is stricken, it talked about required documents. I can see that getting out of hand, if you are someone in the industry it can apply to anything. I was concerned about this one because it can be stringed along. There is no end to it. On the bottom of page 5 the study analyst requirements are the first one for all data center sizes. You have to do a noise study, soil analysts, environmental impact, and traffic impact if it meets those certain things otherwise there is no reason to do it.

Public Comment: I have two things to point out with the preliminary wording. On page 5 #33 detail was crossed off and preliminary was put in. So now instead of detailed water use plan it is a preliminary water use. I feel like those are not compatible and would like an explanation. Harmstead replied, we also added the water use related information from requested the state of ND to allow for state review. It is their jurisdiction. If we get comments from the state or the applicant and they do not have enough information then they need to get that information to the state.

Public Comment: I would like to point out our state rules are maybe not made aware of. Like the well on my property is not a protected well under state rules unless I went in and claimed my water rights. When I looked none of our wells were listed in our entire area. If these guys file before we do they will get the water rights even if we have been with the well for 70 years. To say we are going to go to the state where the deck has been stacked and we do not even know what those rules are, do not give your power away by accident. Renner, everyone is aware now and should go register their wells.

Public Comment: In relation to the environmental review, the data center ordinance refers you over to the industrial use standards. Under environmental review broad and industrial use standards that you have approved. I would recommend an amendment to section E number 1 purpose. The purpose of this section is to ensure that mercer county is review of certain industry uses of protentional environmental and infrastructure impacts. But not the key line, based on the studies submitted by the applicant. If that is the extent of what you are considering you are only looking at it from one side. If your purpose is to sew that informed land use decision, must be made to protect public health, safety and welfare. Harmstead responded there was a comment that included in the amendment for that to require a 3rd party review. Which I believe that would make sure there is no bias. Personally, I think it would catch that piece.

Public Comment: Agricultural land conversation impact study was also removed from that section and says to refer to industrial uses in chapter 4. Harmstead replied, in my opinion it is much more beneficial when you are going through a rezoning, from ag land to industrial or wherever. If it is already zoned industrial then its industrial. That is why that was deleted.

Harmstead stated the development section on page 7, was changed to a condition of approve. It takes a long time to get through development agreement and that is why that changes. The development agreement should have its own meeting and public comment. It takes a long time to get to this point but it is normally done separately. It can happen after the conditional use permit but it has to happen prior to building. You can secure different things such as how are they going to pay for county fees, county staff, etc. Harmstead onto setbacks We have options of a Mile or a Half mile. My personal favorite because I am all for performance-based standard is based purely on noise study and science- Alternative A. Alternative B is Half Mile, Alternative C is 1-mile, Alternative C is combination. With the noise setback before specified from property lines, the industry typically doesn't do that. I removed that and changed that. It now reads from the nearest and closest receptor, say a house to the outside exterior wall to the noise source. Renner, the EPA guidance or information guidance specifies 45 decibels inside the house and 55 outside the house. We have 45 decibels outside the house which goes well above the standard.

Public Comment: One reason you said we needed to consider data centers in our county was property rights. That everybody has right to their property. Each person has the right to sell, use etc to their property. We are doing this for property rights. You are telling me that you can infringe a quarter mile of my property rights because I own the land from a quarter away from my home. If I lived in town I would

have the right to enjoy my backyard with my children. Don't discriminate because I own a quarter of a mile. Let's talk about the guy who has a little yard, you are telling me they can't enjoy their acres and can only enjoy to where the wall is. Renner, we can't take the right away from the neighbor to make money off the land, his rightful owned land so we have to make an ordinance. Voigt, if we go above industry standards, we are going to have a hard time defending these ordinances.

Public Comment: What are we doing to address for not just the DBA audible sound. What do we have for the DBC and DBZ sound that goes through concrete. Voigt replied, that should be in industrial use.

Public Comment- it's not.

Public Comment: If we are going to default to that we need specific, because it's not in here. Then I think we need to further the protection. If you are going to rezone Agricultural to industrial, I would image that there is going to be agricultural land surrounding that by people who make their living off their land. If we are impacting by this noise and we lose revenue because our cattle cant bread, the milk, production goes down, the cortisol levels go up. Voigt, under the conditional use permit, low frequency noise shall be evaluated by acoustical engineer measure. Acoustical engineer is going to know more about this than us. Harmstead, and this includes the low frequency.

Eslinger, we have 4 alternatives for setbacks. Discussion on setbacks. Comments from the public included 2 miles and 1 mile. The landowner could sign a waiver. Renner would like alternative A since it is based on science. Eslinger tried a mile in a previous meeting, but the vote failed.

Public Comment: What is the noise expected on our property line, they can do 45 decibels at our house, will we be expecting 80 or more? I want to know what we have to expect. Renner is not ok with Alternative D because we don't know how big the building will be. Voigt would like a combination and that would be alternative D. Eslinger, Guenther, Hafner, Thomas, Bieber, Cole agree. Question on the well heads and water lines. Voigt responded that is more for the state, we don't have that expertise. Eslinger asked Alternative A or B under F #2. All agreed Alternative B.

Public Comment: Previously you said we would rely on as many local agencies as possible. That would be state water board and local water board. Are we changing the policy to only go to the state and not use anyone local? Eslinger asked what other local board would you include? I said we should look at as many as we can. Public compromise, $\frac{3}{4}$ of a mile.

Public Comment: Can we trust the agriculture protecting provision that was removed? Harmstead ag protection was removed because that is already stated under state law. Ag is king. Renner, ag is protected in all 50 states. Harmstead, stated again water discharge is up to the state of ND. Rather than try to get into the business we are not experts in the state is the expects. Same with air emissions and potential threats. We are stepping into requirements that are above my pay grade. Renner replied, all of ours, if we do not have someone in the county who can enforce it we need to give it to the state or the feds. Harmstead, Emergency management refers to what we just talked about for industrial use standards same with construction. Page 12 is water and energy; the data center is going to use lots of power and there will be other energy on sight especially water and we want that used as best as possible. We want this practice. Including but not limited to and it's a short list and the county needs to look at it. And put additional requirements even if it's not water. Look at the state maybe they want a closed loop system that can only discard every few years. Ownership was relocated another section. I think a lot of changes are the last section, there was too much in this one section. Really the idea is that what is the applicant going to do to report to the county. Outside of that I did work with Basin Electric

and they helped me with some of the language on what is realistic for power use. There is a way to submit their maximum electric demand. This talks about reporting electrical power use to make sure its within that electrical demand- how many megawatts they will use for example. Cooling technology that was changed any changes to cooling technology that increase water demand that with electrical power demand. That gets through that section and the rest of that ordinance.

Public Comment: On the sand and gravel under end of use they have a great idea with the top soil replacing top soil – you will never get that back. On data center ordinance for end of use there is no mention that top soil needs to be saved because top soil takes many years to get back. It takes 100 years for 1 inch of top soil to be replaced. Can we add this in to preserve it? Harmstead responded #3 on page 11 talks about soil and resources. Eslinger we can make those changes to add NRCS Standards.

Public Comment: Weather you are tying the counties hands on page 10 under 22 it is pertaining to confidential treatments, any certification reported under this section it shall by handled by the county as confidential for the maximum extent by applicable law, and shall be given notice to the company before making public. This feels to me we are changing the industry, slap a little water mark on the paper and now the public is made unaware. As county commissioners and planning and zoning our responsibility is to the public and we are free to shar to our people because that is our duty as representatives. Harmstead responded that is language shared by Basin to this section, I would be careful with that because of state laws. Renner we can't require them to give trade secrets. States Attorney to review.

Public Comment: This is so obvious that people many of whom have gone to bed this is all intentional we are still here clearly basin got in bed with NextEra, they have herpes and they have given it to you and we don't want it. You are representing us and you disregarded what the people wanted. You listed to this to this guy who listed to these people in the hen house. This is our county. You are rushing this through at midnight just to save \$75 a person. You are going to protect these huge multimillion-dollar companies we took all the time in the world. I can't believe this is happening. Renner, we represent all 8700 people in this county. Comment: And we are here and we are telling you this isn't good enough., This is only good enough for NextEra and Basin and anybody else who guided you and groomed you on what to say here.

Discussion on date of public hearing due to the County Fair starting on 6/24/24. Motion by Renner to approve data center ordinance for public hearing, seconded by Cole. Roll call vote, Eslinger, Voigt, Hafner, Bieber, Cole, Renner, Thomas voted "aye", Guenthner voted "nay".

Eslinger date will remain the same for the public hearing. Question from public if it can be moved to Stanton Civic Center. Land Use Admin will check if it's available. Motion to adjourn, all voted "aye". Meeting adjourned at 11:57pm.

APPROVED:
Jen Neumiller, Land Use Administrator

ATTEST:
Mike Eslinger, Chairman

Attachment A

Questions for P&Z 6-10-2026

Apply the same standards and principles consistently.

The County has already accepted the concept that:

Large industrial projects require standards beyond a simple CUP

1. Why should the largest industrial development ever proposed in Mercer County have fewer objective standards than wind and solar projects?

Consistency

2. Why do wind and solar ordinances contain objective standards (ex. Setbacks) while data centers increasingly rely on future CUP conditions?

Set Backs

3. If setbacks belong in CUPs, why does the County place setbacks directly into the wind and solar ordinances?
4. If simplicity is the goal, isn't a fixed setback simpler to administer than determining compliance through future noise modeling, monitoring, and enforcement?

Fixed Setback Language

5. Has the ordinance retained a fixed minimum setback from sensitive receptors, or has that protection now been replaced entirely by compliance with the noise mitigation standard?
6. Earlier drafts of the ordinance contained county-specific setbacks for private wells and water resources. Those provisions appear to have been removed and replaced with compliance with state requirements. What findings or analysis led the County to conclude that the local protections were no longer necessary?

Cumulative Impacts Problem

7. If cumulative impacts are not considered during ordinance development, then at what point are cumulative impacts evaluated?

Removed from previous drafts (was in earlier drafts)

8. Why did the subcommittee agree to various provisions in one draft and then remove those provisions in subsequent drafts? What caused the change in policy?

Enforcement

9. How is a noise-based setback easier to enforce than a fixed setback?
 - a. Wind Ordinance-Fixed distance setbacks or formula based
 - b. Solar Ordinance-Fixed distance-2,500 ft.
 - c. Data Center-not determined A-D alternatives (fixed or noise mitigation)
10. What is considered an adequate penalty for noncompliance?

Future Build-Out

11. If cumulative impacts are not evaluated during ordinance development, when will they be evaluated?

Policy Change

12. If Mercer County has historically recognized the importance of long-term resource stewardship, cumulative development analysis, and agricultural land preservation, how should those planning principles be reflected in the review of large-scale industrial development today?

Attachment B

June 10, 2026

Merces County, MO

PZ Meeting @ 7pm @ Beulah Civic Center

My name is Elizabeth Lundstrom. I ~~have~~ questions am asking tonight if I understand the process the planning and zoning board laid out for updating the county zoning ordinances.

County ~~re~~identified a need to update the zoning ordinances.

The first attorney hired was deemed to be providing insufficient updates.

The County Commissioners contracted SRF Consulting to help with the process.

The public became aware of a potential data center coming to Merces County and became highly vocal, actively involved in drafting the ordinances - ~~esp~~ especially for data centers and industrial uses.

~~From~~ Mike Eslinger, as chair of the planning and zoning board, chaired a series of P&Z Subcommittee meetings which had open discussion between the board members, ^{meeting} Mercer County residents, ~~and~~ were attended and draft proposals submitted by industry representatives.

Discussions were held and during those meetings, Mike Eslinger and Commissioner Casey Voight made explicit statements thanking the community for their involvement and ~~in~~ about specific provisions that would be in the drafts presented here tonight.

The drafts presented ~~for vote~~ to the planning and zoning board do not resemble the work of the PZ Subcommittee as discussed. As stated. As drafted. As assured.

The process was agreed on, it was presented by this board. It was published, discussed and communicated as a process and included personal statements by Mike Eslinger and Commissioner Casey Voight as to the contents of the drafts to be voted on tonight.

That process was violated and the community was misled if these ordinances pass tonight.

Those fraudulent, or at minimum, false statements are material and liable issues.

~~misrepresentation~~

In summary, the PZ Board designed, implemented, communicated and invested county funds in a process. Then, threw that process out without notice or explanation to bring forth ordinance drafts tonight that do not reflect the contents, policy, or ~~supported~~ intent of your own process. These do not represent ~~the~~ the residents of Mercer county. Neither the communities explicit concerns in meetings and comments, nor our best interests.

Vote No.

(2)

Elizabeth Lundstrom
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