MERCER COUNTY PLANNING COMMISSION MINUTES

The Mercer County Planning Commission met Wednesday evening March 11th, 2026 at the Beulah Civic Center in Beulah, Eslinger called the meeting to order at 7:00 p.m. C.T.

Members Present: Mike Eslinger, Chris Renner, Casey Voigt, Kevin Hafner, Joey Neumiller, Andy Thomas, Gerald Bieber

Members Absent: Shane Cole, Rick Bauman

Others Present: DuWayne Fretty, Delton & Steph Olander, Sharron & Stan Keller, Casey Furey, Kristy Smith, Wayne Bertsch, Reid Schepp, Jack Schuh-Basin Electric, Tiffany Emery, Jennifer Laxner, Melissa Hochmuth, Stephanie Morales, Korrine & Shannon Sailer, Chris & Sheri Santos, Darwin Knutson, Jen & EJ Gabel, Scott Harmstead, Duane Miller, Mike Murray, Daniel Gallagher, Brandon Windhorst, Wayne Windhorst, Cody Didier, Chansey Jewell, Erin Laverdure, Kevin & Linette Irwin, Lori Hammer, Henry Rubin, Dawn & Lee Alderin, Sheila Roth, Wes Klein, Larissa Eslinger, Stacie Kruckenberg, Steve Guenthner, Amanda Hoffer, Michael & Kaylene Berg, Wes Berg, Lee & Briana Scheid, Deanne Gierke

Eslinger asked for any additions or corrections to tonight's agenda. Motion by Neumiller to approve agenda, seconded by Renner, members present voted "aye", motion passed. Motion by Voigt, seconded by Bieber, to approve the minutes of February 11, 2026. All members present voted "aye", motion passed.

New Business
Zoning Case 26-03-01

Motion to open up public hearing by Renner, seconded by Hafner. All members present voted "aye", motion passed. This public hearing is being held for the purpose of considering an application from Chris Santos for approval of an application to rezone a parcel of land from Agricultural District to a Commercial District. The proposed application is to construct 2 storage unit buildings. The size of the first building will be 30x144 containing 12 - 12X30 storage units and the second building is 45x140 containing 10-14x45 storage units. The subject parcel is located approximately 6 miles East of Hazen. It consists of 5 acres and is described as Parcel 2A, Being a portion of Parcel 2 within the NW4NW4 of Section 17 T144N R85W of the 5th Principle Meridian, Mercer County ND. Santos's are present. Eslinger turned the meeting over to Mr. Santos to explain his project. Mr. Santos stated they are local people wanting to provide a service. It's a minor operation. Storage units will be for boats/campers. Doesn't see it affecting traffic as lots of campers/boats already go by. Trees are already planted there. No outdoor storage. Eslinger gave some history on this parcel and a previous proposed project. Eslinger noted a letter the board received from a concerned neighbor. Santos has checked with DOT and no further engineering would need to be involved. The approach is already present. If he would need to widen it, there is new regulations required. He would need an 8:1 slope and a permit. Eslinger stated he will need water board approval and weed control. Bieber asked if it will be gated. Santos stated not at this time. The units will have power and Southwest Water is there. Thomas asked about the 200 ft setback. Santos stated he has obtained that. Eslinger asked for any public comment. Guenthner asked how wide is the approach because campers are quite wide. Santos has discussed this with DOT. Duane Miller stated Mr. Eslinger had valid points with the previous case in 2018, with not allowing other commercial entities. Discussed traffic concerns. Renner moved to close public hearing, seconded by Thomas. Eslinger asked

for a motion to approve zoning case 26-03-01, Renner made the motion, seconded by Neumiller. Eslinger asked for any further discussion. Voigt reinstated that this will need to go to the water board for approval. Roll call vote, all members present voted "aye", motion carried.

Other Business

Scott Harmstead, SRF consulting present. Handed out an agenda regarding the ordinance rewrite. Currently working with two counties on data center ordinances. Examples of these have been handed out. Scott asked if we want to prioritize the data center ordinance first and work on the others after. Eslinger stated the moratorium was a blessing and gives us time to work on a good ordinance. It's not going to make everyone happy but we need to do what's best for Mercer County. The board needs to stay neutral. Eslinger stated we should form a subcommittee. Discussion on the work done in the last year with the ordinance re-write. Subcommittee should meet the day before the County Commission meeting and will be open to the public. The subcommittee should be able to finish the ordinance in 6 sub-committee meetings. The following are some comments heard from the community:

Wes Klein: Best interest of the county might not be in the best interest of adjacent property owners that are going to be affected by a data center. Solid guardrails for industry to grow. Feels rushing it in 6 meetings is not good public policy. We need to work together so no one is on the loosing end.
Darwin Knutson: Not neutral. Data Centers are a good idea for Mercer County. There is an active operation to get this right. Learning process for all us. Keep having the meetings and the discussion.
Liz Lundstrom: Data center will not be employers, they will be ran on AI. Influx of people when it's being built then they leave. Then we're left with the noise and a big building.
Mike Berg: Great opportunity to get to know each other and work together as a community to understand what we're being faced with. Listen to each other and everyone get involved.
Klein asked for clarification on the process of the subcommittee. Would anything get voted on. Eslinger stated No. Eslinger stated what we do on Tuesday at the committee meeting would be reported to the Commissioners on Wed., then get input back from the commission.
Wayne Windhorst: We just want to know. How many people are going to have jobs. How about decommission.
Kaylene Berg: Wants answers from Next Era as she has to live next to it. Put in ordinance to protect us even if it does bring in jobs.
Eslinger states he's always looking at the "what if's", what if it doesn't work. Renner circled back to some of the things to look at. Noise, where are they getting the energy from, water usage, decommissioning. Eslinger stated it would be nice if the workers stayed here in the community. Knutson stated it use to be required for employees to live in Mercer County. Klein stated the county will not have input to where a data center gets their water from. Water Resource Board will have input as far as watersheds. State Water Commission will regulate. Water permits come from state. Focus on what the county as authority over. Renner stated they will have to file a permit through the state. They have to state the amount of water they will require and then is opened for a 30-day public comment. Scott Harmstead, this all circles back to a conditional use permit and what you want. What are the impacts and what are the mitigations to take care of impacts, those are then the conditions of your permits. He was hired to help the county write an ordinance for a data center no matter where the location or type. It's important it doesn't cater towards one location or particular data center. The goal is to set up the process, so when we have an application, we're ready. Renner stated one requirement could be to require a digital model for water usage, sound, etc. Discussion on placing data centers in an already zoned Industrial District.
Lori Hammer- Wondering why the reps for the companies that are present don't stand and say why they are coming to our meetings

Jack Schuh (Basin Electric) – We hear you. They are here to listen to the concerns. They hear the comments. Want to continue to have the partnership with the community. Not trying to be un-neighborly. Hammer stated it doesn't feel like Basin is being honest. He stated the project is fairly early. Eslinger stated we need to get back on topic. Motion by Thomas to close public comment, seconded by Renner, all members present voted "aye", motion carried.

Turned meeting over to Scott. Discussed the agenda that he handed out. Some agenda items that were discussed: Data Center Location, permit requirements, decibels, compliance issues. Neumiller brought up community benefits agreement. Other ordinance discussion that still needs work includes wind, pipelines, sand vs. gravel mining, battery energy storage. Eslinger stated water board needs to be involved in sand/gravel permits. Windhorst asked who enforces the ordinances. Eslinger stated it would be nice if we had a compliance officer. Land Use Admin stated that was our goal with the ordinance re-write to have a compliance officer. Eslinger stated we are on the right path. Harmstead discussed organization of the document as far as formatting, tables, consistency between sections. Eslinger stated these were all problems with the draft. Motion by Renner to set up subcommittee, seconded by Hafner. Looking at 9am at the courthouse, Tuesdays before the Commission meetings which are held the 1st & 3rd Wednesday of the month. All members present voted "aye", motion carried. Windhorst suggested some evening meetings. Eslinger stated let's see what we get for input. All voted 'aye", motion carried. Eslinger asked for volunteers. Hafner, Renner and Eslinger volunteered. Discussion on officially moving the meeting days from the third Thursday of the month to the second Wednesday of the month. Motion by Voigt, seconded by Renner to set the P & Z meetings to the 2nd Wednesday of the month and keep location for now at the Beulah Civic Center. All voted "aye", motion carried. Voigt stated all commission meetings are now live streamed. Land Use Admin updated board and the public that all agendas and minutes are now posted on the Mercer County website. All in favor to adjourn meeting, all voted "aye". The meeting was adjourned at 9:06 pm.

APPROVED:
Jen Neumiller, Land Use Administrator

ATTEST:
Mike Eslinger, Chairman