

MERCER COUNTY PLANNING COMMISSION MINUTES

The Mercer County Planning Commission met Wednesday evening May 13, 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 (entered meeting at 7:13PM), Kevin Hafner, Joey Neumiller, Andy Thomas

Members Absent: Gerald Bieber, Shane Cole, Rick Bauman

Others Present: Wayne Windhorst, Kevin & Linette Irwin, Lori Hammer, Sheila Roth, Wes Klein, Steve Guenthner, Michael Berg, Kaylene Berg, Wes Berg, Jack Schuh-Basin Electric, Kristy Smith; Melissa Brooks, Stephanie Morales & Chase Dauenhauer-Next Era, Ben Sand, Brenda Cook, Lynnae Weidner, Harlon Weidner, Michelle Maas, Barbara Mattheis, Scott Harmstead, Maria Jurgens, Linda Huntimer, Cassie Plienis, Joe Grannis, Bob Wolf, Wayne Bertsch, Jen Gabel, EJ Gabel, Lucinda Johnson, Deb Burr, Gerry Burr, Eugene Sailer, Steven Eid, Lori Liebelt, Peggy Wolf, Judy Knoell, Kelly Dolbec, Dustin Snyder, Murray Snyder, Tina Holbrook, Matt Holte, LeeRoy Fischer, Vent Wallace, Monty Reub, Kevin Hermann, Jason Fernow, Nancy Evanoff, Bill Tveit, Signe Snortland, Kimball Banks, John Philips, Briana Scheid, Liz Lundstrom

Eslinger asked for any additions or corrections to tonight's agenda. Correction on the Subcommittee minute dates. Should read April 14th & May 5th. Motion by Renner to approve agenda, seconded by Hafner, members present voted "aye", motion passed. Motion by Hafner, seconded by Renner, to approve the minutes of April 8th, April 14th, May 5th 2026. All members present voted "aye", motion passed.

New Business

Temporary Use Permit #673

This public hearing is being held for the purpose of considering an application from Badlands Aggregate for a temporary use permit for a borrow pit for fill dirt for wind farm project. The subject parcel is approximately 2 acres and is located approximately 10 miles south of Beulah. The landowner is LeeRoy Fischer. It's described as E2SW4 of Section 14, T142N, R88W of the 5th PM of Mercer County, ND. Thomas asked about a bond. Since this is Leeroy's pit, dirt and land no bond is needed. Motion by Renner to approve temporary use permit, seconded by Thomas. Roll call vote, all members present voted "aye", motion carried.

Temporary Use Permit #674

This public hearing is being held for the purpose of considering an application Fischer Sand & Gravel Co. for a Gravel Pit. This is an existing gravel pit. The subject area is approximately 15 acres and is located approximately 4 miles South and 5 miles east of Stanton. The landowner is Wayne Windhorst. It's described as the SE4 of Section 26, T144N, R84W of the 5th P.M. of Mercer County, ND. This is a project for Leland Olds Station. All conditions approved in previous temporary use permits will be applied to this one. Motion by Renner to approve temporary use permit, seconded by Neumiller. Roll call vote, Voigt sustained from voting as he entered meeting at roll call, all members present voted "aye", motion carried.

Update on Sub-Committee from Chairman Eslinger from April 14th & May 5th. Went well with lots of good input. Next Subcommittee meeting, May 19th @ 6pm @ the Courthouse.

Turned meeting over to Scott Harmstead, SRF consulting, to discuss the draft for Industrial Use Standards. This would be the first of its kind in ND. Eslinger stated that with Data Center Draft, anything that is vague would be covered under the Industrial Standards and that will be any industry.

Eslinger stated we will have some public comment, although this is not a public hearing. Eslinger presented the data center draft that the sub-committee presented. Eslinger opened up the public comment period.

Bill Tveidt- Here has a citizen and not as a State Representative. Would like to see the Date Center placed on reclaimed mine land and not prime Ag Land. Scott referred back to our Land Use Plan.

Linette Irwin- Stated her current concerns with the zoning ordinance. It looks at the data center individually versus looking at it as a scalable entity, citing rules on the spacing between buildings. Feels we should go to a 3-tiered system of megawatts in setbacks and site planning. If they go over megawatts need to come back to county for new permit. Voigt mentioned a lot of this can be addressed in the conditional use permit.

Chase Daunahuer (Next Era)- A clear and practical development is important to Mercer County for framework for responsible development. As currently structured portions of the ordinance are not work able in practice. 3 key points: Noise compliance at the property line is overly restrictive. Should be at residence not property line. Second, A one-mile setback from residence there is no technical basis for the distance. Prevents economic development. Waiver language for setbacks and for sound to allow affected to landowners to voluntarily waive these requirements by a written agreement. Third, current draft states it must be owned by US citizen, data centers are typically owned and operated by other business entities. Instead, have owner comply with US Laws related to foreign entity.

Renner addressed the one-mile setback on data centers.

Voigt presented some information after attending the Lewis & Clark Development project for Ag Development. Explained the difference between ½ mile setback vs 1 acre set back. At one mile you restrict 2000 acres. And ½ mile it's 503 acres restricted from development.

Scott Harmstead reiterated that we can put as many restrictions on the conditional use permit. The ordinance is meant to be a baseline.

Eslinger asked for a motion to approve the draft data center ordinance. Renner, made the motion. Neumiller asked for clarification of the motion. Eslinger asked for a second motion. With no second motion, the motion is defeated, sending it back to subcommittee for more work.

Motion to adjourn made by Renner, seconded by Thomas. The meeting was adjourned at 8:12 pm.

APPROVED:
Jen Neumiller, Land Use Administrator

ATTEST:
Mike Eslinger, Chairman