

MERCER COUNTY PLANNING COMMISSION MINUTES

The Mercer County Planning Commission met Wednesday evening July 8th, 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 Guenthner (Commissioner Alternate)

Members Absent: Joey Neumiller, Rick Bauman

Others Present: Dan Arens, Wes Berg, Nancy Evanoff, Dallas Maas, Stephanie Dillingham, Jen & EJ Gabel, Judy Knoell, Jeff Hafner, Mark Hafner

Eslinger asked for any additions or corrections to tonight's agenda. Being none, Motion by Voigt to approve the agenda, seconded by Cole, members present voted "aye", motion passed. Motion by Guenthner, seconded by Bieber, to approve the minutes of June 10th & June 24th, 2026. All members present voted "aye", motion passed.

New Business

New Board Member and Reorganization of the Board

Eslinger stated there was one opening on the board. Chris Renner was reappointed. Eslinger asked for nominations or suggestions for Chairman. Cole nominated Eslinger, Bieber seconded. Eslinger asked for any other nominations. Being none, roll call vote, all members present voted "aye". Eslinger stated Cole is the current vice chair and asked for any other suggestions. Cole made a motion to remain Vice Chair, Bieber seconded, all members present voted "aye".

Zoning Case #26-07-01

This public hearing is being held for the purpose of considering an application from Jeff Hafner for approval of an application to rezone a parcel of land from Agricultural District to Commercial District. The proposed application is to construct a 60X144 storage unit building. The subject parcel is located approximately 13 miles North of Beulah. It consists of 5 acres and is described as Outlot A, located w/in the SE4SE4 of Section 9 T146N R87W of the 5th Principle Meridian, Mercer County ND. Hafner has contacted the water board. The approach is already established off Beulah Bay Rd. Units will have power. Voigt mentioned the water board engineer did review the app. Two contingencies, one is to update the storm water plan if the southern part is ever developed and upon board approval when they meet in August. Will start building Spring of 2027 and will be 12X30 storage units. Motion by Voigt to approve, seconded by Cole. Kevin Hafner recused himself, all other members present voted "aye".

Other Business

Eslinger mentioned the main change in the subdivision chapter is changing the lot size from 2 acres to 1 acre. This was a recommendation from the sub committee and public input. Guenthner asked if this change is only to subdivisions. Eslinger responded yes. Western Plains Public Health does allow 1 acre lots. Hafner mentioned that the subdivision needs to be a minimum of 10 acres. Board agreed that needs to be added. Discussion on storm shelters. This should be added in the appropriate section (R-5, mobile home park district). Shelter should be at least 80% capacity and be applied to parks that are 20

or larger. Voigt asked if they can pay the park fee before they get approved. There have been issues with developers not paying. Jen will visit with the recorder if we can hold recording of the deed until the fee is paid. Cole made a motion to approve subdivision ordinance, seconded by Bieber, all present voted "aye." Next, Jake Brake discussion. Eslinger stated this came from a gentleman at the crossroads who started a petition for a county ordinance. Voigt mentioned the signage is up to the state but they will not do it without an ordinance. Up to county to enforce, which is hard to do. The board has examples from Burleigh and Stark Counties. Signs should be limited to developments with multiple people (ex. Crossroads area) and placed in residential areas. Discussion on difference between the drafts and adding appropriate century code. Motion by Cole, seconded by Guenther, to adopt Burleigh County ordinance with Stark County noise limitations and add reference to Century Code. All present voted "aye". Jen will have SRF write up a draft for the next meeting. Moving on to Sand/Gravel Ordinance. Voigt mentioned it was sent back to the board because the commission felt it was too restrictive and refer more to Century Code. The board has examples from Dunn, McLean & Morton Counties. Eslinger states it should refer to all aggregate. Thomas referred to NDCC 38-16-01. Thomas suggested using Century Code and add in a few extra things the board deems necessary. Eslinger stated that the current pits are grandfathered in. Voigt thought they would have to follow the new ordinances since they are yearly renewals. Will have to confirm with Todd as we have gotten mixed answers. Mutual agreement to adopt Dunn County ordinance and reference NDCC 38-16-01. Discussion on the bond requirements in Dunn County. Eslinger would like to just have a minimum bond set with the county engineer setting the bond amount to adjust for inflation. Guenther would like verbiage added regarding finding historical findings and referenced NDCC 23-06-27, that we did in the data center ordinance. Thomas brought up 2A (ND Contractors License) in Dunn County example. He doesn't believe it's applicable. Eslinger asked if having a contractor's license means that you are licensed and bonded. That they are a reputable company. Thomas stated they don't have to be bonded to his knowledge unless you do stuff for a municipality or state, they do have to have a general liability insurance of at least 1 million dollars. Voigt will touch base with state attorney. Eslinger asked for a motion to move this forward as the mineral ordinance, Cole made the motion and Guenther seconded. Eslinger, Renner, Voigt, Hafner, Bieber, Cole, Guenther voted "aye", Thomas voted "nay". Jen will have SRF write up a draft for the next meeting. Renner stated he should have added this on the agenda but questioned what happened at the last commissioner meeting and the data center ordinance. They added extra restrictions but for everything else, they kicked back and why didn't they kick back the others. Eslinger stated they are allowed to make changes. That's out of our hands. They felt sand/gravel needed more work. Renner stated the project is dead, the way they changed it. Would AVS and Coyote have failed with the restrictions that they put in place. Should be wall to wall and our noise is more restrictive. Why protect open country to a point where you can't be louder than a library. Eslinger stated it still has one more review in front of the commissioners and public notice in the paper. Eslinger noted date change for August meeting. Will be moved a day early to Tuesday Aug. 11th @ 7pm @ Beulah Civic Center due to Land Use Administrator away at conference Aug. 12th. The board heard public comment from Stephanie Dillingham, regarding the ordinances and updating the Land Use Plan. The community should decide who they want to be. Zoning becomes the comprehensive plan. How much industry do we want. Asking to take a pause to develop the plan. Nancy Evanoff stated her concerns with the setbacks, fusion generators, settling ponds and having some kind of protection. Motion by Thomas to adjourn, seconded by Bieber, all voted "aye". Meeting adjourned at 8:30pm.

APPROVED:
Jen Neumiller, Land Use Administrator

ATTEST:
Mike Eslinger, Chairman