

Sub Committee Meeting:

The Mercer County Planning & Zoning Subcommittee met Tuesday morning March 31st, 2026 at the Mercer County Government Center in Stanton ND. Eslinger called the meeting to order at 9:00AM

Members Present: Mike Eslinger, Kevin Hafner, Chris Renner

Others Present: Wayne Bertsch, Erick Edison, Linette & Kevin Irwin, Wayne Windhorst, Zack Melda, Wes Klein, Kristy Smith, Melissa Brooks, Ryan Norrell, Briana Scheid, Jack Schuh, Michael Berg, Duane Miller, Weston Berg, Keith Boehm, Andy Thomas, Stephanie Morales, Casey Voigt, Lori Hammer, Kaylene Berg, Loyal Karges, Liz Lundstrom, Scott Harmstead.

Data Center Ordinance Discussion:

Eslinger opened the meeting by letting everyone why we are here today, to work on the ordinances. He introduced Scott Harmstead with SRF, who specializes in ordinances. They would like everyone to be as transparent and open as can be. Data center ordinance is priority to get done first.

Scott: The Data Center ordinance is the framework, once this is complete they can apply for a permit. When the application for a conditional use permit is submitted, further items can be added. WE will look at the definitions. There are over 2 pages of standards which include some of the following: electrical, ownership, emergency management, construction, noise, what happens at end of use, and compliance. This is the first initial draft, we based this off the states model, other counties, our own research, and Morton Counties. There was a comment at the last Planning and Zoning meeting about power use/ stress on the grid. There are a number of things in place specifically written from power companies to make this suitable. Utility lines from the data center will be high voltage, we can look at possibly putting this underground instead of in the air. We would like to put as much underground as possible. The Data Center will need to bring in their own power company so they do not use the ones in this area and disturb power to other customers.

Mike: When Data Centers come in, they normally expand in 1-2 years. They would need more power when they expand then original, can we add to the ordinances to protect ourselves?

Scott: We would do an amendment. They would need to provide an annual report showing the power usage. We can amend the permit.

Mike: Can we do a Large Load Amendment?

Scott: Yes, we can.

Mike: What about limiting the footprint it has on the area?

Scott: We can try to add to the ordinances now but technology is constantly changing all the time. We will need to get constant reporting and to update.

Basin: We can't just upgrade the footprint like that. It would take a while; the market can purchase from whoever. We have a program to ensure that this such as on the current gas plant expansion.

Public Question: When in the building process, they wouldn't have their electrical company out here yet. Wouldn't they have to use our companies here such as Roughrider Electric?

Basin: You would not need to use companies in the area because that is what the program is for that we have. It has the power.

Wes: Can you create and require additional conditions after you receive the conditional use permit?

Scott: Yes, we can.

Mike: We need to at this like we do not have a data center trying to come into the area, a clean slate. This is why we are needing to write generic ordinances, not just for this one center. It is hard to judge every company as well. We need to ask what their intent is, and set standards from there.

Scott: We will turn our discussion to the water usage. We will need written usage estimates from the water company. Waste water will need to be managed. Data Centers do use more water to cool the center. We will need to know what chemicals are being used/discharged with the water. Water usage is controlled by the ND State Water Commission. We would lean on the state for control in the county for water usage regulations. Before the application would be accepted, the water regulations need to be met.

Public Question: Can the county limit the water usage/cap it?

Scott: We won't know till an application is received, then we can work with the state on it.

Casey: When the department of water gets the permit, the county can comment on it.

Scott: We would look at that in the conditional use permit by itself. Once we accept the permit, the clock is ticking. Before the county has accepted the permit is when we want to make sure everything is submitted correctly, agencies have been notified. The county has the power to accept or Deny this application.

Scott: We will look at the Emergency Response next. They will need to put together a response plan.

Public Comment- The Hazen Fire Dept is not equipped for a Data Center Fire.

Mike: Any company that comes in will need to sit down with ALL the surrounding area fire depts because that way all EMS is involved. This includes, Center, Stanton, Beulah, Hazen, etc.

Scott: Hazard chemicals will need to be disposed of properly. The State will be very involved in this process. Hazardous water discharge will be up to the state/federal regulations. We will have them submit their traffic information during and after construction. The repair to fix the roads damaged from the construction will be up to the company for the repair costs. For gravel roads this will be in effect as well. If they need to create a new road around the center they will be paying for this as well.

Mike: The data center should have to meet current standards for repairs on the roads so if something breaks, make it better do not put it to how it was. The loads need to be covered. This is up to the road department/ highway patrol to enforce this.

Public Question: DGC pumps their hazard water deep into the ground, miles down underground. We should look into what they are doing?

Mike: This is where we will get many people, agencies, and resources involved to go over that.

Scott: Noise studies will be required. Will need to be a licensed pro engineer. There will need to be 3 different noise studies completed and each one needs to be completed by a different party. Data Centers vary size to size and that means each center will have different noise levels. We will set limits that will need to be met for daytime and night.

Public Question: What about ambient noise levels? Ambient noise will exceed those limits

Scott: We will submit an expectation/limit.

Public Question: Will we require a noise study prior to construction?

Scott: Yes, this will need to be completed and submitted with the application.

Public Question: What about a noise study for residence further away, can those residences request to be included in the survey?

Mike: We will need to look into that more. There are so many factors for noise as well.

Public Question: What if someone in the area doesn't want a noise survey done, and they just want to say yes, it is fine. Can they do this?

Scott: There is a struggle with this because not everyone agrees. We will have to keep everything and everyone the same and rely on the process. If a data center usage ceases for 12 months or longer they will need to get rid of everything according to state and federal law.

Mike: Reclamation needs to be able to keep up with inflation for upcoming standards and not pre-construction standards.

Mike: We will be looking into a permit application fee because of the impact it has on the county for printing, paperwork, etc. It will depend on the size as well. We will also be looking into losing property tax. We will have to make up for the property tax somewhere though if it is gone.

Wes: Tax to the county would be a percentage of value of output would be in lieu of tax. Would always be there and coming in yearly to increase tax return to the state when extra sales happen.

Scott: Hyperscale is part of data centers where lots of computers can be stored.

Public Question: Size, Data Center vs Hyperscale? Would we place size scale in the ordinances?

Scott: No, a size requirement is not currently on this. Other places have them but eventually it will get to the size they are wanting right away with all the expansions that get approved over time.

Scott: Air quality will depend on the state regulation, it will limit how much pollution they can release.

Public Question: What about impact on animals? The plants thrive with wildlife because no one can hunt there. But with the noise it will drive animals away?

Mike: Unknown factor at this time we would have to get an environmental study done.

Scott: Moving forward we will update the draft to what we talked about today and go over this at the next meeting.

Meeting Closed 11:21AM

