MINUTES

**Mountrail County Land Development Code Committee**

**February 4, 2025**

The meeting of the Mountrail County Land Development Code Committee was called to order at 1:00 p.m. In attendance were Planning & Zoning Chairman Charlie Sorenson, Planning & Zoning Commissioners Doug Bratvold and Trudy Ruland, Mountrail County Planning & Zoning Administrator Melissa Vachal, Mountrail County Planning & Zoning Assistant Malinda Gunderson, Mountrail County States Attorney Wade Enget and SRF Consulting representative Scott Harmstead.

**Approval of Agenda**

Moved by Commissioner Ruland, seconded by Chairman Sorenson, to approve the agenda. All present voted yes. Motion carried.

**Approval of Minutes**

Moved by Commissioner Ruland, seconded by Chairman Sorenson, to approve the Mountrail County Land Development Code Committee minutes of the November 19, 2024 meeting. All present voted yes. Motion carried.

**Presentation by SRF Consulting: 1st Draft of the Data Center Regulations**

Discussion was had on the initial draft of data center and battery storage ordinances.

Scott Harmstead with SRF presented the initial draft to those in attendance. Administrator Vachal stated she has heard some concerns regarding the proposed one-mile setback from residential homes. Chairman Sorenson stated he has spoken with the Stanley Fire Department concerning these facilities and has been informed that they won’t be responding to fires at data centers or battery storage facilities due to the risks involved. This is similar to how the department handles oil well fires. Because of this, Chairman Sorenson wants to see some construction requirements regarding fire suppressant to make them almost self-contained so that anyone working in the facility has time to get out before it burns down. How to determine whether data is being stored for commercial use or industrial use was discussed with the size of the building or how many computers being used as possible ways of determining commercial versus industrial use. Mr. Harmstead suggested that Mountrail-Williams Electric might be helpful in determining the scope of the operation based on how much electricity the facility is using. Chairman Sorenson wants all applications to have an affidavit of ownership included so that the board can ensure the companies operating these facilities are US-owned which should be updated annually. Chairman Sorenson would like to find a way for the board to have the right to have the power shut down in the event that the board issues a cease-and-desist order for a facility. States Attorney Enget stated the only way to do that is to have the county designated as a third-party beneficiary and that the board needs to ensure that anything they add with this ordinance coincides with what is already in the Land Development Code regarding enforcement. Chairman Sorenson pointed out that there needs to be considerations made regarding setbacks for historical sites and radio frequency interference. Administrator Vachal pointed out that the setback for Military sites should be no less than what is already in the Land Development Code for wind towers. Electrical impacts on county residents and whether our current power grid is capable of serving these facilities was discussed as well. Chairman Sorenson suggested reaching out to an expert on data centers for input on their electrical use and Mr. Harmstead suggested reaching out to the Public Service Commission and the North Dakota Transmission Authority for comments on this as well.

**Presentation by SRF Consulting: Industrial Scale Battery Energy Storage Systems (BESS)**

A short presentation on battery storage facilities and how to plan for them was given to those in attendance. Topics included: what industrial scale battery energy storage systems are, their components and functions, the cost and demand for them, the potential risks of these facilities, the planning impacts to be considered, examples of what they are used for, suggested zoning regulations and best practices to be considered.

**Open Discussion on 1st Draft of the Data Center Regulations**

Hunter Andes, Mountrail County resident, expressed concerns about the health and safety risks involved if a data center or battery storage facility were to start on fire and what the risk of radiation is for people and livestock within the vicinity of these facilities. Mr. Andes also expressed concern for the setbacks for historical and military sites and would like to see more restrictive requirements for those areas such as a two-mile setback for historical sites rather than the proposed one-mile setback. Travis Sauber with JDE Holdings was present to ask questions regarding noise levels and the four-hour fire structure and to get clarification on what was meant by the suggestion to have a wall around the building for fire prevention. Mr. Sauber also had a presentation about the cooling technology for the data centers he’s planning to build to give clarification on the differences between his and other data centers the board has looked at. Further discussion was had among those in attendance about whether the one-mile setbacks should concern just habitable residences in that radius or all of the landowners.

The next meeting of the Mountrail County Land Development Code Committee will be held May 20, 2025 at 1:00 p.m. via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Moved by Commissioner Ruland, seconded by Chairman Sorenson to adjourn the meeting at 3:44 p.m. All present voted yes. Motion carried.