MINUTES

**Mountrail County Land Development Code Committee**

**May 20, 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 Bratvold, seconded by Chairman Ruland, to approve the agenda. All present voted yes. Motion carried.

**Approval of Minutes**

Moved by Commissioner Ruland, seconded by Chairman Bratvold, to approve the Mountrail County Land Development Code Committee minutes of the February 4, 2025 meeting. All present voted yes. Motion carried.

**Presentation by SRF Consulting: 2nd Draft of Data Center Regulations**

Discussion was had on the second draft of data center ordinances. Scott Harmstead with SRF presented the changes that had been made in the second draft to those in attendance. Mr. Harmstead presented several updates which included: data centers will require a Conditional Use Permit and will need to be zoned Industrial, a requirement that Mountrail County be added as a third-party beneficiary on the power purchase agreement, and information on water consumption. Mr. Harmstead mentioned that a previously discussed requirement that the Public Service Commission be provided opportunity for transmission authority has not been added as of right now but that it can be if the board wishes. Chairman Sorenson had a concern about a section of the definitions concerning substations because they are zoned separately and if a data center needed a substation, then it should need a separate application for that. Mr. Harmstead stated this was done specifically so that it’s viewed as one project and that the noise impact is viewed as a whole. Chairman Sorenson would like to add some additional requirements that weren’t in the second draft: all residents and landowners within a one-mile radius must sign off on each project, a map of all water wells within one mile of a planned project must be provided, backup power should be restricted to 500 gallons of diesel, and data centers should be a mile away from any structure because that should eliminate the need for administration to monitor the noise levels. Chairman Sorenson also feels that the requirement for a separation of 3 miles between data centers is not necessary because several small data centers in one area is just as noisy as one large data center and he would rather see them congregate in one area rather than spreading all over the county. Mr. Harmstead stated that if they are to be allowed to congregate in the same area then the noise study becomes necessary because it could impact an area of more than a mile. Chairman Sorenson and Hunter Andes of Plaza both expressed concerns about the setbacks from historical sites currently being 50 feet in this draft and feel that needs to be larger. Chairman Sorenson would like to check with the state historical society to see if editing the draft to say “minimum setback as set by the state historical society” would be acceptable. Commissioner Ruland and Chairman Sorenson feel it would be good to expand the terminology regarding back up power to be more inclusive of any type of system that may contain fluids that could spill. Mountrail Williams Electric Cooperative (MWEC) will need to check with their legal department on the third-party beneficiary language to see if that is possible. Mr. Harmstead also pointed out the addition that foreign ownership will requires documentation which Chairman Sorenson stated the board wants a list of names and addresses of investors which will be updated by the operator on an annual basis.

**Presentation by SRF Consulting: 1st Draft of Battery Energy Storage Systems Regulations**

Discussion was had on the initial draft of battery energy storage system ordinances. Scott Harmstead with SRF presented an overview of the initial draft to those in attendance. Topics discussed included CUP requirements, electrical permits, setbacks, legal impacts, height limitations, fire suppression, disposal, environmental protection, noise and hazard mitigation. Regulation of the facilities will be categorized by size and each category will have its own set of permitting requirements. States Attorney Enget feels the categories and their permitting should be broken down further to include zoned use of the land. Chairman Sorenson wants to add the requirement for a map of all the water well locations to this as well. Concerns were expressed about allowing entry to these facilities which Mr. Harmstead stated they could add that the operator must be present in order for anyone to enter as well as in the event of an emergency. These facilities will be required to have a third-party inspection performed on an annual basis paid for by operator. Chairman Sorenson wants a section added about site restoration in the event that a facility is decommissioned. Public concerns were expressed about the possible radiation these facilities emit and whether these facilities will affect future generations of farmers.

**Discussion on adding Radioactive Waste Disposal to Land Development Code**

Discussion was had concerning House Bill 1259 and the study that has been requested as a result on nuclear radioactive waste. Scott Harmstead with SRF presented information on this to those in attendance and will have a first draft of this amendment ready for the next meeting of the Mountrail County Land Development Code Committee.

**Public Comments**

None.

The next meeting of the Mountrail County Land Development Code Committee will be held August 4, 2025 at 1:00 p.m. via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Moved by Commissioner Ruland, seconded by Commissioner Bratvold to adjourn the meeting at 2:45 p.m. All present voted yes. Motion carried.