



AGENDA
PLANNING & ZONING COMMISSION
AUGUST 24, 2026
MANDAN HIGH SCHOOL AUDITORIUM
2335 4TH AVENUE NW
5:30 PM
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A. ROLL CALL

B. CONSIDER APPROVAL OF MINUTES

1. July 27, 2026 Minutes

C. PUBLIC HEARINGS

1. Consideration of a Mandan Data Center Ordinance

D. OTHER BUSINESS

E. ADJOURN

A. ROLL CALL Chair Robinson called the meeting to order.

Commissioners Present: Horn, Huber, Lang, Mayor Froelich, Intveld, McLean, Smith, Hammond, Gardner, Renner, Robinson. Absent: Mudder.

Also Present: Building Official Jordan Singer, Rachel LaQua Interim Planner of Interstate Engineering.

B. CONSIDER APPROVAL OF MINUTES

1. *June 22, 2026 Minutes. Commissioner Smith motioned to approve the June 22, 2026 minutes. Commissioner McLean seconded the motion. Upon vote, the motion passed unanimously.*

C. PUBLIC HEARINGS

1. *Consider revisions to the Mandan Land Use and Zoning Code.* Rachel LaQua Interim Planner presented.

LaQua noted that the Land Use discussion does not include the Data Center section of the code. It is in drafts marked as reserved. There will be an updated draft provided on or before August 6, 2026.

STATEMENT/PURPOSE:

Consider revisions to the Mandan Land Use and Zoning Code.

BACKGROUND/ALTERNATIVES:

After the City Planner resigned in the spring 2025, the City contracted with Interstate Engineering to provide interim planning services following the end of Stantec's contract. Because the Land Use Code update remained important, in the fall of 2025 the city requested Interstate Engineering to complete the final steps of the project. In the fall 2023, Stantec completed a zoning code audit of Chapters 101 (Administration and Planning), 105 (District Regulations), 109 (Land Subdivision), and 115 (Right of Way). Several working group meetings were held in 2024 and 2025 with the final working session held in June 2026.

The rewrite consolidated the effort into two chapters: 105 and 109. No redlined version of the code has been made available, as the scope of the updates is substantial enough that a redline would not provide useful information. Supporting resources are posted on the Zoning Rewrite Study website, and major changes are summarized below.

The Data Center regulations are not included in the ordinances before the Commission at this time; that section has been reserved for the August 24, 2026 Planning and Zoning Commission meeting to allow for additional public and commissioner review.

LaQua reviewed the following steps that were taken throughout the project:

Frequently asked questions.

- Audit Findings: The 2023 Stantec audit identified a number of issues that the rewrite is intended

to address. They audited chapters 101, 105, 109 and 115. Chapter 101 is Administration and Planning. Chapter 105 is District Regulation Guidelines are the zoning districts. Chapter 109 is Land Subdivision and Chapter 115 is Right of Way.

- There are two drafts to be reviewed at this meeting. Chapters 101 and 109. Chapter 101 (Land Development and Public Services) and Chapter 101 (Zoning Ordinance) and Chapter 109 (Land Subdivision). Chapter 115 (Right of Way) will be discussed later.
- Zoning districts are similar to one another, with several no longer in use but still appearing on the zoning map, and others present in the ordinance but not used on the map.
- District descriptions and permitted uses no longer align, and language throughout is outdated.
- Some uses lack administrative review, and the list of uses with special standards needs modernization.
- Creative and small-scale uses are not addressed.
- Setbacks, right-of-way widths, and design standards need updating to current best practices.
- Park dedication is currently limited to payment-in-lieu options.
- Landscaping standards lack clarity, and the administrative process is unclear overall.

Public Involvement

A community survey of more than 500 code users was completed and is available on the project website. The top three issues identified by respondents were:

1. Updating permitted uses in Mandan to reflect more modern uses.
2. Requiring more park dedication (land) with new subdivision development.
3. Clarifying residential and commercial uses intended for areas surrounding the downtown Mandan business district.

There were seven (7) working group sessions were also held to evaluate specific code sections, provide education, and help determine direction for the rewrite.

Major Changes

- Landscaping: Standards were updated to more closely mirror Bismarck's, at the request of local developers. The rewrite establishes street tree requirements for commercial and residential areas, clear buffer zone requirements using tables, updated perimeter and island planting requirements, and modernized landscaping expectations generally.
- Park Dedication: The Park District may require land or payment in lieu, as allowed under North Dakota Century Code. The requirement applies to both commercial and residential properties, with a tiered approach based on development style and density.
- Access Management: Access spacing and related allowances are updated to modern best practices, and the intent of different street classification types is clarified. Right-of-Way Widths: Minimum arterial widths are widened, with arterials now classified as principal or minor. Two standards are created for local roads, and rural standards are added for the first time.

New Zoning Districts — Five (5) new or revised districts are proposed:

- RR (Rural Residential): Supports rural development on well and septic within the ETJ; minimum lot

size of 1.5 acres.

- MX (Industrial): Very heavy industrial uses; the proposed zoning map limits this district to the refinery.
- DF (Downtown Fringe): Rewritten as a more logical transition zone; eliminates drive-throughs, motor vehicle service, and retail group B; the proposed map reduces the district's footprint.
- NMU (Neighborhood Mixed Use): A form-based code concept supporting vertical and horizontal mixed-use redevelopment; not included on the proposed map.
- CMU (Corridor Mixed Use): Suited to infill and reuse along auto-oriented corridors, supporting larger-scale commercial uses.

Specific Use Types: Multi-use shops may now be approved administratively. Language and use types are modernized, and a use table clearly shows whether a use is permitted, conditionally permitted, or not permitted. The structure for determining use type is clarified, and additional housing types are added. As noted above, the data center section is reserved for later review.

Administrative Changes: The rewrite clarifies the review structure and administrative requirements in both the subdivision and zoning sections, codifies the administrative appeal process, and creates additional administrative processes to streamline development for citizens. Some conditional use permits move to administratively approved uses with added standards, and definitions, terms, and visual aids are updated throughout.

Parking and Driveways: Changes include removing the exterior parking requirement for dwellings; reducing parking requirements for senior or affordable multi-unit buildings to 0.65 spaces per unit; allowing adjacent on-street parking to count toward required residential minimums; reducing minimum retail parking from one space per 400 square feet to one per 500 square feet; basing medical clinic minimum parking on square footage rather than employee count; allowing the City Planner to approve parking reductions of up to 25% from minimum requirements; creating a “proof of parking” option allowing construction of 80% of required parking so long as the remaining area is preserved for future use; and establishing minimum and maximum driveway widths.

Goals of Recent Updates

Since the spring of 2026, the goal of staff and the consultant team have been to build on work already completed while making strategic updates to a limited set of sections — landscaping, multi-use shops, and park dedication — along with formatting, final QA/QC, and identifying next steps.

Next steps

Zoning Map Updates

Some comments and updates to the zoning map remain unresolved. Updating the map alongside the zoning code represents a significant undertaking. The intention is to pass the zoning code first and then move to the zoning map update.

Applications

New application forms are needed to support the updated code. They have been created and will roll out alongside the new code.

Sign Codes

The sign ordinance should be re-evaluated based on content-neutral regulations, as the current code

allows for more flexibility and negotiation than is advisable. The proposed draft includes a Sign Master Plan.

Right of Way

Chapter 115 is to be re-evaluated and updated; some sections incorporated into 109 but needs additional review before public hearing.

At this time, LaQua reviewed with Commission members the attachments:

1. Draft 2026 Subdivision Ordinance
2. 2026 Draft Zoning Ordinance - DC Omitted

Chair Robinson inquired if there were any questions for Interim Planner Laqua.

Commissioner Smith inquired if the plan would be to redo or tweak the signage before moving forward? LaQua replied there were minor updates completed that were done but the larger should be done that have gone through public involvement. Commissioner Renner inquired about the landscaping issue wherein there was conversation about the buffer zones. There has been discrepancy in the past about where to start creating the buffer zones. Will it be from lot line to lot line or from building to building? LaQua will check on that. He inquired if the City Administrator will be making decisions on the signage? Will that be reviewed by the Mandan Architectural Committee (MARC)? LaQua stated that the Code clearly lays out the appeal process for decisions that were made administratively.

Chair Robinson commented that he, along with Commissioner Huber and some developers sat in on some of the early meetings held in 2023 and 2024. A major part of the rewrite is to reduce the request for variances. Regarding the red-lining versions, he explained that Stantec's intention was to strip out this ordinance and re-paint it, noting that he understands the request presented about red-line versions of the text and how the red-line would not work for this particular process.

Commissioner Intveld inquired as to what is a reasonable timeframe for having that completed portion? Building Official Singer stated that the city is looking at the number of parcels. As LaQua stated, one of the larger areas that gets moved in the maps is that Downtown zone. Much of the buffer zones get reduced and all those people are to be notified via letters. The other large ones are the zones that are not on the map that aren't actually in there anymore. For example, the LSM, the large-scale mobile home. It is still on the map and it needs to be removed. As soon as the current section is done, the goal is to complete all revisions by this fall (2026).

Commissioner Gardner commented that moving forward from here, this Commission would approve and the City Commission would approve. Is there a preliminary and a final? LaQua stated she understands there will be both the first and second readings.

LaQua stated that staff recommended forwarding the Land Use and Zoning Code revision to the City Commission for approval (or denial) of the draft of the Mandan Land Use and Zoning Codes at Sections 105 and 109 as presented including the repeal and reservation of the current Section 105.

Chair Robinson inquired if the mapping question(s) will come back to the P & Z Committee, or is that a City Commission action? LaQua replied she understands it will follow the standard zone change process. There should be discussion whether or not to have a meeting with all of the owners prior to the public

hearing to get those questions out of the way. That would go through the standard zone change process. Commissioner Huber inquired if there will be “grandfathering” for the properties that would have been developed or constructed prior to the zoning changes and how that will be handled?

LaQua explained there will be language for nonconforming uses, which is slightly different than grandfathering. Nothing in the code would make it currently legal occurring that have to be removed or sunset in; it would fall under that non-conforming code. One comment was received on the zoning code, not related to data centers, was a question about something permitted under an SPU, and whether or not that would change. SPU wouldn’t be required under this new code. And the answer discussed was no, they would still fall under their SPU. Chair Robinson commented this was before the data center was of concern. There were over 500 responses to the survey, which was a strong survey. Commissioner Huber inquired about the non-conforming use – is there a requirement where they have to become conforming if they put more than 50% improvement? LaQua replied the vast majority of the language is from out-of-state code due to legislative changes at the last session. It is standardized across the state.

Chair Robinson asked if there are any more questions. Hearing none, the public comment portion of the meeting will be in two sections:

(1) Comments on the non-data center of the Ordinance for the developers and the downtown fringe: James Carroll came forward and stated he would like to discuss concerns with the proposed: (i) A requirement of planting trees every 40 linear feet. This was included in the summary provided by the city. Trees are necessary but they can become problematic growing in sidewalks, driveways, and utility lines. They require significant maintenance and cleaning up leaves and trimming trees and branches. They are site hazards on streets and they can blow over in the wind. It is not clear why the city of Mandan requires planting trees on residential properties. Who will be responsible for trimming the trees and cleaning up the broken and fallen branches or downed trees? Should property owners be given an opportunity to decide if they’re going to accept the risk of taken care of trees on the boulevard? If not, does the city have a plan to take care of the maintenance of boulevard trees? His request is that the requirements of the responsibilities be addressed for single family homes and other similar buildings. Bismarck ordinance requires trees every 100 ft. on multi-family buildings with no more than three units. Mandan needs to be focused on providing services and ensuring the safety of its residents rather than overreaching and creating problems for them.

(ii) The new annex zone. It appears to create a unique area to close it off from non-compatible zoning districts by creating a buffer. It is his understanding that this current only refers to the refinery. Regarding the upcoming data center discussion set for August. The zoning district with the most permissive uses should be limited to certain locations, not just separated by 20 or 30 feet. The city needs to ensure that the existing residents and business owners are not impacted by additional zoning district and future potential uses. He requested these matters be evaluated further.

Chair Robinson inquired again if anyone in person or on-line would like to come forward to comment on initial part of the Ordinance, excluding data center. Hearing none, he inquired if the City has a preference to discuss the ordinance by this Committee. No comments were forthcoming.

(2) Public comment on the Data Center:

Building Official Singer came forward requesting a point of order. He inquired if this portion of the meeting is limited to the land ordinance or the regular ordinance? And will the Commission be voting on the land one tonight?

Chair Robinson clarified that the Commission is taking comment on just the subdivision zoning ordinance (not the data center matter).

Commissioner Huber requested clarification is the Commission is looking at both? The new proposed Chapter 101 Zoning Ordinance as well as the new Chapter 109 Land Subdivision, neither of which contain the data center language. Is that correct? Chair Robinson replied, that is correct, however, public comments will be taken on the up-and-coming ordinance for data center.

Chair Robinson stated that with no further comments on the balance of the (regular) ordinance, at this time, the Commission will hear comments on the data center.

Sondra Sauers, a Mandan resident came forward and requested a moratorium until the North Dakota State Legislature meets and can either allow for cities, townships and counties to have stricter enforcement on breaking ordinance(s) and enforcement of penalties.

Matthew Hausauer came forward and commented that he is concerned about a data center using a lot of water to cool systems. He commented that data centers are controlled by industry and those industries are supported by tax bailouts for those systems, will his taxes and costs for expenses and electricity go up? Hausauer stated that the other concern that other states have had with these systems the drinking water comes out muddy. Chair Robinson replied that the re-written ordinance addressing those concerns has not been presented to the Planning and Zoning Commission. The re-written data center ordinance will be available within the next week.

Sheila Froelich, a Mandan resident came forward and inquired if the Commission will be voting on the ordinance tonight? Chair Robinson stated that no, the data center ordinance will not be voted on tonight. He said the Commission will be voting on the ordinance Sections 101 and 109, less the data center section. The ordinance being voted on is 190-some pages of a new city ordinance. Froelich inquired if there is a proposal for a new wastewater treatment plant for \$120 million? Will that plant take out the PFAS chemicals from the proposed data center? Chair Robinson stated that this Commission does not qualify to answer that question. Froelich inquired if there is a reason why the wastewater treatment plant is going to be re-done now? Does it have anything to do with the data center?

Mayor Froelich requested the City Administrator to answer Froelich's questions. Administrator Neubauer came forward and stated that the work at the wastewater treatment plant has been in the process for several years. The city does not have an application for the data center and cannot speak to what the heating and cooling systems; what the water intake will be or what the water discharge will be. He stated that the PFAS is part of the existing water plant solutions that the city is planning for years going forward as federal regulations come out.

Froelich inquired if the wastewater treatment plant will possibly be treating PFAS are you planning for the residents to take in water from other data centers to clean the water from PFAS? Is the city of Mandan planning to give tax breaks to data centers? Chair Robinson stated that the Planning and Zoning Commission does not have expertise in that area. The only tax incentive that he is aware of is at the state level.

Commissioner Gardner stated that he talked to potential investors that are coming. They promised in one of the first talking points was that they would bring in \$46 million dollars in tax revenue. The city does not have an application so there are things that cannot be answered until an application is filed. They are trying to use the tax that they are paying for property tax as a way to incentivize a way to motivate the citizens of the town to want this. Regarding the cooling, they mentioned they will be doing a closed system. Froelich inquired if they plan to pay taxes for all of Mandan?

Commissioner Gardner clarified they said that is how much tax they are going to have to pay. Froelich voiced concern about the other adverse health effects by having it on the edge of Mandan city limits. The company that purchased the land is being bought out by a company from Israel. Does the state allow foreign investors in our state? Regarding the closed loop system, they say that, but you do realize the water has to be drained out periodically and that water will contain chemicals from the PFAS chemicals in the pipes. Commissioner Gardner encouraged residents to contact him with questions. He went to a data center meeting at the train depot in Bismarck to learn about data centers.

Mayor Froehlich commented on the water issue. At the center in Ellendale, currently the water is being trucked in and off loaded into tanks and then it goes through a reverse osmosis system and then it charges the system within the plant. When it needs to be changed out it is loaded on the trucks and it is trucked up to Sawyer to clean harbors which is an EPA approved landfill and they treat the water. It does not go into any municipal wastewater treatment plant. It goes up to clean harbors in Sawyer which is an EPA landfill. The paperwork is up there. The system is a reverse osmosis system and propylene glycol, that is a hydrocarbon and is biodegradable. The PFAS is another issue. The usage in Ellendale is @ 3.5 million gallons which when you look at other industries in town consuming water, it's minute.

Matthew Hausauer came forward and stated he has an answer for the Israel question. He said that the technology that we have is from Israel implemented by Minneapolis police is within a little box in their car that connects to a cell phone tower, that is hidden technology at work. Commissioner Gardner stated that the data center group promised they were bringing in their own energy, electrical generating powered by natural gas. So, they said they were going to produce enough electricity to power everything independently with potential excess that would be sold back to MDU.

Commissioner McLean re-iterated that the city does not have an application from a data center so the city does not know what they are going to use. Hypothetically, speculating, which is something the Commission should not be doing. Number 1, the land has not been purchased. There is a Letter of Intent that they could purchase the land; hence, the discussion is overstepping things that have not even happened yet.

Commissioner Gardner commented that perception is reality and he believes when the public asks questions and there are no answers, people make judgments off that.

Sondra Sauers came forward and stated she understands this is hypothetically at this time; however, members of the city stated you have had meetings with companies? Are the generators they are talking about portable and have independent power sources? Commissioner Gardner said they would have their own generator. Sauers stated she would also like to see the city reviewing the community benefit agreement and building that out.

Chair Robinson commented that he is aware that there have been a number of meetings held in Bismarck and Mandan. A big part of the ordinance re-write and making it a more robust ordinance includes some of the info gathered from those meetings. The Data Center Ordinance is expected to be available the first week of August, 2026.

Chair Robinson asked for any further comments or questions. Hearing none, this portion of the public hearing was closed.

Commission Action

Chair Robinson asked for any further comments or questions from the Commission regarding the Ordinance

Commissioner Smith commented on the Ordinance at Sections 101 and 109, stating there have been many discussions regarding the trees having both pros and cons. The city will have ongoing issues that will have to be dealt with as they come up. There will be amendments and revisions as issues come up. He stated he is in favor of adopting the rewritten Code.

Commissioner Smith motioned to recommend approval to the City Commission to approve the draft of the Mandan Land Use and Zoning Code Sections 101 and 109 in whole, as presented. Commissioner Renner seconded the motion.

Rachel LaQua suggested a clarification on the motion, that there also needs to be a section on repealing and reserving Section 105. The motion would be to recommend approval to the City Commission to approve Sections 101 and 109, in whole, as presented, with the Repeal and Reserve of Section 105.

Commissioner Smith amended the motion to include the recommendation for approval to the City Commission to approve Sections 101 and 109, in whole, as presented, with the Repeal and Reserve of Section 105. Commissioner Renner seconded the amended motion.

Chair Robinson announced the motion is to recommend to the City Commission approval of the draft land use Code Sections 101 and 109 in whole as presented, with Repeal and Reserve of Section 105.

Chair Robinson called for a roll call vote: Commissioner Horn: Yes; Commissioner Huber: Yes; Commissioner Lang: Yes; Mayor Froelich: Yes; Commissioner Intveld: Yes; Commissioner McLean: Yes; Commissioner Smith: Yes; Commissioner Hammond: Yes; Commissioner Gardner: Yes; Commissioner Renner: Yes; Chair Robinson: Yes. The motion passed.

D. OTHER BUSINESS

E. ADJOURN *There being no further business to discuss or come before the Board, a motion was made by Commissioner McLean and seconded by Commissioner Hammond to adjourn the meeting. Upon vote, the motion passed unanimously. The meeting adjourned at 6:31 p.m.*



SECTION 101-11-12.

DATA CENTERS

08/06/26 – User-friendly Version

Abstract

Contained in this document is a user-friendly version of the 08/06/26 draft of the City of Mandan's land use code revisions related to data centers. This was developed alongside an official version that follows ordinance formatting. The contents of the two versions are the same.

This version includes a table of contents, article references, section descriptions and navigation links. It's intended to provide a better experience for public review and feedback. A feedback link is included below:

Feedback QR Code



<https://arcg.is/11Wj402>

Sec. 101-11-12. Data Centers

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1 Authority and General Framework

a) Purpose

A data center is an intensive land use that can generate significant impacts and typically requires substantial quantities of electricity and/or water. The construction phase may last for multiple years and can generate rapid socioeconomic and physical growth pressures on local infrastructure and surrounding areas. The purpose of this section is to direct data centers to appropriate locations and to establish standards that mitigate potential impacts to protect public health, safety and welfare.

b) Definitions

Data Center. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, servers, and other equipment, appliances, and components related to digital data storage and operations.

Floor Area Ratio. The sum of the total horizontal square footage of all enclosed server halls (data halls), administrative offices, electrical substation control enclosures, and any structurally integrated mechanical equipment yards divided by the total area of the development parcel, minus any acreage dedicated to the City as public right-of-way (ROW), municipal utility easements, regional stormwater retention basins, or mandatory public interface greenways/trails.

Major Data Center. A data center where the total designed electrical capacity of the facility exceeds 6,000 kilowatts (kW).

Micro Data Center. A data center where the total designed electrical capacity of the facility is 100 kilowatts (kW) or less.

Minor Data Center. A data center where the total designed electrical capacity of the facility exceeds 100 kilowatts (kW) and is 6,000 (kW) or less.

Pure Tone. A pure tone is considered present if the unweighted sound pressure level in any single 1/3 octave band exceeds the levels of both adjacent bands by the thresholds established in ISO 1996-2 (Annex D) (ISO, 2017):

- 15 dB for low frequencies (25 Hz to 125 Hz)
- 8 dB for mid frequencies (160 Hz to 400 Hz)
- 5 dB for high frequencies (500 Hz to 10,000 Hz)

c) Applicability

Data centers are classified within Industrial Group B and are permitted in the MB and MX zoning districts with an approved conditional use permit.

2 Entitlement Process and Public Review

a) Conditional Use Permit Required

Applications for the installation or construction of a data center, or for modifications to a lawfully existing data center beyond routine maintenance, shall be processed in accordance with the application procedures for Conditional Use Permits (Section 101-4-4). Any equipment upgrade increasing the facility's total thermal output or altering its acoustic profile does not qualify as routine maintenance.

A conditional use permit shall remain valid for the life of the project, unless the Board of City Commissioners designates an alternate duration, or if one or more of the following occurs:

- 1) Construction has not commenced within three (3) years of the permit issuance date, in which case the permit shall automatically terminate.
- 2) The project fails to comply with any local regulation, or fails to obtain any required local permits, in which case the permit shall be automatically suspended until compliance is achieved.

b) Permit Modifications

Following the approval of a conditional use permit, minor technical deviations to the precise on-site location or minor equipment brands may be authorized in writing by the Zoning Administrator, provided the facility's overall thermal, water and acoustic footprints are not increased. Any proposed modification that constitutes a "Major Change" shall immediately void the administrative approval path and shall legally require the applicant to submit a new, separate conditional use permit application subject to the full public notice, review and approval process. A Major Change is defined as any of the following:

- 1) An increase in the total number of primary or accessory structures on the development parcel.
- 2) Any expansion(s), structural modification(s), or addition(s) that cumulatively increase the total floor area of any building to more than 5 percent above its originally permitted footprint.

- 3) Any modification, alteration, or expansion of the project boundary lines established in the original conditional use permit application.
- 4) Any alteration to the structures, layout, utility providers, or engineering methods utilized for energy procurement, electrical supply, or water supply for the Data Center facility.

c) Permit Transfers

Prior to any change in ownership of a data center permitted in the City, or a change in the controlling interest of any entity owning a data center permitted in the City, an application shall be made to the Board of City Commissioners requesting transfer of the conditional use permit. Approval of such transfer shall be conditioned upon explicit written agreement by the new permittee to comply with all provisions of this section and all conditions attached to the original permit.

d) Public Notice and Liaison Requirements

As part of the application process, the City shall send notice to all property owners within a half-mile radius of the boundary of the property on which surface improvements are proposed.

The applicant shall designate a public liaison and publish a phone number and email address for communication during construction. The designated Public Liaison must be a human being. Automated response systems, AI interfaces, or unmonitored corporate helpdesks shall not satisfy this requirement. The Public Liaison shall remain active for the duration of the construction project and the life of the facility. The Liaison shall provide a substantive response to inquiries or complaints from city residents within a mandatory forty-eight (48) hour window.

3 Submittal Requirements

a) General Development Requirements

A narrative describing the proposed project, including

- 1) Identification of the owner/operator of the Data Center;
- 2) general construction phasing plan;
- 3) estimated daily trips during construction and operation, including heavy trucks and passenger vehicles;
- 4) anticipated design life;
- 5) designed electrical capacity;

- 6) cooling methods;
- 7) emissions the project may produce;
- 8) description of wastewater the facility will generate (including estimated discharge temperature and Total Dissolved Solids);and
- 9) waste disposal approach (if applicable).

b) Site Plan Details

A site plan that shall maintain a minimum Floor Area Ratio of 0.15, including the following:

- 1) Scaled exhibit(s) providing property boundary linework.
- 2) Existing and proposed topographic data/linework.
- 3) Outline of all existing structures.
- 4) A map showing the surrounding location.
- 5) Location and size of all major proposed equipment and enclosures (examples may include generators, exterior cooling system components, etc.).
- 6) Location and layout of power generation systems.
- 7) Location of existing and proposed utility lines and major infrastructure (water lines, electrical lines, oil and gas pipelines, etc.).
- 8) Existing easements (include easement width and recorded document numbers, either as a label or in a notes table.).
- 9) An erosion control plan, if development disturbs an area of one acre or more.
- 10) Existing watercourses and Flood Hazard Zones.
- 11) Location of septic system.
- 12) Stormwater management components (such as retention areas, channels, etc.).
- 13) Wastewater discharge outlets, reservoirs, and treatment facilities.
- 14) Above ground and below ground tanks.
- 15) Location of permanent parking area(s).
- 16) Outline of construction staging area(s).
- 17) Setback distances, in feet, between project components and the property boundary.
- 18) Location of hard surfaces, gravel surfaces, and any otherwise improved surfaces.
- 19) Location of contiguous fire break.
- 20) Existing and proposed access points.
- 21) Location and specifications proposed for fences, gates, walls, or light fixtures/poles.
- 22) Landscaping buffers and/ or visual screening.
- 23) Any additional information as requested by the Planning and Zoning Commission necessary for site plan approval.

c) Receptor Mapping

A map of the project area showing all of the following uses within one-half of a mile of the exterior boundaries of the property where the Data Center will be located:

- 1) All existing Buildings currently occupied;
- 2) Campgrounds;
- 3) Manufactured Home or RV Parks; and
- 4) Parks or recreational areas.

d) Spatial Data

All spatial data (topography, building and equipment footprints, buffer zones, etc.) shall be provided to the City as shapefiles or geodatabases compatible with ArcGIS Pro or AutoCAD Civil 3D.

e) Environmental Assessment

Prior to the scheduling of a public hearing before the Planning and Zoning Commission, the applicant shall submit the following determinations to the Zoning Administrator to establish baseline site conditions:

- 1) Biological Study: The applicant shall execute and submit a comprehensive pre-construction inventory identifying all existing wildlife management areas, native prairies, wetlands, and biologically sensitive habitats within the development parcel.
- 2) Archeological Survey: The applicant shall conduct an archaeological survey for the site. A qualified, state-licensed archaeologist shall complete the survey and submit the findings to the Zoning Administrator no less than sixty (60) days prior to any site disturbance.

Additionally, the applicant shall submit a list of any other agencies necessary for project compliance with all applicable State and Federal laws, statutes, rules, and regulatory standards, and an anticipated schedule for necessary approvals.

f) Utility Verifications

The applicant shall submit formal written verification from all relevant utility providers confirming the system capacity exists to sustain the facility's peak demands, along with a statement describing how the applicant fits into each utility provider's rate structure, relative to residential users. The submittal must include an infrastructure plan detailing:

- 1) A description of the power supply approach and cooling methods

- 2) Projected peak consumption and/or generation rates for electrical, natural gas, and water resources.
- 3) Functional schematics detailing the number, layout, and voltage of all proposed on-site substations.
- 4) A design commitment ensuring all electrical and transmission lines are buried underground, except where actively terminating into public grid interconnections.

g) Stormwater and Emergency Plans

The applicant shall submit a preliminary stormwater management and emergency operations plans, demonstrating the feasibility of meeting City standards.

h) Acoustic Impact Report

Prior to approval for a data center, the applicant shall submit an Acoustic Impact Report prepared and signed by a licensed Professional Engineer (PE) in good standing with documented experience in acoustics, or a Board Certified member of the Institute of Noise Control Engineering (INCE). The report shall:

- 1) Measure, analyze, communicate, and report all sound metrics as unweighted 1/3 octave bands spanning from the 1 Hz band to the 10,000 Hz (10 kHz) band, as available per manufacturer data, inclusive. While predictive modeling is only mandated to commercial equipment manufacturer data limitations, the facility remains fully subject to all post-construction field verification and ongoing code enforcement. Post-construction field testing will actively capture and enforce the low-frequency and infrasonic boundaries established under Table 1 (dBC and dB(G) limits), Table 2 (dB(Z) narrow-band infrasound limits), and Table 3 (ground-borne vibration displacement limits) down to 1 Hz. It is entirely incumbent upon the applicant to proactively estimate, account for, and physically mitigate sub-50 Hz emissions and structural dynamics during the initial design phase. Any failure to meet the absolute limits of Table 1, Table 2, or Table 3 during post-construction field testing or compliance monitoring shall constitute a violation of this section, regardless of predictive modeling bounds or manufacturer data omissions.
- 2) Establish predevelopment ambient background noise levels (L_{90}) at Representative Monitoring Locations representing all noise-sensitive receptor properties within a half-mile radius of the proposed site. The number and placement of these Representative Monitoring Locations shall be determined by the preparing acoustical professional and approved by the City Engineer prior to monitoring. For project sites of 35 acres or less, a minimum of one logging instrument shall be utilized. For project sites greater than 35 acres, a minimum of four logging

instruments shall be placed so as to record sound pressure levels north, east, south, and west of the site.

- 3) The baseline L_{90} established at a Representative Monitoring Location shall be legally applied to all individual properties within the corresponding geographic group. Monitoring shall be conducted continuously for a minimum of seven (7) consecutive days. The baseline L_{90} shall be calculated as the energy average of the hourly L_{90} values measured during the designated daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) windows. Periods of abnormal weather (wind > 11 mph, rain) or transient, non-typical localized noise (such as emergency sirens or nearby construction) shall be edited out of the final average.
- 4) Identify and list all major sound-emitting source points (e.g., chillers, generators, cooling units, and substations) and provide manufacturer's technical specifications that include certified, unweighted sound metrics;
- 5) Model the cumulative predicted sound pressure levels from the project. The acoustic model shall assume the facility is operating at 100 percent peak electrical and thermal load during maximum historical summer temperatures, concurrent with the maximum allowable simultaneous generator testing. The model shall take directionality, final design elevations, and reflective properties of surrounding surfaces into consideration;
- 6) Apply a tonal penalty of +5 dBA and +5 dBC to all predicted results if a pure tone is present;
- 7) Report the predicted cumulative sound pressure levels at all Representative Monitoring Locations. The highest reported sound pressure shall not exceed the dBA and dBC limiting noise criteria based on the zoning district of the receiving property, as set forth in Table 1.
- 8) Report the change between the ambient background noise level and predicted cumulative sound pressure levels for each Representative Monitoring Location. This change shall be less than +5 dBA and +5 dBC for Residential receiving properties or +10 dBA and +10 dBC for commercial/industrial receiving properties. Predicted and measured sound pressure levels at or below 40 dBA and 50 dBC do not need to comply with these ambient background noise increase limits;
- 9) If a property within the half-mile notice radius contains a lawfully established residential dwelling, campground, manufactured home park, or public park, the more restrictive Residential District noise limits set forth in Table 1 shall legally apply to that property.
- 10) If an adjacent or receiving property is designated for future Residential, Mixed-Use, or Park/Open Space use on the officially adopted City of Mandan Future Land Use

Map, the noise limits for Residential Districts or Commercial/Mixed-Use Districts (whichever is more restrictive on the Future Land Use Map) shall apply.

- 11) For the purposes of the decibel limits listed in Table 1, any zoning district or planned unit development (PUD) that permits a residential land-use component shall be evaluated under the more restrictive Residential District limits.
- 12) However, if the established predevelopment ambient background noise level (L_{90}) at a Representative Monitoring Location already exceeds these absolute thresholds, the maximum allowable predicted sound pressure level at that Representative Monitoring Location shall be capped at the predevelopment ambient background noise level plus 3 dBA and 3 dBC;
- 13) Results shall be expressed in A and C-weighted decibels as sound pressure levels with notation of any prominent tonality or impulsive events, and be supported by a description of operating scenarios, Receptor Sites, terrain/ground absorption, shielding, and meteorological assumptions. The report shall also include a map referencing all project structures, a summary table comparing predicted levels to applicable requirements, and recommended mitigation, if any, needed to achieve compliance. Penalties to the requirements shall be applied per ANSI S12.9 for identified tonal or impulsive sound sources or events; and
- 14) Predicted sound pressure levels at any identified Representative Monitoring Location shall not exceed the limiting noise criteria based on the zoning district of the receiving property, as set forth in Table 1.
- 15) Any modeled operational scenario that exceeds the Table 1 limits, or increases the established predevelopment ambient background noise level (L_{90}) by more than +5 dBA/dBC for residential properties, +10 dBA/dBC for commercial or industrial properties, or +3 dBA/dBC in cases where the predevelopment ambient level already exceeds the table limits, shall disqualify the applicant from conditional use permit approval.

4 Pre-Commencement Agreements

a) Development Agreement

Prior to the issuance of the conditional use permit and building permit, the applicant shall enter into a Development Agreement with the City. Special conditions to the Development Agreement shall include:

- 1) Project- specific decommissioning plan and bond framework, including facility reuse plans, hazardous material abatement, and infrastructure removal.
- 2) Specifications of required infrastructure improvements.

- 3) A one-time capital contribution allocated directly to the municipal departments to procure specialized, City-owned monitoring and emergency response equipment.
- 4) Funding a pre-construction and post-construction Pavement Condition Index (PCI) study along the designated haul routes completed by a consultant determined by the City. The developer is financially responsible for restoring the pavement to its pre-construction PCI rating or funding the accelerated improvement schedule necessitated by the facility's construction traffic.
- 5) Upfront funding for at least 110 percent of the estimated engineering and construction costs for any necessary offsite municipal utility and transportation network expansions.
- 6) The City Commission may; at its discretion, in reviewing the nature, scope, and specific details of the proposal; require the applicant to enter into additional agreements for the purpose of:
 - a. Organizing the location and type of either temporary or permanent housing that will be developed to support construction and operation of the project; and
 - b. To develop, in consultation with the applicant, approaches to mitigating the effects of the Data Center Facility on infrastructure and/or the community at large

5 Operational Performance and Design Standards

a) Building/Site Design Standards

- 1) The use of municipal potable water or groundwater extraction for industrial evaporative cooling operations is prohibited. Cooling systems shall utilize closed-loop liquid cooling, air-cooled chillers, or dedicated non-potable/effluent municipal water sources if available and approved by the City Engineer.
- 2) Structure requirements:
 - a. A data center shall be entirely contained within a permanent, enclosed building constructed in compliance with the locally adopted International Building Code and International Fire Code, except that this requirement may be waived for a minor data center if collocated on property owned by a public utility and functionally integrated with an electrical substation, telecommunications node, or other utility infrastructure.
 - b. Conventional mechanical systems that support a data center, including packaged HVAC condensing units, cooling towers, and emergency generators, may be placed outdoors only if they comply with applicable

- noise, screening, and mechanical-equipment placement standards and do not contain computing or data processing equipment.
- c. To minimize waste, minimize bonding requirements and to ensure long-term structural viability in the event of facility abandonment, the applicant shall take facility reuse into design considerations to accommodate future commercial, industrial or public uses.
 - d. A micro data center may be located within a permanent structure or within the fenced perimeter of a utility or telecommunications use when allowed as an accessory or secondary use.
 - e. Prior to the start of operations, each structure and major appurtenance must be marked with an easily visible identification number to assist with the provision of emergency services.
- 3) All buildings, structures, and screening shall be in compliance with the City of Mandan Gateway Overlay District Design Standards, with the following additions:
- a. At least 50 percent of building facades shall consist of glass, masonry, wood, or other architectural features.
 - b. All light displays shall be fully hooded to be downward facing, with motion-dimming. Fixtures shall maintain an IES BUG rating of U0, a Color Temperature not to exceed 3000K, and shall not be mounted more than 30' above the finished ground level unless approved by the City Engineer. (The Luminaire Classification Task Group of IES, 2011)
 - c. Light trespass onto any adjacent residential, agricultural, or park property shall not exceed 0.1 footcandles at the property line. (Illuminating Engineering Society/International Dark Sky Association, 2011)
- 4) A landscaped buffer yard shall be installed in accordance with a Type C buffer as described in Article 13: Landscaping.

b) Performance Tables (Noise, Infrasound, Vibration)

i) Maximum Sound Pressure Levels

- 1) The limiting noise criteria based on the zoning district of the receiving property are set forth in Table 1. Predicted and actual sound pressure levels shall not exceed the dBA and dBC limits. If the Zoning Administrator or City Engineer orders a special Infrasound Audit, airborne infrasound emissions at any receiving property boundary shall not exceed the dBG limits shown in Table 1.

Table 1: Maximum Sound Pressure Levels by Receiving Zoning District (EPA, 1978)
(Technical Committee ISO/TC 43, 1995)

Receiving Zoning District	Daytime Limits (7:00 AM to 10:00 PM)	Nighttime Limits (10:00 PM to 7:00 AM)	Continuous Infrasound Limits (24-Hour Ceiling)
Residential Districts	55 dBA / 65 dBC	50 dBA / 60 dBC	90 dB(G)
Commercial, Mixed-Use, & Public Districts	65 dBA / 75 dBC	60 dBA / 70 dBC	95 dB(G)
Industrial Districts	80 dBA / 90 dBC	75 dBA / 85 dBC	100 dB(G)

Table 1 Applicability and Exceptions:

- If a property within the half-mile notice radius contains a lawfully established residential dwelling, campground, manufactured home park, or public park, the more restrictive Residential District noise limits set forth in Table 1 shall legally apply to that property.
- If an adjacent or receiving property is currently zoned Agricultural (A), Commercial, or Transitional, but is designated for future Residential, Mixed-Use, or Park/Open Space use on the officially adopted City of Mandan Future Land Use Map, the noise limits for Residential Districts or Commercial/Mixed-Use Districts (whichever is more restrictive on the Future Land Use Map) shall apply.
- For the purposes of the decibel limits listed in Table 1, any zoning district or planned unit development (PUD) that permits a residential land-use component shall be evaluated under the more restrictive Residential District limits.
- However, if the established predevelopment ambient background noise level (L_{90}) at a Representative Monitoring Location already exceeds these absolute thresholds, the maximum allowable predicted sound pressure level at that Representative Monitoring Location shall be capped at the predevelopment ambient background noise level plus 3 dBA and 3 dBC.

- Predicted and measured sound pressure levels at or below 40 dBA and 50 dBC do not need to comply with these ambient background noise increase limits.

2) Noise generated by the facility shall also comply with the requirements of Chapter 16, Article 6 of the Mandan City Code.

ii) Maximum Unweighted Infrasound Pressure Levels

1) If the Zoning Administrator or City Engineer orders a special Infrasound Audit, airborne infrasound emissions at any receiving residential or commercial property boundary shall not exceed the narrow-band, unweighted limits shown in Table 2 within any single 1/3 octave band.

Table 2: Maximum Unweighted Infrasound Pressure Levels (Rajala, 2022)
(Moorhouse, Waddington, & Adams, 2005)

Band	Limit
1.0 Hz to 4.0 Hz	115 dB(Z)
4.0 Hz up to and including 8.0 Hz	105 dB(Z)
8.0 Hz up to and including 12.5 Hz	95 dB(Z)
12.5 Hz up to and including 20.0 Hz	85 dB(Z)

2) For unweighted infrasound evaluations under Table 2, compliance measurements shall utilize dual-stage wind-noise suppression systems or narrow-band FFT analysis to mathematically isolate deterministic facility tones from wind-induced ambient pseudo-sound.

iii) Vibration Displacement Limitations

1) Continuous or intermittent vibration produced by the data center facility during ongoing operations shall be attenuated to the levels listed in Table 3, as measured inside or at the foundation of any receiving receptor structure. Vibration levels shall be measured as Root-Mean-Square (RMS) velocity expressed in vertical inches per second or velocity decibels (VdB) relative to 1 micro-inch per second, utilizing a tri-axial accelerometer complying with ANSI calibration and measurement methodologies.

Table 3: Vibration Displacement Limitations (John A. Volpe National Transportation Systems Center, 2020)

Receiving Property Category	Maximum Continuous Vibration Velocity Level	Reference Standard
Residential & Sensitive Buildings	72 VdB (or 0.004 in/sec RMS)	Residential Sleep
Commercial & Institutional Buildings	78 VdB (or 0.008 in/sec RMS)	Residential Day
Industrial Property Boundaries	84 VdB (or 0.016 in/sec RMS)	Non-sensitive

iv) Exception

- 1) The sound pressure levels established in Table 1 and Table 2 may be temporarily exceeded during emergency operations. Emergency generator testing is not considered an emergency operation.

6 Commissioning and Acoustic Verification

- 1) To simulate peak-load acoustic conditions, the developer shall programmatically override the facility's systems to force 100 percent of the installed mechanical cooling infrastructure—including chiller compressors, condenser fans, cooling tower fans, air handling units, and pumps—to operate at 100 percent of their maximum rated mechanical capacity and rotational speed simultaneously for the duration of the field audit. The software-forced maximum capacity override shall be maintained for a continuous testing window of not less than two (2) hours during the daytime and two (2) hours during the nighttime. For the remaining portion of the 48-hour continuous field audit, the facility shall operate under typical automatic control profiles matching the initially deployed server load.
- 2) For facilities employing stepped operations or continuous server deployment, acoustic verification shall be segmented into Operational Capacity Tiers representing 25%, 50%, 75%, and 100% of the facility's total designed electrical IT load. Prior to exceeding any given Operational Capacity Tier, the developer must successfully complete a new 48-hour forced-capacity acoustic field audit encompassing all mechanical and cooling infrastructure active at that tier.
- 3) To prevent mechanical damage to cooling infrastructure operating without a live IT server load, the developer may utilize temporary synthetic thermal loads to safely simulate the thermal rejection required to force the installed cooling systems to

operate at 100 percent of their maximum rated mechanical capacity and rotational speed for the mandatory testing windows.

- 4) Upon passing a capacity tier audit, the City shall issue a Provisional Certificate of Occupancy restricted to that specific megawatt limit. The developer may continuously deploy servers and increase operations toward the next tier, provided the continuous telemetry monitoring array demonstrates strict, ongoing acoustic compliance. Any telemetry data indicating a violation during a transitional ramp-up period shall immediately void the Provisional Certificate of Occupancy and mandate temporary operational throttling.
- 5) Field testing shall only occur when wind speeds are less than 11 mph and the ground is free of standing water, active precipitation, or fresh snow accumulation that would acoustically interfere with the measurements.
- 6) The field audit shall run for a continuous 48-hour window. Measurements shall be taken by an independent, third-party acoustical consultant selected by the City but paid for by the developer. Sound pressure levels shall be recorded continuously in 1/3 octave bands at all pre-established critical receptor locations and property boundaries.
- 7) The independent consultant shall submit the raw data and final report directly to the City Planning and Engineering departments. The 48-hour field audit shall isolate facility noise from temporary community noise to verify that continuous, steady-state operations do not exceed the +5 dBA and +5 dBC threshold above the pre-development baseline. If the project complies with all dBA, dBC, and vibration limits in Tables 1 and 3, including pure tone penalties under peak load, a Final Certificate of Occupancy is issued. If the facility fails to comply with the overall dBA, dBC and vibration limits set forth in Tables 1 and 3, or ambient override standards, including the pure-tone penalties set forth in this section, the developer is granted a 60-day cure period to install mechanical silencers, build acoustic walls, or implement permanent software caps on fan speeds. During this 60-day cure period, the facility shall immediately implement temporary operational throttling, server load reductions, or fan-speed caps to maintain strict acoustic compliance at the property line while permanent physical remediation is constructed. A complete, passed re-test is required before final sign-off and issuance of a Final Certificate of Occupancy.

7 Ongoing Enforcement and Oversight

a) Measurement Standards

- 1) All post-construction compliance measurements conducted by the City, or by an independent acoustical professional on behalf of the City, shall conform to the following standards:
 - a. Equipment Standards: Measurements shall be performed using a Type 1 Sound Level Meter meeting ANSI S1.4 specifications, calibrated before and after the measurement period. For C-weighted (dBC), G-weighted (dB(G)), and Z-weighted (dB(Z)) compliance evaluations, the sound level meter and any subsequent 1/3 octave band analysis shall capture, integrate, and account for low-frequency sound down to the 1 Hz band to ensure comprehensive measurement of low-frequency and infrasonic energy.
 - b. Time Weighting: The sound level meter shall be set to "Slow" response (1-second time constant).
 - c. Measurement Duration: Each compliance test shall consist of a continuous monitoring period of not less than sixty (60) minutes.
 - d. Measurement Statistic: Compliance with the dBA and dBC limits in Table 1 shall be determined using the (L90) metric over the 60-minute period.
 - e. Data Exclusion: During active monitoring, the operator shall pause the measurement or edit out transient, non-typical localized sounds (such as passing emergency sirens, low-flying aircraft, or nearby lawnmowers) that do not emanate from the data center facility.
- 2) If necessary, noise mitigation shall be required to achieve compliance. Noise mitigation may include, but is not limited to, the use of low-noise fans, earthen berms, sound walls, or enclosures. Purchasing additional land buffers is not an acceptable mitigation strategy.

b) Routine Operations

- 1) Testing and maintenance operations for emergency generators shall only occur between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday, except for federal holidays on which no testing shall be allowed. Each individual generator may be tested for up to sixty (60) minutes per month, except for annual or semi-annual load-bank testing required by NFPA 110, which may exceed this duration provided the City Engineer is notified in writing at least five (5) business days in advance. Multiple generators may be tested simultaneously, provided that the cumulative noise generated during the test does not exceed the limits set forth in Table 1 at any

Receptor Site. Generator testing is considered a routine operation and is not exempt from the noise requirements contained elsewhere in this section.

c) Continued Verification and Enforcement

- 1) At the discretion of the Zoning Administrator or City Engineer, a special audit may be ordered to verify sound, infrasound and vibration compliance. Upon written notice from the City, the developer shall fully fund an independent, third-party evaluation utilizing specialized narrow-band analysis capable of isolating facility tones from ambient wind noise. Testing shall be conducted in strict accordance with ISO 7196 and the limits set forth in Tables 1, 2, and 3. If the facility is found to exceed the limits established in Tables 1, 2 or 3, it shall constitute a formal violation of this section.
- 2) If the facility is found to be in violation of any standard, the Zoning Administrator or City Engineer is explicitly authorized to issue a formal written warning and notice of violation. Upon issuance of the warning, the developer has 60 days to implement permanent structural or mechanical remediation. During this remediation window, the facility shall immediately institute temporary operational throttling to maintain compliance. Failure to achieve permanent compliance within 60 days, or failure to maintain temporary compliance during the remediation window, shall result in the Zoning Administrator or City Engineer suspending the Conditional Use Permit to protect the municipal environment.

8 End-of-Life

a) Decommissioning and Abandonment

- 1) The permittee shall notify the Zoning Administrator, in writing, at least six (6) months before abandonment or cessation of operations. Within 365 days of termination, the current permittee shall at its own expense:
 - a. Remove all hazardous materials (including but not limited to batteries, fuel, and cooling fluid), equipment, appurtenances, and underground tanks.
 - b. Treat any wastewater.
 - c. Re-grade wastewater ponds.
 - d. Restore the project area to preconstruction conditions.
- 2) Prior to construction and prior to the issuance of a building permit, the applicant shall provide a performance bond equal to 125 percent of the engineer's cost estimate for reclamation, naming the City of Mandan as the obligee. This cost

estimate shall be recalculated, and the performance bond shall be updated every five years.

- 3) Prior to the release of the decommissioning performance bond, the developer shall fund and submit a Phase I Environmental Site Assessment (ESA), and a Phase II ESA if recommended, conducted by a certified independent environmental professional. The site shall be certified free of soil and groundwater contamination resulting from fuel storage, battery systems, or cooling fluids.
- 4) At the discretion of the City, the developer may be exempt from returning the site to preconstruction conditions if the primary structure is retained for commercial or industrial reuse. In such cases, the developer shall remove all data-specific infrastructure and restore the building to a standard, market-ready condition compliant with base Building and Fire Codes. If the site is being converted for adaptive reuse rather than fully demolished, the City shall retain the decommissioning performance bond until the City Building Official issues a new Certificate of Occupancy for the converted structure, or until the conversion is inspected and approved by the City Building Official.
- 5) Any on-site electrical substations, transmission lines, or utility interconnections owned by the developer and constructed solely to serve the data center shall either be completely dismantled and removed or formally dedicated to and accepted by the local electrical utility provider. No high-voltage infrastructure may be abandoned in place.
- 6) Any data center that is not operated for a continuous period of 12 months shall automatically be considered abandoned.

9 References

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CITY OF
MANDAN
WHERE THE WEST BEGINS



DATA CENTERS: FROM PLANNING TO PROPOSAL

Protections

Public Input

Process

WHY ARE WE TALKING ABOUT THIS NOW?



CITY OF
MANDAN
WHERE THE WEST BEGINS



Data centers represent intensive land use. They operate at a scale that traditional development standards were not designed to address.



The construction of these facilities place massive, rapid demands on:



Electricity



Water



Roads



Surrounding
Properties



This ordinance revision incorporates:

- ✓ Strict performance-based conditional use standards
- ✓ Evidence-based mitigation strategies

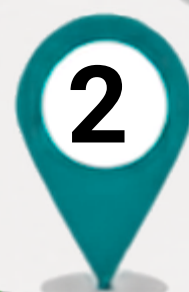


Our goal is protection; our focus is proactive.

LET'S START WITH THE QUESTIONS



What about
the cost to
residents?



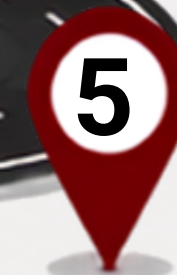
Can our
power grid
handle it?



What about
our water?



What happens to the land
& buildings long-term?



What will it
look like?



What will
neighbors
hear and feel?



CITY OF
MANDAN
WHERE THE WEST BEGINS

How the draft ordinance addresses each of these questions.



WHAT ABOUT THE COST TO RESIDENTS?



THE CONCERN

Large facilities can increase demand for power and strain infrastructure, leading to higher utility rates and added costs for residents.



THE PROPOSED PROTECTIONS

Developers must fund 110% of all new or upgraded utility and transportation infrastructure upfront.

- ✓ Utility capacity must be verified before approval to ensure adequate generation, transmission, and distribution.
- ✓ Developers must disclose how the project may affect rate structures and costs relative to residential users.



Growth should pay its own way.
Mandan residents should not subsidize a data center.



CITY OF
MANDAN
WHERE THE WEST BEGINS

Protecting residents from utility rate increases and infrastructure impacts.



CAN OUR **POWER GRID** HANDLE IT?



THE CONCERN

High demand from data centers can strain the power grid, risk reliability, and impact service for existing homes and businesses.



THE PROPOSED PROTECTIONS

- ✓ Verification of available generation, transmission, and distribution capacity is required.
- ✓ Developer-funded upgrades must be completed before operations begin.
- ✓ Declaration of grid impacts and no adverse impact on existing customers is required.





HOW WILL WATER INFRASTRUCTURE KEEP UP?



THE CONCERN

Population growth increases pressure on water supplies and wastewater systems, threatening reliability, quality, and costs.



THE PROPOSED PROTECTIONS

- ✓ Developers must fund 110% of all new or upgraded water and wastewater infrastructure upfront.
- ✓ Low water demand, closed-loop systems or non-potable evaporative cooling methods are required.
- ✓ Developers must disclose how the project may affect rates and costs relative to residential users.



WHAT HAPPENS TO THE LAND & BUILDINGS LONG-TERM?

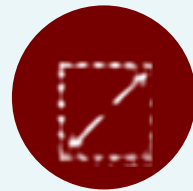
Data centers can be high-investment projects. Mandan's standards ensure responsible use and lasting value for tomorrow.

Mandan Requires:



Future Reuse

Buildings are encouraged to be designed and maintained so they can be adapted for other uses.



Minimum Floor Area Ratio

Building coverage requirements help ensure efficient use of land and room for future flexibility.



Decommissioning & Reclamation

Sites must be restored and returned to productive use when a data center is no longer operating.



Financial Assurance

A performance bond ensures funds are available to fulfill decommissioning and site restoration.



WHAT WILL IT LOOK LIKE?

Mandan's standards ensure new development fits our community, protects property values, and enhances the character of our area.

Designed to Fit Mandan



Building Design

At least 50% of each facade includes architectural treatments.



Building Scale

Height limits are tied to the applicable zoning district.



Lighting

Standards limit light trespass onto neighboring properties and protect night skies.



Surrounding Properties

Site and design standards consider compatibility with neighboring uses.



WHAT WILL NEIGHBORS HEAR & FEEL?

Sound isn't just about volume. The standards address what neighbors may actually hear and feel.

Measurable Standards

Enforcementable Noise Limits

Set enforceable noise limits at the property line for day, evening, and nighttime hours.

Vibration Limits

Establish vibration limits to protect homes and sensitive structures.

Monitoring

Require continued monitoring to ensure compliance with established limits.

Community Notification

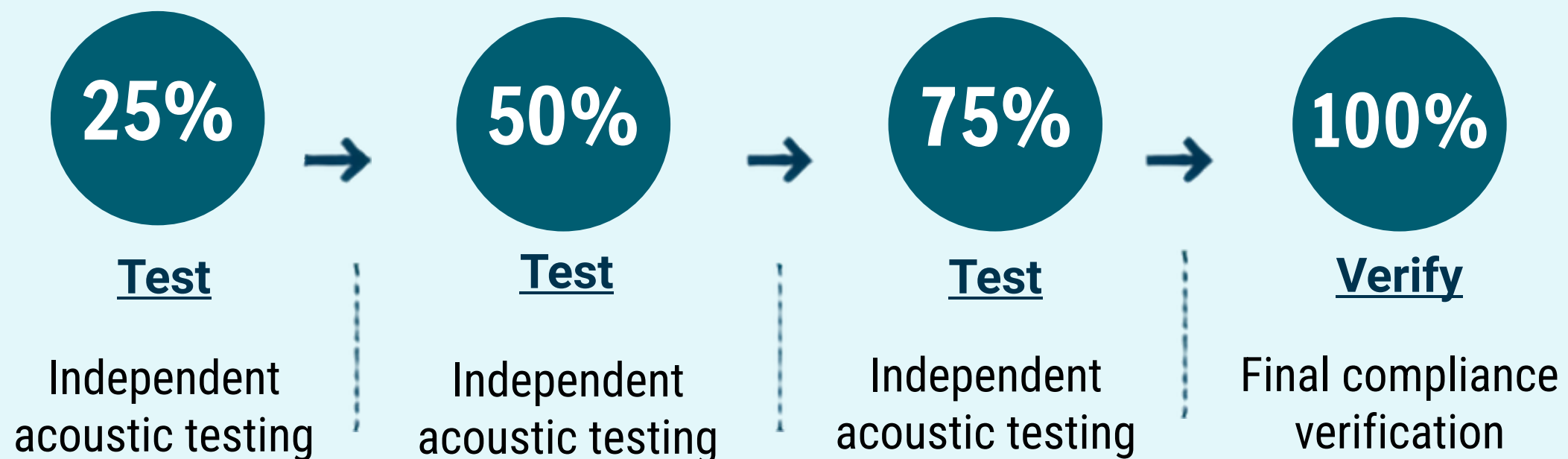
Requires community engagement throughout the life of a data center development.



HOW DO WE KNOW IT ACTUALLY WORKS?

Operational testing verifies that data centers meet the standards before they're fully online—and at each step of increased capacity.

Testing at each capacity Tier



No new capacity can come online until testing confirms compliance at the current tier.

WHAT HAPPENS IF STANDARDS AREN'T MET?

The ordinance creates a clear, five-step enforcement pathway to protect Mandan and ensure accountability.



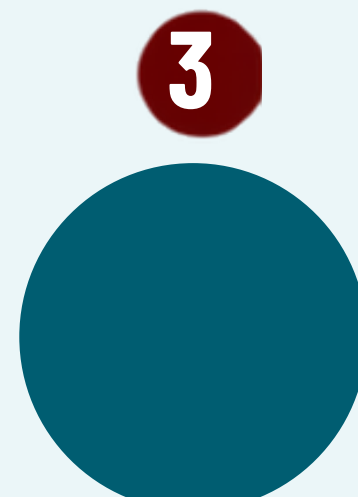
Identify

Concerns are confirmed through monitoring, testing, or public input.



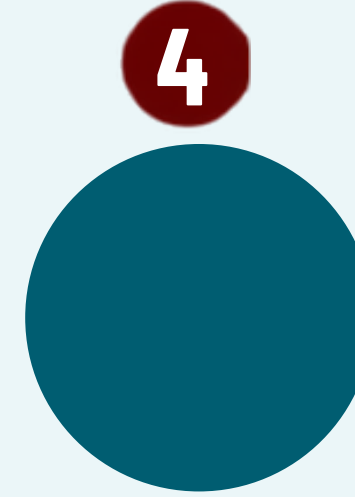
Throttle

Operations are immediately limited to a level that meets the standards.



Correct

The facility must fix the issue and return to full compliance.



Verify

Independent testing confirms compliance at every step.



Enforce

Continued violations result in escalating penalties up to closure of the facility.



No new capacity can come online until compliance is verified and standards are being met.



This process keeps Mandan **safe**, our infrastructure **protected**, and our standards **enforceable**.

12 WHO PAYS FOR THE IMPACT?

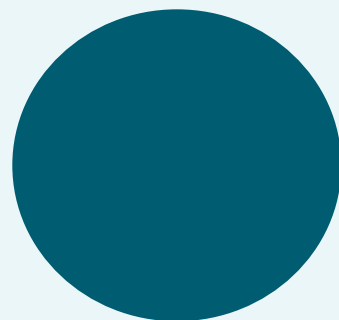
Operator is responsible for the real costs their facility creates in our community.

Operator Responsibilities Include:



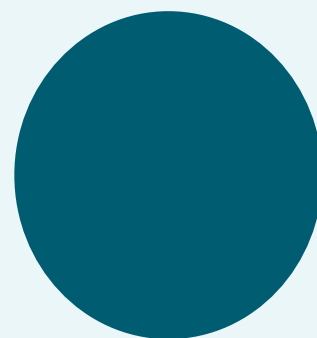
Roads

Road repair and maintenance affected by heavy traffic.



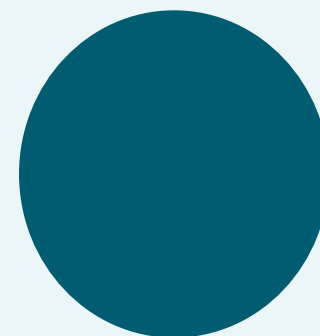
Infrastructure

Upgrades and capacity for utilities and public infrastructure.



Testing

Constant independent testing and verification at every tier.



Reclamation

Site restoration and reclamation when operations end.



These costs are not absorbed by Mandan residents. They are **fully the responsibility** of the facility operator.

13 PREPARING TODAY FOR TOMORROW

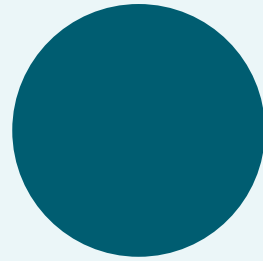
Every development creates more than buildings. It creates infrastructure that must be managed long after construction ends.

Every Project Should Plan For What Comes Next:



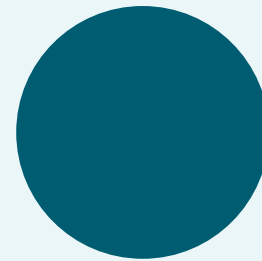
Built to Last

Infrastructure should be designed and constructed for long-term performance.



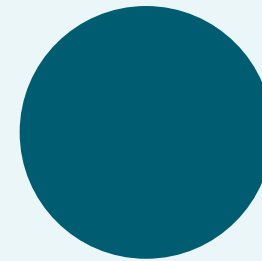
Allowed Smart

Permits should include requirements for operations, maintenance, and end-of-life planning.



Funded Ahead

Financial assurance ensures the operator can cover future costs, not residents.



Restored Responsibly

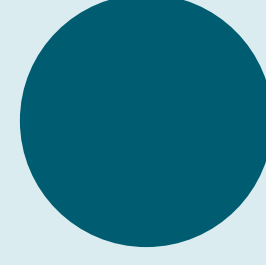
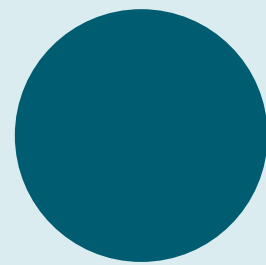
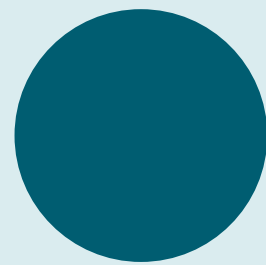
Sites must be returned to a stable, safe condition when operations end.

Mandan's standards ensure the full life cycle of a project is planned, funded, and the responsibility of the operator.



THE PUBLIC REMAINS PART OF THE PROCESS

A transparent process. Real communication. Accountability every step of the way.



Half-Mile Notice

Property owners within 0.5 miles receive notice.

Public Hearings

Multiple opportunities for input.

Public Liaison

Through construction and operations.

48-Hour Response

Substantive responses to inquiries or complaints.



CITY OF
MANDAN
WHERE THE WEST BEGINS

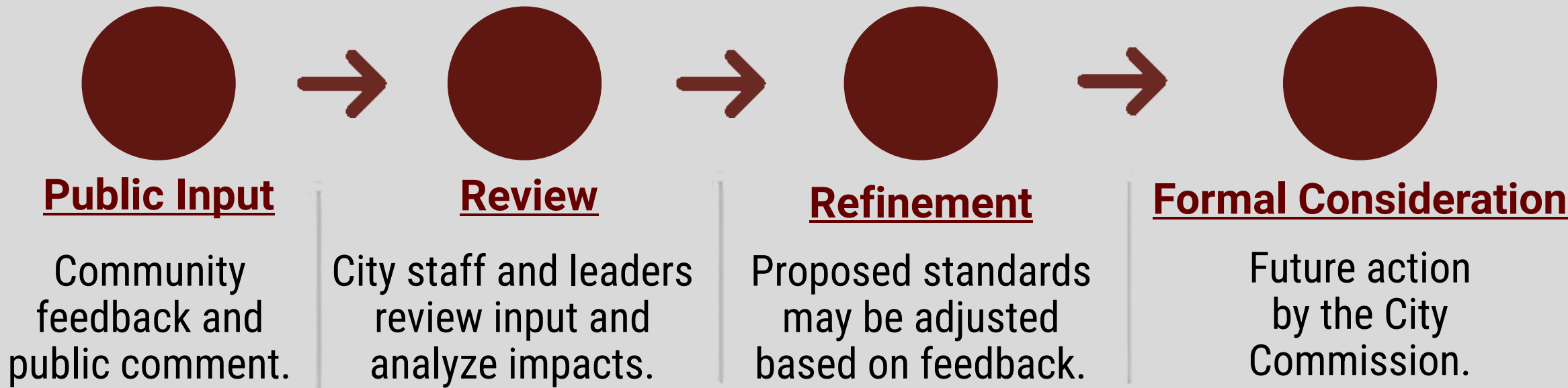
Your voice. Your community. Your future.

WHAT HAPPENS NEXT?

Tonight is part of the process:

- ✓ This is a **draft**.
- ✓ This ordinance **does not approve** a data center.
- ✓ Tonight is an **opportunity to consider** whether these proposed standards adequately address Mandarin’s needs and concerns.

WHAT COMES NEXT:



Thank You.

WE'RE LISTENING.

Questions • Comments • Public Input

Share your
thoughts.



Scan the QR
code to share
your input and
feedback.

Nancy R. Moser

From: Nancy R. Moser
Sent: Wednesday, June 3, 2026 2:51 PM
To: Jarek W. Wigness; Riley D. McAdoo-Roesler; Jim Neubauer; Amy Oster; Madison M. Cermak; Kari N. Schmidt; Ashlee Newman; Greg Welch; Justin R. Schulz;
; Haley Lang; Rick Horn; James A. Froelich;
Will Gardner; WL Gardner; Victoria Vayda-Hammond; Nick
Renner; Craig C. Smith; Jamie McLean; Tanner IntVeld; Michael R. Braun; Ryan M.
Heinsohn; Dennis Rohr; Craig R. Sjoberg
Subject: FW: Please Pass on to Planning and Zoning Commission

PLEASE DO NOT REPLY ALL

See message below.

More info also at <https://www.brookings.edu/articles/why-community-benefit-agreements-are-necessary-for-data-centers/>

These agreements authorize counties and cities to negotiate agreements focused on the developer funding

- Road improvements
- Substation upgrades
- Water and sewer capacity expansion
- Emergency services impacts

Another option might be a Property Tax Stabilization Fund. These benefit rural counties where tax revenues fluctuate (most of ND).

Some agreements require 5–10% of annual property tax revenue from the data center go into a local stabilization fund. Funds can be used for schools, roads, public safety and property tax relief.

Other agreements outline partnerships with local community colleges that include paid internships and/or apprenticeships.

Tennessee and Texas have used these. They are more “**local**” agreements that empower those groups to negotiate development.

I feel this is a huge missing piece in ND. I don’t think these options are explored enough in ND (and the data centers are certainly not offering them up). Therefore we end up with either community bans or communities saying “yes” thinking they have no other choice.

Please reach out if you have any questions.

--

Jennifer Skjod



Nancy R. Moser

From: DeNae Kautzmann [REDACTED]
Sent: Monday, June 22, 2026 11:29 AM
To: Nancy R. Moser
Subject: Draft 2026 zoning ordinance

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Nancy,
Please share my comments with Planning and Zoning

In reviewing the 2026 zoning ordinance draft, one cannot tell what language was deleted and what is added. I suggest using overstrikes for language to be deleted and underlining the new language. It is hard to comment when you dont know what the changes are to the draft document. I am interested in the whole data center issue. Here are my comments as it relates to the section on data centers.

Section 101-12-12 Data Centers (7) a)and b) refer to location .5 miles from residential zone or used property. This is not far enough as you still hear noise from a data center at 1/2 mile. The requirement should be 1 mile from a residential zone or used property. This information was shared with me from someone knowledgeable in the data center field.

(7) f) addresses landscaping and refers to Article 13. It appears the pertinent section is 101-13-3 2)(a)iii) Type C:Opaque. If that is the requirement, cite the section not the article. There should also be a requirement that the vegetation is maintained. It is important to have two shields from the noise, landscaping and a wall. This section on data centers is missing a two shields requirement from the noise. This is necessary to abate the noise.

(7) h) addresses noise level by referring to Chapter 16 Art 6. Industrial noise is at 80 decibels whereas residential is at 55. 80 is like listening to heavy traffic or a garbage disposal whereas 55 is like listening to a new refrigerator running. It is quite a difference. Chapter 16 Art 6 is not enforced by the Code Enforcer nor by law enforcement nor should they have to carry deicibel measuring devices with them. It is better to have requirements for noise shields. Dakota Speedway has no noise shields and you can hear the races in residential areas by the strip and the eastside of Mandan. Maybe they met the decibel threshold but it sure is annoying not being able to keep windows open in the evening due to the noise.

Thank you for considering my comments.
DeNae Kautzmann
Mandan resident

Sent from my iPad

Nancy R. Moser

From: Jane Feist [REDACTED]
Sent: Wednesday, July 15, 2026 10:01 AM
To: Nancy R. Moser
Subject: Re: Data Center Public Input Meeting on July 27

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Thanks for your response, Nancy. We are very concerned because we have heard that there is a parcel of land north of the Mandan Middle School that is a projected Location for a data center. This is very close to our home. We have also learned that they cause noise pollution and can even cause land values to lower significantly.

Our thought is that the zoning code should read that no data centers can be built within the city limits of Mandan (or any other city for that matter) and the setback should be at least 10 miles from homes and schools.

This tract of land is very close to two schools, neighborhoods, businesses, and even hospitals.

I hope the city commission will consider this and not just think about the tax dollars that would come from a data center.

Thanks so much!
Jane and Clayton Feist

Sent from my iPhone

On Jul 14, 2026, at 1:16 PM, Nancy R. Moser <nmoser@cityofmandan.com> wrote:

Hi Clayton and Jane,

I apologize for the delayed response.

The City of Mandan has not received any applications for a data center. The city is working on revisions to the zoning code, which includes a section on data centers. Information on the zoning code revisions can be found here: [Mandan Zoning Ordinance Rewrite Study](#).

The first public hearing on the zoning code revisions will take place at the next Planning & Zoning Commission meeting on Monday, July 27, at 5:30. The agenda will be posted next week and can be viewed at the [City Meetings](#) link on the city's website. There is a SUBSCRIPTIONS button on the upper right corner of the page where you can sign up to receive notifications on various commissions/committees.

Please let me know if you have any other questions or concerns.

Thank you,
Nancy

<image001.jpg>

Nancy Moser | *Administrative Assistant*
City of Mandan Engineering & Planning

www.cityofmandan.com

From: Jane Feist [REDACTED]
Sent: Thursday, July 9, 2026 7:50 PM
To: Planning [REDACTED]
Subject: Data Center Public Input Meeting on July 27

Hello,

My husband and I plan to attend the Public Input meeting regarding the data center ordinance and we have questions.

1. Has this land parcel actually been sold?
1. What stage is the project in (conceptual, under contract, seeking permits, etc.), and what approvals remain? Or is this just regarding any possible future projects?
1. The 0.5-mile setback seems much too close to homes, schools, and sensitive uses like the Central Dakota Humane Society, bee farm, and local wildlife. I believe at least a 10-mile or more setback is a better option.
1. If the project doesn't happen now, will there be additional public hearings to keep the affected property owners informed?
1. How will this affect our property values?

Thank you,

Clayton and Jane Feist

Nancy R. Moser

From: Brittany Schauer [REDACTED]
Sent: Monday, July 20, 2026 1:45 PM
To: Planning
Cc: Nancy R. Moser; Brittany Schauer
Subject: Please OPPOSE the data center in Mandan

Some people who received this message don't often get email from becker0405@hotmail.com. [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

To the Commissioners on the Mandan Planning and Zoning Committee:

It was brought to my attention that there is a proposed site for a data center by NextEra which will be discussed in one week on Monday July 27th at the next Commission meeting. **I urge you NOT to approve this location** and find a different suitable location, far away from dense populations. The current proposed site is situated directly to the north of the Mandan Middle School and the Mandan High School and this is very concerning to me as a parent. I understand that data centers play an important role in our daily lives; however, their location matters. Data centers operate around the clock and can generate continuous low-frequency and tonal noise. Tonal noise is characterized by a dominant single frequency. While NextEra may state they have measures in place to control the external decibel noise level through the air, their measures will not address tonal noise that travels through the ground.

Numerous medical studies (including this one <https://pmc.ncbi.nlm.nih.gov/articles/PMC12273412/>) have cited the dangers of noise, especially on our youth with learning and development. It is absolutely not safe for our children at the Mandan Middle School and the Mandan High School to have noise so close. Tonal noise can carry as far as 10 miles depending on the ground type, which would also affect nearby elementary schools including Red Trail and Lewis & Clark. More than 20 studies (one literature review here <https://pubmed.ncbi.nlm.nih.gov/36497707/>) have demonstrated that chronic environmental noise exposure negatively affects children's reading comprehension, memory, and standardized test performance. Tonal noise can also cause cognitive impairment, sleep disruption, stress physiology dysregulation, and altered brain development. The American Academy of Pediatrics emphasizes that children are uniquely vulnerable to tonal noise because, unlike adults, they are less capable of using stored phonological understanding to reconstruct noise-degraded speech.

The RANCH study (found here <https://pubmed.ncbi.nlm.nih.gov/24183105/>) of 2,844 children aged 9 to 10 years across three European airports showed a linear dose-response relationship: every 5 dB increase in noise exposure was associated with a 1 to 2 month delay in reading age. A natural experiment at the Munich Airport provided causal evidence: children near the airport showed impaired reading comprehension and long-term memory, which reversed within two years of the airport's closure, and children near the replacement airport developed the same deficits over two years.

Low-frequency noise (20 to 500 Hz) and infrasound (0 to 20 Hz), commonly transmitted through ground and building structures, have been associated with annoyance, sleep problems, concentration difficulties, and headache in the general population. (<https://pubmed.ncbi.nlm.nih.gov/26994804/>)

Our students deserve a learning environment that is free from potential health impacts. Once a data center is built, the noise and other associated effects will be impossible to mitigate. Please prioritize the health,

education, and quality of life of our children by opposing this project at its current location and encouraging consideration of a site farther away from our schools. I would suggest more than 10 miles away from any city.

Thank you for your time and consideration.

Brittany Schauer

Mandan Resident, Mandan Business Owner, and Concerned Parent

Cell [REDACTED]

Nancy R. Moser

From: Layn Mudder [mailto:layn.mudder@comcast.net]
Sent: Wednesday, July 22, 2026 9:50 AM
To: Nancy R. Moser
Subject: Text message Layn Mudder got about Data Centers

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Here is another one I got yesterday. I don't have a name and the phone number is a [REDACTED] which tells me it could be out of state?
Thank you again for doing all of this,
Layn Mudder

Section 5-310 Data Centers

- (a) **Purpose:** a data center is a land use that can generate significant impacts and may utilize significant quantities of electricity and/or water. The construction phase of a data center can last for an extended period of time and generate boom-town type impacts in the community. This section is provided to direct data centers to appropriate locations and to apply standards that will mitigate impacts of the use, in the interest of public health, safety and welfare.
- (b) **Permitted Districts:** Data Centers may be permitted in the Agricultural (A) and Industrial (I) Districts by special use permit only, and subject to the additional standards of this section.
- (c) **Required Demonstration of Electrical Service and Cost Responsibility.** The applicant shall demonstrate compliance with one of the following means of providing electrical service to the Data Center:
 - (1) **Data Center-Dedicated Generation (Option 1):** If the proposed Data Center will include a dedicated power generation facility, two permitting options are available to the applicant:
 - A) **Option 1A:** Include the power generation facility as part of the principal use for the Data Center Facility, with the power generation facility being subject to all the standards of this Section 5-310.
 - B) **Option 1B:** Permit the power generation facility as a separate, principal use, subject to the standards of Section 5-085 Energy Conversion Facility. If the applicant chooses this option, the applicant must provide the narrative details required in Section 5-310(d)(5), at the time of application for the Data Center Facility special use permit.
 - a) The following condition will automatically be attached to any approval of a Data Center Facility under Option 1B: no physical site modification is permitted to begin, and no building permit shall be issued, for the Data Center Facility, until after the applicant successfully applies for, and is granted, a special use permit for a power generation facility with a power generation capacity that meets or exceeds the designed peak power demand of the permitted Data Center Facility.
 - b) It should be noted that approval of a Data Center Facility under Option 1B does not automatically guarantee an approval of a power generation facility permitted separately under the standards of Section 5-085 Energy Conversion Facility.
 - (2) **Utility-Supplied Service Under Applicable Rates (Option 2):** The Data Center will take electrical service from the serving utility under tariffs, rate schedules or a

Current material on the docket is very poor, and that's what they want to start construction on the poor ordinance and then flagpole into other areas very popular in pipelines, and utilities.

The current "potential to buy" agreements are only a test to see if the city will adjust planning and zoning requirements. If not adjusted the final play will be adjusted they are not building a data center on 1400 acres they want 4000

I will give them your concerns. Thank you community

Nancy R. Moser

From: Jim Neubauer
Sent: Wednesday, July 22, 2026 6:14 PM
To: Nancy R. Moser; Rachel Laqua; Jordan P. Singer
Subject: Fw: Data Center Development

And another one

From: Craig R. Sjoberg [REDACTED]
Sent: Wednesday, July 22, 2026 5:35 PM
To: Jim Neubauer [REDACTED]
Subject: Fw: Data Center Development

From: Craig R. Sjoberg [REDACTED]
Sent: Wednesday, July 22, 2026 4:41 PM
To: Audrey Hermanson [REDACTED]
Subject: Re: Data Center Development

Good afternoon Audrey.

Message received.

Please check the Mandan City Website at www.cityofmandan.com for this morning's update on our planning and zoning code updates. The data center component of the general p & z code update is being amended in response to citizen commentary.

Thank you for your sincere interest and well-written communication.

Craig R. Sjoberg
Mandan City Commission

From: Audrey Hermanson [REDACTED]
Sent: Wednesday, July 22, 2026 10:33 AM

To: James A. Froelich [REDACTED] >; Heidi Belohlavek [REDACTED] Michael R. Braun
[REDACTED]; Ryan M. Heinsohn [REDACTED]; Craig R. Sjoberg [REDACTED]
Subject: Data Center Development

You don't often get email from [REDACTED]. [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Good morning,

I'm writing to express my concerns regarding data center development in Mandan. I am not opposed to AI and the infrastructure needed to support it. However, the City of Mandan should wait to pursue data center development until further due diligence is completed and long-term implications to the grid, water supply, air quality, and, most importantly, constituents are well understood.

There is an opportunity for North Dakota to profit from data centers with manageable impacts to our resources, but that requires guardrails in the form of legislation, and North Dakota is simply not there yet. Our state has taken the tangible step of forming a committee to research the topic, but meaningful findings from this effort are yet to be seen.

I would implore your office to support a moratorium on all data center development until all stakeholders have their arms around this. Many municipalities and states have implemented such measures. Mandan should glean from their rationale and do the same.

There is a "best way" to do this. A way that will maximize economic and social benefits for the Mandan community while minimizing irreversible impacts on our resources and citizens. Strategies to do so include:

1. Bring your own power - Instead of relying on the existing electric grid, developers must finance the infrastructure needed to serve their facilities.
2. Water neutrality requirements - Requiring developers to offset the significant water consumption by data centers.
3. Build your own horizontal infrastructure - Developers need to pay for the roads, water lines, sewer, and other utility infrastructure. In addition, funding for expanded emergency services should be considered.

4. Utility cost protection - Utilities increasingly create special rate structures so residential customers do not subsidize AI facilities. Many utilities have agreed not to raise rates due to data centers. Our local providers should do the same.
5. No tax incentives. Or, if tax incentives are implemented, they should be tied to performance (minimum investment levels, job creation targets, etc.).

Thank you for your consideration and continued diligence as you serve our great city.

Audrey Hermanson

Mandan, ND

[REDACTED]

Nancy R. Moser

From: Jim Neubauer
Sent: Wednesday, July 22, 2026 6:13 PM
To: Nancy R. Moser; Rachel Laqua; Jordan P. Singer
Subject: Fw: Data Center Development

Same question on a one drive file?

Jim

From: Craig R. Sjoberg [REDACTED]
Sent: Wednesday, July 22, 2026 5:37 PM
To: Jim Neubauer [REDACTED]
Subject: Fw: Data Center Development

From: Craig R. Sjoberg [REDACTED]
Sent: Wednesday, July 22, 2026 4:50 PM
To: Dylan Hermanson [REDACTED]
Subject: Re: Data Center Development

Good afternoon Dylan.

Message received.

Please check out the City of Mandan Website at www.cityofmandan.com for this morning's update on our planning and zoning code updates. The data center component of the general p & z code update is being amended in response to citizen commentary.

Thanks for your thoughtfulness and well written communication. Much appreciated.

Craig R. Sjoberg
Mandan City Commission

From: Dylan Hermanson [REDACTED]
Sent: Wednesday, July 22, 2026 1:09 PM
To: James A. Froelich [REDACTED]; Heidi Belohlavek [REDACTED]; Michael R. Braun [REDACTED]
[REDACTED] Ryan M. Heinsohn [REDACTED] Craig R. Sjoberg [REDACTED]
Subject: Data Center Development

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Good afternoon,

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I would implore your office to support a moratorium on all data center development until all stakeholders have their arms around this. Many municipalities and states have implemented such measures. Mandan should glean from their rationale and do the same.

There is a "best way" to do this. A way that will maximize economic and social benefits for the Mandan community while minimizing irreversible impacts on our resources and citizens. Strategies to do so include:

1. Bring your own power - Instead of relying on the existing electric grid, developers must finance the infrastructure needed to serve their facilities.
2. Water neutrality requirements - Requiring developers to offset the significant water consumption by data centers.
3. Build your own horizontal infrastructure - Developers need to pay for the roads, water lines, sewer, and other utility infrastructure. In addition, funding for expanded emergency services should be considered.
4. Utility cost protection - Utilities increasingly create special rate structures so residential customers do not subsidize AI facilities. Many utilities have agreed not to raise rates due to data centers. Our local providers should do the same.
5. No tax incentives. Or, if tax incentives are implemented, they should be tied to performance (minimum investment levels, job creation targets, etc.).

Thank you for your consideration and continued diligence as you serve our great city.

Dylan Hermanson

Mandan, ND



Nancy R. Moser

From: [REDACTED]
Sent: Wednesday, July 22, 2026 9:44 AM
To: Planning
Subject: Public Comment Submission for Draft Zoning Ordinance Chapter 101

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Mayor, Commissioners, and Planning Staff,

Thank you for the opportunity to comment on the proposed data center ordinance.

There seems to be a false narrative about data centers --that they will bring in a lot of jobs and that many new people will move to a community to work in a data center, when in reality, it could bring in a lot of temporary workers, but the overall permanent full-time staff is minimal.

What will certainly happen if a data center is built near residential homes, schools, and recreational land is that people will move from that community. People don't want to live, work, recreate, or send their kids to schools in areas where the noise level is high, fresh air is replaced with diesel fumes, there is obnoxious light pollution, environmental vibrations, and where big business (with shareholders who don't even live in North Dakota) are prioritized over the community citizens.

I ask that you prioritize the people of Mandan over private profit.

Many Mandan residents have lived here their entire lives. Their homes represent their life savings and years of hard work. Likewise, our farmers and ranchers have invested generations into the land that surrounds our community. When thousands of acres of productive agricultural land are converted to industrial development, taking that land out of production and the renting or operating pool, those families cannot simply relocate and start over. Agricultural land is finite, and once it is rezoned and developed, that opportunity is permanently lost.

Data centers should be located where they have the least impact on existing residents. Brownfield sites and existing industrial zones should be prioritized before agricultural land, residential neighborhoods, recreational areas, or locations near schools.

I respectfully request that the ordinance be strengthened in the following ways:

Section 3 – Applicability

Current language: Data centers are permitted in MB, MX, and **A (Agricultural)** zoning districts with a Conditional Use Permit.

Suggested amendment:

- Remove Agricultural (A) as a permitted zoning district, or make agricultural siting a last resort after demonstrating that no feasible industrial or brownfield sites exist.

- Add language that the City shall prioritize redevelopment of brownfields and existing industrially zoned property.

Section 4 – Conditional Use Permit

Add requirements for:

- An independent environmental assessment paid for by the applicant.
- A cumulative air quality assessment if diesel generators are proposed near existing industrial facilities.
- A health impact assessment when located near schools or residential neighborhoods.
- A Community Benefit Agreement before final permit approval.

Section 5 – Public Notice

Add:

- More than one public hearing for projects of this scale.
- Notice to school districts, park districts, and township governments.
- Continued public notice when major project changes occur.

Section 7(a) – Setbacks

Suggested amendment:

- One-mile minimum setback from schools.
- One-mile setback from parks and recreation areas.
- Increase residential setback from one-half mile to one mile.

Section 7(h) – Noise

Suggested amendment:

- Independent review paid for by the applicant.
- Maximum daytime and nighttime decibel limits.
- Continuous monitoring after operation begins.
- Enforcement provisions if limits are exceeded.

Section 7(i) – Generator Testing

Add:

- Limit total testing hours annually.
- Require advance public notice of scheduled testing.
- Require emissions controls during testing.

Section 7(m) & (n) – Utility Capacity

Add:

- Construction may not begin until utility capacity is contractually secured.
- The project shall not negatively affect existing customers' reliability.

Section 9 – Performance Bond

Add:

- Update the bond amount periodically for inflation.
- The bond remains in effect until reclamation is completed and accepted.

Section 10 – Site Plan

Add:

- Wildlife impact assessment.
- Traffic study.
- Air quality analysis.
- Heat island analysis.
- Visual impact study.
- Emergency evacuation plan.
- Hazardous materials inventory.

Missing from the ordinance entirely and should also be added:

- Provide greater protections for residents in the ETZ. These property owners are subject to city zoning decisions despite having no vote in city elections. Their interests deserve additional consideration.
- If industrial development substantially reduces neighboring property values, the ordinance should provide a mechanism for just compensation –**especially any time land is rezoned from an ag zone to an industrial zone**. Those property values will plummet, and their insurance will greatly increase.
- Require a Community Benefit Agreement for every data center, developed through meaningful public input from both city residents and those living within the Extraterritorial Zoning (ETZ) area.
- Designate an internal alternate (not an outside contractor) when the Zoning Administrator position is vacant.
- Address cumulative environmental impacts with an independent environmental study. For example, if a data center operates hundreds of emergency diesel generators near existing industrial facilities, the city should evaluate the combined emissions rather than considering each facility in isolation. This is particularly important where existing industries already operate under air quality monitoring requirements.
- Increase the minimum setback from schools to at least one mile. Hundreds of unregulated diesel generators should not be located in close proximity to schools where youth spend the majority of their day.

Finally, I question whether this ordinance treats large industrial projects with the same level of scrutiny applied to individual property owners. I have seen neighbors in the ETZ face more regulations to construct a simple shop than some of these proposed data center developments would face. Industrial projects of this scale should meet at least the same standard of accountability expected of individual citizens.

Mandan's greatest strength is its people, its farms and ranches, its neighborhoods, and its quality of life. Once agricultural land is converted to industrial use and once homes lose their value because of incompatible development, those losses cannot easily be reversed. If we are going to welcome data centers, we should do so carefully, deliberately, and only with protections that put the health, safety, property rights, and long-term interests of Mandan residents first.

Thank you for your consideration.

Jennifer Skjod

Mandan Extra Territorial Zone Resident

--

Jennifer Skjod



Nancy R. Moser

From: Jim Neubauer
Sent: Wednesday, July 22, 2026 6:14 PM
To: Nancy R. Moser; Rachel Laqua; Jordan P. Singer
Subject: Fw: Data Center

And last one

From: Craig R. Sjoberg [REDACTED]
Sent: Wednesday, July 22, 2026 5:34 PM
To: Jim Neubauer [REDACTED]
Subject: Fw: Data Center

From: Craig R. Sjoberg [REDACTED]
Sent: Wednesday, July 22, 2026 4:25 PM
To: Mike Wieland [REDACTED]
Subject: Re: Data Center

Good afternoon Mike.

Message received.

Please check out the Mandan City Website at www.cityofmandan.com for this morning's update on our planning and zoning code updates. The data center component of the general p & z code update is being amended in response to citizen commentary.

Thank you.

Craig

From: Mike Wieland <mkwieland@hotmail.com>
Sent: Wednesday, July 22, 2026 9:47 AM
To: Craig R. Sjoberg <craig.sjoberg@cityofmandan.com>
Subject: Data Center

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Craig,

I am writing to voice my concern in the development of a data center North of the High School. I feel this will decrease property values, stunt the planned building growth, and be an overall negative to living in our great, beautiful community. We need our elected officials to stand up against this development, and stand up for the quality of life we expect. Any building of a data center needs stiff noise and pollution guidelines prior to building not after that fact. As a business owner for 25 years in Mandan I strongly oppose this development.

Mike Wieland

Nancy R. Moser

From: Priska Groetsch [REDACTED]
Sent: Friday, July 10, 2026 10:22 AM
To: Planning
Cc: [REDACTED]
[REDACTED] Questions Regarding Proposed Data Center Regulations Before the July 27 Public Meeting

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Hello,

My husband and I are residents of Mandan. We plan to attend the July 27 public meeting regarding the proposed data center ordinance.

I appreciate the county's efforts to develop regulations before considering future projects. As someone who lives in the county and cares deeply about our community, I would like to better understand the purpose and scope of these proposed regulations before the meeting.

There has been considerable discussion among residents regarding the possibility of future data center development in Morton County. Whether these discussions are based on fact or speculation, they have created understandable questions within the community.

With that in mind, I would appreciate your assistance with the following:

Is the proposed ordinance being developed solely as a proactive planning measure, or is it in response to one or more companies expressing interest in locating a data center in Morton County?

Have any developers participated in pre-application meetings or discussions with the county regarding a potential data center?

If so, what information can legally be shared with the public at this time?

May I obtain the current draft ordinance, staff reports, or any supporting documents before the July 27 meeting?

Will there be opportunities for residents to ask questions and provide comments during the public hearing?

Like many residents, I support responsible economic development. At the same time, I believe transparency is essential when projects could have long-term impacts on nearby homes, wildlife, water resources, noise levels, and our rural way of life.

Thank you for your time and for any information you are able to provide. I look forward to participating in the public process.

Sincerely,

George and Priska Groetsch
Mandan, ND

Nancy R. Moser

From: Layn Mudder [REDACTED]
Sent: Wednesday, July 22, 2026 9:44 AM
To: Nancy R. Moser
Subject: Data Center Letter Layn Mudder got in his email

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Hi Nancy,
Here is an email I got.
Thank you for all you do,
Layn Mudder

Begin forwarded message:

From: Sarah Johnston [REDACTED]
Subject: Zoning committee meeting
Date: July 22, 2026 at 6:28:08 AM CDT
To: Layn Mudder [REDACTED]

Hi Layn,

We serve on the Beautification committee together. I know I am late in sending this but you are the only person I know for tonight's meeting and I'd like to give some input.

I cannot make it to the meeting tonight but want to share my input with you now. I think you will hear primarily negative and anti data center discussion. Which in itself should be enough to say no. You represent us. We the people are saying no. You will hear the data and the typical arguments against, which again, should be enough to say no. I am going to share reasoning specific to Mandan. The beauty of our outdoors. The welcome to the west with our sunsets and beautiful landscape. The town I grew up has a data center now. Driving into the area, not the town, the area it looks like a larger town has popped up. The light at night is so bright. The cranes are still up and it's been several years. We don't need that.

Specifically to Mandan and Morton county. Fireworks. I don't even like them. In fact I leave town because they aren't my thing. But adding a data center will create so much light pollution that the enjoyment of fireworks will be diminished.

Vote no. There just aren't enough benefits and plenty of known negatives that we cannot even start to comprehend the future potential unknown negatives. The companies come in promising much but delivering little. They will build, create a self sustaining compound and leave us with the mess. You can say no. We want you to say no. And even if not a no, a not right now. Not until the oversight has caught up with the reality. Not until these companies are held accountable for any of the inevitable what ifs. We don't want the light pollution or the torn up roads that inevitable happen because they weren't built for the amount of

machines that will be needed to build.

Thank you for serving on this committee and if there are others I should email please let me know.

-Sarah

Begin forwarded message:

From: Layn Mudder [REDACTED]
Subject: Re: Zoning committee meeting
Date: July 22, 2026 at 9:42:58 AM CDT
To: Sarah Johnston [REDACTED]

Hi Sarah,
I got your message and thank you for telling me your concerns for our community.
Thank you again,
Layn Mudder

On Jul 22, 2026, at 6:28 AM, Sarah Johnston
[REDACTED] wrote:

Hi Layn,

We serve on the Beautification committee together. I know I am late in sending this but you are the only person I know for tonight's meeting and I'd like to give some input.

I cannot make it to the meeting tonight but want to share my input with you now. I think you will hear primarily negative and anti data center discussion. Which in itself should be enough to say no. You represent us. We the people are saying no. You will hear the data and the typical arguments against, which again, should be enough to say no. I am going to share reasoning specific to Mandan. The beauty of our outdoors. The welcome to the west with our sunsets and beautiful landscape. The town I grew up has a data center now. Driving into the area, not the town, the area it looks like a larger town has popped up. The light at night is so bright. The cranes are still up and it's been several years. We don't need that.

Specifically to Mandan and Morton county. Fireworks. I don't even like them. In fact I leave town because they aren't my thing. But adding a data center will create so much light pollution that the enjoyment of fireworks will be diminished.

Vote no. There just aren't enough benefits and plenty of known negatives that we cannot even start to comprehend the future potential unknown negatives. The companies come in promising much but delivering little. They

will build, create a self sustaining compound and leave us with the mess. You can say no. We want you to say no. And even if not a no, a not right now. Not until the oversight has caught up with the reality. Not until these companies are held accountable for any of the inevitable what ifs. We don't want the light pollution or the torn up roads that inevitable happen because they weren't built for the amount of machines that will be needed to build.

Thank you for serving on this committee and if there are others I should email please let me know.

-Sarah

Nancy R. Moser

From: Madison M. Cermak
Sent: Wednesday, July 22, 2026 11:49 AM
To: Nancy R. Moser
Subject: FW: Future construction projects

Hi Nancy!

Can you include Shiv Patel's comment regarding data centers in the next P&Z Commission meeting? He had said it would be okay to do so.

Thanks!

From: Shiv Patel [REDACTED]
Sent: Tuesday, July 21, 2026 10:55 AM
To: Madison M. Cermak [REDACTED]
Subject: Future construction projects

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Hello,

I hope you are having a great day!

I would like to share a perspective regarding any future Mandan data center developments or other major projects located within the city.

If significant investments are being made in Mandan, there should be opportunities to ensure the local community benefits from that spending in multiple ways. One idea would be to encourage project employees, contractors, and visitors to eat, shop, and stay in Mandan through local incentives and partnerships. This would help direct more economic activity toward local restaurants, hotels, retailers, and other small businesses.

The result would be a secondary economic benefit that extends beyond the project itself. Increased spending at local businesses would help support small business owners, create additional opportunities for growth, and contribute to increased sales tax revenue for the city. These benefits can have a lasting positive impact on the community long after the initial project investment is made.

For many years, Mandan has often been viewed as Bismarck's little brother. However, projects of this scale present a unique opportunity to invest directly in Mandan's future and demonstrate support for the city and its residents. By ensuring that local businesses share in the benefits of these investments, we can help strengthen the local economy and show some well-deserved appreciation for the younger brother.

Thank you for your consideration.

Sincerely,

Shiv Patel

General Manager

Days Inn Mandan Bismarck Area

Baymont Inn & Suites Bismarck



From: [Anti Government](#)
To: [Nancy R. Moser](#)
Subject: data center information inquiry
Date: Thursday, July 23, 2026 10:46:58 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

*****WARNING: EXTERNAL EMAIL***** DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Nancy our intelligence specialist just spoke with you on the phone. if you can send that data center information over to us we would appreciate it. we ask that you provide us all the information that you can so that we can prove your authenticity,credibility, and transparency to the viewing public on this matter.

do to the extreme discrepancy and hi level existential threat that these data centers are posing to the livliehood and safety of the public, we are asking for the names of all the individuals involved with the establishment of this data center in north Mandan. it has been confirmed that all data centers are a direct threat to privacy and public safety nation wide, since the first one has been established there has been evidence of significant consequences both short and long term damage done by data centers to the land,the air, and the water, most of all the people who live near them... all across the United States... with a proposed death rate of up to 1200 people a year in association to the data centers. vicitimes across the country have been reporting massive droughts, loud noises, heath declines, land deterioration, high utility costs, water shortages with poor air quality in association to data center establishments...

this is a matter of deep concern for public safety.

as it is right now, all parties involved in establishing a data center in the state of north Dakota could face public back lash, civil unrest, rioting, and other consequences of this nature do to the threat your data centers now pose to the public.

without transparency on this matter the city of mandan could be deemed directly complicit with the rest of the government, in this on going international investigaton of stratigic mass murder and high crimes against humanity with the use of inhuman information, technology, and data center establishments...

we do appriecate your cooperation Nancy.

sincerely

Nancy R. Moser

From: Priska Groetsch [REDACTED]
Sent: Thursday, July 23, 2026 8:09 AM
To: Planning
Subject: Comments on the Proposed Data Center Ordinance

You don't often get email from [REDACTED]. [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Dear Planning and Zoning Commissioners,

Thank you for postponing discussion of the proposed data center ordinance until August 24. I appreciate the opportunity for the public to review the ordinance and provide meaningful input before decisions are made.

Although we live in Mandan's extraterritorial zoning jurisdiction and cannot vote for the City commissioners whose decisions affect our property, I respectfully ask that our comments receive the same careful consideration as those of city residents, as the consequences of this ordinance will directly affect our home.

As I have reflected on this issue, I keep coming back to one fundamental question:

What kind of future does the City of Mandan envision?

Mandan has invested heavily in attracting new residents, encouraging housing development, expanding businesses, and creating a community where families want to live. New schools, neighborhoods, and local businesses represent a long-term investment in people and in the future of our city.

Large-scale data centers represent a very different type of development. While they may bring investment and some tax revenue, they do not create the kind of community that attracts families or encourages the growth of neighborhood businesses. The City should carefully consider whether these two long-term visions are truly compatible, particularly in areas planned for future residential growth.

Public perception also matters. Across the country, data centers have generated significant public concern over issues such as continuous operational noise, nighttime lighting, heavy energy and water demands, and their impact on nearby neighborhoods. Whether every concern ultimately applies to every facility is not the point. Families considering where to build a home or purchase property often look beyond the facts on paper—they consider how a community feels and whether it offers the quality of life they are seeking. If Mandan becomes known as a location for large-scale data centers near residential areas, that perception alone could influence future growth and investment.

How would permitting large scale data centers on agricultural zoned land through special use permit be compatible with the city's comprehensive plan and long-term vision for future growth? The purpose of zoning is to separate incompatible land uses and to protect the health, safety, welfare, and quality of life of residents. It exists so that industrial uses are not placed where they conflict with agricultural land, residential neighborhoods, schools, and future community growth. If land is zoned agricultural, what planning principles justify allowing a heavy industrial use through a special use permit? If virtually any agricultural parcel can become a potential location for a data center, does the agricultural designation continue to provide meaningful, protection or predictability for neighboring property owners?

The ordinance you are working on and writing now will establish a precedent for future applications. Decisions made now should consider not only current proposals, but the cumulative impact of similar facilities over the coming years. The burden should be on the applicant to demonstrate that a proposed hyper scale data center complex is compatible with surrounding land uses and will not adversely affect neighboring property owners.

The city should carefully consider the potential effects on residential desirability, future development, and homeowner investment.

Residents purchased homes and property with certain zoning expectations. While zoning can change over time, property owners reasonably rely on existing land-use designations when making one of the largest financial investments of their lives. Significant changes that introduce heavy industrial uses near established homes should be approached with great caution.

As a resident of Mandan's extraterritorial zoning area, I care deeply about preserving what makes this community special. We cannot assume that industrial-scale development and continued residential expansion will always complement one another. At some point, difficult choices must be made about the direction we want our community to take.

If the City decides to permit data centers, I respectfully ask that they be limited to locations where they will have the least impact on existing and future residential areas. I also ask that the ordinance include strong, enforceable protections regarding setbacks, noise, lighting, emergency generator operations, infrastructure demands, and environmental safeguards. The decisions made today will shape Mandan for generations. I respectfully ask you to place the long-term interests of residents, families, and the future character of our community at the center of this decision.

Thank you for your time and thoughtful consideration.
Respectfully,
George & Priska Groetsch
Mandan, ND

Nancy R. Moser

From: Kelsey Huber [REDACTED]
Sent: Friday, July 24, 2026 9:05 AM
To: Planning
Cc: Jamison
Subject: Fwd: Comments on Proposed Data Center Ordinance

You don't often get email from [REDACTED] [Learn why this is important](#)

*****WARNING: EXTERNAL EMAIL***** DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

My husband and I, Jamison and Kelsey Huber, thank you for the opportunity to provide comments on the proposed data center ordinance. Our back yard [REDACTED] shares a border with the proposed data center campus. My husband and I are both engineers, mechanical and water resource, and we have two young children that are and will soon be entering the public Mandan school system. I respectfully request consideration of the following revisions to the City of Mandan Data Center Draft ordinance.

Ordinance-Specific Comments

Sec. 101-11-12 – Data Centers

I recommend adopting the Morton County data center ordinance in its entirety, with one modification: increase the required setback from $\frac{3}{4}$ mile to 1 mile from residential properties, schools, churches, and public parks (see Setbacks comment for more detail).

Sec. 101-11-12(3) – Permitted Zoning Districts

The proposed ordinance allows data centers within Agricultural (A) zoning districts through a conditional use permit. I request that data centers not be allowed within Agriculturally zoned districts.

Data centers are industrial facilities, and do not have agricultural use. Allowing large-scale industrial development in agricultural zones blurs the distinction between land-use classifications and can complicate long-term planning efforts. Data centers should be limited to appropriately zoned industrial districts, consistent with other industrial developments.

Sec. 101-11-12(7)(a) – Setbacks

The proposed 0.5-mile setback should be increased to 1 mile.

Open prairie conditions, limited vegetation, rolling topography, and frequent winds in the Mandan area allow both noise and visual impacts to travel farther than they would in more wooded regions. Based on real-world experience at my property, sounds such as livestock approximately one-half mile away and playground activities at Red Trail Elementary approximately one-third of a mile away are clearly audible. This demonstrates how effectively sound carries in this environment.

Williams County ultimately adopted a 1-mile setback after experiencing issues associated with data center noise. Their experience provides a practical precedent that should be considered before similar issues arise in Mandan.

Larger setbacks also provide a more reliable solution than attempting to account for countless site-specific variables such as terrain, wind patterns, and noise mitigation effectiveness.

The proposed 0.5-mile setback also warrants consideration due to the proximity of Red Trail Elementary School and the surrounding residential neighborhoods. Under the current proposal, children could spend their entire childhoods—days, nights, weekdays, weekends, and throughout their K–12 years—within one mile of a data center campus. Any long-term impacts (known or unknown) associated with operational noise, low-frequency sound, generator testing, or extended periods of non-compliance would therefore affect children during some of the most formative years of their lives. A larger setback provides an additional margin of protection for schools and residential areas when evaluating these potential impacts.

In addition, the ordinance applies a uniform setback to all data center types despite substantial differences in size, power demand, equipment density, cooling systems, and operational characteristics. Larger hyperscale facilities can generate materially different noise, traffic, and visual impacts than smaller facilities. A 1-mile setback helps address these uncertainties by providing a consistent buffer that remains effective regardless of future facility designs or technological changes.

Finally, a greater setback reduces the likelihood that operational issues, noise complaints, or permit violations will materially affect nearby residents, schools, and neighborhoods. By providing additional separation from sensitive land uses, the City can reduce future conflicts, enforcement challenges, and potential legal disputes while creating a clearer and more durable regulatory framework for both residents and developers.

Sec. 101-11-12(7)(a) – Setback Measurement

The ordinance should clearly define setback measurements.

I recommend specifying that the setback be measured horizontally by a licensed North Dakota surveyor from the nearest data center property line to the nearest residential property line, consistent with approaches used by other jurisdictions (Williams County & Morton County).

Sec. 101-11-12(7)(i) – Generator Testing and Emergency Operations

This section should be expanded to address routine generator testing and maintenance activities.

For large facilities, generator testing may occur frequently enough to create recurring noise impacts that should be evaluated as part of normal operations rather than treated separately. Noise analysis and setback requirements should account for these activities.

I also recommend:

- Requiring noise studies to include generator testing and maintenance operations.
- Establishing clear criteria defining what constitutes an "emergency" use of backup generators.
- Preventing foreseeable operational needs or planned maintenance from being classified as emergency events.
- Applying setback requirements based on the highest anticipated operational noise levels, including routine testing activities.

Additional Recommendations

Independent Noise Study

The City should require an independent third-party preconstruction ambient noise study rather than relying solely on developer-provided noise modeling.

The study should include nighttime measurements during low-background-noise periods and evaluate impacts on nearby residences, schools, and other sensitive receptors.

Traffic Management Plan

Any application should include a detailed traffic management plan.

Given existing congestion near the middle and high schools, construction traffic associated with a project of this scale could significantly affect traffic flow and public safety. Potential impacts should be evaluated and mitigation measures identified before project approval.

Property Value and Visual Impacts

Large data centers can become dominant visual features when constructed in open prairie landscapes, particularly when viewed from elevated residential areas overlooking the site.

The City should consider visual impacts and compatibility with surrounding residential development when evaluating setback requirements and site approval criteria.

Future Land Use Planning

The proposed site is not currently zoned industrial and does not appear to align with future land-use planning objectives as seen on the published Future Land Use and Transportation zoning map. I encourage the City to carefully evaluate whether the location is appropriate for a project of this scale and industrial character.

Thank you for your consideration of these comments. I respectfully request that the City strengthen the ordinance by increasing setbacks, limiting data centers to industrial zoning districts, clarifying setback measurements, expanding noise protections, and requiring independent studies to better protect nearby residents, schools, and public facilities.

Kelsey and Jamison Huber

Nancy R. Moser

From: Robin Burkey [REDACTED]
Sent: Friday, July 24, 2026 4:05 PM
To: Info; Planning
Subject: Subject: Formal Medical and Educational Objection to Proposed Hyperscale Data Center Zoning Near Mandan High School and Mandan Middle School

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WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Date: July 24, 2026

Dear Commissioners and Board Members,

I am writing as a concerned resident of Mandan to submit a formal objection regarding the proposed hyperscale data center parcels currently under option by Sagebrush / Stark Power north of Interstate 94. Specifically, I object to any zoning ordinance or conditional use permit that allows these industrial facilities to operate adjacent to Mandan Middle School and the new Mandan High School.

Data centers operate massive cooling stacks, chillers, and industrial fans 24/7/365, generating continuous low-frequency noise (LFN) and infrasound (0 to 500 Hz) that easily penetrates standard educational structures.

As documented by the [National Institutes of Health \(NIH\)](#) and recent 2026 educational impact data from [Brown University](#), chronic exposure to low-frequency industrial drones results in severe non-auditory health anomalies and academic declines:

1. **Cognitive and Academic Deficits:** Peer-reviewed data shows a statistically significant drop in standardized test scoring and reading comprehension for children attending schools within one mile of unmitigated data center noise. Children cannot adaptively block out low-frequency hums, creating a permanent learning barrier.
2. **Sympathetic Nervous System Activation:** Continuous industrial infrasound triggers involuntary, somatic stress responses in developing children, causing elevated cortisol production, chronic anxiety, and attention fatigue.

3. **Vibroacoustic Risks:** Low frequencies physically resonate with human internal organs and the inner ear vestibular system, which clinically causes headaches, dizziness, and long-term cardiovascular stress.

Allowing an industrial development of this capacity to sit on the immediate borders of our city's major educational campuses is a direct threat to the health, safety, and academic equity of Mandan's youth. The proposed half-mile setback is biologically insufficient to shield classrooms from low-frequency vibrations that travel up to 2–3 miles.

I urge the Mandan Planning & Zoning Commission to protect our students by permanently denying industrial data center zoning changes within a minimum 4-5 mile radius of any K-12 school or residential zone, and to establish strict, enforceable dBA limits at the property lines.

Thank you for your time, transparency, and dedication to safeguarding our community's children.

Sincerely,

Robin Burkey

[REDACTED]

Mandan, ND

[REDACTED]

Nancy R. Moser

From: Aliyah Hicks [REDACTED]
Sent: Monday, July 27, 2026 2:15 PM
To: Planning
Subject: Get rid of the center

You don't often get email from [REDACTED] [why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Building this data center will cause even more damage than what already done, I hope yall realize what is happening in our world cause people like you are the reason our environment is dying.

Nancy R. Moser

From: Terry Lea Mastel [REDACTED]
Sent: Monday, July 27, 2026 6:23 PM
To: Planning
Subject: Data Centers and health risks

[You don't often get email from tleamastel@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

In the zoning ordinance you state "The purpose of this section is to direct data centers to appropriate locations and establish standards for potential impact to protect public health.

1. Hyper data centers do not belong near population, particularly near schools, and homes, businesses, restaurants, and Walmart. These types of data centers should only be on brownfield land in an industrial park away from most importantly people, farmland, cattle, and wildlife.

2. The internal or tonal hum is a continual noise that can reach levels above 85 decibels, which not only causes hearing loss, but you can't be around it because it causes nerve disorders and diseases such as Parkinson, MS, and was used in prisons as torture to drive them crazy. Williston still has noise levels of 85 or above even after putting up walls for \$5 million.

3. Air pollution: Data centers emit significant pollutants, such as nitrogen oxide, methane and more. Those at risk include children, developing fetuses, pregnant people, elderly, and individuals with chronic respiratory or heart disease. Oh my goodness! My youngest son is getting married in a couple weeks, to the love of his life and what about their future? Subjecting people who want to start a family and pregnant mothers to this kind of poison air is a matter of life and death. We need air for our very breath! What about the children right there in the Middle School, and the Red Trail Elementary and the new High School? What's going to happen when we all will be sick and our schools will be empty? How about the homes and businesses? You think it won't affect you because you don't live near it, but it ultimately will affect you because no one will be able to live here and you will eventually be sick too.

4. Light pollution: All night light disrupts natural rhythm of the body, melatonin production and habitat development. Noise and light pollution cause hearing loss, stress, insomnia, and decreased quality of life.

5. Water waste: Data centers can use up to 5 million gallons of water daily depending on the size. Mandan had to replace the water intake because it was filling up with sand. The new one seems to be on a sand bar, and the river is low. The refinery needs a lot of water also. Will we run out of water? What will happen to the waste? Will we all get sick from drinking the water?

6. Increase costs of MDU customers. Customers would face a big jump in utility bills. Data centers should have their own energy source.

7. Who is benefiting from having a hyper data center in Mandan? The people near the data center of only a .5 set back are not benefiting. This includes the students, home owners, and businesses which when you think about it includes all of North Mandan that we have tried so hard to build up with the new school, homes, and businesses. You might think it doesn't affect you if you live further away, but it will have an impact on you too. The data centers can make empty

promises of big money back to the community, but there is no guarantee that they will even stay in business. But wait, there will be no community. We won't be able to live here anymore.

8. We have been blessed with our God given natural resources of clean air, clean water, and peace and quiet for our souls. We have a beautiful quality of life with our beautiful rolling hills, farm land, animals, and general way of life. Why should we give our very breath and soul to a data center?

9. Therefore, there should be a moratorium or better yet a ban on data centers in Mandan and extra territorial Mandan. There are too many unknowns and risks to our health and community. No amount of money would be worth our health and well being. There's just some things money can't buy.

Sincerely,

Terry and Terry Lea Mastel
in Mandan for 44 years.
[REDACTED].
proposed site to see why this
Mandan, ND 58554

We have been residents of Mandan for 44 years and have business owners on the strip

We live right across the street from the proposed data center. Please drive by the
[REDACTED]
is not a place for a data center.

Terry Mastel [REDACTED]

Terry Lea Mastel. [REDACTED]

Nancy R. Moser

From: Jim Neubauer
Sent: Wednesday, July 22, 2026 7:28 AM
To: Nancy R. Moser; Jordan P. Singer; Rachel Laqua
Cc: James A. Froelich
Subject: Fw: Data Center Mandan

Nancy,
Another comment on data centers for your collection.
Thanks!
Jim

From: James A. Froelich [REDACTED]
Sent: Tuesday, July 21, 2026 7:20 PM
To: Jim Neubauer [REDACTED]
Subject: Fw: Data Center Mandan

Get [Outlook for iOS](#)

From: Tarah Arne [REDACTED]
Sent: Tuesday, 21 July 2026 19:18:23
To: James A. Froelich [REDACTED]
Subject: Data Center Mandan

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Dear James Froelich

I'm very concerned about the possible data center being built near my neighborhood and the possible impacts to the land and people. I've served on two military deployments and have already been exposed to many environmental toxins and am very worried about more. I am loosing sleep over this and it's a very serious issue to my anxiety and mental health. Please don't allow this to be built in our beautiful community. I was so proud to live here seeing how Mandan celebrated the 4th of July. I don't know how I can live in a community with something like this. I am very against a data center so close to our residential areas and schools.

Sincerely,

Tarah Arne

Sent from my Galaxy

Commissioners,

I believe our commissioners need to fight to keep the proposed data center out of Mandan.

We have finally invested in our future with a new middle school and a state-of-the-art high school. If we want Mandan to continue growing, we need to make this area attractive to young families. Families want to live near good schools, and I believe placing a large data center in this area will discourage new homebuyers and slow residential growth.

We are finally seeing new homes being built north of Mandan, and that area represents one of our best opportunities to attract new residents and families. A data center next to these neighborhoods could make it much harder for developers to continue building and for people to choose Mandan as the place to raise their families.

Growth depends on creating communities where people want to live. Residential development brings new families, strengthens our schools, supports local businesses, and helps our city thrive. I worry that this project could work against those goals.

Why does this facility have to be in our backyard? I urge you to consider another location that would allow both economic development and continued residential growth without sacrificing the future of this part of Mandan.

Please put the long-term interests of Mandan's residents and future families first.

Thank you for your consideration.

Wanda Knoll

Mandan N.D-58554



From: Mavis Wall [REDACTED]
Sent: Friday, July 31, 2026 12:47 PM
To: Planning
Subject: Proposed data center

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

I am a retired teacher, and I recently attended the Morton County Commission public hearing regarding the proposed AI hyperscale data center planned near Mandan High School and Middle School. I left the meeting deeply concerned about what this project could mean for our students, teachers, and surrounding neighborhoods.

One issue discussed at the hearing was **tonal noise**, a term that was unfamiliar to me before the meeting. I learned that hyperscale data centers generate tonal noise continuously, 24 hours a day, and that this sound can potentially travel significant distances (i.e., 2 miles). One speaker also raised concerns about the nature of this type of sound and stated that similar sounds have been used by the military as a form of torture.

What concerns me most is that county officials acknowledged that **there is very little information available about tonal noise and its potential effects on people**. That admission should give all of us pause.

If we do not yet understand the potential long-term consequences of continuous tonal noise, how can we justify placing a large data center immediately adjacent to our schools and homes? **Our children should not become the subjects of an experiment simply because we do not yet have the answers.**

As a retired teacher, I know how important a student's learning environment is. Students need an environment in which they can concentrate, learn, and feel safe and comfortable. We should not assume that continuous, potentially intrusive noise will have no effect on students' concentration, learning, health, or overall well-being when we do not yet have enough information to make that determination.

I also want to emphasize that most of the people attending the public hearing were **not opposed to data centers**. Their concerns were primarily about **where this particular facility is being placed**—so close to our schools and homes. This is not an argument against progress or technology. It is a request that we exercise sound judgment and put the health, safety, and well-being of our children and community first.

Before moving forward, I believe we should have answers to some very basic questions:

- What will the actual tonal noise levels be at the schools and surrounding homes?
- How far will the noise travel? What research exists regarding prolonged exposure?
- **What safeguards will be in place if problems arise after the facility is operational?**

Once this facility is built, it may be extremely difficult—or impossible—to reverse course. **We have an opportunity now to ask the difficult questions and protect our students before, rather than after, we discover there may be a problem.**

Our children deserve that level of caution and consideration.



Nancy R. Moser

From: Dave Holte [REDACTED]
Sent: Monday, August 3, 2026 9:08 AM
To: Planning
Subject: Data Center Information Before...

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Attached is a YT link that can be informative before action and decisions are made for acceptance of Data Centers

It will definitely get citizens to help ask questions get involved in your city county state elected politicians and all infrastructure so we have to say "Wished we would have asked or done that".

Worth the watch
Send it out to all!
Thanks

<https://youtu.be/XpQo1yQCP34?is=IUb9-6UT0TCev8IE>

Nancy R. Moser

From: Darrell Parsons [REDACTED]
Sent: Tuesday, August 4, 2026 5:30 PM
To: Planning
Subject: Data center

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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I am writing in regards to the proposed data center. I hope the city of Mandan is taking into account what the constituents think is in the city's best interest. Our home values are finally catching up to Bismarck and this Data center is likely to tank them. I am sure the taxes we pay will not decrease to offset such a decline. Please think of what the data center will do to those who live here not just how it will put money in the cities pockets.

--

Darrell Parsons
President
US Recovery Services
Eagle Group XX
Mandan, ND - Fargo, ND - New Richland, MN

Nancy R. Moser

From: [REDACTED]
To: Planning
Subject: Data Center
10:30 AM

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North Dakota and the Mandan area have pipelines, transmission lines, wind towers, power plants, a refinery, and the list goes on. The proposed data center in northwest Mandan is little different from these entities.

The issues are much the same – noise, dust, environment, power, water, roads, etc.

The differences – the proposed data center is concentrated in one area; the proposed location is near schools and population centers; and the proposed data center does not provide a direct financial return to residents in the form of lease or easement payments.

So, there should be little difference to review the application. What? How much? Where? When? Questions and concerns from the community, NOT hysteria.

City of Mandan leadership has the responsibility to sort this all out for the betterment of the community. Not an easy task, but necessary! Most recently, Oliver County developed a good pattern for reviewing a data center, limited (non-existent) coverage by the local media. Something worth looking at.

Everyone probably has some sort of electronic device – computer, cell phone, iPad. All data driven. Data centers are here to stay, whether in Mandan, China or India. Where do we want that data to come from?

Change is inevitable. If we aren't changing, growing, then we are dying. Mandan has changed a lot in the past 30 years, not all good. This is an opportunity for Mandan to control growth and change to Mandan's benefit. That does not mean giving the developers everything they want without control, but COMMUNICATE LEGITIMATE concerns, LISTEN to what developers want, WORK together for mutual benefit. If Mandan is too rigid in its restrictions, I am certain another community will accommodate the developers. Mandan has seen this time and again with our less than neighborly gorilla across the river. And then, the same old lament of taxes too high, drive for services, drive for work, struggle to keep businesses, etc.

Ken Gieser

Mandan

Nancy R. Moser

From: Danny Mastel [REDACTED]
Sent: Thursday, August 6, 2026 10:31 AM
To: Planning
Subject: Data center concerns

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Dear city of Mandan,

I am very concerned about our community by allowing a data center to be built.

I think the current ordinance of 0.5 miles is much too close to any property line. I would suggest that a minimum of 1.5 miles from any property line and a minimum of 2.5 miles away from a school or building that is public and has capacity for large numbers of people. This is why it needs to be outside of city limits or the fridge that the city controls.

I am concerned that the city has not publicly provided answers to the questions that the people are asking. We need to know what are the down sides, how they can be mitigated, and what if any are the benefits. Until the city fully understands the implications and is relayed to the citizens, we need to hold off.

Questions Such as : how much water will this use?

Who will give them the water? Where is the power coming from? How loud will one of these things be? What are the penalties of the companies breaking the law and who enforces the rules? How will this effect current residence home values? What happens if they go bankrupt? Who cleans it up?

I believe that a data center should be voted on from the public.

If these companies break the rules on the ordinance such as noise violations, our current penalty of \$1,000 will not hinder them from breaking the law. I think the penalties have to be increased to keep them accountable.

I am very opposed to watching a big tech company run our city into the ground. We have much to lose by allowing them in.

I personally have lost sleep over this issue and know of many people that are lifelong residence business owners ect that are evaluating if they will have to sell their homes and how this will affect their health physically and mentally. That would be a very big loss to our community.

The city may be able to look into better development to this location that brings value to our community, jobs, sales tax ect instead of in the hands of huge corporations. If the state were to tax exempt these data centers our city gets nothing but problems.

I look forward to hearing back via email and from our elected officials
Thank you for your time
-Dan Mastel



Life long City of Mandan resident

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Nancy R. Moser

From: Kessler, Jennifer [REDACTED] >
Sent: Friday, August 7, 2026 10:41 AM
To: Planning
Subject: Public Comment: Proposed Data Center Zoning Regulations

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Hello,

I am submitting the following questions as public comment regarding the proposed data center zoning regulations. Please provide these comments to all members of the Mandan Planning & Zoning Commission and include them as part of the public comment regarding the proposed data center zoning regulations.

I appreciate the work that has gone into revising the proposed ordinance and addressing concerns involving noise, cooling methods, environmental testing, infrastructure funding, and monitoring. However, after reviewing the current information available, I believe several fundamental questions remain unanswered before zoning is changed to allow hyperscale data centers.

1. What is the maximum electrical demand Mandan is willing to permit for a data center, in megawatts?
 - The proposed ordinance requires a developer to disclose projected peak electrical consumption, but it does not appear to establish an enforceable maximum electrical load. For a facility potentially capable of consuming hundreds of megawatts, disclosure alone does not establish how much demand Mandan considers acceptable or sustainable.
2. Has an independent study determined that the electrical grid can support a hyperscale data center without negatively affecting existing customers?
 - I have not found a Mandan specific independent grid capacity, reliability, or rate impact study. Before allowing this land use, residents should know whether the required electricity can be supplied without compromising reliability, requiring substantial new infrastructure, or increasing electricity costs for existing homes and businesses.
3. What is the maximum amount of water a data center would be permitted to consume, and can Mandan support that demand long term?
 - The proposed ordinance prohibits municipal potable water and groundwater from being used for industrial evaporative cooling, which is an important restriction. However, it does not appear to establish a maximum total water consumption in gallons per day or gallons per year. Has Mandan determined how much water it is willing to provide and whether that demand can be supported long term without affecting existing customers or future residential and commercial growth?
4. What is the independently verified net economic benefit to Mandan?
 - Large capital investment does not necessarily equal an equally large benefit to the community. I have not found a project specific analysis showing the number of permanent

jobs, actual annual tax revenue to Mandan, applicable tax exemptions and incentives, additional municipal costs, infrastructure obligations, and long term financial impacts. Those numbers are necessary to understand what Mandan actually receives in return for allowing this type of development.

5. Why change the zoning before these questions are answered?

- If Mandan has not yet established maximum electrical and water consumption, demonstrated sufficient long term utility capacity, determined potential effects on existing ratepayers, or completed a project specific cost benefit analysis, why should the City change its zoning to allow hyperscale data centers before these impacts are understood?

I am not raising these questions simply as an argument for or against data centers. These are questions of due diligence before establishing zoning that could allow an industrial development with substantial long term demands on electricity, water, infrastructure, and other community resources.

I respectfully ask that these questions be addressed as part of the public discussion before a recommendation or decision is made regarding the proposed data center zoning regulations. Thank you for your consideration.

Jennifer Kessler



Jennifer L. Kessler, P.E.
Associate Professor of Engineering
Bismarck State College



Nancy R. Moser

From: Terry Bohn [REDACTED]
Sent: Friday, August 7, 2026 3:14 PM
To: Nancy R. Moser
Subject: Planning & Zoning Commission

You don't often get email from bohn_terry@yahoo.com. [Learn why this is important](#)

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No contact information for Bill Robinson, chair of the Mandan Planning and Zoning Commission, was provided on the city's website, so I am requesting that the following message be forwarded to him, and other members of the Commission.

Although we are grateful for the work already done on the draft Ordinance on Data Centers, we strongly urge that no action be taken on this matter at the August 24 meeting. We are among several hundred residents of Mandan who believe that more time is needed to gather information and assess the long-term effects of this proposed project.

Thank you for your consideration.

Respectfully, Terry Bohn and Mary Jo Dailey

Nancy R. Moser

From: Amanda Tomlinson [REDACTED]
Sent: Tuesday, August 4, 2026 7:22 PM
To: Nancy R. Moser
Subject: Planning and Zoning Regulations

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Ms. Moser,
Please pass along my email to the planning and zoning committee.

Thank you,
Amanda Tomlinson

Dear City of Mandan Planning and Zoning,

I am writing as a Morton County, city of Mandan, resident and parent of school-aged children to respectfully express my opposition to any changes to the city's land use ordinance that would allow large-scale data centers to be located near homes, schools, churches, and established neighborhoods.

I understand the importance of economic development and recognize that data centers are becoming an important part of our nation's infrastructure. However, responsible growth requires thoughtful planning. Not every type of development is appropriate in every location, and land use decisions should protect the quality of life of the residents who already call Morton County home.

Data centers are industrial-scale facilities that operate 24 hours a day and require significant electrical infrastructure, backup generators, cooling systems, and security measures. Even when well managed, these facilities can create concerns related to noise, increased traffic during construction and maintenance, visual impacts, and demands on local infrastructure. These characteristics make them fundamentally different from the residential and agricultural areas that define much of Morton County and the area considered by the city of Mandan

As a parent, I am particularly concerned about the possibility of these facilities being located near schools. Our children deserve safe, quiet places to learn, and families should be able to trust that zoning decisions will prioritize compatible land uses around educational facilities and neighborhoods.

I respectfully ask the committee to ensure that any updates to the land use ordinance include strong safeguards, including:

- Restricting large-scale data centers to appropriately zoned industrial areas.

- Establishing meaningful setbacks and buffering requirements from homes, schools, parks, and churches.
- Requiring comprehensive review of impacts on utilities, roads, emergency services, water use, and noise before approval.
- Preserving meaningful opportunities for public input before any project is approved.

The decisions you make today will shape Morton County and the City of Mandan for generations. Once industrial uses are permitted in or near residential areas, those decisions are difficult to reverse. I encourage the committee to take a thoughtful, cautious approach that supports responsible economic development while protecting the communities and families who have invested in this county.

Thank you for your service to the city of Mandan and for your careful consideration of this important issue.

Respectfully,

Amanda Tomlinson

Sent from my iPhone

Nancy R. Moser

From: Jess Schmidt [REDACTED]
Sent: Friday, August 7, 2026 9:48 AM
To: Planning

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Hello,

I am writing to inquire about the proposed data center project. Could you please provide the date, time, and location of the next public input meeting regarding this development?

Additionally, I would like to know if there is an official channel or forum where members of the public can submit comments expressing opposition to placing a data center within the city of Mandan or Morton County.

Thank you for your assistance and for providing this information.

Best regards,

Jess Schmidt

Nancy R. Moser

From: Priska Groetsch [REDACTED]
Sent: Monday, August 10, 2026 8:42 AM
To: Planning
Subject: Data Center Ordinance-A Land -Use and zoning question

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Dear Commissioners,

First I want to thank everyone who worked on the latest data center ordinance draft. It is obvious that a lot of time and effort went into developing standards for data centers.

However as I reviewed the proposed data center ordinance, aside from several other areas of concern, I found myself coming back to one fundamental question that stands out to me.

The ordinance itself recognizes that data centers are intensive industrial uses capable of generating significant impacts and requiring extensive mitigation. It further provides that, under this ordinance, they would be eligible for consideration only in the MB and MX zoning districts through a Conditional Use Permit.

That is where I begin to struggle.

If data centers are truly this intensive, why are they being treated as Conditional Uses rather than uses that are permitted only in zoning districts specifically intended for this type of development?

If a proposed land use requires a 16- page ordinance, extensive technical studies, ongoing monitoring, and numerous operating restrictions before it can even be considered appropriate, are we really talking about a compatible conditional use-or are we trying to fit a square peg into a round hole?

To me that is what this discussion has become. Instead of asking, ' What conditions should we impose to make it work?' I believe we should first ask whether it belongs there in the first place.

The purpose of zoning is to organize land uses so that they are generally compatible with one another. It provides predictability for residents, property owners, businesses, and developers alike.

It establishes expectations about how a community will grow. A Conditional Use Permit exists because there are certain land uses that may be appropriate within a zoning district if specific conditions are met.

But there must also be limits.

If every land-use can be made to fit simply by adding enough conditions, then zoning itself begins to lose its meaning.

I also hope the Commission will reconsider referring simply to "data centers." Not all data centers are the same. While the ordinance distinguishes data centers by electrical capacity, electrical capacity alone does not capture the fundamental differences between these facilities.

A traditional enterprise data center serving a hospital, university, or local business is fundamentally different from a hyperscale AI campus consisting of multiple buildings. The same applies to a cryptocurrency mining operation housed in a data center. These facilities differ in their scale, operating characteristics, infrastructure demands, and potential impacts on surrounding communities. If the city intends to regulate these uses thoughtfully, the ordinance should distinguish between them based on their actual land-use characteristics and community impacts-not solely on the amount of electricity they consume.

Sometimes the simplest question is the most important one. Perhaps the ordinance itself is pointing us toward the answer. If an ordinance must work this hard to make a land-use fit, maybe that land use does not belong there.

I respectfully ask the commission to answer that question first.

Thank you for your time and thoughtful consideration.

Respectfully
George & Priska Groetsch

Nancy R. Moser

From: Eden Stramer [REDACTED]
Sent: Sunday, August 16, 2026 10:29 AM
To: Planning
Subject: Comments on the Data Center Ordinance

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Please print these comments and include them in the commissioners' meeting packets.

I support a moratorium on data centers. There is no benefit to our community after they apply for tax exemption. The damage they will cause to our environment, children, property values, and wildlife is unacceptable. I understand that a moratorium is a temporary measure, so I've included my comments on the proposed ordinance below. **The goal with my comments is to encourage you to limit the size of any future data centers to mitigate the harm they will cause.**

Page 4, section 1b defines types of data centers by their electrical capacity. According to the ordinance, a minor data center has a designated electrical capacity between 100kW and 6,000kW. A 6000kW data center running at capacity for a year will use 52.5 million kWh in that year. According to the US Energy Information Administration, the average American household uses only 10,791kWh in a year. A data center operating at 6000kW for any length of time uses enough electricity to power 4,878 households for the same length of time. US census data from 2025 shows that Mandan only has 10,465 households. One "minor" data center running at 6,000kW capacity would use nearly the equivalent amount of power of half of all Mandan city households. **I ask that the commission add an electrical capacity cap to the ordinance, capping proposed data centers at 1,000kW. At the very least, major data centers should be prohibited.**

Page 6, section 3b sets a minimum floor area ratio of 0.15. If we absolutely must allow data centers to be built in our town, the goal should be to limit their size. **I propose that we include a maximum building size.** My preferred maximum would be 20,000-50,000 square feet.

Page 8, section 3e requires environmental assessments but does not specify who will conduct them. **I ask that we specify that all studies and assessments must be completed by a credentialed third party approved by the city.**

Page 12, section 4a, point 6a talks about developing temporary or permanent housing for construction workers. If one of the benefits of building a data center is the construction jobs it provides to the community, those jobs should be limited to the community, meaning local companies and local workers only. We should not be building man camps for out of state workers, nor should we allow an influx of out of state workers to drive up our rental and housing markets as has happened in Williston during the oil boom and is currently happening in

Ellendale. **There should be a requirement within this ordinance that short-term and long-term jobs will be filled by local workers, defined as residing within 50 miles of Mandan.**

Page 13, section 5a, point 4 directs a type C buffer to be installed in the landscaping of a data center. I looked up what a type C buffer is in chapter 101 of the larger proposed zoning ordinance (page 152, section 101-13-3, part A1, point c. of the Mandan Zoning Ordinance). It is a landscaped perimeter buffer 20ft deep providing 80% opacity, which I think is a great idea! However, City Planner Andrew Stromme left a few notes on this portion that lead me to believe that some or all of this wording might be cut from the final draft of the ordinance, so **I propose that a Type C buffer be defined on page 4 of the data center ordinance** in case it doesn't make the final cut of the larger ordinance.

Other notes:

Data centers must not be able to apply for tax-exempt status.

Any wastewater they produce must be treated and cooled on-site before being released.

Ambient air temperature on-site must be monitored and not more than 5°F hotter than the air temperature of the rest of the city.

The setback from residential zones or potential future zone residential must be at least 1 mile.

Any electricity generated by the data center company for the site must be generated from renewable resources.

Asphalt and concrete at the site must be limited, with native flora planted instead to minimize ambient heat and dust bowl conditions.

And finally, I demand the prohibition of NDAs signed between companies and public officials. Public officials work for the public, not for private companies.

Thank you for your time,

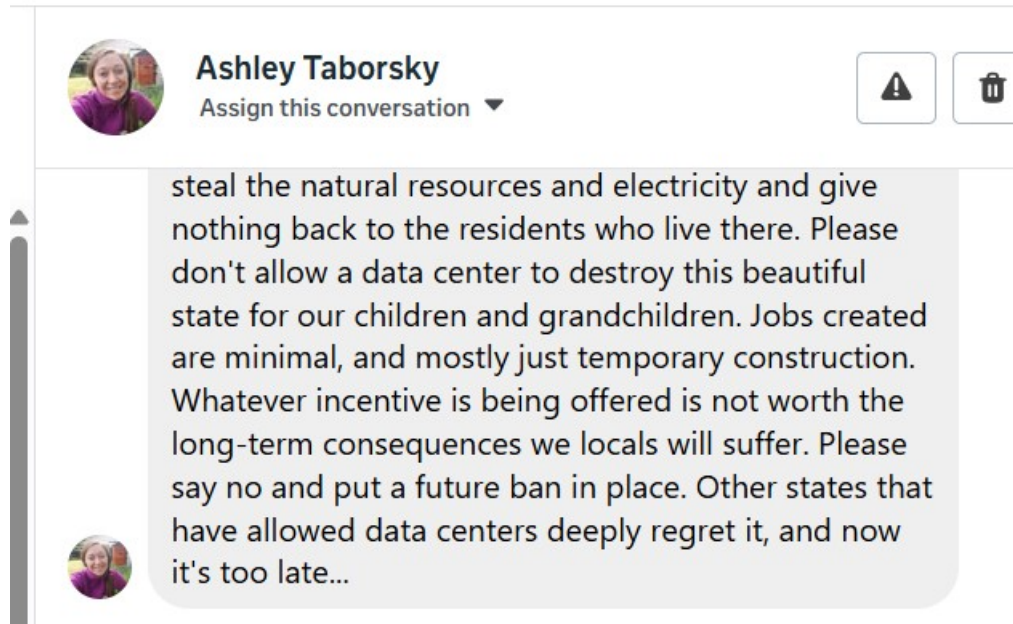
Eden Stramer
Mandan, ND

Nancy R. Moser

From: Kari N. Schmidt
Sent: Wednesday, August 12, 2026 2:34 PM
To: Planning; &Commissioners; Jim Neubauer
Cc: Ashlee Newman
Subject: Facebook Message. - Data Center

Hi all,

Sharing a message rec'd via Facebook today, because I said I'd be sure to pass it along:



I did tell her that at this point, there is no application and no incentive being offered.

Thanks,



Kari Schmidt | *Communications Specialist*
City of Mandan Business Development & Communications Department
kari.schmidt@cityofmandan.com
701.667.3478 (office) | 701-471-8704 (cell)
205 2nd Ave NW, Mandan, ND 58554
www.cityofmandan.com

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I will only be checking email at 8 a.m., 11 a.m. and 3 p.m. on days when I'm in the office. If your email needs my immediate attention, please text or call me at 701-471-8704.

Protecting Mandan’s Students: Essential Data Center Ordinance Revisions

Mavis Wall -- [REDACTED]

I reviewed the official **August 6, 2026 user-friendly draft of Section 101-11-12**. The proposed ordinance is detailed and provides a strong foundation, especially in its regulation of operational noise and low-frequency sound. Its main shortcoming is that **schools are not expressly treated as sensitive receptors or guaranteed the same protections given to residences and public parks**.

It is important to recognize the unusual concentration of schools near the proposed site. I recommend that schools be expressly designated as sensitive receptors and receive enforceable protections addressing:

- setbacks,
- noise,
- vibration,
- air quality,

- Construction impacts,
- generator testing,
- student transportation, and
- recurring “independent” monitoring.

These safeguards ensure that the health, safety, and learning environment of Mandan’s approximately 2,800 nearby students remain the **city’s highest priority**.

Page numbers below refer to the numbers printed at the bottom of the ordinance pages, not the PDF cover page.

A Note About My Research: These recommendations are based on my review of Mandan’s proposed ordinance dated August 6, 2026, as well as publicly available research and examples from other communities. Because every community is different, the examples are included only to show concerns that have arisen elsewhere. Page and section references should be checked against the final ordinance. These are my recommendations based on the information available and are not intended as legal or technical advice.

SCHOOL-RELATED CONCERNS	ORDINANCE PAGE	OPPORTUNITIES TO STRENGTHEN ORDINANCE	RECOMMENDED CHANGE
Insufficient construction-phase protections	Page 3, §1(a); page 5, §3(a); and pages 12-18, §§5-7	The ordinance recognizes that construction could last several years, but its most detailed noise, vibration, monitoring, and enforcement provisions concern the operating facility. It establishes no comprehensive construction limits specifically protecting schools.	Require a Construction Impact Management Plan covering noise, vibration, dust, diesel emissions, lighting, blasting, truck idling, working hours, haul routes, and school-day restrictions. Require real-time dust and noise monitoring at nearby schools and immediate corrective action when limits are exceeded. REAL-WORLD EXAMPLE At Holly Ridge Elementary, data-center construction traffic reportedly shook classrooms, disrupted instruction, created safety concerns, and caused the playground to be closed. This demonstrates that serious school impacts can occur years before operations begin. Gulf States Newsroom report https://www.wwno.org/local-regional-news/2025-11-19/construction-on-metas-largest-data-center-brings-600-crash-

Protecting Mandan's Students: Essential Data Center Ordinance Revisions

Mavis Wall –

SCHOOL-RELATED CONCERNS	ORDINANCE PAGE	OPPORTUNITIES TO STRENGTHEN ORDINANCE	RECOMMENDED CHANGE
			spike-chaos-to-rural-louisiana
No required school-district consultation or notification	Page 5, §2(d)	Notice is sent to property owners within one-half mile, and the applicant must maintain a public liaison. However, there is no express requirement for consultation with the Mandan Public School District, school administrators, parents, or transportation officials.	Require formal notice to the school board and each affected school within at least one mile. Require district consultation before the CUP hearing and continuing coordination concerning construction schedules, emergencies, generator tests, traffic changes, and monitoring results. REAL-WORLD EXAMPLE The Holly Ridge experience shows why school officials need an ongoing role: the school had to respond directly to truck traffic and playground safety conditions created during nearby data-center construction. Gulf States Newsroom report https://www.wwno.org/local-regional-news/2025-11-19/construction-on-metas-largest-data-center-brings-600-crash-spike-chaos-to-rural-louisiana
No School Transportation and Student Safety Plan	Page 5, §3(a)(3) and pages 10-11, §4(a)(4)-(6)	The applicant must estimate traffic and pay for pavement studies and road repairs. These requirements protect infrastructure but do not specifically cover school buses, arrival and dismissal periods, pedestrians, bicyclists, student drivers, or heavy trucks near schools.	Require a city- and school-district-approved School Transportation and Student Safety Plan. It should designate haul routes, prohibit heavy trucks near schools during arrival and dismissal, protect bus routes and crossings, establish worker-parking controls, and require immediate reporting of traffic incidents. REAL-WORLD EXAMPLE Holly Ridge Elementary closed its playground because thousands of trucks were traveling past the school to Meta's construction site. The area experienced multiple truck crashes, including near the school. Gulf States Newsroom report https://www.wwno.org/local-regional-news/2025-11-19/construction-on-metas-largest-data-center-brings-600-crash-spike-chaos-to-rural-louisiana

Protecting Mandan's Students: Essential Data Center Ordinance Revisions

Mavis Wall - [REDACTED]

SCHOOL-RELATED CONCERNS	ORDINANCE PAGE	OPPORTUNITIES TO STRENGTHEN ORDINANCE	RECOMMENDED CHANGE
No protective school setback	Page 6, §3(b)(17) and page 11, §5(a)(4)	The site plan must show distances between project components and the data-center property boundary, and a Type C landscape buffer is required. However, no minimum distance is established between a Major Data Center and a school.	Require an evidence-based minimum setback measured from the data-center property boundary to the school property boundary. Consider a minimum of 1,000 feet, subject to a greater distance when acoustic, air-quality, traffic, or health studies demonstrate it is necessary. Generator yards, substations, cooling equipment, loading areas, and truck routes should receive additional setbacks. REAL-WORLD EXAMPLE Montour County, Pennsylvania requires data centers and accessory uses to be at least 1,000 feet from a sensitive-receptor property line. Signed Montour County ordinance. https://www.montourcounty.gov/getmedia/280cb028-ead7-44fb-bdab-ce8280dc85cd/Ordinance-1-of-2026-Signed.pdf
Schools are not identified as sensitive receptors	Page 7, §3(c), Receptor Mapping, items 1-4	Applicants must map occupied buildings, campgrounds, manufactured-home/RV parks, and parks within one-half mile. Schools, childcare facilities, playgrounds, and school athletic fields are not expressly listed.	Define schools, preschools, childcare facilities, playgrounds, and school athletic fields as "sensitive receptors". Require them to be individually identified on receptor maps. REAL-WORLD EXAMPLE York County, Pennsylvania's model ordinance expressly defines schools, preschools, daycare centers, and health facilities as sensitive receptors. York County model ordinance. https://www.ycpc.org/DocumentCenter/View/5537/Data-Centers-Model-Ordinance---2026-Update-PDF?bidId=
Environmental review omits school air quality and children's	Page 7, §3(e)(1)-(2)	The required Environmental Assessment expressly calls for a biological study and archaeological survey but not an air-quality analysis, children's-health assessment, diesel-emission	Require independent air-quality and children's-health impact assessments before approval. They should address construction equipment, truck traffic, generators, particulate matter, nitrogen oxides, hazardous air pollutants, emergency operations, and

Protecting Mandan's Students: Essential Data Center Ordinance Revisions

Mavis Wall - [REDACTED]

SCHOOL-RELATED CONCERNS	ORDINANCE PAGE	OPPORTUNITIES TO STRENGTHEN ORDINANCE	RECOMMENDED CHANGE
health		modeling, or cumulative school-impact analysis.	cumulative emissions at each school. Require monitoring during construction and operation. REAL-WORLD EXAMPLE The Bay Area Air Quality Management District expressly recognizes schoolchildren as sensitive receptors who are more susceptible to poor air quality and states that projects near schools warrant particular care. Air-district guidance https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-5-project-air-quality-impacts_final-pdf.pdf
No mandatory acoustic-monitoring location at each school	Page 8, §3(h)(2); pages 15-16, §6(1)-(7)	Monitoring locations are selected by the applicant's acoustical professional and approved by the City Engineer. The ordinance does not guarantee baseline, commissioning, or continuing measurements at each nearby school.	Require a monitoring location at every school within at least one mile, selected in consultation with an independent acoustical expert and the schools. Monitoring should occur both outdoors and at classroom locations during instructional hours. REAL-WORLD EXAMPLE Chandler, Arizona requires baseline, post-construction, and annual third-party noise studies at the nearest residential or other noise-sensitive use identified by the zoning administrator. Chandler Ordinance No. 5033 https://www.chandleraz.gov/sites/default/files/departments/development-services/PLH22-0053-Ordinance-No-5033-Data-Center.pdf
Schools may receive weaker noise protection than residences	Pages 9-10, §3(h)(7)-(15) and pages 12-13, §5(b), Table 1	Residential properties and public parks receive the Residential District limits of 55 dBA/65 dBC during the day. Schools are not included. If treated according to their Public District zoning, a school could be subject to 65 dBA/75 dBC-10 decibels higher.	Apply the Residential District limits -- or stronger school-specific limits -- to all school property. Require compliance at classroom buildings, playgrounds, athletic fields, and the school property boundary. Include protections against tonal, low-frequency, impulsive, and intermittent noise. REAL-WORLD EXAMPLE Franklin County, Pennsylvania's proposed standards apply a 57 dBA limit at

Protecting Mandan's Students: Essential Data Center Ordinance Revisions

Mavis Wall --

SCHOOL-RELATED CONCERNS	ORDINANCE PAGE	OPPORTUNITIES TO STRENGTHEN ORDINANCE	RECOMMENDED CHANGE
			sensitive-receptor property boundaries, rather than relying solely on the underlying zoning classification. Franklin County standards. https://www.franklincountypa.gov/wp-content/uploads/2026/02/Data-Center-Proposed-Amendment-SALDO.pdf
Schools receive weaker vibration protection	Page 14, §5(b)(iii), Table 3	“Commercial and Institutional Buildings” are allowed vibration levels of 78 VdB, while the Residential and Sensitive Buildings category receives the more protective 72 VdB standard. A school could be classified merely as an institutional building.	Explicitly classify schools as Sensitive Buildings and apply the most protective vibration standard at classrooms and school foundations. Require construction-vibration limits as well as operational limits. REAL-WORLD EXAMPLE At Holly Ridge Elementary School in Louisiana, teachers and students reported that heavy truck traffic serving Meta’s nearby data-center construction shook classrooms and interfered with lessons. Gulf States Newsroom report. https://www.wwno.org/local-regional-news/2025-11-19/construction-on-metas-largest-data-center-brings-600-crash-spike-chaos-to-rural-louisiana
Generator-testing hours overlap the school day	Page 17, §7(b)(1)	Routine generator testing is allowed from 10:00 a.m. to 4:00 p.m., Monday through Friday -- almost entirely during instructional hours. Multiple generators may also be tested simultaneously if the general limits are met.	Prohibit routine generator testing during instructional hours, student arrival and dismissal, outdoor recess, athletic events, and other scheduled school activities. Require advance notice to the district and prohibit simultaneous testing unless approved after school hours. REAL-WORLD EXAMPLE Other jurisdictions regulate generator-testing periods because testing creates a predictable noise event. Shenandoah County, Virginia limits generator testing to specified weekday hours; Mandan should go further where testing affects nearby schools. Shenandoah County ordinance https://shenandoahcountyva.gov/DocumentCenter/View/4220/May-2026-PC-Work-Session-Agenda-Packet-PDF?bidId=

Protecting Mandan's Students: Essential Data Center Ordinance Revisions

Mavis Wall --

SCHOOL-RELATED CONCERNS	ORDINANCE PAGE	OPPORTUNITIES TO STRENGTHEN ORDINANCE	RECOMMENDED CHANGE
No automatic recurring independent monitoring	Page 18, §7(c)(1)-(2)	The Zoning Administrator or City Engineer may order a special audit, but routine independent testing after operations begin is discretionary. The ordinance does not guarantee periodic school-based noise, vibration, infrasound, or air-quality monitoring.	Require independent testing before operation, at each capacity increase, quarterly during the first year, and at least annually thereafter. Results and raw data should be publicly available. Complaint-triggered testing should be additional -- not a substitute for scheduled monitoring. REAL-WORLD EXAMPLE Chandler requires annual third-party noise studies for five years after the initial post-construction study. Faulkner County, Arkansas also requires annual third-party studies for covered data centers. Chandler ordinance , Faulkner County ordinance https://www.faulknercountyar.gov/images/documents/2023%20Meeting%20Info/07.2023/07.18/PO%2023-20%20-Datacenter.pdf

Nancy R. Moser

From: Mavis Wall [REDACTED]
To: Planning
Subject: DC Ordinances - please include suggested ordinance revisions to packet
Attachments: Mandan DC ordinances revisions V3.pdf

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Dear Members of the Mandan Planning and Zoning Commission:

My name is Mavis Wall. I grew up on a ranch west of Mandan, attended Mandan Public Schools, and graduated from Mandan High School. I earned my college degree from the University of North Dakota and recently retired as a third-grade teacher. Although I am now retired, students will always hold a very special place in my heart.

My only reason for becoming involved in this issue is that I care deeply about protecting Mandan's students and maintaining Mandan's high educational standards. I also want to be clear that I am not opposed to progress or to an AI data center. My concern is about its proposed location in such close proximity to our schools and the potential impacts its location could have on students.

Thank you for the considerable time and effort you have invested to developing the proposed data center ordinance. The ordinance is detailed and provides a strong foundation, especially in addressing operational noise, low-frequency sound, testing, enforcement, and other potential impacts.

After reviewing the proposed ordinance, I believe additional protections are needed because of the proposed data center's unusual proximity to Mandan High School, Mandan Middle School, and Red Trail Elementary School. Together, these schools serve approximately 2,800 students – that's more than half of all the Mandan students.

Attached is a document with my recommendations for strengthening the ordinance to better protect these students. At a high level, they address:

- Construction noise, dust, traffic, and student-safety measures;
- Protective setbacks from schools;

- Recognition of schools as sensitive receptors;
- Independent air-quality and children's-health assessments;
- Stronger noise and vibration protections;
- Restrictions on generator testing during school hours; and
- Recurring "independent" monitoring at nearby schools

The attachment identifies relevant provisions in the proposed ordinance, areas that could be strengthened, recommended changes, and examples from other communities. These recommendations are based on my review of the ordinance and publicly available research.

I appreciate the thoughtful work that has already been completed. My purpose is not to diminish that work, but to help make sure that the ordinance protects the health, safety, and learning environment of Mandan's children—during construction and throughout the facility's operation.

Thank you for your time and consideration.

Sincerely,

Mavis Wall
Retired Third-Grade Teacher
Mandan High School Graduate

Nancy R. Moser

From: Ryan Miller [REDACTED]
Sent: Monday, August 10, 2026 10:21 PM
To: Planning
Subject: Support for data center

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I would like to take this opportunity to say that not all Mandan residents are against this data center. If the city can implement no nonsense policies that will ensure that this data center does not cost the citizens of Mandan a single cent and that it will pay for its own infrastructure the way that we citizens have to then I am all for it. If the city could implement an industrial use permit that would have to be renewed annually and that fee would reduce the citizens tax burden that would be amazing. If this data center covered 3/4 or more of Mandans budget wouldn't it be possible to eliminate property tax in Mandan? What if the city said with the revenue from this data center anyone owning a home worth less than 750k would not have to pay a property tax or a special assessment? Wouldn't this increase the appeal for a young family or first time home buyer to consider moving to Mandan? Wouldn't this influx of new home buyers make Mandan a lot more appealing to retail stores and family restaurants? Would this not create more tax revenue for the city while increasing the amount of services available on this side of the river? It seems to me that everyone in this city does not want to pay for anything, whether it is the street in front of their home, a new school, or a obsolete sewer systems but when an opportunity presents itself well we don't want that either. I am concerned that we would even think about letting this opportunity pass us by. This data center cannot be any worse than the refinery which is also near the high school or the heskitt station that was just recently torn down. Noone complains of the noise or smell coming from the refinery. Even if this data center provides 50 jobs that's more than a vacant lot would ever produce. This is the opinion of one citizen I might be wrong but I feel as though it should be brought up that there are supporters for this project. Thank you for reading this.

Ryan Miller
Concerned Citizen

Nancy R. Moser

From: [REDACTED]
Sent: Thursday, August 13, 2026 11:34 AM
To: Planning
Subject: Comments Regarding Draft Data Centers

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Here are our comments regarding the proposed Data Center Ordinance draft:

1. We cannot find anywhere in the ordinance where it states how far from residential areas the data center boundaries are. The only thing we see is that a map has to be provided showing uses within a half mile of the exterior of the data center property. It doesn't say anything about restricting them to be at least a half mile away (which in our opinion is too close. We recommend at least a mile away from residential areas.)
2. The Planning and Zoning had approved a development called the Sunrise Subdivision. In fact, we had put money down for a lot 5 days before we heard about data centers. The lot would have been 600 feet from the boundary. This is unacceptable. In fact there are two new homes already built in that area.
3. The nondisclosure agreements with officials should not be allowed and will prevent situations like people purchasing lots unaware of the potential of a data center. If these centers are good for the community, why are they handled so secretly? It leaves the public with suspicions of who is getting a kickback from these companies.
4. The proposed ordinance does not include any reference to the impact on children in residential areas of the schools. Will there be testing to determine the impact, and what if it is negative? Can Mandan afford to find a location to rebuild 3 schools that are still quite new?
5. Why is Mandan even considering approving the location being proposed? The direction of the city was moving north, now that is taking a beautiful area and turning it into an eye sore.
6. Has the Planning and Zoning considered how traffic will be impacted? All those construction trucks utilizing the traffic circle on Collins or the Sunset Interchange during hours that are almost impossible to get through already now when the schools are in session. Our understanding is that the Sunset Interchange will be reconstructed at some point. Traffic will be further impacted during construction.
7. Construction for these data centers is not a one and done situation but continues during several years.

8. Nowhere in the draft ordinance is there a reference to controlling dust during construction. We would challenge the committee to drive to Oliver County to view the dust on a breezy day.
9. Have any commissioners driven to Ellendale to view the data center construction there? We did because we had to make a decision on a lot in Sunrise View subdivision. One of the buildings, I believe they call it Polaris I is operational, but now construction continues with the next phase. The number of construction vehicles, the constant noise from the data center, and our discussions with local residents, convinced us to get out of our purchase agreement for the lot before it was too late.

Recent surveys showed at least 71 percent of individuals are against having data centers, or are at least saying “slow down and get this right.” We are not against data centers per se but are against the current speed of getting these up and operational without studies as to the impact, and the secrecy surrounding them is unacceptable. There are areas of the state that are away from residential areas, or areas that are untillable or reclaimed lands that can be used. Let’s not turn Mandan into a ghost town while people pull out and move to Bismarck. Also, the tax breaks for these major companies is corporate welfare. We do not support that.

We the people need to start having input on the direction of Mandan.

Larry & Cindy Moos

August 13, 2026

Dear Planning and Zoning Commissioners,

After reviewing the August 6, 2026 draft of Mandan's proposed data center ordinance, I identified several areas where I believe additional health protections should be considered.

Below are primary concerns I identified:

1. No Human Health Impact Assessment

Ordinance: Page 7 Section 3 (e) Environmental Assessment

The ordinance requires biological and archeological studies but does not require an independent assessment of potential impacts on human health. A human health impact assessment addressing chronic noise exposure, air emissions, respiratory and cardiovascular effects as well as sleep disruption should be evaluated before the facility is approved rather than after problems occur.

Furthermore, the ordinance does not require an assessment of the combined effects of noise, generator emissions, construction dust, traffic emissions and existing nearby pollution sources so a cumulative impact analysis combining all these exposures together should be conducted as residents are exposed to the overall environment, not one source of noise or pollution at a time.

2. Chronic Noise and Health Effects

Ordinance: Page 8-10 Section 3(h) Acoustic Impact Report

The ordinance contains extensive acoustic requirements, including low-frequency noise, Infrasound, tonality and monitoring. However, it does not require a separate evaluation of the potential human effects of long term 24/7 exposure to include potential sleep disturbance, stress and cardiovascular impacts. Literature review reveals residents living near some data centers in other cities and states report persistent low-frequency humming. Source: <https://www.youtube.com/watch?v=UYSlyn0NdtS>

3. No Comprehensive Health-Based Air Quality Assessment

Ordinance: Page 6 Section 3 (a) (7) General Development Requirements

The applicant must identify emissions the project may produce, but the ordinance does not require a comprehensive health-based air quality assessment. Air quality assessment should address PM2.5 (particulate matter with a diameter of 2.5 micrometers or less), PM10 and nitrogen oxides, diesel particulate matter and cumulative emissions from

backup generators to determine what concentrations people living nearby could actually be exposed to.

Source: <https://www.deq.virginia.gov/newsinfo/shortcuts/permits/air/issued-air-permits-for-data-centers>

4. Electrical Infrastructure/ EMF Disclosure

Ordinance: Page 6-8 Section 3 (b) and (f) Utility Verifications

The ordinance requires information about electrical infrastructure, including the number, location, and voltage of onsite substations, but there is no EMF exposure assessment. Full disclosure of substations, transformers, transmission infrastructure and other major electrical equipment along with verification that exposure at property boundaries and nearby occupied areas complies with recognized exposure standards would provide objective measurements and documentation rather than relying on assumptions after exposure.

5. Limited Ongoing Water Quality Monitoring

Ordinance: Page 6-7 Section 3; Page 11 - 5(a)

The ordinance addresses water consumption, cooling methods, wastewater infrastructure, and discharge but does not address a comprehensive long term water quality monitoring program. Groundwater and surface water should be tested before construction to establish a baseline, followed by periodic monitoring during operation for contaminants associated with the site's fuels, batteries, cooling systems and other materials. Baseline testing provides an important comparison if water quality concerns arise later.

Source: <https://www.theverge.com/news/834151/amazon-data-centers-oregon-cancer-miscarriage>

Thank you for your consideration.

Sincerely,

Susan Ziemann
Mandan, ND resident

Nancy R. Moser

From: Julie Wolff [REDACTED] >
Sent: Sunday, August 16, 2026 9:59 AM
To: Planning
Subject: Proposed data center

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As a resident of Mandan, ND living within a half mile from the proposed data center, I am voicing my concern regarding this data center. I do not believe a data center should be allowed within the city limits or in Morton County. I DO NOT want to live in close proximity to a data center. My concerns are health effects, environmental (light, noise, air quality, water quality and use and power) and how it would affect property values. I also have a concern that we are allowing a foreign country to own a data center in the City of Mandan.

Mandan has a reputation of being a great city to raise a family. If a data center is allowed to be built in the current location, I believe our city will no longer be a desired place to live. The health and welfare of our citizens should be the top priority in any decisions made regarding this data center. Government of the people, by the people, for the people!

Julie Wolff

Nancy R. Moser

From: Susan Beehler [REDACTED]
Sent: Tuesday, August 18, 2026 4:33 PM
To: Jim Neubauer; Michael R. Braun; James A. Froelich; Ryan M. Heinsohn; Heidi Belohlavek; Craig R. Sjoberg; Nancy R. Moser
Subject: Please forward to planning & zoning testimony on data center ordinance

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Dear Mayor and Commissioners:

My name is Susan Beehler, a Mandan resident since 1992.

I am opposed to a hyperscale data center near our homes and schools. I am not opposed to technology or progress.

I remember the first computer at a retail operation early in my career it was about 4 feet tall and 2 by 3 ft box shaped on casters. It had paper like an adding machine. As a professional photographer I went from film to digital and was one of the first photographers in the area to have a website. I do not shy away from technology. I also know it is rapidly changing. The hyperscale data center being built today may be like that clunky glorified calculator I used at that retail store. We need to be smart with development so we are not stuck, lose our community and its resources to something that may not be the "shiny" new thing in the future.

We need to vet the company that may pitch us the future, we need to have guardrails and clawbacks. We also need to protect our environment and the people who live in it.

Here are my comments on the data center ordinance:

I commend you for having a decommissioning bond.

In the definitions, for the people to more easily understand the language should be terms that are more seen in the public such as Hyperscale and Mega watts, Giga watts

This ordinance does not appear to address the super size data centers being proposed in North Dakota

It would be more beneficial to have definitions

To address major, large-scale and hyperscale, gigawatt campus along with the requirements for setbacks, infrastructure studies, environmental studies, financial guarantees, a decommissioning bond and public review according to the scale of the project.

With noise

There is no definition of broadband noise, infrasound and tonal noise there should be.

What is industrial group b?

All data centers are not the same because of their size, hyperscale and even large need to be heavy industrial, a small one company server room may be small enough that is commercial zoning.

A conditional permit should have a time frame as with technology it is everchanging.

Also the ordinance should have different requirements for the hyperscale and larger campus of multiple buildings.

The ordinance lacks any conditions and no setbacks for residential, schools, churches, hospitals, nursing homes, parks/playgrounds and other sensitive uses.

It should have a sensitive setback of at least 3 miles

The setbacks need to be based on the size of the data center. A 100 megawatt should have more setback than a smaller data center and more for a several giga watts

There should be a table of size in watts and setback required for the different sized projects.

These sensitive areas needed to be added through out the ordinance and should not be limited to just a 1/2 mile. Planting some trees isn't enough barrier like the first proposed ordinance.

Campuses need to have a 3 mile sensitive area radius no matter the setback. Also the public notification needs to go out to all in this radius.

There needs to be an independent community impact study and environmental study before approving or any permitting.

The study should look at the electric rates, grid infrastructure, natural gas infrastructure, the municipal water/sewer capacity, the roads, fire and emergency services/response time, housing, schools, property values/tax base, city debt, local workforce, outside area workforce needed, and any competing regional industrial development. The study would be paid for by the developer and the study provider selected by the city.

We need to have in the ordinance that no capital or operating cost attributable the data center will be shifted existing utility customers or Mandan Morton County taxpayers

The 110% upfront funding for necessary off-site municipal utility and transportation expansion needs to also electrical, gas, water, sewer, road and emergency service infrastructure.

The applicant must disclose who is paying for every major infrastructure.

The water provision needs to be strengthened. Requiring disclosure of annual water consumption, peak-day consumption, source, wastewater volume, discharge temperature and water chemistry. This should be enforceable water budget.

If cooling design changes this is considered a major change requiring another public review

The noise standards need to set up with an acoustical consultant.

And absolutely include that no perceptible pure tone should be permitted inside a residence, school or sensitive area building with windows and doors closed.

The ordinance refers to continuous telemetry during facility ramp-up but should have permanent noise monitors around the campus along with a public online dashboard displaying those noise levels. This data should belong to the city and not solely controlled by the operator

With the public notification it needs to be all of the city of Mandan and its extra territorial zone in the county.

We publicly need to require full disclosure of actual owner and controlling interests, the application must have the property owner, project company/companies, the controlling company, the beneficial owners and the operator. Any changes in controlling ownership triggers a city review.

Susan Beehler

Nancy R. Moser

From: Shanon Gerding [REDACTED] >
Sent: Sunday, August 16, 2026 9:33 PM
To: Planning
Subject: Proposed Data Center Ordinance - Comments for 8/24 Meeting

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August 16, 2026

Mandan City Commissioners
City of Mandan
Mandan, North Dakota

RE: August 24 Review of the Proposed Data Center Ordinance — Put the Brakes on and Strengthen Protections for Mandan

Dear Mayor and City Commissioners,

I am writing regarding the newly drafted data center ordinance that the Mandan City Commission will be reviewing on August 24.

I appreciate that the City is taking steps to establish guidelines for this emerging industry. However, after reviewing the proposed ordinance, I believe it needs significantly stronger protections, clearer guidelines, and much more careful consideration of where a data center should—and should not—be allowed.

I am asking you to put the brakes on this ordinance as currently drafted.

Not because I believe Mandan should simply ignore the issue, but because I believe Mandan has an opportunity right now to establish thoughtful regulations before a project is approved and before residents are left living with consequences that may be impossible to reverse.

Most importantly, I believe we need to ask the right question first:

Should a hyperscale data center be allowed in Mandan at all?

And if the City ultimately decides that data centers should be allowed, then the next question must be:

Where do they belong?

THIS ORDINANCE NEEDS TO BE MUCH STRONGER

The proposed ordinance appears to establish a framework for regulating data centers, but I believe it focuses too heavily on how to manage a data center after it is proposed rather than first establishing whether the proposed land use is appropriate for the location.

A hyperscale data center is not simply an office or a technology business.

It can involve enormous buildings, massive electrical infrastructure, cooling systems, backup generators, continuous mechanical operations, security systems, lighting, roads, water consumption and 24/7 operation.

That is an industrial-scale land use.

Before Mandan creates a regulatory pathway for these facilities, the City needs to determine where—and whether—this type of development belongs.

1. THIS BELONGS IN AN APPROPRIATE INDUSTRIAL ZONING DISTRICT

Mandan has zoning districts for a reason.

The City already distinguishes between residential, commercial and industrial land uses, and it recognizes that certain industrial activities are not compatible with residential, institutional or neighborhood uses.

So why would we consider placing a hyperscale data center near schools, businesses and established neighborhoods?

Of all places, why would we put an industrial-scale, 24-hour facility near our children?

The proposed area is near Mandan Middle School, Mandan High School, Red Trail Elementary and existing homes.

That should be the opposite of where we locate a facility with continuous mechanical operations, massive utility demands, industrial equipment, lighting and potential noise.

If Mandan allows hyperscale data centers at all, I believe they should be permitted only in appropriately designated industrial zoning areas specifically capable of accommodating their scale and intensity.

And those areas should be located miles away from homes, schools, parks, businesses and other sensitive uses.

We should not change or stretch our zoning framework simply to accommodate one proposed project.

The development should fit Mandan's long-term land-use plan—not the City's land-use plan be changed to fit the development.

There is a fundamental difference between asking:

“How can we make this work here?”

and asking:

“Is this the right place for this at all?”

I believe the City needs to ask the second question.

If a hyperscale data center cannot fit appropriately within existing industrial zoning without placing residents, schools and businesses in the path of its impacts, then perhaps Mandan is simply not the appropriate location for one.

And I believe we should be willing to say that.

2. MANDAN'S EXTRATERRITORIAL AREA MUST ALSO BE CONSIDERED

I also ask the Commission to carefully consider Mandan's extraterritorial area and the City's own land-use planning requirements when evaluating the proposed data center.

The fact that land is located outside the city limits does not mean it is simply open land where any type of development should be allowed.

Mandan's planning and subdivision regulations extend into its extraterritorial jurisdiction, and the City's planning framework is intended to guide orderly growth, protect public health and safety, protect property values, minimize conflicts between land uses, preserve community character and ensure that infrastructure and public services can adequately support development.

Those principles are particularly important when considering a hyperscale data center.

A facility of this scale should not be evaluated solely by asking whether there is enough land to build it.

The City should ask:

Is this the type of development that Mandan's extraterritorial land-use plan envisioned for this area?

Is it consistent with the City's Comprehensive Plan and future land-use designations?

Will it minimize conflicts between land uses, as the City's planning framework intends?

Will it protect surrounding property values and the health, safety and welfare of residents?

Can existing roads, water, wastewater, electricity, emergency services and other infrastructure adequately support it without shifting costs onto existing residents?

If the proposed data-center property is currently designated for rural residential, agricultural or another lower-intensity use, the City should not simply change that designation because a developer has proposed a hyperscale facility.

The City's long-term land-use plan should guide development—not the development dictate the City's land-use plan.

Mandan has established an extraterritorial planning framework precisely because development outside the city limits can have a significant impact on the future of Mandan and its residents.

A hyperscale data center could have impacts far beyond the property on which it is built.

Those impacts could include

- Nearby homes and property values
- Schools and children
- Roads and traffic
- Water resources
- Electricity and utility infrastructure
- Emergency services
- Noise and lighting
- Air quality
- Agricultural land
- Future development patterns
- The overall character of the area

Those impacts need to be evaluated before the City changes zoning or approves a project—not after.

I therefore ask the Commission to require a formal determination of whether the proposed data-center site is consistent with Mandan's Extraterritorial Land Use Plan, Comprehensive Plan, current zoning designation and long-term growth objectives.

If it is not consistent, the answer should not automatically be to amend the plan or change the zoning.

Instead, the City should ask:

Why should Mandan change its long-term land-use plan to accommodate one hyperscale data center rather than require the developer to locate in an area already designated and zoned for industrial development of this intensity?

The purpose of planning is to prevent incompatible land uses from being placed next to one another.

Mandan should not sacrifice the long-term integrity of its extraterritorial land-use plan to accommodate a single development.

If the proposed location is incompatible with the City’s existing land-use vision, the responsible decision is to reject the location—not rewrite the vision.

3. THE SETBACK REQUIREMENT IS NOT STRONG ENOUGH

One of my greatest concerns with the proposed ordinance is the lack of a meaningful mandatory separation from homes, schools and other sensitive uses.

Requiring an applicant to show setback distances on a site plan is not the same as establishing a minimum protective setback.

A landscaped buffer is also not an adequate substitute for distance.

If we know these facilities can operate around the clock and involve massive cooling systems, generators, electrical equipment, lighting and other industrial infrastructure, we should not rely solely on property-line setbacks and operational conditions.

I strongly encourage the City to establish a substantial minimum separation—measured in miles, not merely feet—from homes, schools, parks, businesses and other sensitive uses.

The larger and more intensive the facility, the greater the separation should be.

And if a facility requires so much land, water, electricity and infrastructure that an appropriate location cannot be found within Mandan, then perhaps that tells us something important:

Perhaps it does not belong in Mandan.

4. WHY WOULD WE PUT THIS NEXT TO OUR CHILDREN?

This deserves its own question.

Why would we knowingly place an industrial-scale, continuously operating facility near our schools?

Mandan Middle School.

Mandan High School.

Red Trail Elementary.

Homes and families.

Children should not be the ones absorbing the risk associated with an industrial development simply because the land happens to be available.

If the City can choose between placing a hyperscale facility near schools and neighborhoods or locating it miles away in an appropriately zoned industrial area, why wouldn’t we choose the safer alternative?

5. INDEPENDENT STUDIES SHOULD BE REQUIRED

The applicant should not simply be allowed to provide studies that support its own project.

The ordinance should require independent third-party review, with the reviewer selected by the City and paid for by the developer.

At a minimum, this should include:

- Noise and low-frequency/tonal noise
- Water consumption and availability
- Wastewater
- Groundwater
- Air emissions
- Backup generators
- Electricity demand
- Grid impacts
- Stormwater
- Traffic
- Property values
- Environmental impacts
- Public health and quality-of-life considerations
- Cumulative impacts of future data centers

The City should have this information before approval—not after residents have already experienced the consequences.

6. LISTEN TO WHAT ERIN BROCKOVICH IS SAYING

Erin Brockovich’s involvement in the national data-center conversation should also give communities pause.

Her message is not simply that technology is bad.

Her concern is that communities need to look at the whole picture—water, electricity, land, air, wildlife, health, transparency and who ultimately bears the consequences.

She has emphasized the importance of communities having access to information and meaningful participation before massive infrastructure projects move forward.

That is precisely what I am asking Mandan to do.

Look before we leap.

Do not allow the promise of tax revenue or economic development to prevent us from asking difficult questions.

7. WHAT ARE WE GIVING UP—AND WHO BENEFITS?

We need to ask:

Who benefits from this project?

And:

Who bears the costs?

How many permanent jobs will actually be created?

How much tax revenue will actually remain in Mandan?

How much water will be consumed?

How much electricity will be required?

What infrastructure will have to be constructed?

Who pays for it?

What happens to property values?

What happens to surrounding businesses?

What happens to residents who did not choose to live next to an industrial-scale data center?

Those questions need independent answers.

8. WATER AND ELECTRICITY MATTER

Our resources are not unlimited.

Before approval, Mandan should know exactly:

- How much water the facility will use
- Where the water will come from
- What happens during drought or shortages
- How much electricity it will require
- Whether new electrical infrastructure will be necessary
- Who will pay for that infrastructure
- Whether there could be impacts on existing residents and businesses

We should not sacrifice community resources without knowing the full cost.

9. HEALTH AND QUALITY OF LIFE CANNOT BE AN AFTERTHOUGHT

Residents have raised concerns about noise, continuous mechanical operation, lighting, air emissions, water use, construction, traffic and the cumulative impact of living near an enormous industrial facility.

I am not asking the City to declare that every alleged health impact is proven.

I am asking the City to acknowledge a basic principle:

When there is uncertainty about long-term impacts—and especially when children and residential neighborhoods are involved—the responsible approach is to establish stronger protections before moving forward.

The burden should not fall on residents to prove harm after construction.

10. WE NEED TO HAVE A LARGER CONVERSATION ABOUT WHERE THIS TECHNOLOGY IS TAKING US

There is also a much larger question.

Data centers provide the infrastructure for increasingly powerful AI and data-processing systems.

These systems can process enormous amounts of information and increasingly sophisticated personal data.

There are legitimate concerns about privacy, cybersecurity, data collection and surveillance capabilities.

I am not claiming that the proposed Mandan data center is intended for mass surveillance. That would require evidence specific to this project.

But I believe the public has every right to ask:

What are we building?

What will this infrastructure ultimately enable?

Who controls it?

What safeguards exist?

Is this the direction we want our community—and our country—to go?

Those are legitimate questions.

And if we are uncertain about where this technology is ultimately headed, why would we rush to build enormous infrastructure to support it

11. OWNERSHIP AND FOREIGN CONTROL DESERVE TRANSPARENCY

We should also know exactly who owns and controls the proposed company and facility.

If foreign investment or foreign ownership is involved, the public deserves full transparency.

This is not about hostility toward another country or its people.

It is about critical infrastructure.

When a project involves enormous amounts of electricity, communications infrastructure, data-processing capabilities and potentially sensitive information, ownership and control matter.

The people of Mandan deserve to know who ultimately benefits from this project and who ultimately controls it.

12. MANDAN RESIDENTS HAVE SPOKEN

Perhaps most importantly, the people of Mandan have demonstrated significant concern and distress about the possibility of a hyperscale data center coming here.

Residents are asking questions.

They are attending meetings.

They are researching the issue.

They are expressing concerns about their children, homes, property, water, electricity, health and quality of life.

That is not something the City should work around.

That is something the City should listen to.

WHAT I AM ASKING THE COMMISSION TO DO ON AUGUST 24

I respectfully ask the Commission to use the August 24 review as an opportunity to strengthen the ordinance substantially before it is adopted.

Specifically, I ask that you:

1. Do not rush to approve the ordinance as currently drafted.
2. Clearly define which zoning districts may allow data centers.
3. Require hyperscale data centers, if allowed at all, to be located only in appropriately designated industrial zoning areas.
4. Prohibit hyperscale data centers near schools and residential neighborhoods.
5. Establish substantial mandatory setbacks measured in miles, not simply feet.
6. Establish additional separation from schools, parks, daycares, businesses and other sensitive uses.
7. Require a formal determination that any proposed site is consistent with Mandan's Extraterritorial Land Use Plan and Comprehensive Plan, where applicable.
8. Do not amend the City's long-term land-use plan simply to accommodate a single proposed data center.
9. Require independent environmental, water, noise, health, property-value and economic studies.
10. Require the developer to pay for infrastructure improvements necessitated by the project.
11. Establish enforceable noise, lighting, emissions, water-use and operational standards.
12. Require ongoing independent monitoring and enforcement.
13. Require full transparency regarding ownership, financing and control, including foreign involvement.
14. Require meaningful public notice and participation.
15. Evaluate cumulative impacts if multiple data centers are proposed.
16. Evaluate whether newer, more efficient technologies can accomplish the intended objectives with substantially less resource consumption.
17. Consider a moratorium or pause until these issues have been fully addressed.
18. And most importantly, seriously consider whether Mandan should allow hyperscale data centers at all.

PLEASE PUT THE BRAKES ON

This is not about being anti-technology.

It is about being pro-Mandan.

It is about asking whether every proposed development belongs here.

It is about protecting our children, neighborhoods, businesses, property owners, water, electricity, environment, privacy and quality of life.

Mandan is a beautiful community.

We should not sacrifice what makes this community special simply because an industry wants to locate here.

If there is an appropriate industrial location, miles away from homes, schools and sensitive uses, perhaps that is where this conversation belongs.

But if there is no location that can accommodate a hyperscale data center without imposing unacceptable impacts on the community, then we should have the courage to say that Mandan is not the right place for one.

We do not have to say yes.

We do not have to rush.

We can say NO.

We can say NOT HERE.

We can say NOT YET.

And we can demand better technology, better planning, stronger safeguards and a much more complete understanding of the consequences before making a decision that could affect Mandan for generations.

Once this infrastructure is built, we cannot simply undo it.

We cannot move the noise.

We cannot put the water back.

We cannot easily reverse zoning decisions.

We cannot restore a community's character after the fact.

So I ask you:

At what cost are we willing to call this progress?

My answer is:

Not at the expense of our children, our families, our neighborhoods, our businesses, our resources, our health, our privacy or the character of Mandan.

Please listen to the people who live here.

Please strengthen this ordinance.

Please protect Mandan.

And before allowing a hyperscale data center anywhere in our community, ask the question that should have been asked first:

Does this belong here at all?

I believe the answer should be no.

Sincerely,

Shanon Gerding

Nancy R. Moser

From: DeNae Kautzmann [REDACTED]
Sent: Monday, August 17, 2026 9:53 PM
To: Nancy R. Moser
Subject: Comment on data center draft ordinance

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Planning and Zoning Commissioners:
Here are my comments and concerns regarding the draft ordinance.
I oppose passage as the draft is deficient in several areas.

The draft ordinance doesn't address how sound is measured, is it by individual facility or all facilities connected to the operation? Natural gas turbines emit a high pitch whine, a data center emits a hum, all electrical lines emit sound. It is a multiple range of sounds which are all different. Will sound be measured cumulatively of the entire operation?

There is no provision addressing a baseline sound measurement prior to commencement of the project.
A one mile set back from residential areas as it existed before the data center goes live is needed. It is wise you have a set back in addition to sound requirements.

The db's are too high. At night it should be at 40 so people can sleep and during the day at 50 if there is no one mile set back.

The ordinance lacks a penalty section. It provides for a suspension of permit if sound not mitigated but does not address when the suspension becomes a loss of the operating permit. If the company does not cure or mitigate a sound issue the permit should be revoked.

Why a data center in the middle of town? This isn't an industrial zone either. It is smack on the edge of residential. We are growing to the north and it will be in the middle of town. The residents do not want it in their neighborhood. The location in an industrial area is missing from the ordinance. Is there an alternative site? I understand from the company standpoint that this site was chosen for the natural gas pipeline that runs through and the MDU transmission lines. Less expensive for the company but at a high cost to the residents surrounding the site.

This is a cut and paste ordinance whereby language was taken from the North Dakota Planning Association model ordinance and modified language from Morton County's ordinance. Rather than taking a cookie cutter approach to drafting this ordinance, it would behoove the City to establish a working group that includes Mandan residents to address our unique community standards and the concerns raised by its citizens. This draft is not something I want. It is cumbersome, lengthy, and deficient in key areas.

Thank you for your attention in this matter.

DeNae Kautzmann
Mandan Resident

Sent from my iPad

Nancy R. Moser

From: Casey Goodhouse [REDACTED] >
Sent: Tuesday, August 18, 2026 11:21 AM
To: Planning
Subject: Data Center Question and Feedback

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Good morning,

Has the proposed data center been approved by the City Council and now you're just finalizing the documents, or are you still in the process of gathering public input and it has not been approved yet? My understanding is that you are gathering input, but we are seeing a great deal of media that this is moving full speed ahead.

We are located in the county (outside city limits) and the data center land would be right in our backyard (within about a half mile according to the map). We are livid and trying to decide how quickly we need to sell our house and move to Bismarck. We don't care about all the tax breaks in the world and all the income they are likely throwing at the city and county - we don't want a data center in our backyard and neither do our neighbors. This is a residential area. There are houses, schools, horse stables, and a humane society within throwing distance of this proposed project. We are absolutely stunned that our city and county would even entertain this sort of proposal. We, along with our sons (25 and 19), are amongst the droves of people who are upset about this.

We will contact the County Commission as well, but wanted to reach out because we spend the majority of our time in Mandan, pay taxes to support the school district (which we are glad to support), our kids grew up Mandan Braves, and we feel so strongly about this. We add our voices to the others who are pleading for this project to be rejected.

Casey & Dakota Goodhouse

[REDACTED]

Mandan ND

Nancy R. Moser

From: Jerry and Sue Schnell <[REDACTED]>
Sent: Tuesday, August 18, 2026 4:11 PM
To: Planning
Subject: Data Center

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Dear Commissioners,

We have several concerns about moving forward with the data center. We totally object to the proposed location and feel that it needs to be much, much further away from schools and residential areas. We urge you to do an extensive study of the effects of data centers concerning the noise, long-term health effects, and environmental effects. We are extremely disappointed that the proposed location is even being considered for a data center.

Sincerely,
Jerry & Susan Schnell

Comments on Proposed Data Center Ordinance Revisions August 6, 2026 Draft

Additional comments on refined draft

We are Kelsey and Jamison Huber, adjacent property owners to the proposed data center in Mandan at [REDACTED]. We are submitting these comments as residents directly affected by the proposed North Mandan data center site and as engineers with experience reviewing technical models. Our home sits on a ridge above the proposed site, where sound can travel uphill with little terrain, vegetation, or structure to attenuate it.

We respectfully request that the City extend the public comment period and consider a temporary moratorium through the upcoming legislative session before approving a final ordinance. The August 6, 2026 draft is highly technical and affects public health, residential property use, enforcement, and the municipal tax base. Seventeen days is not enough time for residents to obtain **legal or technical review**.

To make my comments easier to review, the requested changes below are organized by topic. Each request includes short sample language that City staff could adapt directly into the current draft.

Requested Ordinance Revisions with Sample Language

1. Section 101-11-12.1(b): Define “Mega Data Center” and clarify “Major Data Center”

Why this matters: Larger facilities create different noise, electrical, land-use, visual, and enforcement risks. The ordinance should distinguish a major data center from a hyperscale campus.

Sample ordinance language: Add to Section 101-11-12.1(b): “Mega Data Center means a data center where the total designed electrical capacity of the facility exceeds 100 megawatts. Major Data Center means a data center where the total designed electrical capacity exceeds 6,000 kilowatts but is less than 100 megawatts.”

2. Section 101-11-12.3 or new Section 101-11-12 setback subsection: Restore objective setbacks

Why this matters: Noise modeling is only as reliable as the inputs and assumptions used. A setback is the simplest and most enforceable protection because it reduces risk

before construction, rather than relying on complaints and enforcement after the facility is operating. *AI Data Centers What North Dakota Needs to Know*, by Dr. Robert Mayo, states that “[a]t about 800 feet...it’s roughly 50 to 55 decibels. That’s only a refrigerator’s hum, but against a rural nighttime background of 30 to 35 decibels, it stands out sharply. That contrast is exactly why the neighbors sued.” And “[a]t a half mile or more, it’s down around 40 decibels or less, quiet library territory, and usually lost in the wind and ordinary background sound”.

<https://www.scribd.com/document/1072580841/A-i-Data-Centers-What-North-Dakota-Needs-to-Know>

Recent examples show why a physical setback and independent review are needed even when a developer submits modeling or mitigation plans:

- In Williston, North Dakota, it seems Atlas Power complied with baseline requirements and invested in a sound-attenuation wall, yet residents still reported continuing noise concerns. This illustrates that mitigation based on preconstruction assumptions can fail when low-frequency sound travels differently than expected.

<https://www.kfyrtv.com/2023/08/09/walls-up-data-center-near-williston-residents-say-noise-issues-remain/>

- In Mount Pleasant, Wisconsin, residents living near a hyperscale data center sued over alleged nonstop noise despite prior modeling and approvals. The concern is that thousands of cooling fans and related equipment can create a cumulative sound environment that is more intrusive than individual equipment ratings suggest.

<https://www.wisn.com/article/residents-sue-microsoft-over-noise-from-mount-pleasant-data-center/71809388>

Sample ordinance language: “No data center shall be located within one-half mile of an existing residence, school, daycare, or residentially zoned lot. No Mega Data Center shall be located within one mile of an existing residence, school, daycare, or residentially zoned lot. Setbacks shall be measured from the nearest property boundary of the data center development to the nearest property boundary of the protected use.”

3. Section 101-11-12.3(h): Require City-retained acoustic review

Why this matters: Data center sound depends on equipment, fan operation, building layout, terrain, atmospheric conditions, reflection, ground absorption, and low-frequency sound behavior. The City should not have to rely solely on the applicant’s consultant.

Sample ordinance language: “The applicant shall fund review of all acoustic materials by an independent acoustic professional retained by the City. The reviewer shall be a licensed Professional Engineer with documented acoustics experience or a Board

Certified member of the Institute of Noise Control Engineering. The City shall not approve the permit until the independent reviewer confirms that the acoustic analysis is complete and technically reasonable.”

4. Section 101-11-12.3(h): Require 3D topographic acoustic modeling

Why this matters: A flat model can understate sound at homes above the facility because there may be no landform, building, or vegetation between the sound source and elevated homes.

Sample ordinance language: “The acoustic impact report shall include a three-dimensional acoustic propagation model using the best available LiDAR topographic data. The model shall identify elevation changes, ridges, valleys, slopes, and receptor elevations within two miles of the project boundary. Modeling that assumes a flat horizontal plane, uniform elevation, or default two-dimensional terrain shall be deemed incomplete.”

5. Section 101-11-12.3(h)(2)–(3): Require baseline and post-construction monitoring

Why this matters: Residents need reliable pre-project data at affected homes so a later increase can be measured against actual existing conditions.

Sample ordinance language: “Baseline ambient sound monitoring shall be conducted at the nearest property line of **each residence** adjacent to the project boundary. Monitoring shall be continuous during representative periods in summer, fall, winter, and spring. After construction, the applicant shall fund continuous 24-hour monitoring at City-approved locations as well as each residence during full-campus normal maximum operation.”

6. Sections 101-11-12.3(h)(1), 101-11-12.3(h)(7), 101-11-12.3(h)(9), 101-11-12.6(7), and 101-11-12.7(C)(1): Tie compliance to ambient levels as well as table limits

Why this matters: A facility could meet a fixed table limit but still create a large increase over a quiet rural baseline.

Sample ordinance language: Add conforming language in Sections 101-11-12.3(h)(1), 101-11-12.3(h)(7), 101-11-12.3(h)(9), 101-11-12.6(7), and 101-11-12.7(C)(1): “A data center shall comply with the applicable table limits and shall not increase the established predevelopment ambient background level, measured as L90, by more than 5 dBA or dBC at residential properties, 10 dBA or dBC at commercial or industrial

properties, or 3 dBA or dBC where the predevelopment ambient level already exceeds the applicable table limit. The more protective standard shall apply.”

7. Section 101-11-12.3(h) and noise-limit table: Use a more protective nighttime residential limit

Why this matters: Continuous all-night sound is more disruptive than occasional daytime noise, especially in quiet rural areas.

Sample ordinance language: “For residential receptors, nighttime operation shall not exceed the applicable table limit or the ambient-based limit established under Section 101-11-12.3(h).”

8. Sections 101-11-12.3(g) and 101-11-12.5(b)(iv)(1): Clarify emergency operations

Why this matters: Hot weather, routine generator testing, and normal cooling demand are foreseeable conditions and should not be treated as emergencies.

Sample ordinance language: “Emergency operation means a rare and unforeseeable event necessary to prevent immediate loss of service or equipment damage.

Emergency operation does not include routine testing, ordinary peak electrical demand, predictable seasonal heat, planned maintenance, or normal cooling requirements. Any emergency operation that causes a noise-limit violation shall not continue for more than 24 hours unless the data center campus is throttled down to meet all applicable noise restrictions. If throttling cannot restore compliance within 24 hours, the data center, or the portion of the campus causing the violation, shall be shut down until compliance is restored.”

9. Section 101-11-12.2(d): Expand public notice to two miles

Why this matters: Sound, light, traffic, and visual impacts may extend beyond one-half mile. Stutsman County used a two-mile distance after reviewing resident impacts around an existing data center; that same reasoning is appropriate for notice here because property owners who may experience impacts should receive direct notice before approval.

Sample ordinance language: “Mailed notice shall be provided to all property owners within two miles of the boundary of the property on which surface improvements are proposed.”

10. Section 101-11-12.3 or 101-11-12.5: Require independent economic review and property-value protection

Why this matters: A large industrial use next to residences can affect property values and the municipal tax base. The ordinance should allow denial where the project is likely to substantially devalue adjacent property or undermine the local tax base, unless enforceable mitigation is provided. Enforceable mitigation should include, at minimum, property-value guarantees or a developer-funded buyout option at pre-project appraised value for immediate neighbors who wish to sell within a defined post-construction period before final permit approval or operation.

Sample ordinance language: “The applicant shall fund an independent economic impact assessment retained by the City. The City may deny, condition, or defer approval if the project is likely to materially devalue adjacent property or reduce the municipal tax base unless enforceable mitigation is provided.”

11. Section 101-11-12.5(a)(4): Strengthen visual buffering

Why this matters: Vegetation alone may take years to become effective, and a visible security fence or industrial structures at a residential property line would create immediate visual blight.

Sample ordinance language: “The applicant shall install screening sufficient to block views of construction activity, security fencing, mechanical equipment, and the completed facility from adjacent residences, including upper floors, decks, and normal outdoor living areas. Screening shall include a wall or berm, landscaping, and mature plantings where appropriate, and shall be installed before major construction begins.”

12. Table 1 and related limits: Correct infrasound weighting

Why this matters: The ordinance should use internally consistent measurement standards for very low-frequency sound.

Sample ordinance language: “Infrasound limits shall be evaluated using Z-weighted measurements unless the City’s independent acoustic reviewer determines that another weighting is more technically appropriate and provides written justification.”

These revisions do not prohibit data centers. They give City staff clear siting standards, independent review, measurable compliance tools, and enforceable mitigation before irreversible construction decisions are made.

Recommended Primary Amendment: Topographic Acoustic Modeling

Dear Planning and Zoning Commission and City staff,

We are Kelsey and Jamison Huber, adjacent property owners to the proposed data center in Mandan at 5200 Highland Road. We are submitting these comments as residents directly affected by the proposed North Mandan data center site and as engineers with experience reviewing technical models. Our home sits on a ridge above the proposed site (along with 40+ others), where sound can travel uphill with little terrain, vegetation, or structure to attenuate it.

For that reason, the City should make the attached topographic acoustic amendment a priority before approving the ordinance. A flat-terrain or simplified model would not adequately account for hillside propagation, reduced ground absorption, reflection, atmospheric conditions, or elevated receptors. In practical terms, a developer has every incentive to model the site in the least restrictive way unless the ordinance expressly requires three-dimensional topographic modeling and independent review.

Independent Acoustic Engineer Review Required Before Final Approval

Before final approval, the City should require the acoustic portions of the ordinance to be reviewed by a qualified acoustic professional. The reviewer should be a licensed Professional Engineer with documented acoustics experience, or a Board Certified member of the Institute of Noise Control Engineering. This requirement should apply both to the ordinance language before adoption and to any applicant-submitted acoustic impact report, modeling files, assumptions, input data, mitigation design, and post-construction monitoring plan.

This independent review is necessary because acoustic modeling for a data center campus is highly sensitive to assumptions about equipment, building layout, terrain, ground absorption, operating conditions, seasonal weather, temperature inversions, reflected sound, and cumulative fan operation.

Specific Topographic Acoustic Amendment Request

Motion to amend Mandan Data Center Ordinance Section 101-11-12.3(H), Acoustic Impact Report, to include the following requirements:

Subsection A: Mandatory 3D Topographic Modeling Requirements

1. Any applicant seeking to construct or operate a data center within Mandan city limits or its extraterritorial jurisdiction must submit a comprehensive three-dimensional acoustic propagation model.
2. The model must use the best available LiDAR topographic data and must map elevation changes, ridges, valleys, slopes, and receptor elevations within two miles of the project property boundary.
3. Acoustic simulations that assume a flat horizontal plane, uniform elevation, or default two-dimensional terrain are prohibited and will result in rejection of the application as incomplete.

Subsection B: Elevated-Receptor and Hillside Propagation Requirements

1. For all receptor properties, residences, occupied structures, and schools located at an elevation higher than the primary noise source or roof-line mechanical equipment, the model must evaluate sound propagation using conservative ground absorption assumptions, including a Ground Factor of $G=0$ where open-air line-of-sight or reflective hillside conditions exist.
2. The model must expressly evaluate sound propagation toward elevated properties, including hillside funneling, surface reflection, reduced ground absorption, and nighttime temperature inversion conditions during representative seasonal conditions in summer, fall, winter, and spring.

Nancy R. Moser

From: CARLY RETTERATH [REDACTED]
Sent: Tuesday, August 18, 2026 3:54 PM
To: Planning
Cc: School Board; RYAN LAGASSE; WADE MESCHKE
Subject: Mandan Public Schools Statement
Attachments: MPS Statement on Data Center Regulations.pdf

You don't often get email from [REDACTED] [Learn why this is important](#)

*****WARNING: EXTERNAL EMAIL***** DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Dear Members of the Mandan Planning and Zoning Commission,

Attached is Mandan Public Schools' statement regarding the proposed data center regulations.

Our top priority is the health and safety of our students and staff. Please reach out if you have any questions or would like any additional information regarding our feedback.

We appreciate your time and consideration of our perspective as you review the proposed regulations.

Sincerely,

Dr. Carly Retterath
Superintendent
Mandan Public Schools
[REDACTED]

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Mandan Public Schools

901 Division St NW
Mandan, ND 58554

T: (701) 751-6500 F: (701) 751-6674

Dr. Carly Retterath, Superintendent
Wade Meschke, Asst. Superintendent
Mr. Ryan Lagasse, Business Manager

Mandan Public Schools Statement on Proposed Data Center Regulations

Mandan Public Schools' position is to advocate for the students, staff, and families we serve. Any large-scale development located near a school must fully consider and protect the health, safety, and learning environment of our students and staff.

As the City of Mandan considers regulations governing data center development, Mandan Public Schools believes the following protections should be included:

- **Schools must be specifically identified as sensitive receptors.** Schools serve hundreds of students and staff for significant portions of each day and should receive strong protections when evaluating noise, vibration, low-frequency sound, construction impacts, and other potential effects of a data center.
- **Construction traffic must be restricted during school arrival and dismissal periods.** Large-scale construction can generate significant truck and construction traffic. When a project is located near a school or affects primary school transportation routes, heavy construction traffic should be limited during established student drop-off and pick-up times to protect students, families, buses, and staff.
- **Potential impacts on nearby schools must be evaluated as part of the approval process.** This should include noise and vibration, construction activity, traffic and transportation routes, emergency access, and other impacts that could affect school operations or student safety.

The District appreciates the work being done to establish comprehensive regulations for data centers. We expect those regulations to recognize schools as sensitive receptors and to include appropriate safeguards when these facilities are proposed near our schools.

Student and staff health and safety must remain the priority whenever large-scale development is proposed near a school.

Dr. Carly Retterath
Superintendent
Mandan Public Schools

Aug.18, 2026

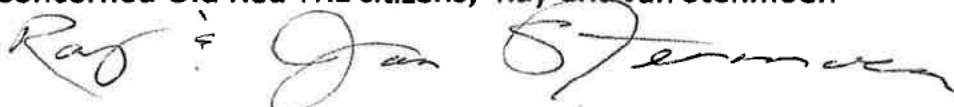
Dear Mandan Planning and Zoning Commissioners;

My letter is about the purposed **hyperscale data center** that you are considering in the city limits. I have a few questions regarding this proposal.

- Do you have all the knowledge regarding the longevity of an operational data center? If so, what is that?
- Do you live in the proposed area?
- Has there been a study on how it will affect the children/students that attend school in the area? Waves lengths, noise and fumes from the generators? Students need to be able to go outside and get fresh air, not polluted air.
- Have you researched the areas that currently have a mass scale data center for the cost increase on utilities? Can our current electrical grid and water supply support this massive building?
- Have you researched the environmentally and effect on people? Many people are sensitive to the constant humming, waves and diesel fumes from the generators.
- After the tax break is over will they leave us a huge building?
- Did you have an independent consultant come in do a study on the economics and zoning?

My husband I and live at [REDACTED], for us it is very important that the City Commissioners know that I am very worried about your honesty. We have had two supposedly improvements to where we live!! When doing OLD RED TRL there was a huge MISTAKE and our place was one that had to deal with our house being closer to road then it was designed to be so that with that we are constantly dealing with semis going 35 mph and our water heat registers rattling!! Well, you can image what this has done to our foundation!! Then, we had the privilege of Hillside Road project and the only house to receive curb and gutter, taking out a Blue spruce evergreen and giving us a pine tree!! So, I am sure you understand where I have no faith to our city commissioners to upfront and honest about the hyperscale data center proposed in our backyard!!

Concerned Old Red TRL citizens; Ray and Jan Stenmoen

The image shows two handwritten signatures in black ink. The first signature, on the left, appears to be 'Ray' with a stylized flourish. The second signature, on the right, is longer and more complex, appearing to be 'Jan Stenmoen' with a large, sweeping flourish at the end.

Nancy R. Moser

From: bruce bale [REDACTED]
Sent: Wednesday, August 19, 2026 12:01 PM
To: Planning
Subject: Data Center Zoning Ordinances

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

We're trusting and depending on you to do your due diligence, to protect us from potential harms from possible corporate adventurers or predators.

Our legislative majority can't find the time right now in their special session to even consider a moratorium on the unregulated data centers racing to build their _

The Stark truth is, we may shortly be conducting 3 Experiments here:

We'll see how adept whoever the inexperienced Sagebrush Infrastructure/Stark Power staffs to run its new data center goes,

How the exposed Mandan sacrifice guinea pigs subjected to it fair, and

Our ever-increasing destruction of a survivable climate by burning more fossil fuels, releasing even more greenhouse gases.

The gold rush race is on, the welcome mat is out, waiving like a red blanket at an eagerly charging bull, the target's on our backs – we're in the cross-hairs as a sacrifice zone. What's the big hurry, the big rush? Why THAT particular spot?

What do at least NY state, TX & Morton County have in common? Moratoriums.

Georgia already has 200 new data centers, and Albany, GA, is considering how to slow down the next one targeted at them. The US already has least 3,000 data centers, and around 400 more are under planning.

Was it Mandan's plan and "vision" to grow an industrial presence at the site Stark has chosen? Will more follow? Mysteriously ever-poor Louisiana's petro- & chemical industrial Cancer Alley comes to mind. Is this appropriate, when the plant's noise and hazardous emissions, in the valley where it's planned, may affect not only its neighbors, but Mandan's new High School, Junior High and HIT Inc. – all vulnerable populations. Plus some recently built nearby larger apartment buildings, whose residents "have the right to peaceful and quiet

enjoyment of their homes.” What about locals and tourists driving past this enormous industrial site on their way to Our bucolic, beautiful Cross Ranch State Park?

New to all this, Stark Power, headquartered over 6,355 miles from here in Ramat Gan, east of Tel Aviv, may follow in the footsteps of Meridian’s Davis Refinery, proclaimed to be the cleanest refinery ever. And neighboring our Roosevelt National Park jewel. Developers, promoters or hucksters? The smiling faces of 8 young Stark employees won’t be managing data centers here. At least two of those were also employees of Sagebrush During this high demand for new centers, possibly inexperienced people will be running them.

Lately North Dakota has been quite welcoming to take others’ castoffs: potentially deadly CO2 pipelines, and radioactive waste.

A year ago it would’ve been hard to talk with Stark Power’s executives: despite the rosy P.R. and headlines Stark has generated about acquiring Sagebrush, neither existed then. It raised \$48 million from Israeli venture capitalists to fund their venture.

This is a repeating data center playbook: If a county won’t play ball, get the city to annex the property, then work on their commissioners to permit it, despite their residents’ demands. We’ve heard lots of vague carrots dangled about their future generosity to the community, but how much will they contractually obligate themselves to? Stark’s materials portray the percentages of their tax payments that will go to local schools, etc., but aren’t those the same percentages Any such tax payments go toward?

Refineries are Highly Regulated; Data Centers AREN’T. Will any EPA rules even apply, depending merely on how a data center labels its backup power generation?

[EPA 100-Hour Rule for Data Center Generators \(2026\)](https://backuppower.ai/data-centers/epa-100-hour-rule/) <https://backuppower.ai/data-centers/epa-100-hour-rule/> “This regulation governs **Hazardous Air Pollutant** (HAP) emissions from stationary engines, including diesel generators that serve as the backbone of data center backup power. **The rule draws a critical distinction between two engine classifications: emergency & non-emergency.**” ...

[Understanding EPA Compliance for Diesel Generators](https://www.globalpwr.com/blog/epa-compliance-for-diesel-generators-simplified/) Dec 8, 2025 www.globalpwr.com/blog/epa-compliance-for-diesel-generators-simplified/ ... 2. Intended operational use Large generators, ranging from 500 kW to 4 MW, are predominantly purchased for emergency standby applications in data centers, hospitals, industrial facilities & utility infrastructure. Under EPA rules, **emergency standby generators can use Tier 2** ...

Our current Administration has just announced its \$5 BILLION “Golden Age of Science” promotion, heavily emphasizing AI repeatedly, without mentioning climate or social impacts once. This, after Closing funding for many important, legitimate ongoing scientific projects.

How big is Mandan’s legal department?

Stark Power’s US attorneys, Orrick, Harrington & Sutcliffe, www.orrick.com, founded in 1863, headquartered in San Francisco, have over 3,000 employees, among them over 300 attorneys, with offices in 25 major US cities and with global offices in 11 foreign countries, including London, Munich, Brussels, Rome, Beijing, Tokyo and Singapore. Some of their careers hinge on how well they succeed in zealously assisting their data center clients to obtain their objectives.

(More at bottom from their website, about some of their current projects.)

This may be “good” for:

The oilfield: they get to sign up and run another gas line to permanently use up more of their bothersome methane byproduct, and get paid for it to boot. Realtors and lenders hoping to sell more houses and loans to new employees. Officeholders salivating at spending that extra tax revenue. And some local business owners and town boosters hoping to grow their profits.

But what about everyone else here? How much heck must we pay for & live with, to get all these “great benefits”?

Please consider:

The materials and Questions at NDSU Extension’s website page on Data Centers: A Guide to Common Questions. <https://www.ndsu.edu/agriculture/extension/extension-topics/leadership-and-civic-engagement/data-centers-guide-common-questions>

Erin Brokovich’s information on Communities and Data Centers <https://brockovichdatacenter.com/facts-myths.html> and <https://brockovichdatacenter.com>

The Dangers of Data Centers <https://www.EnvironmentalHealthProject.org/post/the-dangers-of-data-centers>, and

Strategies from the Front Lines: How Communities Fight Data Centers
<https://www.environmentalhealthproject.org/post/strategies-from-the-front-lines-how-communities-fight-data-centers>

Why are communities pushing back against data centers? <https://news.harvard.edu/gazette/story/2026/04/why-are-communities-pushing-back-against-data-centers/>

“Trent on the Loos” July 17, 2026 interview <https://www.bektv.plus/series/trentontheloos?v=f146067d-e8b5-4e35-aec3-2052e7bf3509>

For data center promoters, What do WE do about THEIR Externalized Costs?

- For their completely closed-loop cooling system, will NO local water EVER be used, during high temps, maintenance shutdowns or emergencies?
- Will they have NO connection to Our local electrical grid, relying Only on their on-site generation?
- How will low-frequency – rumbling under 200 hertz – noise they generate affect neighbors’ sleep and daily living? Some have observed nearby pregnant cows aborting, possibly from this rumbling.
- Will the noise drop to under 70 dB (decibels) during sleeping hours – 10 pm to 7 am?
- Burning natural gas releases “products of combustion,” including at least CO₂, Nitrous oxides, Sulfur oxide and particulates. Unlike RFK’s goofy, evidence-free pet vaccine theories, some of these cause asthma.
- If their natural gas supply is interrupted, or high ambient temperatures require more power, what’s their Backup Power Fuel source? Diesel generators? How Big – 4,000 watts? How Many & How Loud? Diesel “products of combustion”?
- If any construction changes are requested or made before completion & commencing operation, will the project immediately halt, & a well-publicized – at least 15 days in advance notice of a public hearing will be provided?

From Orrick law, at www.orrick.com/Locations:



SEE “Megawatts to Megabytes: Orrick’s 2025 Business & Legal Guide to Developing, Financing & Powering Tomorrow’s Data Centers,” July 15, 2025, Zachary Finley, Orrick Law Partner

- **Download the Guide** <https://media.orrick.com/Media%20Library/public/files/insights/2025/megawatts-to-megabytes-orrick-2025-guide-to-developing-financing-powering-data-centers.pdf>

Orrick’s Data Center Practice

Our cross-disciplinary [data center team](#) provides comprehensive support for data center operators, developers, investors and power developers, helping clients anticipate risks, seize opportunities and shape the digital infrastructure of tomorrow. Over the past 15 months, we’ve supported more than 25 innovative data center transactions – including six landmark PPAs – across 20 countries.



AI Law Center & US Law Tracker

AI Law Center, Orrick.com – North Dakota <https://AI-Law-Center.Orrick.Com/North-Dakota/>

Who Mandan is & will be up against, among others:

From Orrick’s website, merely those currently shown on Aug 17, 2026:

Fireworks AI Closes Over \$1.5 Billion in Series D Funding July 23, 2026 “The platform raised \$1.505 billion at a \$17.5 billion post-money valuation to help developers build, deploy & scale AI on their own terms.”

EU AI Act Update: Digital Omnibus Finalizes 8 Compliance Changes July 29, 2026

Jamie Moore on European Tech Deal Terms & the Return of Sustainable Dealmaking Apr 8, 2026

RegFi Episode 106: Open Banking, AI Agents and the Future of Consumer Data Rights

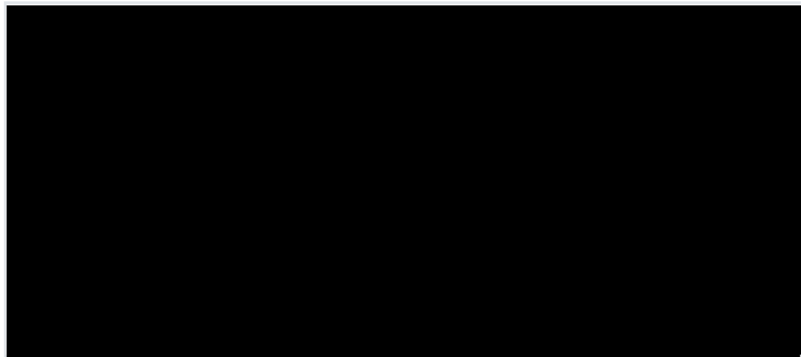
[Clients Recognize Orrick Litigators as Client Service All-Stars, According to BTI](#) Aug 13, 2026 “Eight Orrick litigators earn 2026 BTI All-Star honors – the most of any firm – based on unprompted client feedback.”

[14 Years in a Row on the *American Lawyer* A-List](#) Aug 13, 2026 “American Lawyer selects Orrick as part of its 2026 A-List, marking the firm’s **14th consecutive** appearance.”

[Clients Recognize Orrick Litigators as Client Service All-Stars, According to BTI](#) Aug 13, 2026

[Gilead Sciences Secures Landmark California Supreme Court Victory That Eliminates Nearly 23,000 "Duty to Innovate" Cases, Earning *American Lawyer* Litigators of the Week Top Honors](#) Aug 4, 2026 “The ruling rejects a first-of-its-kind “duty to innovate” theory of product liability that presented an existential threat to innovators.”

[IPX Power Secures \\$4.95 Billion Financing for Darden Projects](#) June 1, 2026 “IPX Power has closed committed financing to transform retired agricultural land into power for California’s grid.”



IPX Power Secures \$4.95 Billion Financing for Darden Projects

IPX Power has closed committed financing to transform retired agricultural land into power for California's grid.

Nancy R. Moser

From: Carleen Soule [REDACTED]
Sent: Wednesday, August 19, 2026 11:29 AM
To: Planning
Subject: Data center questions, concerns, and comments

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Good day,

I would like my questions, concerns, and comments about the proposed data center to be included in the meeting packet currently set for August 24:

I encourage the city to take a long, healthy pause on approving its data center ordinance until it can be thoughtfully and thoroughly developed.

I feel like this Stark data center and other data centers that try to slide into communities unaware, are banking on hastily-drafted ordinances that do little to protect the communities. Given the utter indifference to distance from schools, this proposed Stark data center clearly does not demonstrate good neighbor qualities.

The draft ordinance lacks the comprehensive details to ensure the community's safety and regulatory oversight are defined.

A comprehensive environmental study must be conducted on any site prior to approval. This study must include air quality, heat changes (immediately surrounding the site and the long-term effects), sound, vibration, watershed disruption, groundwater recharge disruption, runoff, lights, migration of waterfowl and other species, wildlife, flora, historical native artifact evaluation, how species such as bees will be affected, and how feasible it would be to return the site to its original state should the facility be decommissioned.

A comprehensive civic study must be conducted to assess the impacts of an influx of people and construction activity. Does the surrounding community have the resources to house the number of expected construction workers? Do our water and wastewater systems have the capacity to absorb the size of the campus? Where will debris go/does our landfill have the capacity to meet the needs of this quantity of construction and electronic waste? Will the current number of law enforcement, fire and rescue personnel be sufficient for a sudden influx? How can the city budget for such additions? What capacity effects will our schools encounter? How will the city respond if employees migrate to data center construction and away from the current businesses in the city? How will property values be affected? How will the city budgets be affected by degraded property values? What are the cascading effects on the rest of the community should property tax revenues decline on a broad and immediate scale? Our local animal rescue facilities are already burdened by demand. How will the city partner with these resources to absorb even more demand that would come with construction crews?

Sound knows no borders and the effects of the sound generated by data centers must be well understood on our hilly terrain, echo valleys, etc.

The environmental impact study must be for the entire planned campus, not for one unit/phase at a time. The cumulative effects of the entire campus will be drastically different than any one single structure.

Will construction demands necessitate "man camps?" The Mandan-Bismarck area does not have sufficient rental space for an influx of construction crews. How will the city address any reduction of residential construction crews that would migrate to the data center construction, leaving homes unfinished or delayed?

How will campgrounds and recreation be affected, and how can they be prioritized for recreational use vs. temporary residential use by construction crews?

How well does this data center align with the goals for the city and for Morton County? It doesn't seem to fit with the goals for either.

In the meat of the ordinance, notification distances should include a 5-mile radius, and all residents within city limits if the data center will exist within city limits.

What is the avenue for registering complaints and violations?

How many zeroes need to be on a fine for violations for it to be impactful on negative operations of a data center? A \$1,000 fine on a \$1,000,000,000 industry is not even a sneeze. A starting fine should have a minimum of 6 zeroes to be scaled for the level of a data center's commerce.

How do foreign-owned data centers align with national security, and the security of our state? How does one recoup losses from a foreign-owned entity?

What should the minimum setback be from schools, early childcare centers, medical facilities, retirement and aging facilities, residential homes, etc.?

How will the city budget for increased road repair, or any of the other myriad effects of heavy machinery and increased activity that will accelerate the repair/replacement time frames?

Will this facility require a railroad spur? Whose cost would that be?

The area will lose a significant amount of prairie. This prairie is irreplaceable. Is the city prepared to accept that trade? Will the developers be required to include a % of green space in their design? The loss of groundwater recharge will have a very real and negative effect on the surrounding area and our community.

Where are the protections to ensure citizens aren't paying the costs in increased electrical bills, water bills, etc.?

Where is the assurance that the facility will employ the number of people it claims, and how can the community partner to develop education avenues for local citizens to become employed once the facility is operational?

Lastly, any and all non-disclosure agreements should be prohibited from elected officials and board members when the NDA relates to the board area of focus.

There are simply too many impacts to be considered for an ordinance to be developed in 30-60-90 days. A moratorium must be declared to ensure the city take a thorough and thoughtful approach to data center construction and operation within our community.

Carleen Soule

[REDACTED]

Mandan, ND 58554

Nancy R. Moser

From: Cindy H. Schick [REDACTED] >
Sent: Wednesday, August 19, 2026 10:48 AM
To: Planning
Subject: Potential Data Center

You don't often get email from [REDACTED] [Learn why this is important](#)

WARNING: EXTERNAL EMAIL DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Hello,

I am writing out of concern for the location of the potential data center within the city of Mandan's jurisdiction. I reside just to the west of the Eagles park and drive Collins and Old Red Trail every day multiple times a day between work/home so I have a very vested interest in the proposed location.

I have several concerns with regards to this site potentially being located so close to city limits.

1. Constant Noise

I moved from east Bismarck to Mandan in November 2022. Until my move, I had spent the previous 14 years living along Centennial Rd in Bismarck. I moved there 2 years prior to the widening of the road, and lived there for another 12 years, so I'm well versed in the amount of noise that comes from construction, as well as 10,000 - 20,000 trucks, cars, and motorcycles traveling the road that was up against my backyard fence.

I realize that "construction" traffic and noise would be considered temporary, however, it doesn't just stop there. When you compare a hyperscale data center and a busy 25mph city truck bypass, you'll find they are similar in average decibels, but sound character is where the difference truly lies. Traffic has fluctuating and intermittent patterns, whereas a hyperscale data center will begin with the construction traffic noise and then move into a constant uninterrupted noise. What I have found to be very true in Mandan is that sound is a resident all on its own. It's amazing to me how living as far north as I do, that I can easily hear the Friday night races at Dakota Speedway while I'm in my backyard, I can also hear the trains hooking up cars as though I'm right across the street. Thunder echoes on this side of the river much differently (and louder) than it does on the east side of the river. While these sounds travel an amazing distance, those are sounds that are temporary and not 24/7, so they are acceptable to me. This would not be true of the data center located within 1-2 miles of my work and my residence.

The city of Mandan has put noise ordinances in place after certain hours because of residential complaints in the past (Dakota Speedway, Paddletrap prior to being the Paddletrap, etc.) and none of those were 7/24/365 sounds, but yet we'll entertain allowing a hyperscale data

center being placed next to residential areas that are still being developed, and also are where the public school system has chosen to build their newest schools. The same businesses that noise ordinances were put into place or changed because of previously are not billion dollar companies, while data center companies are. The same types of penalties are not considered penalties to a billion dollar company, they become "the cost of doing business" and are easily paid.

2. Infrastructure

There are very few ways to travel north to south Mandan and the influx of people and traffic during construction will cause even more congestion. Recently the 4 way stop at Collins/14th St NW was converted to a 2 way stop to test traffic flow as the roundabout traffic was congested during school start/end times as well as events at the Starion and shift change at the refinery. This is being converted back to a 4 way stop on Thurs 8/20 due to the number of complaints. There is no way that intersection could sustain even more traffic required during construction of the proposed site, with or without the 4 way stop.

Old Red Trail is also already highly congested and would become even more so. This puts not only daily traffic at risk, but a huge strain on emergency services being able to reach the emergencies. We simply do not have enough ways to move north-south in Mandan to be able to support this type of explosive influx at this time.

3. Local Employment

In speaking with several people who live in/near Cedar Rapids Iowa where multiple data centers exist/are being built, they are seeing a trend of schools losing teachers to the higher paying construction jobs offered for the data centers. Their schools have been unable to find adequate replacements for students. This is true not only for school teachers, but also construction companies, and many other businesses. Basically life now revolves around the data centers and other jobs and residents are paralyzed because they take low priority.

The trend in Cedar Rapids has also been the data centers are having an influx of foreign nationalities coming into the area and receiving on the job training for electricians and other work without being certified to do so.

Are these things what we really want to see happening in Mandan? The price is too high for our community to take on. What will be left when it's all said and done? The influx of people will have moved on to the next big job, leaving the rest of us who call Mandan home sitting with the environmental debt.

Please do the right thing and be 100% transparent while you fight to protect the citizens of Mandan's rights and property. We are who elect you, not data center billionaires.

I have many other concerns, but these will do for now.

Thank you,
Cindy Schick

Jean A. Bachmeier

Mandan, ND 58554

Email:

Date 7-22-2026

Re: Opposition to Proposed AI Data Center 1 Mile from my Residence on

Dear Members of the Mandan Planning and Zoning Commission:

I am writing on behalf of myself and my neighbors along in Mandan, ND, to express strong opposition to the proposed Next Era AI data center approximately one mile from our neighborhood. We respectfully request that the Commission deny the current application or require substantial modification and mitigation measures before any AI data center is considered. Such an undertaking of this nature requires serious study and a legally binding zoning ordinance before any plans can be considered.

Concerns include:

Traffic and Public Safety: The facility will likely generate substantial construction and operational traffic on our streets that are not designed for heavy loads, increasing congestion, and accident risks for residents, school buses, and pedestrians. Reminder: We have Red Trail Elementary, the Mandan Middle School, and the Mandan High School in close proximity.

Noise and Light Pollution: Continuous generator use, HVAC equipment, and security lighting would introduce noise, and light impacts would degrade residential quality of life, sleep, and outdoor use of property. Vibrations from AI data centers give off continuous low frequency noise and vibrations through the air and ground. Vibrations travel through walls and are known to cause physical symptoms like chest pressure, sleep concerns, vertigo, and headaches. Constant vibration can be felt in nearby homes. Less severe noise is heard two to three miles away. Low frequency affects the brain even when it is inaudible disturbing sleep patterns and causing stress on people and wildlife. Low frequency wave lengths travel far so homes within one to three miles may be hearing or feeling the hum. The noise sounds like a constant, relentless low-frequency hum or it can be high-pitched. Neighbors describe it as similar to a heavy-duty truck that is idling, a continuous distant jet engine, or a helicopter hovering night and day.

Environmental and Health Risks: AI data centers consume significant water and power. We are concerned about the strain on local utilities, and potential impacts on water supply during construction and operation. We need answers to the exact amount of water being used and what will be done with wastewater. As for air quality, there will be many pollutants including nitrogen oxide, methane, volatile organic compounds, and fine particle matter. These will affect residents and, also, very importantly, our school children in the three nearby schools.

Property Values and Community Character: A major industrial-scale facility near a residential area will likely reduce our property values and alter our neighborhood which is primarily single-family residential.

Insufficient Buffer and Incompatibility with Zoning: A one-mile proximity is not an adequate buffer to prevent these impacts. The proposed use is incompatible with the surrounding residential land use and the Mandan community vision.

I have enjoyed my Mandan home for the past 16 years. I have a beautiful private and quiet backyard where I enjoy wildlife and my flowers. With the possibility of an AI data center nearby, I may lose my peaceful backyard environment.

19 August 2026

To Whom It May Concern:

Subject: Comments On the Draft Revision to The City of Mandan's Land Use Code for Data Centers: Section 101-11-12 Data Centers, Dated 08/06/26

The following are comments and suggested additions to the draft.

3.b)17) Setback – What is the setback? Are you leaving that up to the developer to determine? Considering that residences surround the site of the proposed data center, the City needs to designate the setback distance rather than leaving it up to the developer since the developer will most likely make that distance as small as possible. And if the developer designates the setback in the Site Plan, will the City have the right to reject that distance.

3.a) Environmental Assessment

I suggest that the city require the developer to hire a third party contractor to prepare a socio-economic impact, with the city retaining approval of the contractor. The City needs to know what the potential socio-economic impacts will be from an independent third party, not just the from the developer.

You are requiring a biological study and archaeological survey, which is commendable, but those are not the only environmental impacts. There will be socio-economic impacts. How will construction and operation affect our police force, fire and rescue, schools, health infrastructure, housing, traffic, and other aspects of Mandan's infrastructure? Construction will probably require a large number of construction workers for several years, not to mention permanent staff once the center is in operation. Construction will be temporary so the influx of workers and their departure after construction will impact Mandan and the City needs to plan for the impact.

The proposed data center apparently is to go in an area surrounded by residences and just north of the new high school and east of the middle school and that access will be from Highway 1806. Increased traffic along will affect student access to and from the school. Further, noise from construction and operation will impact those residents and students, especially with respect to their ability to concentrate on their studies.

8 a) Decommissioning and Abandonment

The City needs to approve the decommissioning plan and retain the bond until all conditions of the plan have been satisfied. Further, if the data center is abandoned, the City needs to retain the bond to offset costs of decommissioning.

I thank you for the chance to comment on the draft and hope that the City will give the suggestions due consideration.

Sincerely,

Kimball Banks

[REDACTED]

Mandan ND 58554

[REDACTED]

Industrial Use Standards (to be located in Chapter 4)

Contents

Industrial Use Standards (to be located in Chapter 4)..... 1

 A. Residential Buffer 1

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 G. Noise Mitigation Requirements..... 6

 H. Traffic Impact Study 9

 I. Ownership..... 12

A. Residential Buffer

1. A buffer strip approved the Planning and Zoning Commission shall be required to provide a sight and sound barrier when an industrial use is adjacent to a residential district.
2. The open storage of waste products or salvage products shall not be permitted closer than 500 feet from any residence. All combustible materials shall be stored in a manner as to permit free access to firefighting equipment.

B. Firefighting Access

All combustible materials shall be stored in a manner to permit free access to firefighting equipment.

C. Notification Radius

Notification of Surrounding Property Owners. The applicant shall provide a list of all property owners within one (1) mile of the exterior boundary of the proposed project site. Written notice of the application and public hearing shall be mailed to such property owners by first-

class mail no less than 30 days prior to the initial public hearing. Notification shall describe the nature of the proposed development.

D. Environmental Review

1. Purpose. The purpose of this section is to ensure that Mercer County's review of certain industrial uses include a comprehensive evaluation of potential environmental and infrastructure impacts, including cumulative impacts, based on information and studies submitted by the applicant, so that informed land-use decisions may be made to protect public health, safety, and welfare.
2. Environmental Review Required.
 - a. In addition to the materials required as part of a conditional use permit submittal, the applicant shall submit an Environmental Review.
 - b. The Environmental Review shall be based upon, and may incorporate by reference, studies, plans, and documentation submitted as part of the application. Additional narrative analysis may be required where necessary to reasonably explain potential impacts and proposed mitigation measures.
 - c. The level of detail required shall be proportional to the size, scale, and intensity of the proposal.
3. Qualifications of Environmental Review Preparer. The Environmental Review shall be prepared or coordinated by a person or firm with at least five (5) years of experience preparing environmental review documents for public agency review. The applicant shall submit a list of at least three (3) comparable environmental review documents completed within the past ten (10) years, including the name of the project, the lead reviewing agency, and contact information for the agency. If the Environmental Review includes a specialized technical study, that portion shall be prepared by a qualified professional with experience in that subject area.
4. Third Party Review. At the applicant's cost, the County shall have a person or firm that meets the qualifications of part 3 above review the Environmental Review documentation.
5. Scope of the Environmental Review. The Environmental Review shall include a comprehensive evaluation of reasonably foreseeable impacts of the proposal, including associated infrastructure and operations, informed by submitted materials. At a minimum, the review shall address the following topics, as applicable.
 - a. Noise, including continuous operation noise and backup power systems.

- b. Water Resources, including water sources, anticipated consumption, and potential impacts to existing users.
 - c. Energy Demand and Electrical Infrastructure, including electrical load, substations, and transmission connections.
 - d. Air Quality and Emissions, including construction activity and emergency or backup generators.
 - e. Transportation and Road Impacts, including construction traffic, employee traffic, and heavy equipment hauling.
 - f. Stormwater, Drainage, and Surface Impacts, including runoff, erosion, and impervious surfaces.
 - g. Land Use Compatibility, including proximity to residences, agricultural uses, and other sensitive receptors.
 - h. Public Safety and Emergency Services, including fire protection, hazardous materials, and emergency response capacity.
6. Cumulative Impact Assessment. The Environmental Review shall include a cumulative impact assessment that evaluates the combined effects of the proposed use together with: (1) other existing or approved industrial or conditional uses located on property abutting the project site; and (2) supporting infrastructure located within the County that is necessary to serve the proposed use, including roads, utility corridors, substations, transmission facilities, pipelines, water systems, drainage facilities, and similar facilities. The assessment shall be based on information reasonably available to the applicant and shall be proportionate to the size, scale, and intensity of the proposal. The purpose of the cumulative impact assessment is to inform County decision-makers. It does not require a finding of zero impact and does not, by itself, prohibit approval of a Conditional Use Permit. The cumulative impact assessment shall, at a minimum, consider:
- a. Other existing or approved industrial or conditional uses located on property abutting the project site;
 - b. Supporting infrastructure located within the County that is necessary to serve the proposed use, including roads, utility corridors, substations, transmission facilities, pipelines, water systems, drainage facilities, and similar facilities; and
 - c. The combined effects on infrastructure capacity, transportation systems, noise levels, water demand, drainage, public services, and emergency response capacity.
7. Agency Coordination. The applicant shall identify local, state, and federal agencies with jurisdiction over identified impacts and summarize the status of required

- permits or consultations. Copies of issued permits or agency determinations shall be provided as they become available.
8. Review of Use of Environmental Review. The Environmental Review shall be used by Mercer County to:
 - a. Determine compliance with ordinance standards;
 - b. Identify reasonable conditions of approval or mitigation measures; and
 - c. Determine whether additional studies or information are necessary prior to approval.
 9. The County may request clarification or supplemental information if it determines that the Environmental Review is incomplete or insufficient to support a decision.
 10. No State or Federal Environmental Determination Created. This section is intended solely to support local land-use review and does not create an environmental determination under state or federal law unless otherwise required by statute.

E. Emergency Management

1. Prior to construction, the rural fire district(s), Sheriff's Department, Emergency Management, and local emergency medical service provider having jurisdiction over the area, shall have an opportunity to review the emergency operations plan provided by the applicant and make any necessary updates to the plan.
2. Any emergency operations plan that identifies a need for additional staff, staff training, equipment, facilities, or other resources as a result of the proposed use shall require the applicant to provide, or pay the full cost of providing, those additional staff, training, equipment, facilities, or other resources to the extent necessary to meet the additional emergency service demand generated by the proposed use.
3. Prior to the start of operations, the applicant shall file with the County Emergency Manager a facility map identifying the locations of each structure.
4. Facility shall be constructed with a complete and contiguous perimeter fire break of at least 50 feet wide. Fire break may consist of aggregate, hard surfacing, or short grass that is well always maintained and effective in slowing the spread of wildfire. The fire break may be contained within required setback distances.
5. The emergency operations plan for construction shall be submitted to the Mercer County Emergency Manager not less than sixty (60) days before construction is to begin. The emergency operations plan for operations shall be submitted to the

Mercer County Emergency Manager not less than sixty (60) days prior to commencement of operations.

F. Construction and Maintenance Standards

1. **Access Roads.** Access roads shall be constructed to meet the County roadway design standards. The developer shall coordinate with the County Highway Department and County Engineer to ensure the proper design standards are implemented and for approval of the design documents. The County Engineer will provide design of the access roads if requested by the Developer, at the Developer's cost. Access roads shall be constructed, to the extent feasible, parallel or perpendicular to the existing roads to minimize disruption to surrounding land use. Roads shall be designed to accommodate the weight and frequency of equipment transport while ensuring proper drainage and dust control.
2. **Security Fencing.** The applicant shall install and maintain secure perimeter fencing around the facility to protect infrastructure and prevent unauthorized access. Fence height shall be a minimum of eight (8) feet. If existing fences are removed or damaged during construction, they shall be promptly repaired or replaced unless otherwise negotiated with the landowner.
3. **Vegetation Management.** The applicant shall minimize the removal of trees and vegetation to preserve the natural environment. No large tree stands, shelter belts, or critical green spaces shall be removed without the written approval of the affected landowner. Landscaping buffers may be required to mitigate visual impacts and may be located within required setbacks.
4. **Load Permitting.** The applicant is responsible for complying with all state and local overweight load permitting requirements in accordance with applicable transportation laws. A conditional use permit for the facility does not exempt haulers from obtaining necessary permits for transporting heavy equipment or materials.
5. **Road Restoration.**
 - a. Prior to construction, the applicant shall enter into a road use, maintenance, and restoration agreement with the County Highway Superintendent. The agreement shall address road use, maintenance during hauling, and restoration of affected roads following completion of hauling activities. The agreement will ensure that the requirements of this section are followed.
 - b. Prior to construction, contact the County Highway Department to determine the project haul routes and designate the affected roads as haul roads.

- c. Prior to construction, the applicant will provide financial security, in the form of a bond, letter of credit, parent guarantee, or other form acceptable to the County, to guarantee performance of road maintenance and restoration obligations in conformance with the requirements in this Ordinance.
- d. Before hauling over a designated haul road, the applicant will coordinate a pre-haul road inspection with the County Highway Department. The joint inspection will determine the existing condition of the haul road, including the type, thickness, and width of the surfacing material. The developer will record the results in an inspection report. The inspection report will set forth any special conditions for use, maintenance, and restoration of the route. The Developer and the County Highway Department will review and sign the report.
- e. Maintain the haul roads used by public traffic in a condition that safely and adequately accommodates public traffic. If the Developer or their hired contractor damages the haul road by hauling loads in excess of the legal limit, or through negligence or failure to perform maintenance, the Developer will repair the damage at their cost.
- f. After completing hauling operations over a designated haul road, restore the road to a condition at least equal to the condition existing at the time of the pre-haul inspection. The County Highway Department will order the type and amount of maintenance and restoration work and the requirements for performing this work.
- g. Upon completion of construction, the applicant shall ensure that any roads, sidewalks, or other public infrastructure damaged by construction activities are promptly repaired or restored to at least their pre-construction condition at the applicant's expense.

G. Noise Mitigation Requirements

- 1. Noise Study.
 - a. The noise study establishes the average baseline ambient noise level in the project area and describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, etc., if needed to comply with the noise levels in Table 1. The study and its results must describe the existing ambient noise environment and modeled results for the proposal.
 - b. The study must be prepared by a County-verified acoustical engineer.

- c. All noise studies must include information regarding noise mitigation measures incorporated in the design of the proposal, if necessary to comply with noise levels in Table 1.
 - d. The noise study must be reviewed through a third party contracted through the County at the expense of the applicant.
2. Acoustical Engineer Verification.
- a. The applicant's acoustical engineer shall be verified and approved by the Zoning Administrator. Verification includes documentation includes, but is not limited to, the following:
 - i. One-page descriptions of at least three (3) noise studies performed for other similar proposals, or
 - ii. At least three (3) references of public agencies and officials, or private sector industrial project contacts, where the engineer has performed noise studies.
3. Methods of Measurement. Noise perceived from identified Receptor Site(s), as measured from any source point(s), shall not exceed the sound pressure levels provided in Table 1 for normal operation. If necessary, noise mitigation shall be required to achieve compliance. Noise mitigation may include, but is not limited to, the use of low-noise fans, earthen berms, sound walls, or enclosures.
4. Maximum Sound Levels.
- a. Noise levels for normal operations shall not exceed the average hourly levels in Table 1 at points measured at the closest exterior wall of any occupied dwelling unit closest to the proposed project noise source. This requirement may be waived by the affected landowner in a written agreement between the landowner and the applicant, which is included with the conditional use permit application. If waived, the next closest Receptor Site(s) shall be measured.

Table 1: Maximum Noise Levels

Maximum Noise Levels	
Daytime	Nighttime
Fifty (50) dB(A)	Forty-five (45) dB(A)

- b. Emergency standby generators serving any lawful use may operate at any time during loss of utility power or other bona fide emergency conditions and may also operate for routine maintenance and testing reasonably necessary to ensure emergency readiness, and shall not, by itself, constitute a violation of this section, provided the generators are maintained with manufacturer-recommended sound attenuation and the operator retains maintenance/testing records for twenty-four (24) months and provides them to the county upon request. Operation outside the stated hours shall not be a violation when reasonably necessary for emergency readiness due to manufacturer requirements, commissioning, repairs, post-event verification, or utility-directed testing and when reasonable measures are taken to minimize impacts.
- c. Testing and maintenance operations for emergency generators shall only occur between the hours of 7AM and 7PM.

5. Low-frequency Noise

- a. Where the proposed use includes equipment with the potential to generate low-frequency noise, the required noise study shall include an evaluation of noise levels within the low-frequency range. The evaluation shall:
 - i. Measure or model sound levels in third-octave frequency bands below 200 hertz (Hz);
 - ii. Assess operational conditions during normal operating load; and
 - iii. Identify whether tonal or pulsating low-frequency noise components are present.
- b. Assessment Standard.
 - i. Low-frequency noise shall be evaluated using generally accepted acoustical engineering methods, including octave-band or one-third-octave-band analysis, or other equivalent methodologies.
 - ii. The analysis shall demonstrate whether low-frequency noise generated by the facility is readily distinguishable above background conditions at nearby sensitive receptors, including residences.

6. Noise Mitigation and Monitoring.

- a. Applicable proposed projects must implement noise mitigation measures as necessary and mechanically feasible to meet sound levels in Table 1.
- b. If the study identifies low-frequency noise that is reasonably anticipated to exceed background levels in a manner that may result in perceptible or tonal effects at nearby sensitive receptors, the applicant shall propose reasonable and feasible mitigation measures.

- c. An approved acoustical engineer shall verify prior to the time the project is fully operational that it was constructed with all noise mitigation measures as included in the noise study. This shall be performed at the cost of the project owner.
 - d. The conditional use permit shall be conditioned to require annual inspections at the cost of the project owner, to verify that noise levels do not exceed those shown in Table 1. The inspections shall be provided by an approved acoustical engineer. Inspections shall take place under full load conditions (i.e. during the summer).
 - e. Facilities exceeding noise thresholds must implement additional mitigation measures, at the cost of the owner, within ninety (90) days.
 - f. The County will investigate noise complaints within fourteen (14) days.
 - g. Corrective action will be required if violations are confirmed.
7. Construction Noise. Noise-producing activities during the construction phase shall be limited to the hours of 6:00 a.m. to 10:00 p.m., unless otherwise approved by the Board of Mercer County Commissioners. Construction activities shall comply with all applicable County and State noise regulations, and reasonable measures shall be taken to minimize temporary noise impacts to surrounding properties.

H. Traffic Impact Study

1. Purpose. The purpose of the traffic impact study is to identify the adequacy of the transportation system to serve a proposed Development and the expected effects of the proposed Development on the transportation system. Mercer County may require a traffic impact study to determine the effects of Development on public roads and determine what improvements are needed, if any, to maintain safe, efficient traffic operations.
 - a. Applicability. Traffic impact studies **may be required** by the County Engineer at any of the following stages of Development:
 - i. Application for a zone change
 - ii. Application for a subdivision
 - iii. Application for a conditional use permit
 - b. A traffic impact study **shall be required** for:
 - i. Any Development that can be reasonably expected to generate more than 500 vehicle trips during a single day and/or more than 100 vehicle trips during a single hour. Trips are external to the site.

- ii. Any proposed zoning or land use change that, after development is completed, can be reasonably expected to generate more than 300 trips during a single day more than the previous zoning or land use condition.
- c. A traffic impact study **may be required** for:
 - i. Any Development that can be reasonably expected to generate more than 200 vehicle trips during a single day and/or more than 40 vehicle trips during a single hour.
 - ii. Any Development in which, based on the engineering judgment of the County Engineer, the proposed Development would significantly affect the adjacent roadway system. Examples include but are not limited to proposals adding traffic to or creating known or anticipated safety concerns or proposals that will generate a significant amount of truck traffic (more than 30 trips per day or over 5% of site traffic.)
- d. Trip Generation. To verify the proposed number of trips for development detailed in Section 2-9-3(B), the County Engineer may request any Development to verify the expected number of trips per day generated by the Development, which is done using the current Trip Generation Manual from the Institute of Transportation Engineers.
- e. State Coordination. Proposed Development that receives access from a State Highway requires coordination with the State Department of Transportation, wherein a traffic impact study may be required by the State Department of Transportation in compliance with state guidelines.
- f. Study Requirements. The following items are required as part of the traffic impact study. The County Engineer has the authority to waive any of the requirements of this section based on professional engineering judgement.
 - i. A summary of the proposed Development, the major findings of the analysis, and proposed mitigation measures.
 - ii. A vicinity map showing the location of the proposed project in relation to the transportation system.
 - iii. Existing traffic volumes using the best available data, unless the County Engineer determines that new traffic counts are necessary.
 - iv. Sight distance evaluation at study intersections.
 - v. Study intersection design, including a recommendation on the need for right and/or left turn lanes. This recommendation must follow the State Department of Transportation's "Guidelines for the Installation of Turn Lanes along State Highways". If turn lanes are recommended, the study should use State Department of Transportation design

practices to indicate the length of the proposed turn lanes including tapers, etc.

- vi. Capacity analysis at intersections and segments within the study area, as appropriate. The analysis should document 1) existing traffic volumes using the best available data, unless the County Engineer determines that new counts are necessary due to recent Development changes in the area, 2) Existing performance of the transportation system, including Levels of Service (LOS) and volume/capacity ratios, 3) Complete trip generation figures for all aspects of the proposed Development, including the number of trips by vehicle type (cars and trucks), and time-of-day entering/exiting percentages, 4) Forecast volumes and performance of the transportation system with the Development at buildout and 5) Directional trip distribution (for example, 30% from the west, 70% from the east). For Development that is expected to generate a significant amount of Commercial Truck traffic (more than 30 trips per day or 5% of site traffic), indicate if the truck directional distribution varies from the vehicle directional distribution.
- vii. Crash data analysis at existing study intersections.
- viii. Traffic signal warrant analysis – with a recommendation of signalization (including timing, phasing, protected/permissive turns, and other signal coordination), roundabout or other traffic control devices.

2. Process

- a. The County Engineer shall be consulted by a potential applicant prior to the submission of an application of a zone change, subdivision or conditional use permit to determine if a traffic impact study is required.
- b. The Developer shall be responsible for the cost of the traffic impact study, unless a condition exists where cost sharing may occur, as determined by the County Engineer.
- c. The traffic impact study must be signed and stamped by a Professional Engineer registered in the State of North Dakota.
- d. Improvements recommended as a result of the traffic impact study will be required upon application approval by the Mercer County Board of Commissioners to be either:
 - e. constructed and in place before commencement of operations, or
 - f. bonded to assure completion prior to application approval.

I. Ownership

1. Foreign Ownership. Developers must submit an affidavit affirming that the data center is owned and operated by individuals, corporations, etc. in compliance with applicable state and federal laws and regulations.
2. Change of Ownership. 30 days prior to any change in ownership of a data center permitted in Mercer County, or a change in the controlling interest of any entity owning a data center permitted in Mercer County, an application shall be made to the Board of Mercer County Commissioners, requesting transfer of the conditional use permit. Approval of such transfer shall be conditioned upon explicit agreement by the new applicant to comply with all provisions of this section and all conditions attached to the original conditional use permit. The application may be in letter form and shall be signed by the authorized representatives or agents of both the current applicant and the prospective applicant.

August 19, 2026

Mandan Planning & Zoning Commissioners:

Bill Robinson, Chair

Jamie McLean, Vice Chair

Craig Smith

Nick Renner

Victoria Vyda-Hammond

Will Gardner

Tanner IntVeld

Mayor James Froelich, ex-officio

Layn Mudder, Park District

Rick Horn, School Board

Haley Lang, Extraterritorial Representative

RE: Comments on the draft Mandan data center ordinance of August 6, 2026

Dear Planning & Zoning Commissioners,

Thank you for holding a separate hearing on the data center section after a substantial re-write as well as holding the hearing in a venue that accommodates more public involvement.

I am a resident of Morton County. I live just north of the land Sagebrush Infrastructure Partners, now Stark Power LTD, has optioned to purchase for a hyperscale data center and natural gas powerplant. My home is within the area of potential effects of these proposed industrial developments, but under this draft ordinance, I would not be notified of a proposed data center development because notification requirements are only a half-mile radius from the industrial development (see page 5).

These are my specific comments on the 8/6/26 draft data center ordinance:

This ordinance and the rewritten Mandan City ordinances do not address building powerplants within Mandan's extraterritorial jurisdiction. Because Stark Power LTD told the Bismarck Tribune that the data center will include its own powerplant, where is the Powerplant ordinance? Would powerplants be an acceptable industrial use in Mandan?

Page 3 - 1 Authority and General Framework b) Definitions - The three definitions of data centers are written for kilowatts. Revise this to megawatts because hyperscale data centers being built in North Dakota are much larger - at least 1200 megawatts in Oliver County and a hyperscale data center hub in Mercer County at 1750 megawatts. The Mandan ordinance defines a Major Data Center as 6 megawatts when it should be at least 200 times larger.

Include definitions for:

dBA - This is just the unit of sound measurement using the A-Weighted filtering. dB stands for Decibel. A is for A-Weighting filter applied to the different Hz readings to represent the human

perception of sound. The filter chops off the low frequencies and the high frequencies. A sound meter reading can show 85 dBA at one exact fraction of a second, but it changes constantly as noises get louder or quieter.

LAeq - This is a metric used by regulators and scientists to measure duration of sound. If a machine spikes to 90 dBA for a few seconds but stays at 50 dBA for the rest of the hour, the LAeq over that hour might be around 65 dBA.

Page 4, 1-Authority and General Framework c) Applicability - Restrict large and medium hyperscale data centers to MB zoning. MX zoning is for a blend of residential, retail, and office spaces for pedestrian-friendly communities. An AI factory is not suitable in a MX zone.

Page 5, 2- Entitlement Process and Public Review d) Public Notice and Liaison Requirements - hyperscale data center noise impacts extend at least 2.5 miles so the property owner notification should extend at least that far.

Page 7, c) Receptor Mapping - Noise impacts extend at least 2.5 miles from the exterior boundary of the data center so increase on-half of a mile to 2.5 miles. Add 5) schools.

Page 7, e) Environmental Assessment - Many known environmental impacts are not included in this list, and the study must be conducted by an independent third party at the applicant's expense. A good template for a data center environmental study is the 6/24/26 Mercer County Industrial Use Standards pages 2-4 (see attached). Please replace this inadequate section with the Mercer County ordinance language.

Page 8, Acoustic Impact Report - Who drafted this section? Was it a data center developer?

Pages 5-15, Operational Performance and Design Standards - Rick Aaser, Oliver County Concerned Citizens, drafted these comments for me:

Regarding the infrasound levels, the chart says dBZ levels not dBG. So, what will be used? G or Z weighting? And what is the ambient baseline for the G and/or Z levels before construction?

Are they using the LZeq metric or the LZS90 metric?

Correct Section 6. 7): steady-state operations do not exceed the +5 dBA and +5 dBC threshold above the predevelopment baseline. If the project complies with all dBA, dBC, and vibration limits in Tables 1 and 3, including pure tone penalties under peak load.

Under table 1 there is a 3 dBA and dBC limit. Which is it 3 or 5 dBA?

Where are the pure tonal noise specifications?

In section 7 1. d) it states: Measurement Statistic: Compliance with the dBA and dBC limits in Table 1 shall be determined using the (L90) metric over the 60-minute period. This will be

extremely loud for the residents living nearby and students attempting to study in the three Mandan schools in the impact zone.

At the start of section 5 b) it states to use Table 1 for the max sound levels. Table 1 for residential says 50 dBA for nighttime. The dBA is the unit of measure not the metric of measure. The dBA (unit of measure) and LAeq (average sound level) are not the same and they this ordinance does not specify which metric they are using in the table. If the established predevelopment ambient background noise level (L90) at a Representative Monitoring Location already exceeds these absolute thresholds, the maximum allowable predicted sound pressure level at that Representative Monitoring Location shall be capped at the predevelopment ambient background noise level plus 3 dBA and 3 dBC, but if the LAS90 level is 50 dBA, that is too loud for sleep.

That means that 90% of the time the dBA level was above 50 dBA, so this ordinance gives the data center a very high limit. Too high for restful sleep. If the baseline at the proposed development site is 30 dBA or less and allowable sound is 50 dBA that will increase the sound level by 4 times. Residents will experience problems sleeping or will suffer anxiety because of the constant loud noise all day long, all not long, all year long.

L90 or LAS90 metric for the sound level is totally inappropriate. The nighttime level must drop down to 30 dBA to allow for restful sleep time. A reading of LAS90 at 50 dBA is generally not considered ideal or safe or a restorative night's sleep. While 50 dBA poses zero risk of physical hearing damage, the specific metric used here (LAS90) means the level is significantly louder than international public health sleep recommendations. Because LAS90 measures the baseline quietest moments, a reading of 50 dBA indicates that your room's (or at property line) absolute baseline hum never drops below 50 dBA. The true average noise level LAeq and intermittent peaks Lmax are likely significantly higher.

The World Health Organization (WHO) outlines that for an optimal, uninterrupted night's sleep, continuous indoor background noise should not exceed 30 dBA. Continuous background noise between 40 dBA and 50 dBA is scientifically linked to sleep fragmentation, shorter deep sleep cycles, elevated heart rates during rest, and daytime irritability.

Thank you for this opportunity to comment on the draft ordinance. I look forward to reviewing a revised data center ordinance sometime in the future that addresses these concerns and suggested revisions.

Sincerely,



J. Signe Snortland
Mandan, North Dakota

Nancy R. Moser

From: Terry Lea Mastel [REDACTED]
Sent: Wednesday, August 19, 2026 11:11 AM
To: Planning
Subject: Comments on data center

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1. Why would you even consider having a data center in this inappropriate location in north Mandan next to Mandan High School, Middle School , and Red Trail Elementary? It is also next to many beautiful homes on Old Red Trail, homes north of the Mandan High School, and all the businesses and hotels.
2. The tonal noise levels in the ordinance draft are very high. It states it can have maximum decibels of 90 - 100 of continuous noise. At 85 - 90 a person can have permanent hair loss, and cause sicknesses of anxiety, and nerve disorder such as Parkinson, and MS. Do you really want to do that to the students and population? They used tonal noise in prisons for torture.
3. There is no set back in this draft. If the set back is .5 miles that is not enough.
4. How much water will this data center take? The water is our resources. Why should we give it to the data center?
5. Air pollution: The data center emits pollutants that affect children, pregnant women, elderly, people with respiratory disease and heart disease.
6. How much will our electricity bill go up? Why should we supply electricity to a data center? They should have their own.
7. What will happen to our property values? Why should a data center come and take away our property values?
8. We were here first! Why should we give our environment to a data center? We have been citizens of Mandan for 44 years as well as business owners on the Strip for 44 years. We are past retirement age and would like to stay in our home in this location.
9. In conclusion, THIS IS NOT A LOCATION FOR A DATA CENTER! WE DON'T WANT A DATA CENTER HERE! PLEASE HEAR OUR VOICE AND RESPECT US AS CITIZENS!

Terry Mastel. [REDACTED]
Terry Lea Mastel. [REDACTED]
[REDACTED]

Mandan, ND 58554

Please include this in the packet.

Nancy R. Moser

From: Jane Feist [REDACTED]
Sent: Wednesday, August 19, 2026 7:52 PM
To: Planning
Cc: Clay Feist; Emily Ulmen; Bethany Bernhardt
Subject: Comments for the Aug. 24 Planning & Zoning Meeting

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Hello,

Below are the concerns we have and would like to be addressed at the Public Input meeting regarding the data center ordinance on August 24 at the high school.

- The 0.5-mile setback is too close to homes, schools, churches, and sensitive uses like the Central Dakota Humane Society, bee farm, and local wildlife. The setback should be at least a mile. The tonal noise has been found to be damaging to people and animals. A data center should never be located in the city limits of Mandan or any other city for that matter!
- We believe a one-year moratorium should be in place to allow for more research. Has anyone on the City Commission been to the Williston Data Center?
- If this project goes through and causes a drop in our property value, will there be any compensation?
- Because of the location of this property, surrounded by many homes, and all of the above that we mentioned, it should never have been considered for a data center in the first place!

Thank you,

Clayton and Jane Feist

[REDACTED]
Mandan, ND 58554
[REDACTED]

Fw: Data center

From James A. Froelich <james.froelich@cityofmandan.com>

Date Thu 8/20/2026 10:02 AM

To Jim Neubauer <jneubauer@cityofmandan.com>

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From: [REDACTED]

Sent: Thursday, 20 August 2026 08:38:55

To: James A. Froelich <james.froelich@cityofmandan.com>; Heidi Belohlavek <heidi.belohlavek@cityofmandan.com>; Michael R. Braun <mbraun@cityofmandan.com>; Ryan M. Heinsohn <ryan.heinsohn@cityofmandan.com>; Craig R. Sjoberg <craig.sjoberg@cityofmandan.com>

Subject: Data center

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Greetings,

I am a resident of Mandan, living at [REDACTED], and I am writing to express my strong opposition to the proposed data center location.

My family and I chose to purchase our property on the edge of town and near our schools for a reason we wanted a safe, family-oriented place to raise our children. I fully understand that there is a place for development and projects such as this, but directly next to established homes, neighborhoods, and schools is simply not the appropriate location for a data center of this scale.

I sincerely hope that, before making this decision, you put yourselves in the position of the families who already live here. Imagine your own young children attending these schools and your family living in these homes. Ask yourselves whether you would personally want a development of this magnitude placed immediately next to them.

Economic development is important, but so is protecting the families, schools, neighborhoods, and quality of life that are already here.

I wholeheartedly hope you make the right decision for our community and choose a more appropriate location.

This is absolutely not the right location for this project.

I can tell you my family and business will be moving out of Mandan if this happens. Think of how many others will be pushed out as well

Thank you for your time and consideration.

Fw: Data centers

From James A. Froelich <james.froelich@cityofmandan.com>

Date Thu 8/20/2026 10:21 AM

To Jim Neubauer <jneubauer@cityofmandan.com>

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From: James A. Froelich <james.froelich@cityofmandan.com>

Sent: Thursday, 20 August 2026 10:21:25

To: [REDACTED]

Subject: Re: Data centers

Thank you for your email. As this entire thread relates to the discussion of an ordinance before the Planning and Zoning Commission, I have forwarded it to the cities' planning department for inclusion with the other public comments we have received.

Thank you

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From: [REDACTED]

Sent: Wednesday, 19 August 2026 21:41:14

To: James A. Froelich <james.froelich@cityofmandan.com>

Subject: Re: Data centers

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I will soon bring to the public on how you have been avoiding my questions.

Sent from my Verizon, Samsung Galaxy smartphone

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From: [REDACTED]

Sent: Wednesday, 19 August 2026 21:29:13

To: James A. Froelich <james.froelich@cityofmandan.com>

Subject: Re: Data centers

I am very disappointed that you haven't responded. As the mayor of Mandan i would have expected more from you. Guess I know where your pockets are being lined with money from this being approved. If that is not true, respond and I won't show how you don't care and won't respond.

Sent from my Verizon, Samsung Galaxy smartphone
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From: [REDACTED]
Sent: Saturday, 15 August 2026 21:14:36
To: James A. Froelich <james.froelich@cityofmandan.com>
Subject: Re: Data centers

Do you have any more information on the proposed data center? Your thoughts, concerns to what it could do to the environment, people living nearby, children attending schools nearby. Would like some response as you didn't respond to my email earlier. Being the mayor of Mandan I would have assumed you respond to all emails or had someone respond for you. Thank you for your time

Sent from my Verizon, Samsung Galaxy smartphone
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From: [REDACTED]
Sent: Saturday, 08 August 2026 19:07:59
To: James A. Froelich <james.froelich@cityofmandan.com>
Subject: Re: Data centers

Wondering if you have gathered enough information to make a decision on whether or not you think a data center is good where they are looking at putting it? Would appreciate your honest answer

Sent from my Verizon, Samsung Galaxy smartphone
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From: [REDACTED]
Sent: Sunday, 26 July 2026 20:18:31
To: James A. Froelich <james.froelich@cityofmandan.com>
Subject: Re: Data centers

I don't live in town but like you have grandkids that do and would hate for anything that isn't good for the environment to be near them. No matter what wealth it could bring to someone else

Sent from my Verizon, Samsung Galaxy smartphone
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From: [REDACTED]
Sent: Sunday, 26 July 2026 20:05:00
To: James A. Froelich <james.froelich@cityofmandan.com>
Subject: Re: Data centers

Thank you for your response. I would appreciate you letting me know when you have done your research and your opinion on the impacts it could cause

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From: James A. Froelich <james.froelich@cityofmandan.com>
Sent: Sunday, 26 July 2026 20:01:23
To: [REDACTED]
Subject: Re: Data centers

I'm trying to gather all information at this point to have a factual opinion on the matter.

Thank you,

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From: [REDACTED]
Sent: Sunday, 26 July 2026 19:56:05
To: James A. Froelich <james.froelich@cityofmandan.com>
Subject: Re: Data centers

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So are you in agreement of a data center being built this close to town

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From: James A. Froelich <james.froelich@cityofmandan.com>
Sent: Sunday, 26 July 2026 19:54:05
To: [REDACTED]
Subject: Re: Data centers

Thank you for the email. Currently trying to assess the positive and negatives of a data center located in Mandan. As of now no building permit has been submitted nor has any land been purchased.

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From: [REDACTED]
Sent: Sunday, 26 July 2026 19:50:45
To: James A. Froelich <james.froelich@cityofmandan.com>
Subject: Data centers

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*****WARNING: EXTERNAL EMAIL***** DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password.

Want to know your opinion on what good the data centers they are proposing will be good for our economy. Other than the land owners getting rich from selling the property, what good will it be to to the average person living near it

Sent from my Verizon, Samsung Galaxy smartphone
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Fw: Data center concerns

From James A. Froelich <james.froelich@cityofmandan.com>

Date Wed 8/19/2026 11:39 AM

To Jim Neubauer <jneubauer@cityofmandan.com>

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From: [REDACTED]

Sent: Wednesday, 19 August 2026 11:32:06

To: James A. Froelich <james.froelich@cityofmandan.com>

Subject: Data center concerns

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Good day

I encourage the city to take a long, healthy pause on approving its data center ordinance until it can be thoughtfully and thoroughly developed.

I feel like this Stark data center and other data centers that try to slide into communities unaware, are banking on hastily drafted ordinances that do little to protect the communities. Given the utter indifference to distance from schools, this proposed Stark data center clearly does not demonstrate good neighbor qualities.

The draft ordinance lacks the comprehensive details to ensure the community's safety and and regulatory oversight are defined.

A comprehensive environmental study must be conducted on any site prior to approval. This study must include air quality, heat changes (immediately surrounding the site and the long term effects), sound, vibration, watershed disruption, groundwater recharge disruption, runoff, lights, migration of waterfowl and other species, wildlife, flora,

historical native artifact evaluation, how species such as bees will be affected, and how feasible it would be to return the site to its original state should the facility be decommissioned.

A comprehensive civic study must be conducted to assess the impacts of an influx of people and construction activity. Does the surrounding community have the resources to house the number of expected construction workers? Do our water and wastewater systems have the capacity to absorb the size of the campus? Where will debris go/does our landfill have the capacity to meet the needs of this quantity of construction and electronic waste? Will the current number of law enforcement, fire and rescue personnel be sufficient for a sudden influx? How can the city budget for such additions? What capacity effects will our schools encounter? How will the city respond if employees migrate to data center construction and away from the current businesses in the city? How will property values be affected? How will the city budgets be affected by degraded property values? What are the cascading effects on the rest of the community should property tax revenues decline on a broad and immediate scale? Our local animal rescue facilities are already burdened by demand. How will the city partner with these resources to absorb even more demand that would come with construction crews?

Sound knows no borders and the effects of the sound generated by data centers must be well understood on our hilly terrain, echo valleys, etc.

The environmental impact study must be for the entire planned campus, not for one unit/phase at a time. The cumulative effects of the entire campus will be drastically different than any one single structure.

Will construction demands necessitate "man camps?" The Mandan-Bismarck area does not have sufficient rental space for an influx of construction crews. How will the city address any reduction of residential construction crews that would migrate to the data center construction, leaving homes unfinished or delayed?

How will campgrounds and recreation be affected, and how can they be prioritized for recreational use vs. temporary residential use by construction crews?

How well does this data center align with the goals for the city and for Morton County? It doesn't seem to fit with the goals for either.

In the meat of the ordinance, notification distances should include a 5 mile radius, and all residents within city limits if the data center will exist within city limits.

What is the avenue for registering complaints and violations?

How many zeroes need to be on a fine for violations for it to be impactful on negative operations of a data center? A \$1,000 fine on a \$1,000,000,000 industry is not even a sneeze. A starting fine should have a minimum of 6 zeroes to be scaled for the level of a data center's commerce.

How do foreign owned data centers align with national security, and the security of our state? How does one recoup losses from a foreign owned entity?

What should the minimum setback be from schools, early childcare centers, medical facilities, retirement and aging facilities, residential homes, etc.?

How will the city budget for increased road repair, or any of the other myriad effects of heavy machinery and increased activity that will accelerate the repair/replacement time frames?

Will this facility require a railroad spur? Whose cost would that be?

The area will lose a significant amount of prairie. This prairie is irreplaceable. Is the city prepared to accept that trade? Will the developers be required to include a % of green space in their design? The loss of groundwater recharge will have a very real and negative effect on the surrounding area and our community.

Where are the protections to ensure citizens aren't paying the costs in increased electrical bills, water bills, etc.?

Where is the assurance that the facility will employ the number of people it claims, and how can the community partner to develop education avenues for local citizens to become employed once the facility is operational?

Lastly, any and all non-disclosure agreements should be prohibited from elected officials and board members when the NDA relates to the board area of focus.

There are simply too many impacts to be considered for an ordinance to be developed in 30 60 90 days. A moratorium must be declared to ensure the city take a thorough and thoughtful approach to data center construction and operation within our community.

[REDACTED]

Mandan, ND 58554

Concerns regarding Data Centers in Mandan

From [REDACTED]
Date Wed 8/19/2026 12:44 PM
To Info <info@cityofmandan.com>

You don't often get email from [REDACTED] [Learn why this is important](#)

*****WARNING: EXTERNAL EMAIL***** DO NOT click links or open attachments unless you recognize the sender, and NEVER provide your username/password

I respectfully ask the City of Mandan to carefully consider the long-term impacts before allowing data centers within the city. Key concerns include:

- **High water usage** — Data centers can require significant amounts of water for cooling, potentially placing additional demands on our water supply.
- **Increased electricity demand** — Large facilities can require enormous amounts of power and may require costly infrastructure upgrades.
- **Noise** — Cooling equipment, generators, and other mechanical systems can create continuous noise for nearby residents.
- **Property values and quality of life** — Large industrial facilities can negatively affect the character, appearance, and desirability of surrounding neighborhoods.
- **Traffic and construction impacts** — Construction can bring significant truck traffic, noise, dust, and disruption.
- **Environmental concerns** — Backup generators, emissions, heat generation, and substantial energy consumption can have environmental impacts.
- **Limited permanent employment** — Despite their enormous size and investment, data centers typically create relatively few permanent jobs compared with other developments.
- **Taxpayer and infrastructure costs** — Roads, utilities, water systems, electrical infrastructure, and emergency services may require expansion or upgrades.
- **Emergency response** — Large, complex facilities can place additional demands on fire, police, and emergency services.
- **Long-term commitment of land** — Once constructed, these massive facilities can permanently change the use and character of an area.
- **Lack of adequate local regulations** — Mandan should have appropriate standards in place for setbacks, noise, water use, energy infrastructure, emergency response, and environmental impacts before approving these projects.

Mandan should not rush into approving data centers. I believe the City should first conduct a thorough, transparent evaluation of their long-term costs and impacts and establish appropriate regulations that protect residents, taxpayers, and the community.

Thank you for considering the concerns of Mandan residents.

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Thanks,



Mandan, ND 58554

Overall Score

1

City of Mandan Public response to online survey

Timeframe of survey August 6-August 19

9 responses from public based on different sections of the ordinance

Overall Score

1

Section	Positives	Negatives
Authority and General Framework		✗
Entitlement Process and Public Review		✗
Submittal Requirements		✗
Pre-Commencement Agreements		✗
Operational Performance and Design Standards		✗
Commissioning and Acoustic Verification		✗
Ongoing Enforcement and Oversight		✗
End-of-Life		✗

Positive Feedback

Areas for Improvement

No data center of any size should be built within City limits.

Consider someone other than yourself for just a minute. Consider the people that own residences around where this will be built. Their home property values plummet to zero, no one will want the homes. It's safe to assume that no one on the city commission lives near where this will be built, otherwise it wouldn't be.

The city of Mandan doesn't need the income created by the tax revenue, we've never had it, and are doing just fine. The only answer here is to say no.

References

Overall Score

1

Section	Positives	Negatives
Authority and General Framework		✗
Entitlement Process and Public Review		✗
Submittal Requirements		✗
Pre-Commencement Agreements		✗
Operational Performance and Design Standards		✗
Commissioning and Acoustic Verification		✗
Ongoing Enforcement and Oversight		✗
End-of-Life	✓	✗

Positive Feedback

None. No where is it mentioned where the public can weigh in on a major construction project that'll hurt home values, damage our infrastructure, and provide no benefit for the community. It doesn't require they provide jobs for citizens. It's basically free rein for big corporations and Israel to construct a massive structure as long as they do some paperwork.

Areas for Improvement

The specific aspect that should revisited first is how the people of the city of Mandan can decide their own futures without permitting foreign actors and tech tyrants damaging our community to build a massive wealth extraction structure. Our community gains nothing from a data center and only will be harmed by one in city limits. Nowhere does it say how the city will handle the hundreds of people whose homes will be worthless and unsellable if one is built at the proposed site. Nowhere is it stated they'd have to provide their own power and since they can tie in to the grid it doesn't forces them to cover costs to beef up our energy infrastructure to handle their load demands. It's pathetic and weak and bending down to corporate and Israeli interests. Scrap it start over and stop the stark power data center.

References

Overall Score

5

Section	Positives	Negatives
Authority and General Framework		
Entitlement Process and Public Review		
Submittal Requirements		✗
Pre-Commencement Agreements		
Operational Performance and Design Standards		
Commissioning and Acoustic Verification		
Ongoing Enforcement and Oversight		
End-of-Life	✓	

Positive Feedback

Make sure you have sufficient bonding set up to end of life of plant!

Areas for Improvement

Where are the setbacks for schools, clinics, businesses, homes, etc... A half mile set back is not enough for the tonal noise, light emitted, traffic. Where is your concern for the children of the community? Over 2000 children will be affected by a Data Center and it's continuous noise level. How about the homes that surround this area? What is your setback to protect the citizens of Mandan??

References

How about wildlife migration studies? Wildlife studies on displacement of wildlife. Disturbance of natural prairie grasses and plants. There has to be better areas for a Data Center than in the middle of the city of Mandan affecting 3 schools and many homes in the area. The citizens of Mandan have been paying property taxes and covering the city's expenses. You don't need revenue from this Data Center for the city of Mandan to continue functioning. The costs are way to cutting than the few benefits that you think you will gain.

Overall Score

8

Section	Positives	Negatives
Authority and General Framework	✓	
Entitlement Process and Public Review	✓	
Submittal Requirements		
Pre-Commencement Agreements		
Operational Performance and Design Standards	✓	
Commissioning and Acoustic Verification	✓	
Ongoing Enforcement and Oversight		
End-of-Life	✓	

Positive Feedback

Areas for Improvement

Change of ownership over time. If a facility is sold, is the new owner bound by the original terms and conditions?

References

Overall Score

3

Section	Positives	Negatives
Authority and General Framework		
Entitlement Process and Public Review		✗
Submittal Requirements		✗
Pre-Commencement Agreements		✗
Operational Performance and Design Standards		
Commissioning and Acoustic Verification	✓	
Ongoing Enforcement and Oversight		✗
End-of-Life	✓	

Positive Feedback

There is good content about noise restrictions and decommissioning.

Areas for Improvement

I am worried about the lack of any required setback distance. Previously it was 1/2 mile, but in the new ordinance there is NO required setback distance. There is required notification within 1/2 mile, but no actual setback distance. Other counties that have data centers built (Stutsman and Williams) have setback requirements much larger since the noise requirements can be difficult to measure since they change with topography, weather, and time of year. I was happy to see that the land needs to be zoned as industrial, but zoning can be changed (current areas as agricultural) and then even that setback is minimal.

I also see a lack of any special considerations for schools/daycares/preschools/etc.. where children are during the day.

References

<https://www.williamsnd.com/documents/zoning-ordinance-and-subdivision-regulations/>

https://deq.nd.gov/WQ/2_NDPDES_Permits/1_AFO_CAF/CountyZoning/Stutsman/Stutsman20260224.pdf

Overall Score

2

Section	Positives	Negatives
Authority and General Framework		✗
Entitlement Process and Public Review		✗
Submittal Requirements		✗
Pre-Commencement Agreements		✗
Operational Performance and Design Standards		✗
Commissioning and Acoustic Verification		✗
Ongoing Enforcement and Oversight		✗
End-of-Life		✗

Positive Feedback

It is a start.

Areas for Improvement

Environmental study must be comprehensive for air, water, groundwater, wastewater, runoff, sound, vibration, wildlife, migratory routes, heat, emissions and must be for the entire planned campus, not one structure at a time.

Civic study must be comprehensive for ability of community to absorb influx of construction, housing demands, police, fire and EMS demands, school capacity, disposal, transportation, potable water, wastewater, property values, loss of employees from existing businesses to construction demands of data center, wage impacts, rent impacts and rent protections, investment-scale purchases of existing homes for rental purposes, code enforcement, etc.

Avenue for complaints, violations. Fines must be scaled for impact.

References

Overall Score

5

Section	Positives	Negatives
Authority and General Framework		
Entitlement Process and Public Review		
Submittal Requirements		
Pre-Commencement Agreements		
Operational Performance and Design Standards		
Commissioning and Acoustic Verification		
Ongoing Enforcement and Oversight		
End-of-Life	✓	

Positive Feedback

I sent my comments to the city commission

Areas for Improvement

I sent my comments to the city commission

I didn't include is there should be a section for enforcement and penalties

References

Overall Score

5

Section	Positives	Negatives
Authority and General Framework		✗
Entitlement Process and Public Review		✗
Submittal Requirements		✗
Pre-Commencement Agreements		✗
Operational Performance and Design Standards		✗
Commissioning and Acoustic Verification		✗
Ongoing Enforcement and Oversight		✗
End-of-Life	✓	

Positive Feedback

It is detailed and covers a lot of areas covering a lot.

Areas for Improvement

I didn't see the process of who to contact when concerned. I believe we are within the half mile radius. So who do we contact if we feel the ordinance isn't being followed? Also who do we contact and get support from when our house can't be sold when we no longer want to live there due to the proximity of a data center and all that comes with it? My husband and I just retired after 77 years combined commitment to this community and now feel like we are being slapped in the face. Where is the support of the citizens living next to the data center in this ordinance? Maybe data centers need restrictions on how close they can build to residential areas. The ordinance should include more to support residential households with some deal or compensation for all the money we will lose in the value of our homes. This will get companies looking outside these areas and/or to be more responsive to people's concerns.

References

Overall Score

5

Section	Positives	Negatives
Authority and General Framework		
Entitlement Process and Public Review		✗
Submittal Requirements		✗
Pre-Commencement Agreements		
Operational Performance and Design Standards		✗
Commissioning and Acoustic Verification		
Ongoing Enforcement and Oversight		
End-of-Life		

Positive Feedback

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Areas for Improvement

-1/2 mi for notification/setback is too small. Noise travels farther on open flat ground. Should be 1 mile at least. -Add a tonal penalty amendment. If a data center emits continuous fixed infrasound frequencies, the facility's overall allowable decibel cap is automatically lowered by 5 dB to compensate for the higher psychological annoyance of continuous tones. The facility has to PROVE it is not doing this, or the cap is applied automatically. (The following states have this: MI, VA (Loudour Co.), AZ, and Divide County in ND. -Maximum sound pressure levels in Table 1 should be lowered to: RD - day 45/55, night 40/50, continuous less than 60. Commercial: day 55/65, night 50/60, continuous less than 70
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References

https://energylinkinternational.com/areas-of-focus/noise-management-solutions/data-centers/ https://cdnsm5hosted.civiclive.com/UserFiles/Servers/Server_11725438/File/March%202025%20zoning%20ordinance.pdf
