Published in the
Bowman County Pioneer
November 27, 2026

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS BOWMAN COUNTY, BOWMAN, NORTH DAKOTA**

The Board of County Commissioners met immediately following the Bowman County Planning and Zoning Meeting on October 29, 2026, with the following present: Pine Abrahamson, Rick Braaten, Josh Buchmann, Jerid Janikowski, and Nathan Miller. Chairman Braaten called the meeting to order at 7:07 PM. Guests present: Bowman County State's Attorney Andrew Weiss, Bowman County Assistant State's Attorney Aaron Roseland, Paralegal Truman Hamburger, Planning and Zoning Director Jodi Freier. Complete list of guests available in the Bowman County Auditor's office.

Abrahamson moved to approve the following resolution:

WHEREAS, N.D.C.C. Chapter 11-33 authorizes county zoning consistent with a comprehensive plan and applicable law to protect public health, safety, property, and welfare;

WHEREAS, dedicated data centers, cryptocurrency mining, and artificial intelligence computing facilities may create land-use concerns involving noise, utilities, water, drainage, traffic, emergency response, neighboring uses, and site restoration; and

WHEREAS, the Board acknowledges the prior approximately four-year moratorium and the need for specific findings supporting any additional restriction while permanent standards are completed;

NOW, THEREFORE, BE IT RESOLVED BY THE BOWMAN COUNTY BOARD OF COMMISSIONERS:

Section 1 Covered facilities and exclusions

Covered facilities include buildings or installations principally housing dedicated computing equipment for centralized data storage, processing, hosting, or artificial intelligence or machine-learning training or operation; and installations of dedicated cryptocurrency mining or computational blockchain-validation equipment other than incidental computing excluded below. Coverage includes modular, containerized, temporary, and pilot facilities and their integral support equipment, regardless of name, ownership, accessory-use designation, or energy source.

Excluded uses are ordinary household and office computing; cryptocurrency ownership, trading, and payments; software or research offices without dedicated computing facilities; ordinary telecommunications equipment; and internal server rooms subordinate to and serving only another lawful principal use. State-protected farming and ranching remain protected; agricultural location alone does not exempt a covered facility.

Section 2 Temporary restrictions

During the operative period, no person may establish, construct, install, relocate, or convert property to a covered facility, or expand one beyond its lawful or legally protected approved scope. Expansion includes added computing space or capacity that increases maximum electrical demand, cooling, water demand, or offsite noise. The County shall not approve land-use applications authorizing such development, including pending applications.

Section 3 Existing uses rights and applications

Lawful existing uses may continue under N.D.C.C. Section 11-33-13. Valid approvals and rights protected by law shall be honored to their protected extent, including rights lawfully acquired before this Resolution becomes effective. Maintenance, repair, replacement without expansion or increased land-use impacts, and necessary safety work may proceed under otherwise required approvals.

Staff shall accept and retain applications, provide written notice of this Resolution and available relief, and comply with nonwaivable decision deadlines. This Resolution does not toll statutory deadlines or authorize indefinite inaction.

Section 4 Planning schedule and automatic expiration

The Planning and Zoning Board, Zoning Administrator, and State's Attorney shall prepare permanent standards, with a properly noticed planning hearing and recommendation.

Section 5 Effective date hearings and relief

This Resolution shall become effective only upon completion of the applicable notice, hearing, filing, publication, and separate-hearing procedures required by N.D.C.C. Chapter 11-33, including Sections 11-33-08 through 11-33-10. The County Auditor shall arrange the required filing and publication.

The moratorium shall expire May 31, 2027, unless sooner repealed or superseded by effective permanent regulations adopted through the required procedures. It shall not renew automatically.

Section 6 Enforcement and severability

The Zoning Administrator shall administer this Resolution using enforcement remedies authorized by law. Other lawful zoning requirements remain applicable. Invalid provisions or applications are severable, without diminishing the fixed sunset, lawful-effectiveness requirements, or legally protected rights.

Miller seconded the motion. A roll call vote was taken with all members voting yes. Motion carried.

Janikowski moved to approve the following resolution:

WHEREAS, the Bowman County Board of Commissioners has received a recommendation from the County Zoning Board to establish a temporary moratorium on large battery energy storage systems;

WHEREAS, the Board supports the orderly development of energy storage technology while protecting public health, safety, neighboring property, agricultural uses, and the general wel-

fare of Bowman County;
WHEREAS, large battery energy storage installations warrant consideration of appropriate locations, setbacks, fire protection, emergency access and response, noise, environmental protection, and decommissioning requirements;
WHEREAS, the Board acknowledges the prior approximately six year moratorium and the need for specific findings supporting any additional restriction while permanent standards are completed;
WHEREAS, a limited period of study will allow the County to evaluate its existing zoning regulations and develop any amendments necessary to address these considerations; and
WHEREAS, the Board intends to preserve ordinary local use of batteries for homes, farms, ranches, businesses, and public facilities while temporarily suspending development of larger

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installations subject to County zoning authority;
NOW, THEREFORE, BE IT RESOLVED BY THE BOWMAN COUNTY BOARD OF COMMISSIONERS:
Section 1 Covered systems and minimum capacity
For this Resolution, a covered battery energy storage system means a stationary installation that stores electricity in rechargeable batteries for later use or delivery and has an aggregate manufacturer-rated nameplate energy storage capacity of one megawatt-hour or greater, unless exempt under Section 2.
Capacity shall include all batteries forming a single project, including commonly controlled phases on the same or contiguous parcels. Dividing a project among enclosures, applications, or phases does not avoid this threshold.
Section 2 Exempt local and accessory uses
This moratorium does not apply to:
a. Systems with an aggregate energy storage capacity below 1 MWh.
b. Systems of any capacity serving primarily the on-site electrical needs of a lawful residence, farm, ranch, business, or public or institutional facility, including backup power, solar self-consumption, and management of on-site electrical demand. Incidental export or participation in utility programs does not alone defeat this exemption. A commercial storage project is not exempt merely because it occupies farm or business property or supplies incidental on-site power.
c. Batteries integral to vehicles, agricultural or construction equipment, portable equipment, consumer products, or ordinary uninterruptible power supplies for computers, communications, alarms, or emergency equipment.
These exemptions apply only to this moratorium and do not excuse compliance with otherwise applicable law.
Section 3 Temporary moratorium
Within areas subject to Bowman County zoning jurisdiction, construction, installation, or establishment of new covered systems, and expansions that create or enlarge a covered system, are temporarily prohibited. The County shall suspend substantive review and approval of related zoning applications and shall not issue authorizations permitting such development during the

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moratorium, except as required by law and subject to Section 6.
Section 4 Study and recommendations
The County Zoning Board shall review appropriate siting and development standards, consult with local fire and emergency response officials and other relevant agencies, and submit recommendations to the Board of County Commissioners before expiration of the moratorium. The review should address setbacks, access, emergency planning, environmental protection, decommissioning, and financial assurance as appropriate.
Section 5 Effective date and duration
This Resolution shall become effective only upon completion of the applicable notice, hearing, filing, publication, and separate-hearing procedures required by N.D.C.C. Chapter 11-33, including Sections 11-33-08 through 11-33-10. The County Auditor shall arrange the required filing and publication.
The moratorium shall expire May 31, 2027, unless sooner repealed or superseded by effective permanent regulations adopted through the required procedures. It shall not renew automatically.
Section 6 Existing uses and hearing rights
This Resolution does not prohibit continued operation of a system lawfully existing when this Resolution is adopted, or its ordinary maintenance, repair, or replacement without increased capacity. It does not impair vested rights protected by law or regulate property beyond the County's lawful zoning jurisdiction.
Any person aggrieved by this Resolution may, within thirty (30) days after its first publication, file with the County Auditor a written petition specifying the grounds of objection and requesting a separate hearing before the Board pursuant to N.D.C.C. Section 11-33-10. Other applicable hearing and appeal rights are preserved.
If any provision or application of this Resolution is held invalid, the remaining provisions and lawful applications shall remain in effect.
Buchmann seconded the motion. A roll call vote was taken with all members voting yes. Motion carried.

At 7:10 PM, Janikowski moved to adjourn the meeting, Buchmann seconded the motion, and upon a vote, the motion was carried unanimously.

Rick Braaten, Chairman, Board of County Commissioners
ATTEST: Mindy Schumacher, Bowman County Auditor