

Morton County Commission Meeting Agenda

November 26, 2019

Commission Room, Morton County Courthouse

210 2nd Ave NW, Mandan ND

5:30 PM

Call to order

Roll Call

Approval of Agenda

Approval of minutes for previous meetings

Approve monthly bills and payroll – Commissioner Buckley

1. Gabrielle Goter/MC Assistant States Attorney
 - Morton County Asset Forfeiture Fund and Procedure Policy
2. William Schafer/MC Tax Director
 - Abatements for board consideration
3. Natalie Pierce/MC Planner
 - Request from Darrel and Audrey Spencer to vacate a portion of section-line right of way between NW¼ Section 14- and SW¼ Section 11, Township 140N, Range 83W that would otherwise run through the center of the recently approved Spencer Subdivision.
 - Request from Clyde Pflieger to vacate a portion of Second Avenue right of way and a portion of the alley in Block 5, Michael's Addition to Judson, to support the recently approved Clyde Subdivision.
 - Request from John and Janell Morman for a short-form subdivision known as **Morman Subdivision** and a zoning map amendment from Agricultural (A) to Residential (R) on approx. 3.26 acres in NE¼ Section 33, Township 140N, Range 88W, Morton County.
 - a. **Summary:** the subdivision is located west of Highway 49, approximately 2.5 miles north of Interstate 94 near Glen Ullin. The applicants intend to divide one residential lot for purposes of financing construction of a home.
 - b. **P&Z Commission Recommendation:** approve
 - Request from Calista Bahm for a short-form subdivision known as **Bahm Family Farm Subdivision** and a zoning map amendment from Agricultural (A) to Residential (R) on approx. 1.91 acres in SE¼ Section 30, Township 140N, Range 82W, Morton County.
 - a. **Summary:** the subdivision is located north of 35th street, approximately 3 miles west of Highway 25. There are currently two residences on the property. The applicants intend to divide one residential lot to create separate lots for the two homes for purposes of estate planning.
 - b. **P&Z Commission Recommendation:** approve
 - Request from Fred and Arlene Berger for a short-form subdivision known as **Missouri West Water At High Chaparral**, a zoning map amendment from Agricultural (A) to Estate (E), and a variance for non-conforming lot, on approx. 2.98 acres in S½ Section 17, Township 138N, Range 81W, Morton County.

- a. **Summary:** the subdivision is located north of Co Rd 138, 1.5 miles west of Mandan airport. The applicants intend to divide two lots – one lot for the existing Missouri West Water Tower of 2.22 acres and one non-conforming lot for a utility hut for Bek Communications of 0.23 acres.

The small utility use is not listed in the use table within the Morton County Land Use Code. Because of the infrequency with which small utility uses arise in the County, and because consideration of the unique neighborhood context is an important factor for siting such facilities, staff directed the applicant to use the variance process for permitting the facility.

The proposed utility uses are being consolidated adjacent to each other, they will serve the future phases of the High Chaparral development, and they are compatible with surrounding land uses.

- b. **P&Z Commission Recommendation:** approve the short-form subdivision, zoning map amendment from Agricultural to Estate District, and the variance request to create a non-conforming lot.
- Request from Joel, Penny and Dylan Wolf for a short-form subdivision known as **Joel Wolf Subdivision**, a zoning map amendment from Agricultural (A) to Residential (R), and a variance for reduction of required right-of-way dedication, on approx. 36.41 acres in S½ Section 21, Township 139N, Range 83W, Morton County.
 - a. **Summary:** see staff report attached.
 - b. **P&Z Commission Recommendations:**
 - i. Deny the variance request.
 - ii. Approve the short-form subdivision and zoning map amendment with the condition that the plat be revised to include 17 feet of additional right-ofway instead of the 7 feet that was included on the plat submission.
 - c. **Suggested motions:**
 - i. I move to deny the variance request to reduce the amount of right-ofway associated with the Joel Wolf Subdivision plat from 17 feet to 7 feet as the hardships cited by the applicants do not rise to the level of an extraordinary hardship, do not deprive the landowners of a reasonable use of the property, and do not otherwise fulfill the approval criteria established in Section 10-060(a) of the Morton County Land Use Code.
 - ii. I move to approve the final plat of the short-form subdivision known as Joel Wolf Subdivision and a zoning map amendment from Agricultural (A) District to Residential (R) District, with the condition that the plat be updated to include 17 feet of additional right-of-way (for a total of a 50foot corridor, measured from centerline of the road) as the subdivision conforms to all the remaining regulations established in Article 7 of the Morton County Land Use Code and as the subdivision is not in violation of Policy 1.1.2 of the 2045 Comprehensive Plan.

- Letter from P&Z and County Commission chairmen regarding stance on Fort Abraham Lincoln State Park viewshed protection.
 - a. **Summary:** public hearings were held in July and September regarding the possible adoption of a Fort Abraham Lincoln viewshed protection overlay district into the Morton County Land Use Code. Consensus of the Planning & Zoning Commission at the September meeting was that the best course of action would be to allow time to investigate the appetite of state agencies to advocate for funds to be allocated to purchase land or scenic easements within the viewshed area. At the November 21 regular Planning and Zoning Commission meeting, the Commission discussed the content of a letter intended to notify Fort Lincoln St Park stakeholders/state agencies that Morton County is not in a position to preserve the viewshed via regulatory means.
 - b. **P&Z Commission Recommendation:** send the letter included in your packet, with any suggested changes, to the agencies and individuals listed.

- Dawn Rhone/MC Auditor

*ISSUES MAY BE ADDED OR DELETED BY MEETING DAY.