

THE MORTON COUNTY PLANNING AND ZONING COMMISSION MINUTES
MAY 22, 2024 MEETING MINUTES

Chairman Kist called the Morton County Planning and Zoning Commission meeting to order at 5:30P.M. May 22, 2024, in the Morton County Commission Room, 210 2nd Ave NW, Mandan, North Dakota. Commissioners present were Zachmeier, Buckley, Tomac, Rohr, Ell Jr and Wald. Also present were County Planner Natalie Pierce and Auditor Deputy Eckroth. Absent Braun & Berger.

Rohr moved and Tomac seconded to approve the agenda. All voting aye, motion carried.

April 24, 2024 Minutes will be approved at the next regular meeting.

Chairman Kist opened the Public Hearing – request from Todd & Kelly Heid and Edward & Charlotte Thiel for the final plat of a short-form subdivision known as Kuch Subdivision and a zoning map amendment from Agricultural to Residential District on approximately 20 acres in the NE $\frac{1}{4}$ of Section 32, Township 138N, Range 87W, Morton County.

Buckley moved and Rohr seconded to recommend approval of the plat of the short-form subdivision known as Kuch Subdivision and a zoning map amendment from Agricultural to Residential, as the subdivision conforms to the regulations established in Article 7 of the Morton County Land Use Code and conforms to the land use priorities established in the 2045 Comprehensive Plan. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Gary and Lahna Kraft for the final plat of a long-form Subdivision known as Spring Butte Subdivision and a zoning map amendment from Agricultural to Limited Industrial on approximately 3.71 acres in the NE $\frac{1}{4}$ Section 6, Township 138N, Range 87W, Morton County

Rohr moved and Tomac seconded to approve the final plat of the long-form subdivision known as Spring Butte Subdivision and a zoning map amendment from Agricultural to Limited Industrial the subdivision conforms to the regulations established in Article 7 of the Morton County Land Use Code, is located on a major county road, and is not in conflict with surrounding land uses. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Virginia Ernst for the final plat of a short-form subdivision known as Ranch 101 Subdivision and a zoning map amendment from Agricultural to Residential on Lot 1 and Agricultural Estate on Lot 2 on approximately 7.83 acres in the W $\frac{1}{2}$ of Section 28, Township 136N, Range 80W, Morton County.

Buckley moved and Ell Jr seconded to recommend approval of the plat of the short-form subdivision known as Ranch 101 Subdivision and a zoning map amendment from Agricultural to Residential on Lot 1 and Agricultural to Estate on Lot 2, as the subdivision conforms to the regulations established in Article 7 of the Morton County Land Use Code and conforms to the land use priorities established in the 2045 Comprehensive Plan. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Knife River and Bruce & Nancy Morman for a special use permit for aggregate extraction on approximately 48.5 acres in the S ½ of Section 1, Township 138N, Range 89W, Morton County.

Rohr moved and Tomac seconded to recommend approval of a special use permit to allow extraction of borrow material from S ½ Section 1, Township 138N, Range 89W, on the west side of Highway 49, as the site lets out directly onto the highway being improved and is not in conflict with neighboring land uses, with the following conditions:

1. Permit shall be valid through December 20, 2024.
2. Hours of operation shall be limited to 6am – 9pm.
3. Applicant shall control dust as directed by the County Engineer
4. All other aspects of the project shall be carried out as detailed in the project narrative submitted as part of the application by the applicant.

Chairman Kist opened the Public Hearing – request from Ken & Pam Tokach and Johnny & Elizabeth Duran for the final plat of a long-form Subdivision known as Tokach Timberhaven Third Subdivision on approximately 7.84 acres in the NE ¼ Section 8, Township 137N, Range 80W, Morton County.

Buckley moved and Rohr second to recommend approval of the final plat of the long-form subdivision, known as Tokach Timberhaven Third Subdivision, as the proposed subdivision reduces the overall zoning non-conformity of the properties and establishes legal access to a paved public right of way for each of the lots within the subdivision. All voting aye, motion carried. All voting aye.

Chairman Kist opened the Public Hearing – resolution for Morton County to be a co-applicant under Lewis & Clark Development Group for a ND Regional Livestock Development and Planning Grant.

Rohr moved and Zachmeier second to recommend to the Morton County Commission the approval of Resolution No. PZ24-13 A Resolution of the County of Morton, North Dakota, and Lewis & Clark Regional Council for purpose of acceptance of Regional Livestock Planning Grant. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – first reading of Resolution 30-2024-02 A Resolution of the County of Morton, North Dakota, impose a Moratorium to impose a moratorium on the development of all carbon dioxide direct air capture and sequestration facilities until zoning standards can be developed for said use.

Dawn Sheperd shared some concerns with the wording of the resolution.

Representative from Retracks expressed concerns with the proposed Moratorium on carbon dioxide direct air capture and sequestration facilities that Morton County is considering adoption.

A Landowner partnering with Retrack is against the moratorium as it will delay the project, stated that landowner should be able to do what they want with their land to farm or partner with Retrack.

Staff will check with State's Attorney on the language changes and uses to Resolution 30-2024-02 and striking all references of Cryptocurrency with a second reading in June and a separate Resolution for cryptocurrency in June 2024 and a second in July 2024.

Rohr moved and Buckley seconded to adjourned the meeting at 7:18pm.