

THE MORTON COUNTY PLANNING AND ZONING COMMISSION MINUTES

Chairman Kist called the Morton County Planning and Zoning Commission meeting to order at 5:30 P.M. December 28, 2023, in the Morton County Commission Room, 210 2nd Ave NW, Mandan, North Dakota. Commissioners present were Zachmeier, Buckley, Berger, Tomac, Ell Jr., Rohr and Wald (Virtually). Also present were County Planner Natalie Pierce and Deputy Auditor Eckroth. Absent Braun.

Ell Jr. moved and Buckley seconded to approve the agenda. All voting aye, motion carried.

Buckley moved and Tomac seconded to approve the minutes from November 16, 2023. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Dallas Schaff for the final plat of a short-form subdivision known as Dallas Second Subdivision and a zoning map amendment from Agricultural to Residential on 24.05 acres in the NW ¼ of Section 29, Township 139N, Range 88W, Morton County.

Buckley moved and Rohr seconded to recommend to County Commission approval of the final plat of a short-form subdivision known as Dallas Second 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 Jerald and Ardyce Quam and Norman and Salley Frederick for the final plat of a short-form subdivision known as Quam Subdivision and a zoning map amendment from Agricultural to Residential on 6.33 acres in the NW ¼ of Section 34, Township 138N, Range 81W, Morton County.

Ell Jr. moved and Tomac seconded to recommend to County Commission approval of the final plat of a short-form subdivision known as Quam 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 Rick & Kathy Sturn for the final plat of a short-form subdivision known as Sturn 3rd Subdivision and a zoning map amendment from Agricultural to Residential on 2.91 acres in the SW ¼ of Section 13 and NW ¼ Section 24, Township 139N, Range 84W, Morton County.

Chairman Kist opened the Public Hearing – proposed section line vacation associated with Sturn 3rd Subdivision on 2.91 acres in the SW ¼ of Section 13 and NW ¼ Section 24, Township 139N, Range 84W, Morton County.

Zachmeier moved Rohr seconded to recommend to County Commission approval of the petition to vacate 1125' of section line between Section 13 and Section 24, Township 139N, Range 84W as the section line is not traversable due to terrain constraints and is not currently being used. All voting aye, motion carried.

Buckley moved and Rohr seconded to recommend to County Commission approval of the final plat of a short-form subdivision known as Sturn 3rd 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 WW Ranch LLP for the preliminary plat of a long-form subdivision known as Harmon Village 23rd and a zoning map amendment from Agricultural to Residential on 19.95 acres in the W ½ Section 12, Township 140N, Range 82W, Morton County.

Ell Jr. moved Zachmeier seconded to recommend approval of the preliminary plat of a long-form subdivision known as Harmon Village 23rd 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 for the preliminary plat of a long-form subdivision known as Riverfront Estates and a zoning map amendment on 30.12 acres in the W ½ Section 30, Township 138N, Range 80W, Morton County.

Rohr moved Buckley seconded to approval of the preliminary plat of a long-form subdivision known as Riverfront Estates and a zoning map amendment from Residential to Estate on Lot 6 only, with the below changes and conditions, as the subdivision conforms to the regulations established in Article 7 of the Morton County Land Use Code and reasonably conforms to the land use priorities established in the 2045 Comprehensive Plan.

Condition: Lot 5 will be ineligible to obtain building permits for any new structures or for any improvements that would expand the footprint of the existing house.

Modifications to the proposed plat:

1. The applicant should work with staff to sort out how to modify Lots 9, 10 and 11.
2. Modify Lot 12 and lot 13 so that Lot 12 increases in size by at least 1/2 acre, and the size of Lot 13 is reduced by that same amount.

Voting aye, Buckley, Berger, Rohr, Tomac, Wald and Ell Jr., voting nay Zachmeier and Kist, motion carries.

Chairman Kist opened the Public Hearing – request from Dianne Knell and Dave & Joy Fischer for a variance to construct a shop addition on approximately .8 acre on Lot 2 Block 2 Schlosser's 4th Subdivision, N ½ Section 33, Township 140N, Range 81W, Morton County.

Zachmeier moved to recommend to County Commission to deny the request from Dianne Knell and Dave & Joy Fischer for a variance 40' setback located at 8660 Willow Rd N due to the lack of hardship and a violation of covenants which is on file at the County Records and is located in the floodplain govern by FEMA regulations.

Motion fails due to the lack of a second.

Rohr moved Buckley seconded to recommend to County Commission to grant the variance request from Dianne Knell and Dave & Joy Fischer to construct a shop addition on 0.8 acres on Lot 2, Block 2, Schlosser's 4th Addition, N ½ Section 33, Township 140N, Range 81W, Morton County, including stipulations as discussed, as presented, with no shop sink, no floor drain, and any other specifics that would be attached to allowing this variance, also includes no more than 15 foot encroachment into the setback.

Voting aye, Rohr, Tomac, Wald, Ell Jr., Buckley, Berger and Kist, voting nay, Zachmeier. Motion carries.

Ell Jr. moved and Rohr seconded to adjourn the meeting at 9:38pm. All voting aye, motion carried.