

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. January 24, 2024, in the Morton County Commission Room, 210 2nd Ave NW, Mandan, North Dakota. Commissioners present were Zachmeier, Buckley, Berger, Tomac, Ell Jr., Rohr, Braun and Wald. Also present were County Planner Natalie Pierce and Auditor Rhone.

Buckley moved and Braun seconded to approve the agenda with amendments. All voting aye, motion carried.

Zachmeier moved and Rohr seconded to approve the minutes from December 28, 2023 with corrections. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Jean Bechhold for the plat of a subdivision known as Bechhold Subdivision and a zoning map amendment from Agricultural to Limited Industrial and Estate District on 30 acres in the NW ¼ of Section 8, Township 139N, Range 87W, Morton County.

Buckley moved and Braun seconded to recommend approval of the plat of a subdivision known as Bechhold Subdivision and a zoning map amendment from Agricultural to Limited Industrial on Lot 1 Block 1 and from Agricultural to Estate District on Lot 2 Block 1, 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 – amendments to Section 3-060 Viewshed Protection Overlay District of the Morton County Land Use Code, affecting Sections 13, 14, 23 and 24, Township 138N, Range 81W, Morton County.

Cody Schulz Director of North Dakota Parks and Recreation Department spoke on behalf of the ND Parks and Recreation Department, formally opposing the proposed land use code amendment. ND P&R does not support a regulatory approach to mitigating viewshed disruptions. Instead ND P&R intends to carry out a tree planting strategy, in voluntary cooperation with neighboring landowners.

County Planner Pierce read a statement submitted by Allison Humble on behalf of Linda Morrow Schauer, as the land owners were unable to attend the meeting. Ms. Schauer owns land adjacent to Ft Lincoln and is strongly opposed to the amendment.

County Planner Pierce stated that adjacent land owner Cheryllyn Schmidt, who was unable to attend the meeting, called staff prior to the meeting to express opposition to the land use code amendment and request that the County only make a decision on the matter at a time that Ms Schmidt was available be present at the meeting.

Resident Jacob Hertz, not sure what the Planning & Zoning Board wants – he understands the ND Park & Recreation Dept. is satisfied with trees to keep the peace more or less. How much further is Morton County going to push it. Mr. Hertz feels a meeting needs to be held between ND Parks & Recreation, Morton County and the Landowners. It seems like every time we come back to this subject it keeps changing.

Planner Pierce explains the moratorium. If you are abiding by the moratorium, you can get a building permit but you have to hire a surveyor to certify that you can't see it from the two points in Cavalry Square and the Blockhouse.

Cody Schulz, ND Park & Recreation, reiterated that ND Parks & Recreation Dept would be comfortable if the moratorium were to be lifted and the proposed land use code amendment would not be adopted. Parks is confident that policy safe guards are in place if larger developments are proposed within the viewshed area in the future.

Zachmeier moved Rohr seconded to direct the Planning and Zoning Director to develop the proper language to remove the building moratorium within the identified viewshed of Ft Lincoln State Park, and bring it back to the Board for consideration, as the State of North Dakota does not want Morton County to regulate the viewshed. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from the Joseph & Jan Vogel Trust for the final plat of a short-form subdivision known as Ingalls Subdivision and a zoning map amendment from Agricultural to Residential on 19.57 acres in the SE ¼ of Section 15, Township 139N, Range 82W, Morton County.

Wald moved and Ell Jr seconded to recommend County Commission approve the final plat of a short-form subdivision known as Ingalls 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 final 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, Wald seconded to approve of the final plat of a long-form subdivision known as Riverfront Estates and a zoning map amendment from Residential to Estate on Lot 6 only, and with the condition that any new structures on Lot 5 beyond the existing building footprints will be subject to review by Western Plains Public Health, 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. All voting aye, motion carried.

Discussion: review of Honey Hills Estates Second revised plat layout to conform to direction from ND DOT for the reconfiguration of the intersection between Highway 1806 and Square Butte Rd, and also a shared access easement for Lots

Ell Jr moved and Berger seconded to approve the revised plat. All voting aye, motion carried.

Chair Kist turns over the chair to Planner Pierce to preside over election of officers.

Braun moves and Ell Jr. seconds to nominate Jesse Kist for Chair.

Zachmeier moves and Tomac seconds that all nominations cease and cast a unanimous ballot for

Kist as Chair. All voting aye, motion carried.

Tomac moves and Berger seconds to nominate Dennis Rohr for Vice-Chair.

Zachmeier moves and Ell Jr. seconds that all nominations cease and cast a unanimous ballot for Rohr as Vice-Chair. All voting aye, motion carries.

Ell Jr. moved and Rohr seconded to adjourn the meeting at 7:28pm. All voting aye, motion carried.