

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. November 17, 2022, in the Morton County Commission Room, 210 2nd Ave NW, Mandan, North Dakota. Commissioners present were Buckley, Rohr, Wald, Braun, Tomac and Zachmeier also present were County Planner Natalie Pierce. Absent Helm.

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

Buckley moved and Braun seconded to approve the minutes of October 27, 2022. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Garrett Schultz the final plat of a short-form subdivision known as Bogey Acres and a zoning map amendment from Agricultural to Residential on 4.3 acres in the SW ¼ of Section 13, Township 139N, Range 85W, Morton County.

Zachmeier arrives at 5:35pm.

Buckley moved and Wald seconded to recommend approval of the final plat of the short-form subdivision known as Bogey Acres and a zoning map amendment from Agricultural to Residential district, 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 Flat Rock Wind Project LLC for a Special Use Permit to construct on tilt-up meteorological tower on each of two sites:

- Darrin Hoger: SE ¼ of Section 3, Township 140N, Range 84W, Morton County (heights 267 feet)
- Russell Hoesel & Wayne Hoger: SW ¼ of Section 27, Township 140N, Range 84W, Morton County (height 198 feet)

Buckley moved and Braun seconded to approve a special use permit for Flat Rock Wind Project LLC for a MET Tower to be installed on the Darrin Hoger property located in the SE ¼ of Section 3, Township 140N, Range 84W, Morton County as presented by staff, with the following conditions:

- Tower height shall not exceed 267 feet
- The term of the SUP shall be 5 years
- Placement of the tower is allowed to vary as long as the tower meets all County setback requirements, is placed within the boundary of the subject property, and is located no farther than 365 feet distant from the x,y coordinates proposed in the application.

All voting aye, motion carried.

Buckley moved and Braun seconded to approve a special use permit for Flat Rock Wind Project for a MET Tower to be installed on the Russell Hoesel & Wayne Hoyer property located in the SW ¼ of Section 27, Township 140N, Range 84W, Morton County as presented by staff, with the following conditions:

- Tower height shall not exceed 198 feet
- The term of the SUP shall be 5 years
- Placement of the tower is allowed to vary as long as the tower meets all County setback requirements, is placed within the boundary of the subject property, and is located no farther than 365 feet distant from the x,y coordinates proposed in the application.

All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Knife River the final plat of a short-from subdivision known as Marmot 2nd Subdivision, on 84.38 acres, and a zoning map amendment from Agricultural to Industrial on 28.24 of those acres in the S ½ of Section 25, Township 139N, Range 82W, Morton County.

Luci Snowden and Chris Kautz spoke during the public hearing on behalf of Knife River.

Pat Knoll and Mike Ulmer voiced their concerns regarding noxious weeds and what type of Industrial use may be located on Lot 2 if the lot is sold.

Zachmeier moved and Rohr seconded to recommend to send the Knife River request back to county staff for further consideration and to work with Knife River to possibly amend their application to discuss agricultural zoning as Morton County has directed.

Zachmeier and Rohr voting aye. Braun, Buckley, Tomac, Wald and Kist voting nay. Motion failed.

Tomac moved and Braun seconded to approve Marmot 2nd Subdivision and a zoning map amendment on Lot 1 Marmot 2nd Subdivision from Agricultural to Industrial and Lot 2 Marmot 2nd Subdivision remain in the Agricultural district, 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.

Voting aye Tomac, Wald, Rohr, Buckley, Braun and Kist, voting nay Zachmeier, motion carried

Braun moved and Tomac seconded to adjourn the meeting at 7:20 pm. All voting aye, motion carried.