

## 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 16, 2023, in the Morton County Commission Room, 210 2<sup>nd</sup> Ave NW, Mandan, North Dakota. Commissioners present were Zachmeier, Buckley, Braun, Tomac, Ell Jr., Rohr and Wald (Virtually). Also present were County Planner Natalie Pierce and Deputy Auditor Eckroth. Absent Berger.

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

Buckley moved and Ell Jr. seconded to approve the minutes from October 26, 2023. All voting aye, motion carried.

**Chairman Kist opened the Public Hearing** – request to allow a variance for construction of a cold-storage building in the 1 % chance special food hazard area in SE ¼ of Section 28, Township 139N, Range 82W, Morton County.

Zachmeier moved and Tomac seconded to recommend County Commission to waive the \$200 variance application fee regarding the structure at 2544 Lyons Rd, Mandan, due to a good faith reliance of a building permit that was issued by county staff.

Buckley moved and Braun seconded to recommend approval of the variance request to complete construction of a 30' x 70' cold storage structure on Lot N in the S ½ of Section 23, Township 139N, Range 82W, Morton County, for the following reasons and with the following conditions:

The County created a hardship for the applicants by granting a building permit in error and the applicant, in good faith reliance upon that permit, made significant expenditures toward completion of the structure.

1. Portions of the structure yet to be completed must include non-corrosive fasteners, and non-corrosive siding
2. The interior will not be finished
3. Flood vents must be installed according to the requirements in FEMA technical bulletins.
4. Applicants must record a deed restriction stating that the structure will never be converted or modified, in accordance with FEMA regulations for wet-floodproofed.

Ell Jr, moved and Tomac seconded to amend the motion to grant the variance as to what the minimum requirement FEMA requires. All voting aye, motion carries.

**Public Hearing** – amendment to the Morton County Land Use Code, possible addition of Section 3-060 Viewshed Protection Overlay District.

William Klein, representing Yvonne Klein. The railroad berm blocks the Klein property from view of the Fort. Has river front property and wants to subdivide. Property will be all but worthless if it becomes included in the proposed viewshed overlay district.

Jerry Schaff. In favor of State Parks' tree planting approach to viewshed protection.

Keith Larson. In favor of State Parks' tree planting approach. Imposition of the overlay district

will likely decrease all these property owners' property values by 30%. For many, their property represents their life savings. He thought this issue had been put to bed after the 2019 public hearings.

Keith Suchy. If there is going to be a Fort Lincoln viewshed overlay district, it should be cut off at Highway 1806.

Bob Wetsch. Agree with tree planting approach.

Darryl Dihle. stood on the roof of his home and couldn't see Cavalry Square from there. Agrees with tree planting idea.

Deb Larson. Went to Cavalry Square to look at the viewshed. She could not see her property from there. No one who attended the 2019 public hearings spoke in support of a viewshed restriction overlay district. She thought this idea was closed during those hearings and does not want to come back to any more meetings to defend her property.

Planning & Zoning Board consensus: is to look at the moratorium draft send all comments to the Morton County Planner, evaluate a joint proposal to lift the moratorium, evaluate a land use amendment just for these properties on the west ridge line and present in January 2024.

**Public Hearing** -amendment to the Morton County Land Use Code, Article 9 Building Code re: sheds.

Planning Board consensus: to get information from the Tax Director and bring back to Planning and Zoning Board.

**Public Hearing** - amendment to the Morton County Land Use Code, Section 2-210-Dimensional Table, maximum size for accessory structures Residential districts.

Planning Board consensus: take no action on the amendment to the Morton County Land Use Code, Section 2-210-Dimensional Table, maximum size for accessory structures residential districts.

Tomac moved and Ell Jr. seconded to adjourn the meeting at 8:37 pm. All voting aye, motion carried.