

THE MORTON COUNTY PLANNING AND ZONING COMMISSION MINUTES

Chairman Kist calls the Morton County Planning and Zoning Commission meeting to order at 5:38 P.M. January 26, 2023, in the Morton County Commission Room, 210 2nd Ave NW, Mandan, North Dakota. Commissioners present were Buckley, Berger, Kist, Rohr, Tomac, Wald and Zachmeier. Also present was County Planner Natalie Pierce. Absent Braun.

Zachmeier moves and Buckley seconds to approve the agenda with the change of moving the election of officers from fourth to first on the agenda. All voting aye, motion carries.

No minutes were provided in the meeting packet. By consensus the board elected to review and approve minutes from the December 2022 meeting at the next regular Planning & Zoning Commission meeting.

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

Zachmeier moves and Wald seconds to nominate Jesse Kist for Chair.

Buckley moves and Zachmeier seconds that all nominations cease and cast a unanimous ballot for Kist as Chair. All voting aye, motion carries.

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

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

Planner Pierce presents information regarding Honey Hills Estates First.

Mark Isaacs (consultant to the applicants) presents information and answers questions from the Board.

At 43 minutes Chairman Kist opens the Public Hearing for Honey Hills Estates First

Members of the public Erin Hehr, Jesse Hehr, Rhonda Stark, Jared Turner, and John Hendrickson speak of concerns about preservation of agricultural land, impacts to over-crowded schools, stormwater, soil types facilitating septic system infiltration outside the boundary of the proposed subdivision, traffic impacts, the commercial lot not being appropriate for the location, and questions and concerns about the impact to a rural water system that has already demonstrated pressure/flow issues in some areas of the system.

Abe Ulmer (consultant to the applicant group) provides information about the engineering work involved in the project and potential approaches to resolving concerns.

Randy Rhone (co-applicant) speaks to the merits of the proposal.

Chairman Kist closes the public hearing. Discussion among the board and Planner Pierce.

By consensus of the Board, presentation, public hearing and discussion will take place on Honey Hills Estates Second before voting on either subdivision.

At 1 hour, 40 minutes Chairman Kist calls for a 5 minute break.

Presentation by Planner Pierce regarding Honey Hills Estates Second. Abe Ulmer and Mark Isaacs answer questions from the Board.

Chair Kist points out that a USGS blue line stream runs across a portion of the proposed Honey Hills Estates Second and conjectured that it may be considered part of the waters of the U.S. He asks the surveyor if the applicant will be submitting a letter to the USACE for jurisdictional determination. The surveyor stated that that action is part of developing a stormwater management plan and would be completed prior to the final plat.

At 2 hours, 24 minutes Chairman Kist opens the Public Hearing for Honey Hills Second

Dan Dorfschmidt speaks about private property rights, protecting the viewshed and native prairie lands, concerns about potential conflict having hunting activities on his property and neighbors in close proximity, and request that stormwater be directed toward 1806 and not onto his property. He also submits a letter of opposition to the development from the board of North American Versatile Hunting Dog Association to the Planning & Zoning Commission.

Jesse Hehr states that the terrain of the subject property is protecting Highway 1806 from snow drifting. If the hill gets flattened that situation might change and it will take a while for a tree row to grow.

Wade Bachmeier, Chairman of the Morton County Water Resource District Board, states that given the current amount of stormwater drainage under the railroad tracks and the potential for additional drainage generated by the proposed development, he wants the County to protect against any areas east of the rail road tracks inadvertently becoming designated wetlands.

Abe Ulmer displays the existing, delineated wetlands map.

At 2 hours and 42 minutes, chairman Kist closes the public hearing.

Discussion amongst the board regarding Honey Hills Estates Second.

(official recording stopped at this point, as the disc space was full)

Discussion amongst the board regarding Honey Hills Estates First.

Zachmeier moves and Rohr seconds to approve the request from MBR Properties LLC and Ski Haven LLP for the preliminary plat of a long-form subdivision known as Honey Hills Estates First and a zoning map amendment and a zoning map amendment from Agricultural to Commercial district for Lot 1, Block 1 only, and from Agricultural to Residential district for all remaining lots on 46.85 acres in the NE¼ of Section 32 & NW¼ of Section 33, Township 140N, Range 81W, Morton County, 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, with the following conditions: 1) the applicant secure and develop two points of ingress and egress to serve the subdivision 2) the applicant develop a subdivision-wide potable water system to serve the lots within the subdivision.

Roll call vote. Voting aye: Berger, Rohr, Zachmeier, Kist. Voting no: Buckley, Tomac, Wald.

Rohr moves and Tomac seconds to deny the request from MBR Properties LLC and Ski Haven LLP for the preliminary plat of a long-form subdivision known as Honey Hills Estates Second and a zoning map amendment from Agricultural to Residential on 124.17 acres in the NE¼ of Section 32, Township 140N, Range 81W, Morton County, as the proposal does not support the land use priorities established in the 2045 Comprehensive Plan and due to limitations in Missouri West Water System capacity to serve the number of proposed lots.

Roll call vote. Voting aye: Buckley, Rohr, Tomac, Wald. Voting no: Berger, Zachmeier, Kist.

Presentation by Planner Pierce regarding the history of the Harmon Lake Dam Inundation Overlay District and request from the Morton County Water Resource District Board to extend the development moratorium within Zone 1 from April 30, 2023 to April 30, 2025.

Chairman Kist opens the public hearing.

Dan Price speaks about how the inundation zone infringes on personal property rights and the rights of future generations to develop the land and expressed his opposition to the moratorium extension.

Callin Brown speaks in opposition to the proposal. He states that he bought the Stryker property, thinking that he could construct a home on the property at the end of the current moratorium.

Craig Loestreter speaks in opposition to the proposal.

Zachmeier moves and Rohr seconds to recommend to the Morton County Commission to continue the moratorium on the construction of all habitable structures and structures with living quarters within Zone 1 of the Harmon Lake Dam Breach Zone Overlay District for an additional period of 2-years ending 04-30-2025 as the moratorium complies with NDCC 11-33-03 in that the moratorium protects and guides the development of non-urban areas, provides for emergency management, lessens government expenditures, conserves and develops natural resources, and provides for the North Dakota Department of Water Resources to establish future updated Dam Hazard Classifications. The moratorium complies with North Dakota State Engineer Construction Permit #1092. The moratorium does not prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming as required by NDCC 11-33.2-03.

Roll call vote. Voting aye: Berger, Buckley, Rohr, Tomac, Zachmeier, Kist. Voting no: Wald.

Tomac moves and Wald seconds to adjourn the meeting at 10:38 pm. All voting aye, motion carries.

Jesse Kist, Chairman _____

Dawn R Rhone, Secretary _____