

## THE MORTON COUNTY PLANNING AND ZONING COMMISSION MINUTES

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

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

Braun moved and Tomac seconded to approve the minutes from August 24, 2023 with corrections. All voting aye, motion carried.

**Vice Chairman Rohr opened the Public Hearing** – request from Jeff and Cheri Berger for the final plat of a short-form subdivision known as Lazy B Subdivision and a zoning map amendment from Agricultural to Residential (on lot 2 only) on 79.35 acres in the SW¼ of Section 19, Township 139N, Range 82W, Morton County.

Buckley moved and Braun seconded to recommend approval of the final plat of the short-form subdivision known as Lazy B Subdivision and a zoning map amendment from Agricultural to Residential district on Lot 2 only, 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.

**Vice Chairman Rohr opened the Public Hearing** – request from Scott and Donna Neumiller for the final plat of a short-form subdivision known as Neumiller Subdivision and a zoning map amendment from Agricultural to Residential on 13.64 acres in the NW¼ of Section 27, Township 138N, Range 84W, Morton County.

Ell Jr moved and Tomac seconded to recommend approval of the final plat of the short-form subdivision known as Neumiller Subdivision and a zoning map amendment Agricultural to Residential district, 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.

Wald moved and Braun seconded to recommend approval of a zoning map amendment from Residential to Agricultural district for 2.5 acres in the W ½ W ½ SW ¼ SW ¼ NW ¼ Section 27 Township 138N Range 84W, Morton County, upon recording of Outlot A, which will merge all lots in the NW ¼ less Neumiller Subdivision. All voting aye, motion carried.

**Vice Chairman Rohr opened the Public Hearing** – request from Marius and Claudia Nastase for a special use permit for two farm worker dwelling units in SW ¼ of SW ¼ of Section 25, Township 138N, Range 84W, Morton County.

Buckley moved and Wald seconded to recommend approval of a special use permit for two farm worker dwelling units on Outlot A in the SW ¼ of Section 25, Township 138N, Range 89W for a period of 2 years, as the residential structures are necessary for agricultural business operation,

the application complies with the standards for farm worker dwelling units established in Section 5-220 of the Morton County Land Use Code, and the use is compatible with surrounding agricultural land uses, with the condition that the applicants complete the following:

- 1) obtain approach permits and 911 addresses for both mobile homes before December 1, 2023.
- 2) apply to the Morton County Tax Equalization Department for building permits for the two mobile homes before December 1, 2023.
- 3) obtain permits for septic from Western Plains Public Health before December 1, 2023.
- 4) complete the installation of a conforming septic system or systems, as directed by Western Plains Public Health, by June 15, 2024.
- 5) install a permanent placard showing the 911 address on each structure.
- 6) install a permanent sign with each address number at the approach to the property. Numbers must be at least 4 inches tall and be of a reflective material.
- 7) re-level the mobile homes on an annual basis.

All voting aye, motion carried.

**Vice Chairman Rohr opened the Public Hearing** – amendment to the Morton County Land Use Code Section 5-180 Wind Energy Facility, regarding substation setbacks.

Buckley moved and Ell Jr seconded to recommend amendments to the Morton County Land Use Code Section 5-180 Wind Energy Facility, (4) Collector System Standards, D) Substations shall be set back from the nearest occupied dwelling a distance of not less than ½ mile (or 2,640 feet). This setback may be reduced or waived, if stated in writing, by both the owners and the inhabitants (if different from the owners) of the dwelling.

**Discussion** was held on the process for soliciting Water Board input on subdivision. Consensus was for staff to bring forward an amendment to the land use code stating that a hydraulic study could be required alongside long-form subdivisions.

Ell Jr moved and Wald seconded to adjourn the meeting at 6:49 pm. All voting aye, motion carried.