

THE MORTON COUNTY PLANNING AND ZONING COMMISSION MINUTES  
June 25, 2025

Chairman Kist called the Morton County Planning and Zoning Commission meeting to order at 5:30 P.M. June 25, 2025, 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., Berger, Wald. Also present were County Planner Natalie Pierce and Deputy Auditor Eckroth.

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

Braun moved and Berger seconded to approve the minutes from May 28, 2025. All voting aye, motion carried.

**Chairman Kist opened the Public Hearing** – request from Keenan & Sierra Pierce for the final plat of a short-form subdivision known Pierce Subdivision, a zoning map amendment from Agricultural to Residential, on approximately 1.57 acres in the NW1/4 of Section 6, Township 135N, Range 81W, Morton County.

Buckley moved and Braun seconded recommend approval of the final plat of the short-form subdivision known as Pierce 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 from Devon Burghart for the final plat of a short-form subdivision known Burghart Subdivision, a zoning map amendment from Agricultural to Residential, on approximately 13.51 acres in the NW1/4 of Section 12, Township 138N, Range 83W, Morton County.

Rohr moved and Tomac seconded to recommend approval of the final plat of the short-form subdivision known as Burghart 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 from Rick & Kathy Sturn et al for the final plat of a long-form subdivision known as Sturn 5th Subdivision, on approximately 159.07 acres in the SW ¼ Section 24, Township 139N, Range 84W, Morton County.

Ell Jr moved and Berger seconded to recommend approval of the final plat of a long-form subdivision known as Sturn 5th Subdivision, 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 the Baliles Trust et al for a final plat of a long-form subdivision known as Gwyther Fourth Subdivision and a zoning map amendment from Residential to Commercial (Lot 2 only), including the vacation of alleyways, on approximately 7.81 acres in the NW ¼ of Section 11, Township 135N, Range 79W, Morton County.

Ell Jr. moved and Berger seconded to recommend approval of the final plat of the long-form subdivision known as Gwyther Fourth Subdivision, and a zoning map amendment from Residential to Commercial for Lot 2 only, 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.

**Public Hearing:** Draft Morton County Land Use Code Amendment Section 5-300 Air Capture and Concentration Use.

Lacey Knight stated concerns. Road safety; setbacks should be at least 1 mile in addition to the noise modeling setbacks; when federal grants change or run out, how will the county ensure reclamation is carried out; county should require third party validation of noise and plume models; what criteria will the administrative review of the baseline noise study be based on.

Dawn Shepherd stated concerns. Title should reference CO<sub>2</sub> and direct air capture; this type of intense use doesn't belong in agricultural areas; is there enough CO<sub>2</sub> to pull out of the air; there should be a requirement for the applicant to inform easement holders about the project; who becomes liable for environmental impacts.

Lyle Peltz stated concern that there should be a minimum required buffer area around the reservoir

Eric Schultz asked why Morton County is addressing this land use. Where is the guarantee for reclamation when the government pulls funding/tax credits? Suggests requiring a fee for third party analysis of the plume and noise models.

Melissa Friesz stated her concern of how do neighbors escape if something happens.

Dawn Shepherd asked how will neighbors be notified if there is an emergency and what is the escape plan if there is an accidental release.

Del Hitchcock stated he is concerned that CO<sub>2</sub> is a small fraction of the ambient air and crops need it. If you pull it out of the air, how do you replenish it. He doesn't see the sense in the project.

Ron Gappert stated that the project will be a good project, a safe project and will protect the coal industry.

Morton County Emergency Manager responded to questions about emergencies associated with potential for accidental release of CO<sub>2</sub> on site. He encouraged the public to review the emergency management plan during the application process. And also encouraged the public to sign up for Code Red notifications.

Ell Jr. moved and Rohr seconded to adjourn the meeting at 7:24pm. All voting aye, motion carried.