

THE MORTON COUNTY PLANNING AND ZONING COMMISSION MINUTES
September 24, 2025

Chairman Kist called the Morton County Planning and Zoning Commission meeting to order at 5:31 P.M. September 24, 2025, in the Morton County Commission Room, 210 2nd Ave NW, Mandan, North Dakota. Commissioners present were Zachmeier, Buckley, Tomac, Berger, Ell Jr., Braun and Wald. Also present were County Planner Natalie Pierce and Deputy Auditor Eckroth.

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

Buckley moved and Ell Jr. seconded to approve the minutes from August 27, 2025. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Grant and Sherilyn Johnson for the final plat of a short-form subdivision known Vakkert Sted Second Subdivision, a zoning map amendment from Agricultural to Estate on approximately 11.12 acres in the NW ¼ of Section 2, Township 138N, Range 86W, Morton County.

Buckley moved and Berger seconded recommend approval of the final plat of the short-form subdivision known Vakkert Sted Second Subdivision a zoning map amendment from Agricultural to Estate, 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 – petition from Security First Bank, New Salem, ND to vacate Public Right of Way described as the South 40 feet of County Road 139 (Ash Avenue West) between 7th St North and 8th Street North in New Salem, ND, Morton County on approximately .34 acres in the NE ¼ of Section 4, Township 140N, Range 83W, Morton County.

Rohr moved and Tomac seconded recommend approval of the petition to vacate the south 40 feet of County Road 139/Ash Ave between 7th St N and 8th St N, New Salem, upon approval by the City of New Salem of a plat that incorporates the right of way into the existing lot owned by the petitioner. All voting aye, motion carried.

Chairman Kist opened the Public Hearing: request from DimeTime Feeders LLC for a special use permit for expansion of an existing animal feeding operation from 2,000 head to 5,000 head on approximately 320 acres in the S ½ of Section 4, Township 140N, Range 83W, Morton County.

Wyatt Larson, applicant spoke on behalf of the feedlot explaining the operation.

Janel Olson resident near the feedlot she has concerns with dust control and the speed limit but also implied the feedlot truckers have obeyed the speed limits and as for the dust control the feedlot truckers are not the only ones using the roads, she hopes the County would help with dust control.

Landowner to the north of the project, Schmidt, has concerns with depositing of animal carcasses and testing of ground water. Mr. Schmidt is not opposed of the feedlot. Planner Pierce directed

him to the ND DEQ.

Zachmeier moved and Buckley seconded recommend approval of a special use permit to the Morton County Commission to allow the expansion of an animal feeding operation from 2,000 head of cattle to 5,000 head of cattle, as the use does not violate required state setbacks from occupied residences and is within the spirit of Article 11 Section 29 of the North Dakota Constitution with the following conditions:

- The applicant shall provide a copy of the ND Department of Environmental Quality feeding operation permit and all required ND DEQ application materials, to the County Zoning Administrator at the time the application is submitted to ND DEQ.
- Special use permit shall not become active until the county receives a copy of an approved, expanded feeding operation permit from ND DEQ.
- If the facility falls out of compliance with any federal, state or local regulation, the permit shall be automatically suspended until the facility returns to compliance
- The applicant acknowledges the 80,000 lb weight limit on County Road 83 and understands that all overweight commercial traffic must obtain permits through LoadPass.

All voting aye, motion carried.

Chairman Kist opened the Public Hearing: request from Boulder Homes LLC for the preliminary plat of a long-form subdivision known as Maverick Estates Second Subdivision and a zoning map amendment from Agricultural to Residential on approximately 41.26 acres in the SE ¼ of Section 21, Township 138N, Range 81W, Morton County.

Ell Jr moved and Berger seconded to recommend approval of the preliminary plat of the long-form subdivision known as Maverick Estates Second 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 as the subdivision conforms to the policies established in the 2045 Comprehensive Plan. All voting aye, motion carried.

Commissioner Rohr leaves.

Chairman Kist opened the Public Hearing: Draft Morton County Land Use Code Amendment Section 5-300 Carbon Dioxide Collection Facility.

Dawn Shepard, stated Environmental Concerns; Stormwater, Emissions and Wildlife.

Patrick Martin EOC Manager, commenting on Shepard's concerns with emergency management evacuation plans for the Carbon Dioxide Collection Facility.

Melissa Friesz, stated concerns with animals, if something would happen to her herd because of the Carbon Dioxide Collection Facility who would be liable?

Buckley moved and Tomac seconded to recommend to County Commission the adoption of the Morton County Land Use Code Amendment Section 5-300 Carbon Dioxide Collection Facility. All voting aye, motion carried.

Chairman Kist opened the Public Hearing: Draft Morton County Land Use Code Amendment Section 5-400 Solar Energy Generation Facility.

Dawn Shepard shared her concerns.

Planning & Zoning Board consensus is to establish a subcommittee to work on the draft of Section 5-400 Solar Energy Generation Facility of the Morton County Land Use Code.

Braun moved and Tomac seconded to adjourn the meeting at 7:48 pm. All voting aye, motion carried.