

**The Morton County Planning & Zoning Commission**  
**Agenda for August 28, 2024**

Planning and Zoning meeting beginning at 5:30pm, located in the Morton County Commission room in the County Courthouse, 210 2<sup>nd</sup> Ave. NW, Mandan, ND. This meeting will also be available via the Go To Meeting platform via <https://www.gotomeet.me/MortonCounty/morton-county-planning--zoning-meeting> or dial +1 (646) 749-3122 and use access code: 242-435-693.

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda
- Approval of Minutes from the July 24, 2024 meeting

1. **Public Hearing:** request from Thomas & Janet Schmidt for the final plat of a short-form Subdivision known as Triangle S Acres, and a zoning map amendment from Agricultural to Residential, on approximately 4.45 acres in the NE<sup>1</sup>/<sub>4</sub> Section 18, Township 135N, Range 81W, Morton County.
2. **Public Hearing:** request from Scandinavian Evangelical Lutheran Church for the final plat of a short-form Subdivision known as Sims Cemetery Subdivision, and a zoning map amendment from Agricultural to Public/Institutional, on approximately 4.52 acres in the E<sup>1</sup>/<sub>2</sub> Section 14, Township 138N, Range 86W, Morton County.
3. **Public Hearing:** request from Glenn and Rodine Stastny for a special use permit for one farm worker dwelling unit on 115 acres in the S<sup>1</sup>/<sub>2</sub> Section 2, Township 137N, Range 81W, Morton County.
4. **Discussion:** formation of subcommittee to develop regulations to guide development of DAC facilities.

ISSUES MAY BE ADDED OR DELETED BY MEETING DAY

Summary of County Commission official actions since last Planning & Zoning Commission meeting.

Name	Action	Type	Location
R Yellow Variance	Approve	Variance	NE <sup>1</sup> / <sub>4</sub> Section 8, Township 137N, Range 80W
Rosemary Second Subdivision	Approve	Subdivision and Zone Change	W <sup>1</sup> / <sub>2</sub> Section 8, Township 139N, Range 82W
M Joseph DAC facility SUP	Withdrawn by the applicant		

THE MORTON COUNTY PLANNING AND ZONING COMMISSION MINUTES JULY 24,  
2024 MEETING MINUTES

Chairman Kist called the Morton County Planning and Zoning Commission meeting to order at 5:37P.M. July 24 2024, in the Morton County Commission Room, 210 2<sup>nd</sup> Ave NW, Mandan, North Dakota. Commissioners present were Zachmeier, Buckley, Tomac, Ell Jr, Braun, Berger and Wald. Also present were County Planner Natalie Pierce and Auditor Deputy Eckroth. Absent Rohr

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

Buckley moved and Braun seconded to approve the minutes from June 24, 2024. All voting aye, motion carried.

**Chairman Kist opened the Public Hearing** – request from Robbi Yellow for a variance to construct on a non-conforming log approximately .78 acres in the NE ¼ Section 11, Township 135N, Range 79W, Morton County.

Ell Jr. moved and Tomac seconded to recommend approval of the variance request to construct a new garage on the footprint of the former garage, on Lot 16, Tokach’s Timberhaven Subdivision, as the proposal does not compromise adequate functioning of the septic system on the property. All voting aye, motion carried.

**Chairman Kist opened the Public Hearing** – request from Wally & Lori Peter for the final plat of a short-form Subdivision known as Rosemary Second Subdivision on approximately 38.34 acres in the W ½ Section 8, Township 139N, Range 82, Morton County.

Buckley moved and Ell Jr. seconded to recommend approval of the final plat of the short-form subdivision known as Rosemary 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 reasonably conforms to the land use priorities established in the 2024 comprehensive Plan and with the condition that it is their responsibility to maintain the private drive and that the County will not take over maintenance of the road. All voting aye, motion carried.

Commissioner Wald was recused for the Special Use Permit to construct a direct air capture facility, as she has signed a petition pertaining to this application and it was under the advisement from the States Attorney that Wald should recuse herself if there was a quorum.

**Chairman Kist opened the Public Hearing** – request from Fabian Fitterer and Retract LLC for a special use permit to construct a direct air capture facility on 86.62 acres/2,473 acres in Section 1-3 & 10-12, Township 139N, Range87W, Morton County.

- a. Carbon Capture and Sequestration Informational Overview, Tyler Hamman, EERC

Representative of Retract LLC, updated the Commission on the changes to the application for the direct air capture facility.

David Spotts, Co-Founder of Retract LLC, spoke on the company's history and expertise.

Member of the Public Lorraine Kroh, support of the project and a private landowner close to the proposed project.

Member of Public Laurie Hohbein, daughter of Lorraine Kroh, resident of Morton County and is in support of this project.

Member of the Public Lacey Knight, resides 2 miles north of the proposed project and is not in support of this project.

Member of the Public Ashley Kramer, lives a few miles from the proposed project and is not in support of this project.

Member of the Public Curtis Jundt, is not support of the proposed project and he feels it should be in an industrial zone and not agricultural.

Zackary Cassidy, Dakota Resource Council stated regulation of new technology often occurs after an accident has happened. He asked whether the County wants to be the testing lab for this new technology.

Tom Erhardt working with Retract LLC helping with the logistics of a watering trucks. Mr. Erhardt runs a water truck business, worked in the oil fields for 18 years his specialty he believes and prides himself on doing a good job he works with county superintendents to make sure he is not affecting school bus travel. If this project was approved the road would have to be interstate standards.

Member of the Public Karmen Siirtola stated she is not an engineer or a Morton County landowner other than her residence. How do we know when too much CO2 has been taken out of the air because it is needed for plants, trees, for our existence? What monitors the air quality?

Member of the Public Dawn Shepard, stated this is new technology it hasn't been proven also would like to know how you measure CO2 and will there be more pollution before capturing CO2? Ms. Shepard is not in support of the proposed project she feels we need more standards for direct air capture and would like Retract LLC to withdraw their application and allow the county to work on those standards.

Member of the Public Jamie Johnson – daughter of Rick and Donna Roemmich who are landowner of the proposed project. States 3 reason why they support this project.

1. Community, feels it will create revenue, growth and job opportunities.
2. Opportunity, feels it will be the next economic boom for ND.
3. Revenue, it will create financial opportunity for their family that farming never provided.

Member of the Public Del Hitchcock, worked at Dakota Gasification Plant he has concerns with Retracts statement of employing 3 to 7 fire fighters on staff 24/7 feels that is not enough staff to fight fires and also the statement that New Salem and Glen Ullin Rural Fire Departments would be on call feels this is not correct because the fire fighter would need to be trained for industrial fires. Mr. Hitchcock is not in support of the proposed project and asks that Retract withdraw their application.

Member of the Public Randy Roemmich, he is in support of the proposed project he feels the biggest thing will be the money, stated this will bring money to the community Glen Ullin and New Salem, it will help our economy, the landowner involved will make money off of this project. Projects like this may possibly grow and more people could make money.

Member of the Public Lyle Peltz, he is not in support of the proposed project.

Donald Lafleur, Morton County Tax Director, stated Century Code 57-02-04 Subsection 2 specifically excludes machinery and equipment used for trade or manufacture. In his estimation, the generators and direct air carbon capture units would be considered machinery and therefore not be subject to property taxes. It is an area of uncertainty and will require more research. He stated that the \$15 million figure that the applicants have been using includes machinery and is likely not an accurate portrayal of potential assessed value for the project. The 2<sup>nd</sup> Century Code reference is pollution abatement 57-02-08 Subsection 37 which has specific exclusions for pollution abatement projects. If this project were to fall under that category, the project would be exempt from property tax. If the County were to assess this project it would probably be to bring the 86 acres where the site is located from the current agricultural value, up to a market value, plus the value of any structures that may be constructed on the site.

Member of the Public Lindsey Roemmich, daughter in-law of Rick and Donna Roemmich, she is in support of the proposed project. Lindsey stated that all landowners have property rights we are not denying the fact we are in it for the money, but that is what America is built on.

Member of the Public Linda Hagen, is not in support of the proposed project and concerned with earthquakes.

Member of the Public Marshall Curtis Feland, it not in support of the proposed project, stated that the project is proceeding to fast and many unanswered questions.

Member of the Public Mark Faiser, concerned with major leaks, earthquakes, who is in charge at that point/liability?

Member of the Public Sherry Schatz, concerns with sewage, runoff, and emergency plan.

Member of the Public Jim Melchoir, retired 42 years from North American Coal. Stated he would like the county to develop reasonable zoning for facilities like this and not pigeon-hole the application into procedures the County has for other uses. The proposed project is an entirely new use he feels it is premature to approve a facility like this with all the risk, as they haven't given the public one benefit except redistribution of taxpayer money.

Member of the Public Sandra Roth, daughter of Fabian Fitterer, spoke in favor of the project.

Member of the Public Melissa Friesz, concern with traffic, not in support of the proposed facilities.

Member of the Public Brent Johnson, son-in-law of Rick and Donna Roemmich and supports the proposed project.

Member of the Public Greg Faiser, has concerns with this project.

Member of the Public Kurt Swenson, suggested disregarding the engineering and modeling that were submitted with the application as not being adequate.

Member of the Public Dan Faiser, concerns with this proposed project.

Amanda from the EERC addressed questions related to liability for accidents and geology with respect to earthquakes.

Natalie stated that Western Plains Public Health staff did not have concerns about the site plan, with regard to having room for an adequate septic system to be installed.

Natalie stated that the federal subsidy is around \$85 per ton of CO2 sequestered, and the cost per ton to sequester is - very ballpark - \$400. It is not a 1:1 ratio.

Commissioner Buckley stated that she checked with an Agronomist at Carrington Research Extension Center asking about crops and taking up carbon with the smoke in the air asked if that is a contributor to our high yields last year. The Agronomist from Carrington Research Extension Center stated that we cannot scientifically say the great yields were all due to carbon in the air. It could be because of fertilizer, crop rotation, it could also be the temperature and moisture were right.

Zachmeier moved and Braun seconded to recommend denial of the request for a special use permit for a direct air capture facility to the Morton County Commission as the details in the application provided to Morton County partially on June 25 and partially on Jun 28 as there is not enough adequate water infrastructure to support the project at that location at this time and the project lies too close to sensitive land uses such as homes which will continue to be applied until the county establishes permanently adopted setback standards.

Roll call voting aye, Zachmeier, Tomac, Ell Jr., Buckley, Braun, Berger and Kist. Motion carried.

**Chairman Kist opened the Public Hearing** – seconded reading of Resolution 30-2024-03 to impose a moratorium on the development of all data centers and cryptocurrency mining facilities until zoning standards can be developed for said use.

Braun moved and Tomac seconded to recommend approval of “Resolution 30-2024-03, A RESOLUTION OF THE COUNTY OF MORTON, NORTH DAKOTA, TO IMPOSE A MORATORIUM ON THE DEVELOPMENT OF ALL DATA CENTER AND CRYPTOCURRENCY MINING FACILITIES UNTIL ZONING STANDARDS CAN BE DEVELOPED.” All voting aye, motion carried.

Braun moved and Tomac seconded to adjourned the meeting at 9:20pm.

# Triangle S Subdivision Zoning Map

Morton County Planning and Zoning Department  
Created: 8/23/2024














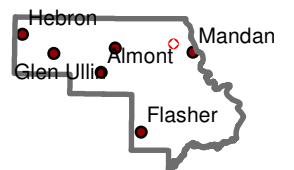
 Project Area



0 650 1,300 2,600 Feet

## Zoning

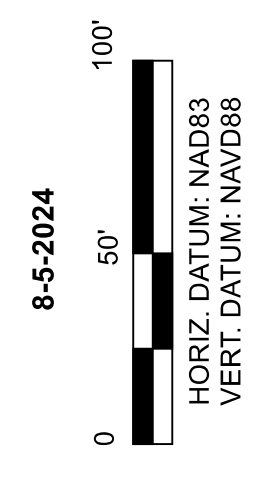
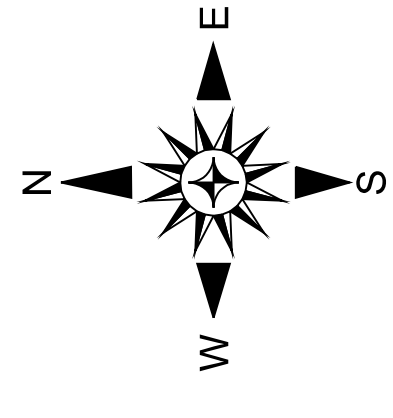
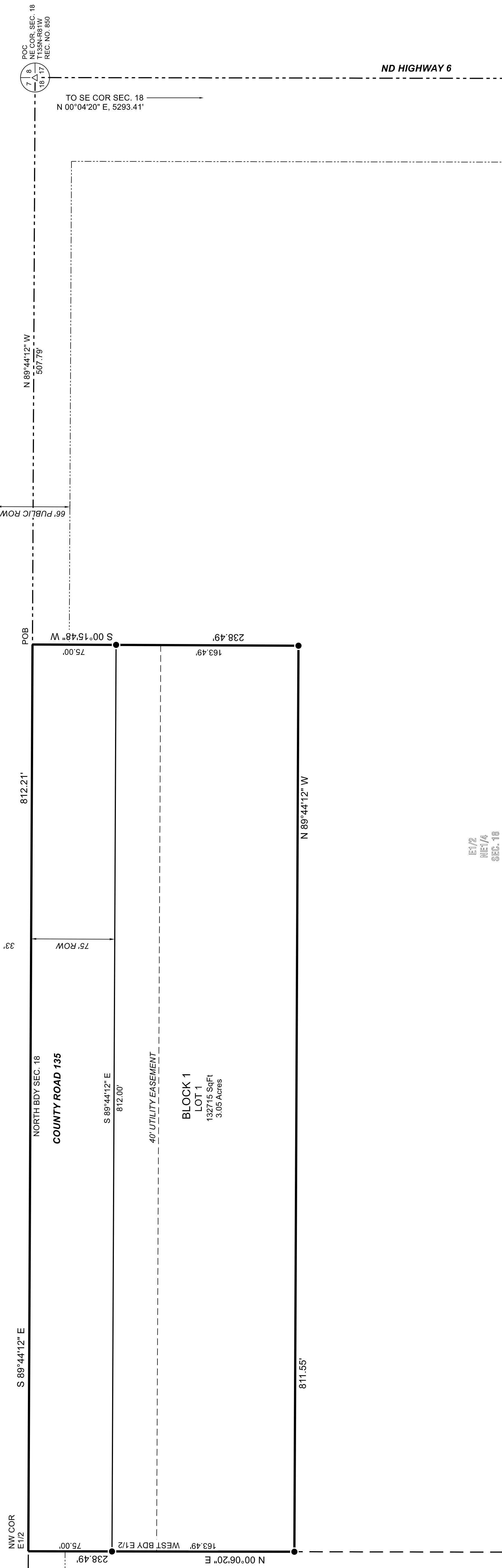
- |  |  |   |
|--|--|---|
|  Agricultural            |  Industrial         |  Residential Multifamily |
|  Estate                  |  Limited Industrial |  Residential             |
|  Public Institutional    |  Commercial         |   |
|  Parks & Recreation      |  Rural Commercial   |   |
|  Conservation/Open Space |  |   |



Proposed boundaries of site not exact.  
For planning purposes only.

# TRIANGLE S ACRES

OF MORTON COUNTY, NORTH DAKOTA  
PART OF THE E1/2 OF THE NE1/4 OF SECTION 18, T135N-R81W, MORTON COUNTY, NORTH DAKOTA



**LEGEND**

- △ FOUND SECTION/QUARTER CORNER
- FOUND REBAR MONUMENT
- SET REBAR MONUMENT

**DESCRIPTION OF PROPERTY**

A TRACT OF LAND BEING A PART OF THE NE1/4 OF THE NE1/4 OF SECTION 18, T135N-R81W, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, T135N-R81W; THENCE NORTH 89°44'12" WEST ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 18 FOR 507.79 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°15'48" WEST FOR 238.49 FEET; THENCE NORTH 89°44'12" WEST FOR 811.55 FEET TO A POINT ON THE NE1/4 CORNER OF THE NE1/4 OF SECTION 18; THENCE SOUTH 89°44'12" WEST FOR 238.49 FEET TO THE NORTHWEST CORNER OF SAID E1/2; THENCE SOUTH 89°44'12" EAST ALONG SAID NORTH BOUNDARY LINE FOR 812.21 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 4.45 ACRES, MORE OR LESS.

**SURVEYOR'S CERTIFICATE**

I, ANDRA MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT. FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDRETHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES AND SECONDS THEREOF. FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRA MARQUARDT, RLS 4623

**OWNER'S CERTIFICATE OF DEDICATION**

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND PLATTED AS SHOWN AND WE HEREBY DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO THE PUBLIC. HOWEVER, WE ALSO DEDICATE EASEMENTS UNDER THE PROVISIONS OF SECTION 7-070 OF THE MORTON COUNTY LAND USE CODE AND INDICATED ON THE PLAT WITH THE DESIGNATION OF "UTILITY EASEMENT."

THOMAS R. SCHMIDT, JR

JANET I. SCHMIDT

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

**PLANNING COMMISSION APPROVAL**

THE SUBDIVISION OF LAND SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE COUNTY OF MORTON, NORTH DAKOTA THIS DAY OF \_\_\_\_\_, 2024 IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, AND THE REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID COUNTY IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE PLANNING COMMISSION OF THE COUNTY OF MORTON, NORTH DAKOTA.

JESSE KIST - CHAIRMAN

DAWN R. RHONE - SECRETARY

**APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS**

THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, HAS REVIEWED THE SUBDIVISION SHOWN HEREON AND HAS APPROVED THE FOREGOING ACTION BY THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

DAWN R. RHONE - COUNTY AUDITOR

NATHAN BOEHM  
COMMISSION CHAIRMAN

**COUNTY APPROVAL**

WE, THE UNDERSIGNED, AFTER REVIEW APPROVE AS TO FORM THE SUBDIVISION OF LAND AS SHOWN HEREON.

JOHN SAIKI - COUNTY ENGINEER

NATALIE PIERGE  
PLANNING & ZONING DIRECTOR

OWNER:  
THOMAS R. JR. & JANET I. SCHMIDT  
5540 HWY 6  
ST ANTHONY, ND 58566

BASIS OF BEARING:  
NORTH BOUNDARY LINE  
SOUTH 89°44'12" EAST

**NOTES:**

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. SUBJECT TO ALL EASEMENTS OF RECORD
3. TOTAL LOTS: 3.05 ACRES  
TOTAL ACRES: 4.45 ACRES  
TOTAL ACREAGE: 4.45 ACRES



# STAFF REPORT | MORTON COUNTY DEPARTMENT OF PLANNING AND ZONING

---

<b>ITEM 1</b>	Triangle S Subdivision	<b>Location:</b>	NE¼ Section 18, Township 135N, Range 81W	
	<b>Public Hearing:</b>	August 28, 2024 Planning and Zoning Commission Regular Meeting	<b>Acreage:</b>	4.45 acres
	<b>Application Type:</b>	Short-form Subdivision & Zoning Map Amendment	<b># of Lots:</b>	1
	<b>Applicants:</b>	Thomas & Janet Schmidt	<b>Existing Zoning:</b>	Agricultural (A)
	<b>Application Fee:</b>	\$400 (8/5/24)	<b>Proposed Zoning:</b>	Residential (R)
	<b>Citizen Outreach:</b>	5 letters sent (8/8/24) Notice of Public Hearing advertised.	<b>Future Land Use Category:</b>	Agricultural (A)
	<b>Proposal:</b>	Divide one residential lot from a 152-acre tract.		
	<b>Recommendation from Staff:</b>	Approve the plat of the short-form subdivision and rezoning.		

---

## OVERVIEW

The subject property is located on the south side of County Road 135, about 7 miles south of St Anthony. The applicant would like to divide one residential lot from a 152-acre tract.

## FINDINGS

The subject property is zoned Agricultural. All surrounding lands are agricultural, with scattered rural residences. The future land use designation for this area is Agricultural. The 2045 Comprehensive Plan calls for a maximum of four buildable lots per quarter-section in the areas of the county with a future land use designation of Agricultural. The proposed subdivision would create the fourth and final buildable lot within the quarter-section. The proposed subdivision does not increase the net residential density of the quarter beyond the threshold established in the Comprehensive Plan.

## CIRCULATION

The plat dedicates 75 feet of right of way for County Road 135 as that is the right of way width planned by the County.

## UTILITIES

There is a Missouri West Water line in proximity to the proposed subdivision. However, a new water service account is not guaranteed until the applicant formally establishes service. Power is available.

## RECOMMENDATION

Approve the plat of the short-form subdivision and zoning map amendment from Agricultural to Residential.

### *Suggested motions*

I move to recommend approval of the final plat of the short-form subdivision known as Triangle S 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 reasonably conforms to the land use priorities established in the 2045 Comprehensive Plan.

## ATTACHMENTS

1. Zoning map
2. Future Land Use map
3. Final plat



**FIGURE 1 AERIAL VIEW**

# Sims Cemetery Subdivision Zoning Map

Morton County Planning and Zoning Department  
Created: 8/23/2024














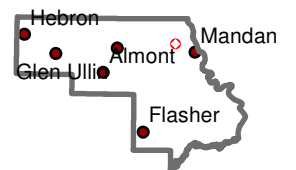
 Project Area



0 325 650 1,300 Feet

## Zoning

- |  |  |   |
|--|--|---|
|  Agricultural            |  Industrial         |  Residential Multifamily |
|  Estate                  |  Limited Industrial |  Residential             |
|  Public Institutional    |  Commercial         |   |
|  Parks & Recreation      |  Rural Commercial   |   |
|  Conservation/Open Space |  |   |



Proposed boundaries of site not exact.  
For planning purposes only.



# STAFF REPORT | MORTON COUNTY DEPARTMENT OF PLANNING AND ZONING

---

## ITEM 2 Sims Cemetery Subdivision

**Location:** E½ Section 14,  
Township 138N, Range  
86W

**Public Hearing:** August 28, 2024 Planning and  
Zoning Commission Regular Meeting

**Acreage:** 4.52 acres

**Application Type:** Short-form Subdivision & Zoning  
Map Amendment

**# of Lots:** 1

**Applicant:** Scandinavian Evangelical Lutheran  
Church

**Existing Zoning:** Agricultural (A)

**Application Fee:** \$400 (7/31/24)

**Proposed Zoning:** Public/Institutional (PI)

**Citizen Outreach:** 11 letters sent (8/8/24)  
Notice of Public Hearing advertised.

**Future Land Use  
Category:** Agricultural (A)

**Proposal:** Define a parcel for the Sims Lutheran Cemetery.

**Recommendation from  
Staff:** Approve the plat of the short-form subdivision and rezoning.

---

## OVERVIEW

The subject property is located on the south side of County Road 135, about 7 miles south of St Anthony. The cemetery has been in operation for many years. However, the north half of the cemetery has been under private ownership and the south half of the cemetery was owned by the church. The surrounding land owner group was favorable to relinquishing their interest to the church. The objective of this platting effort is to re-define the boundary of the cemetery – north and south halves – as one lot, under the ownership of the church.

## FINDINGS

The subject property is zoned Agricultural. All surrounding lands are agricultural. The future land use designation for this area is Agricultural. The zoning compatibility table in the 2045 Comprehensive Plan identifies Public/Institutional as a secondary compatible zoning district within the Agricultural future land use areas.

## CIRCULATION

Staff advised the applicant that a 10-foot access easement will be difficult to work within, if any improvement or maintenance is needed for the access trail. The applicant stated that acquiring a larger access easement from the surrounding land owner group would require lengthy

negotiations that may not ultimately be fruitful. Because there are no major structural investments associated with the cemetery, staff suggests allowing the subdivision with the 10 foot easement as requested.

## **RECOMMENDATION**

Approve the plat of the short-form subdivision and zoning map amendment from Agricultural to Public/Institutional.

### *Suggested motions*

I move to recommend approval of the final plat of the short-form subdivision known as Sims Cemetery Subdivision, and a zoning map amendment from Agricultural to Public/Institutional, 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.

## **ATTACHMENTS**

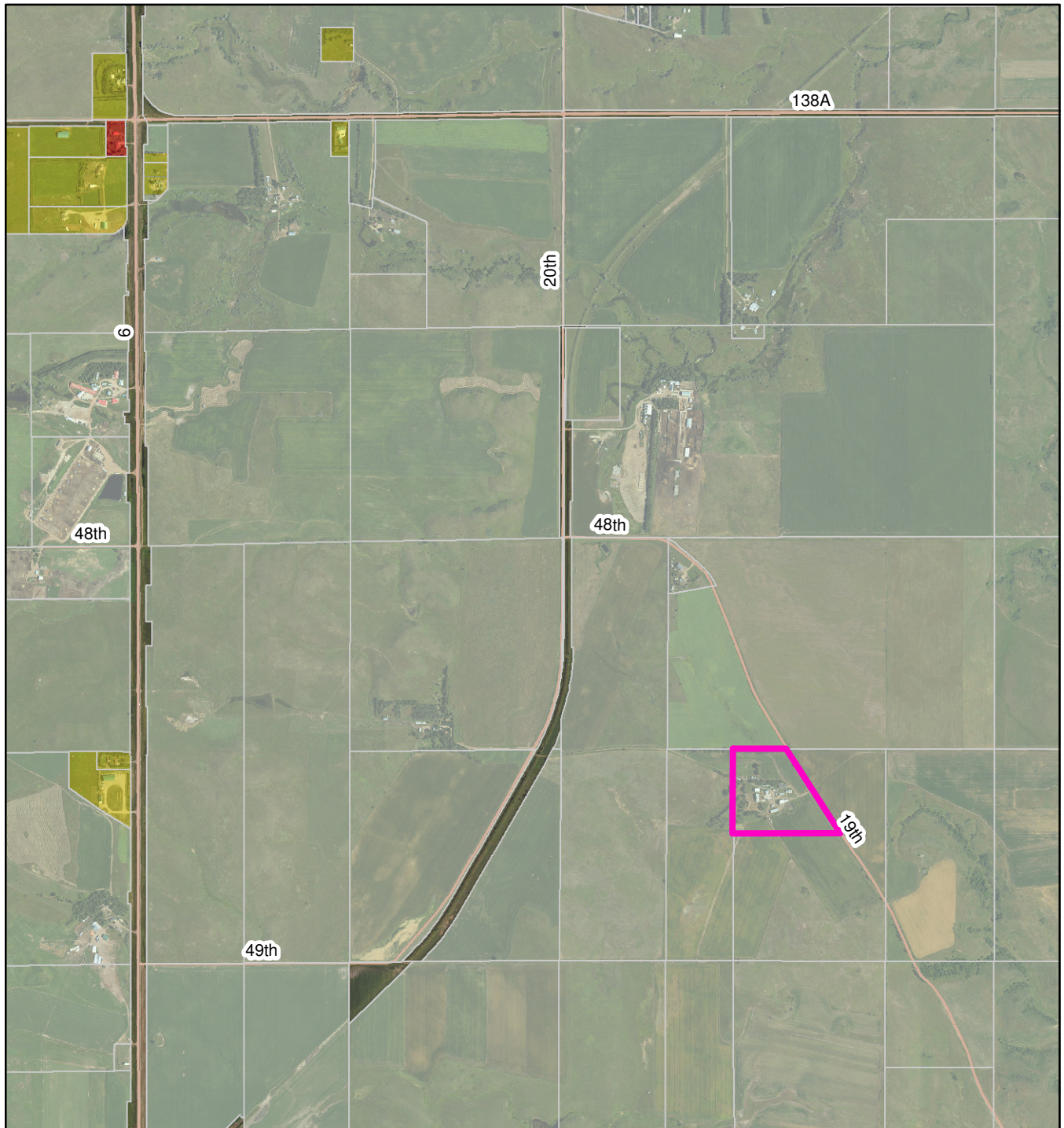
1. Zoning map
2. Future Land Use map
3. Final plat



**FIGURE 1 DRONE VIEW LOOKING WEST. PHOTO CREDIT: MURRAY SAGSVEEN**

# Stastny FWDU SUP Zoning Map

Morton County Planning and Zoning Department  
Created: 8/23/2024














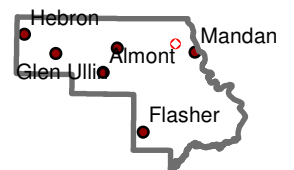
 Project Area



0 1,150 2,300 4,600 Feet

## Zoning

- |  |  |   |
|--|--|---|
|  Agricultural            |  Industrial         |  Residential Multifamily |
|  Estate                  |  Limited Industrial |  Residential             |
|  Public Institutional    |  Commercial         |   |
|  Parks & Recreation      |  Rural Commercial   |   |
|  Conservation/Open Space |  |   |



Proposed boundaries of site not exact.  
For planning purposes only.

**SITE PLAN**

SITE ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_

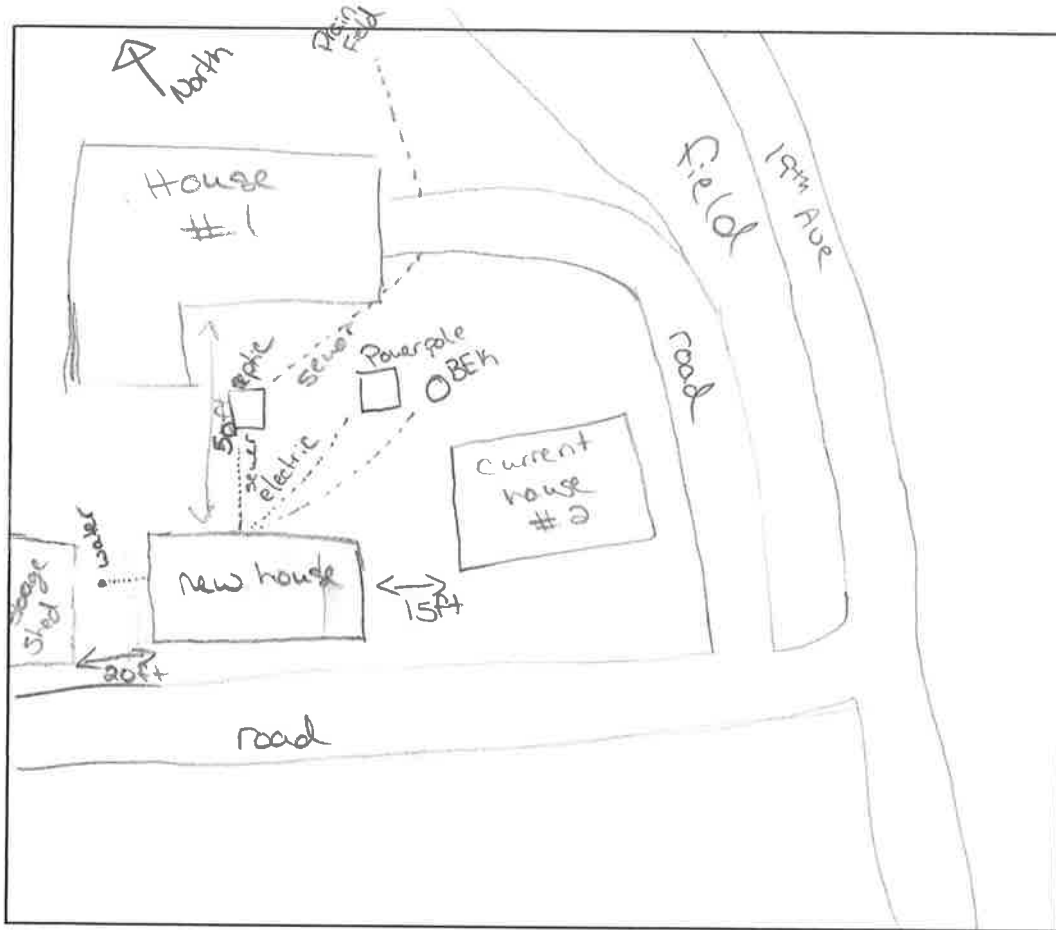
TOTAL SITE AREA: \_\_\_\_\_ SQ FT/ACRES

TOTAL AREA OCCUPIED BY BLDG: \_\_\_\_\_ SQ FT

**INSTRUCTIONS**

IN THE BOX BELOW, DRAW YOUR LOT AND SHOW WHERE THE NEW BUILDING AS WELL AS ANY EXISTING BUILDINGS ARE LOCATED. SHOW DISTANCES TO THE PROPERTY LINES, DISTANCES BETWEEN BUILDINGS AND DISTANCE TO THE CENTERLINE OF THE ROAD.

SHOW WHERE THE WATERLINES, GAS LINES, ELECTRIC LINES, SEPTIC TANK AND DRAIN FIELD ARE LOCATED. ALSO SHOW ANY EASEMENTS FOR UTILITIES AND DRAINAGE. **INCLUDE A NORTH ARROW.**



WE CERTIFY THAT THE PROPOSED CONSTRUCTION WILL CONFORM TO THE DIMENSIONS AND USES SHOWN ABOVE AND THAT NO CHARGES WILL BE MADE WITHOUT FIRST OBTAINING APPROVAL.

\_\_\_\_\_  
NAMES(S) OF OWNER(S) OF SITE/STRUCTURE

\_\_\_\_\_  
SIGNATURE OF OWNER(S) OR AUTHORIZED REP

# STAFF REPORT | MORTON COUNTY DEPARTMENT OF PLANNING AND ZONING

---

## ITEM 3 Stastney Farm Worker Dwelling Unit SUP

**Location:** S½ Section 2,  
Township 137N, Range  
81W

**Public Hearing:** August 28, 2024 Planning and  
Zoning Commission Regular Meeting

**Acreage:** 115 acres

**Application Type:** Special Use Permit

**# of Lots:** 1

**Applicants:** Glenn and Rodine Stastny

**Existing Zoning:** Agricultural (A)

**Application Fee:** \$300 (8/7/24)

**Proposed Zoning:** Agricultural (A)

**Citizen Outreach:** 6 letters sent (8/8/24)  
Notice of Public Hearing advertised.

**Future Land Use  
Category:** Agricultural (A)

**Proposal:** Allow one mobile home for farm worker dwelling unit for applicant's son

**Recommendation from  
Staff:** Approve the special use permit

---

## OVERVIEW

The subject property is located west of 19<sup>th</sup> Avenue, approximately 3 miles south of the Mandan Airport. The applicant has had three homes located on the subject property - permitted in 1960, 1980, and 2013, respectively. The applicant demolished the home that was constructed in 1960, and would like to set a mobile home on the old footprint.

## FINDINGS

The subject property is zoned Agricultural. All surrounding lands are agricultural. Farm Worker Dwelling Units are allowed in the Agricultural zone by special use permit.

Generally, staff advises applicants to break off a separate lot when a third residence is proposed. However, in this case, the residences are located too close together to allow for adequate side-yard setbacks, making it unlikely the residences will be split off as separate lots in the future. It is more practical to allow the cluster of homes to remain undivided and permit the third residence as a farm worker dwelling unit. The new residential structure would be for the applicant's son and son's family to reside on the farm, work on the farm, and eventually take over operations of the farm.

## APPLICANT'S NARRATIVE

I farm 1200 acres also put up hay on another 150 acres and this year Chuck Suchy asked me to do his Grass Alfalfa. So my son helps with raking hay and stacking hay. On my crop land he spread the fertilizer and helped with spraying and loading the air drill and planter. For Harvesting he is helping haul loads and unload loads. Him and his wife and 3 kids and 1 on the way is who will reside in the house and the reason we wanted them to be on the premise is so my wife can help with watching the kids because my Daughter in Law is a nurse at Sanford in Bismarck and that way my son is able to help me. Roughly I will make about 65% of the income and he will make 35% of the income as he is able to buy into the farm he will make more and I will make less. The reason for putting the house there is because there was a house there and there was water and Electricity and BEK Internet and we thought sewer. The New septic system plans are in the works. Billy Keseleck is going to be doing the system and has set up with West Plains Public Health and has got the permit. The other reason to have them here and in the yard is I have to have right shoulder replacement surgery which will have me laid up for 6-10 weeks.



**FIGURE 1 LOOKING WEST. BLUE HOME LOCATED ON FOUNDATION THAT IS PROPOSED TO BE USED FOR NEW STRUCTURE. TAKEN WHEN NORTHERNMOST HOME WAS BEING CONSTRUCTED.**

## ADDRESSING

This application prompted the County to tighten up standards for 911 addressing where there are multiple residences on one parcel. The County now uses the primary address, in this case 4865 19<sup>th</sup> Ave, for each structure. But adds a letter extension – A, B or C – for each structure.

County standards require property owners installing accessory dwellings and farm worker dwelling units to post a permanent sign with the address number at the property approach, as well as displaying the house number prominently on the structure itself. House number displays must have font at least 4" tall and of a reflective material so first responders can easily see them.

## UTILITIES

Power, Missouri West Water and internet were already established to the site where the new home is planned to be placed. The proposal is to set the new mobile home on the same footprint as the old one. So services are already established.

The applicant consulted with Western Plains Public Health. The applicant will be required to install a separate septic system for the new home.

## RECOMMENDATION

Approve the special use permit for one farm worker dwelling unit.

### *Suggested motion*

I move to recommend approval of a special use permit to allow one farm worker dwelling unit in the S $\frac{1}{2}$  of Section 2, Township 137N, Range 81W, as the request supports the business needs of the applicant's farm.

## ATTACHMENTS

1. Zoning map
2. Site plan



**FIGURE 2 LOOKING NORTH FROM DRIVEWAY, BLUE HOME REMOVED (SITE OF PROPOSED NEW MOBILE HOME)**