

The Morton County Planning & Zoning Commission

Agenda for June 26, 2024

Planning and Zoning meeting beginning at 5:30pm, located in the Morton County Commission room in the County Courthouse, 210 2nd 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 April 24 and May 22, 2024 meeting

1. **Public Hearing:** request from Chad Gartner for the final plat of a short-form Subdivision known as Gwyther Third Subdivision on approximately 1.52 acres in the NW $\frac{1}{4}$ Section 11, Township 135N, Range 79W, Morton County.
2. **Public Hearing:** second reading of Resolution 30-2024-02 to impose a moratorium on the development of all carbon dioxide direct air capture and sequestration facilities until zoning standards can be developed for said use.
3. **Public Hearing:** first 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.

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
Kuch Subdivision	Approve	Short-form and zone change	NE $\frac{1}{4}$ Section 32, Township 138N, Range 85W
Spring Butte Subdivision	Approve	Long-form and zone change	NE $\frac{1}{4}$ Section 6, Township 138N, Range 87W
Ranch 101 Subdivision	Approve	Short-form and zone change	W $\frac{1}{2}$ Section 28, Township 136N, Range 80W
Tokach Timberhaven Third Subdivision	Approve	Long-form and zone change	NE $\frac{1}{4}$ Section 8, Township 137N, Range 80W
Knife River/Morman SUP	Approve	Special Use Permit – borrow extraction	S $\frac{1}{2}$ Section 1, Township 138N, Range 89W
Resolution PZ24-13	Approve	For County to be a co-applicant with Lewis & Clark Development Group for the ND Regional Livestock Development and Planning Grant	

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

Chairman Kist called the Morton County Planning and Zoning Commission meeting to order at 5:30P.M. April 24, 2024, in the Morton County Commission Room, 210 2nd Ave NW, Mandan, North Dakota. Commissioners present were Zachmeier, Buckley, Tomac, Rohr, Berger, Braun, Ell Jr and Wald. Also present were County Planner Natalie Pierce and Auditor Deputy Eckroth.

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

Ell Jr. moved and Rohr seconded to approve the minutes from March 27, 2024. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Norman & Darlene Stein and Kylan Hoffert for the final plat of a short-form subdivision known as KB Subdivision and a zoning map amendment from Agricultural to Residential District on approximately 4.63 acres in the NW¼ of Section 6, Township 139N, Range 82W, Morton County.

Ell Jr. moved and Braun seconded to recommend approval of the plat of the short-form subdivision known as KB 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 Gary and Lahna Kraft for the preliminary plat of a long-form Subdivision known as Spring Butte Subdivision and a zoning map amendment from Agricultural to Limited Industrial on approximately 3.71 acres in the NE ¼ Section 6, Township 138N, Range 87W, Morton County

Rohr moved and Tomac seconded to approve the preliminary plat of the long-form subdivision known as Spring Butte Subdivision and a zoning map amendment from Agricultural to Commercial the subdivision conforms to the regulations established in Article 7 of the Morton County Land Use Code, is located on a major county road, and is not in conflict with surrounding land users. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Ken & Pam Tokach and Johnny & Elizabeth Duran for the preliminary plat of a long-form Subdivision known as Tokach Timberhaven Third Subdivision on approximately 7.84 acres in the NE ¼ Section 8, Township 137N, Range 80W, Morton County.

Ell Jr. moved and Berger second to recommend approval of the preliminary plat of the long-form subdivision, known as Tokach Timberhaven Third Subdivision, as the proposed subdivision reduces the overall zoning non-conformity of the properties and establishes legal access to a paved public right of way for each of the lots within the subdivision. All voting aye, motion carried.

Chairman Kist adjourned the meeting at 6:46pm.

THE MORTON COUNTY PLANNING AND ZONING COMMISSION MINUTES
MAY 22, 2024 MEETING MINUTES

Chairman Kist called the Morton County Planning and Zoning Commission meeting to order at 5:30P.M. May 22, 2024, in the Morton County Commission Room, 210 2nd Ave NW, Mandan, North Dakota. Commissioners present were Zachmeier, Buckley, Tomac, Rohr, Ell Jr and Wald. Also present were County Planner Natalie Pierce and Auditor Deputy Eckroth. Absent Braun & Berger.

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

April 24, 2024 Minutes will be approved at the next regular meeting.

Chairman Kist opened the Public Hearing – request from Todd & Kelly Heid and Edward & Charlotte Thiel for the final plat of a short-form subdivision known as Kuch Subdivision and a zoning map amendment from Agricultural to Residential District on approximately 20 acres in the NE¹/₄ of Section 32, Township 138N, Range 87W, Morton County.

Buckley moved and Rohr seconded to recommend approval of the plat of the short-form subdivision known as Kuch 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 Gary and Lahna Kraft for the final plat of a long-form Subdivision known as Spring Butte Subdivision and a zoning map amendment from Agricultural to Limited Industrial on approximately 3.71 acres in the NE ¹/₄ Section 6, Township 138N, Range 87W, Morton County

Rohr moved and Tomac seconded to approve the final plat of the long-form subdivision known as Spring Butte Subdivision and a zoning map amendment from Agricultural to Limited Industrial the subdivision conforms to the regulations established in Article 7 of the Morton County Land Use Code, is located on a major county road, and is not in conflict with surrounding land uses. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – request from Virginia Ernst for the final plat of a short-form subdivision known as Ranch 101 Subdivision and a zoning map amendment from Agricultural to Residential on Lot 1 and Agricultural Estate on Lot 2 on approximately 7.83 acres in the W ¹/₂ of Section 28, Township 136N, Range 80W, Morton County.

Buckley moved and Ell Jr seconded to recommend approval of the plat of the short-form subdivision known as Ranch 101 Subdivision and a zoning map amendment from Agricultural to Residential on Lot 1 and Agricultural to Estate on Lot 2, 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 Knife River and Bruce & Nancy Morman for a special use permit for aggregate extraction on approximately 48.5 acres in the S ½ of Section 1, Township 138N, Range 89W, Morton County.

Rohr moved and Tomac seconded to recommend approval of a special use permit to allow extraction of borrow material from S ½ Section 1, Township 138N, Range 89W, on the west side of Highway 49, as the site lets out directly onto the highway being improved and is not in conflict with neighboring land uses, with the following conditions:

1. Permit shall be valid through December 20, 2024.
2. Hours of operation shall be limited to 6am – 9pm.
3. Applicant shall control dust as directed by the County Engineer
4. All other aspects of the project shall be carried out as detailed in the project narrative submitted as part of the application by the applicant.

Chairman Kist opened the Public Hearing – request from Ken & Pam Tokach and Johnny & Elizabeth Duran for the final plat of a long-form Subdivision known as Tokach Timberhaven Third Subdivision on approximately 7.84 acres in the NE ¼ Section 8, Township 137N, Range 80W, Morton County.

Buckley moved and Rohr second to recommend approval of the final plat of the long-form subdivision, known as Tokach Timberhaven Third Subdivision, as the proposed subdivision reduces the overall zoning non-conformity of the properties and establishes legal access to a paved public right of way for each of the lots within the subdivision. All voting aye, motion carried. All voting aye.

Chairman Kist opened the Public Hearing – resolution for Morton County to be a co-applicant under Lewis & Clark Development Group for a ND Regional Livestock Development and Planning Grant.

Rohr moved and Zachmeier second to recommend to the Morton County Commission the approval of Resolution No. PZ24-13 A Resolution of the County of Morton, North Dakota, and Lewis & Clark Regional Council for purpose of acceptance of Regional Livestock Planning Grant. All voting aye, motion carried.

Chairman Kist opened the Public Hearing – first reading of Resolution 30-2024-02 A Resolution of the County of Morton, North Dakota, impose a Moratorium to impose a moratorium on the development of all carbon dioxide direct air capture and sequestration facilities until zoning standards can be developed for said use.

Dawn Sheperd shared some concerns with the wording of the resolution.

Representative from Retracks expressed concerns with the proposed Moratorium on carbon dioxide direct air capture and sequestration facilities that Morton County is considering adoption.

A Landowner partnering with Retrack is against the moratorium as it will delay the project, stated that landowner should be able to do what they want with their land to farm or partner with Retrack.

Staff will check with State's Attorney on the language changes and uses to Resolution 30-2024-02 and striking all references of Cryptocurrency with a second reading in June and a separate Resolution for cryptocurrency in June 2024 and a second in July 2024.

Rohr moved and Buckley seconded to adjourned the meeting at 7:18pm.

Gwyther Third Subdivision Zoning Map

Morton County Planning and Zoning Department
Created: 6/13/2024














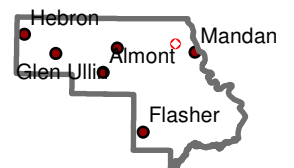
 Project Area



0 150 300 600 Feet

Zoning

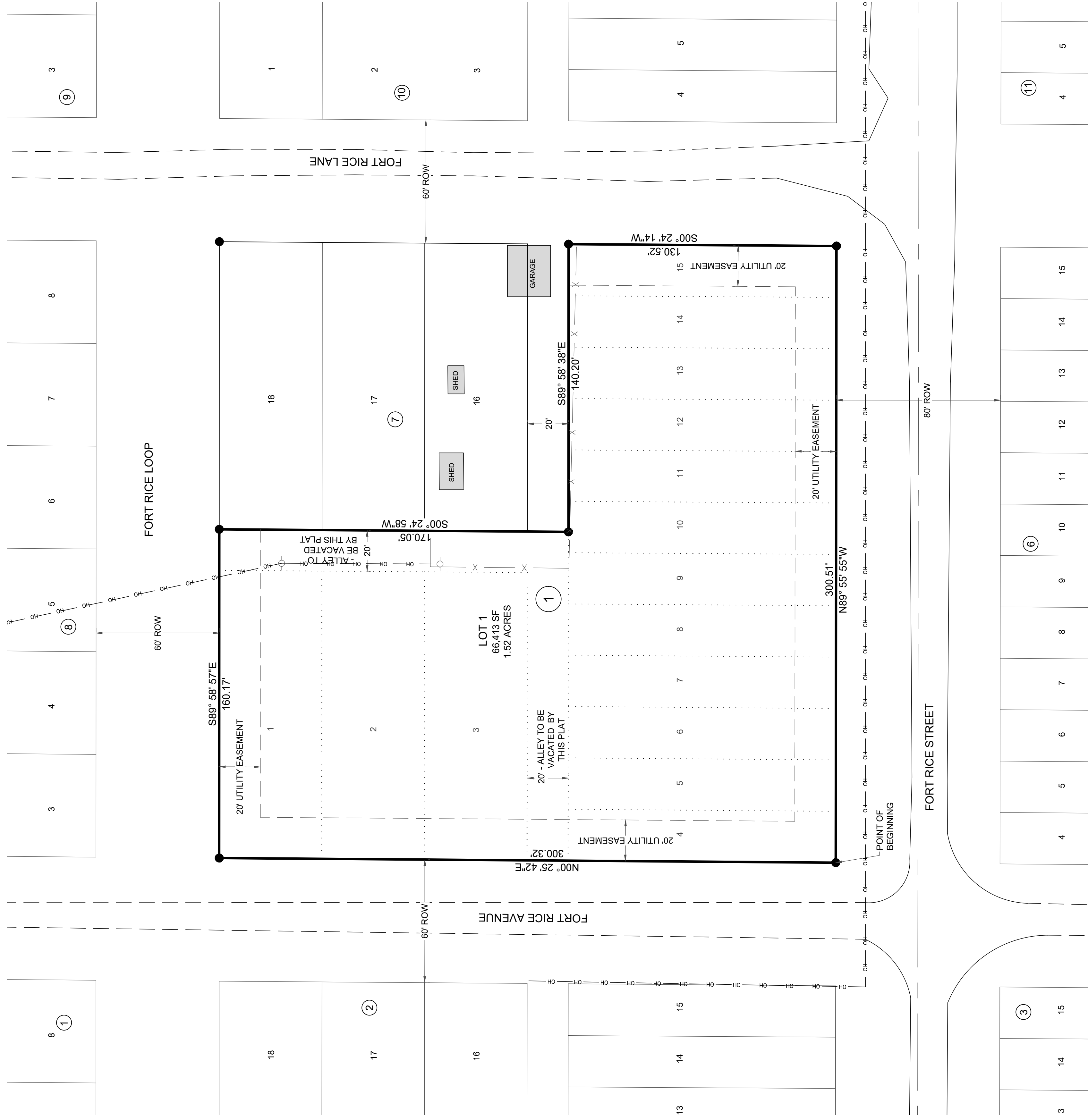
- | | | |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
|  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.

GWYTHER THIRD SUBDIVISION

OF MORTON COUNTY, NORTH DAKOTA
 ALL OF LOTS 1 TO 15, BLOCK 7 IN THE TOWNSITE OF GWYTHER
 AND VACATED RIGHT OF WAY ALL IN SECTION 11, T135N, R79W



DESCRIPTION
 ALL OF LOTS 1 TO 15, BLOCK 7 AND VACATED RIGHT OF WAY IN THE ORIGINAL TOWNSITE OF GWYTHER ALL IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 135 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 7 IN THE TOWNSITE OF GWYTHER, THENCE NORTH 00° 25' 42" EAST ON EAST LINE OF FORT RICE AVENUE A DISTANCE OF 300.32 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 7 IN THE TOWNSITE OF GWYTHER; THENCE NORTH 89° 56' 57" EAST ON THE SOUTH LINE OF FORT RICE LOOP A DISTANCE OF 160.17 FEET TO THE NORTHWEST CORNER OF LOT 16, BLOCK 7 IN THE TOWNSITE OF GWYTHER; THENCE SOUTH 00° 24' 58" WEST A DISTANCE OF 170.05 FEET; THENCE SOUTH 89° 58' 38" EAST A DISTANCE OF 140.20 FEET TO THE NORTHEAST CORNER OF 15, BLOCK 7 IN THE TOWNSITE OF GWYTHER; THENCE SOUTH 00° 24' 14" WEST ON THE WEST RIGHT OF WAY LINE OF FORT RICE LANE A DISTANCE OF 130.52 FEET TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH 89° 55' 55" WEST ON THE NORTH RIGHT OF WAY LINE OF FORT RICE STREET A DISTANCE OF 300.51 FEET TO THE POINT OF BEGINNING, CONTAINING 1.52 ACRES, MORE OR LESS AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO THE PUBLIC FOREVER. 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".

CHAD GARTNER _____ SUZANNE GARTNER _____

STATE OF _____)
 COUNTY OF _____) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2024.

NOTARY PUBLIC _____

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR "LS-9628"
- LOT LINES TO BE VACATED

ACREAGE TABLE

LOT 1	1.52 ACRES
TOTAL	1.52 ACRES

- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION PLAT HEREON AS ACCURATE AND CORRECT AND HAS ADOPTED THE PLAT, SUBJECTS AND AGREES WITH THE BOUNDARY LINES OF THIS BLOCK OF THIS PLAT. THE BOARD HAS REVIEWED ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT. THE FOREGOING ACTION BY THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THIS ____ DAY OF _____, 20__.

DAWN R. RHONE - COUNTY AUDITOR _____ NATHAN BOEHM - CHAIRMAN _____

COUNTY APPROVAL

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

JOHN SAIKI - COUNTY ENGINEER _____ NATALIE PIERCE - PLANNING & ZONING DIRECTOR _____

OWNERS:
 CHAD & SUZANNE GARTNER
 4517 IMPALA COURT NW
 MANDAN, ND 58554

Independent Land Surveying & Engineering

GWYTHER THIRD SUBDIVISION
 PART OF NORTHWEST QUARTER
 SECTION 11, T-135-N, R-79-W
 MORTON COUNTY, ND

SHEET: 1 OF 1	JOB NUMBER: 24002
SCALE: 1" = 20'	DWG REVISION DATES
DRAWN BY: MR	
DATE: 5/29/24	
4215 Old Red Trail NW Mandan, ND 58554 Phone: 701-595-2079 Fax: 701-595-2079 mark@surveynd.com	

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY 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 OF FEET 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.

MARK R. ISAACS, RLS 9628 _____

GWYTHER THIRD SUBDIVISION

OF MORTON COUNTY, NORTH DAKOTA
 ALL OF LOTS 1 TO 15, BLOCK 7 IN THE TOWNSITE OF GWYTHER
 AND VACATED RIGHT OF WAY ALL IN SECTION 11, T135N, R79W



DESCRIPTION

ALL OF LOTS 1 TO 15, BLOCK 7 AND VACATED RIGHT OF WAY IN THE ORIGINAL TOWNSITE OF GWYTHER ALL IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 135 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 7 IN THE TOWNSITE OF GWYTHER, THENCE NORTH 00° 25' 42\"/>

OWNER'S CERTIFICATE OF DEDICATION

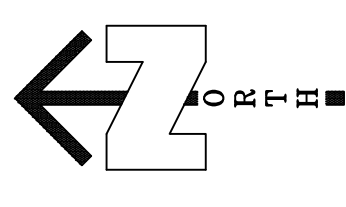
WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO THE PUBLIC FOREVER. WE ALSO DEDICATE EASEMENTS UNDER THE PROVISIONS OF SECTION 7-070 OF THE MORTON COUNTY LAND USE CODE AND INDICATED ON THE PLAT WITH THE DESIGNATION OF "UTILITY EASEMENT".

CHAD GARTNER _____ SUZANNE GARTNER _____

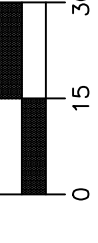
STATE OF _____)
 COUNTY OF _____) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2024.

NOTARY PUBLIC _____



SCALE: 1" = 30'



DATE: MAY 28, 2024

VERTICAL DATUM - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR *LS-9628*
- LOT LINES TO BE VACATED

ACREAGE TABLE

LOT 1	1.52 ACRES
TOTAL	1.52 ACRES

- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
 - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

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 ____ 20____ 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 CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF MORTON COUNTY, NORTH DAKOTA.

JESSE KIST - CHAIRMAN _____ DAWN R. RHONE - SECRETARY _____

DAWN R. RHONE - COUNTY AUDITOR _____ NATHAN BOEHM - CHAIRMAN _____

COUNTY APPROVAL

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

JOHN SAIKI - COUNTY ENGINEER _____ NATALIE PIERCE - PLANNING & ZONING DIRECTOR _____

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON AS ACCURATE AND CORRECT AND HAS ADOPTED THE PLAT, EASEMENTS AND REVIEWS WITHIN THE BOUNDARY OF THIS PLAT. THE BOARD OF COUNTY COMMISSIONERS HAS REVIEWED ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT. THE FOREGOING ACTION BY THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THIS ____ DAY OF _____, 20____.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY 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 OF FEET 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.

MARK R. ISAACS, RLS 9628 _____

GWYTHER THIRD SUBDIVISION PART OF NORTHWEST QUARTER SECTION 11, T-135-N, R-79-W MORTON COUNTY, ND	
SHEET: 1 OF 1 JOB NUMBER: 24002 SCALE: 1" = 20' DRAWN BY: MR DATE: 5/29/24	DWG REVISION DATES DATE BY DESCRIPTION

OWNERS:
 CHAD & SUZANNE GARTNER
 4517 IMPALA COURT NW
 MANDAN, ND 58554

Independent Land Surveying & Engineering

4215 Old Red Trail NW
 Mandan, ND 58554
 Phone: 701-535-2074
 Cell: 701-535-2079
 mark@isurveynd.com

STAFF REPORT | MORTON COUNTY DEPARTMENT OF PLANNING AND ZONING

ITEM 1 Gwyther Third Subdivision

Location: NW¼ Section 11,
Township 135N, Range
79W

Public Hearing: June 26, 2024 Planning and Zoning
Commission Regular Meeting

Acreage: 1.52 acres

Application Type: Short-form Subdivision & Zoning
Map Amendment

of Lots: 1

Applicant: Chad Gartner

Existing Zoning: Residential (R)

Application Fee: \$200 (5/16/24)

Proposed Zoning: Residential (R)

Citizen Outreach: 35 letters sent (6/6/24)
Notice of Public Hearing advertised.

**Future Land Use
Category:** Existing Development

Proposal: Merge 15 lots plus alleyways into one lot.

**Recommendation from
Staff:** Approve the plat of the short-form subdivision, including alleyway vacation.

OVERVIEW

The subject property is located in the townsite of Fort Rice. The applicant wishes to merge 15 non-conforming lots into one residential lot for resale. The proposal includes the vacation of alleyways, which currently separate some of the lots.

FINDINGS

The future land use designation for the subject property and all surrounding lands is Existing Development. The townsite of Fort Rice is zoned for residences and is expected to continue being used for residences. The proposal is in keeping with the land use priorities in the 2045 Comprehensive Plan.

Blocks in Fort Rice are approximately 2 acres (counting internal alleyways in the acreage). If blocks are split among more than one property owner, there is no way to bring the entire block into conformity with minimum lot standards. Staff encourages cooperation among lot owners in Fort Rice. However, it is not always possible or practical for neighboring lot owners to sell out to one another.

The proposed lot meets minimum lot size standards in Section 2-210 Dimensional Table of the Land Use Code.

ALLEYWAY VACATION

The proposed subdivision includes a vacation of alleyways within the block. The neighboring Lots 16-18 are owned by Matthew and Sarah Lawrence. There is a shed and other possessions that lie south of the boundary of Lot 16, in the alleyway. It may be more equitable for the parties if the alleyway is split as it is configured on the proposed plat so that the Lawrences could eventually request to vacate the portion of the alleyway upon which their shed and other possessions are situated.

Staff sent notices to the Lawrences, as well as other neighboring property owners. Staff did not receive any comments from neighbors on this proposal.

UTILITIES

While there are some properties in Fort Rice that benefit from Missouri West Water Service, MWW is not able to accommodate new accounts in this area. The proposed lot will have to rely on a well. Power service is available.

RECOMMENDATION

Approve the plat of the short-form subdivision.

Suggested motions

I move to recommend approval of the plat of the short-form subdivision known as Gwyther Third 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.

ATTACHMENTS

1. Zoning map
2. Plat with aerial imagery
3. Final plat



FIGURE 1 AERIAL VIEW

MORTON COUNTY COMMISSION

RESOLUTION 30-2024-02

A RESOLUTION OF THE COUNTY OF MORTON, NORTH DAKOTA, TO IMPOSE A MORATORIUM ON THE DEVELOPMENT OF ALL CARBON DIOXIDE DIRECT AIR CAPTURE FACILITIES UNTIL ZONING STANDARDS CAN BE DEVELOPED

WHEREAS, the Board of Commissioners of Morton County, ND has taken notice of the potential for Morton County to be identified as a preferred location for the development of carbon dioxide direct air capture facilities in the future

WHEREAS, carbon dioxide direct air capture facilities are a nascent land use, worldwide, and best practices have not yet been established regarding siting, application protocols, and performance standards for said land use

WHEREAS, the Board of Commissioners of Morton County, ND finds it necessary to develop a land use code amendment to establish a framework for the evaluation and siting of carbon dioxide direct air capture facilities, in order to protect the health, safety and general welfare of the citizens of Morton County

WHEREAS, the Board of Commissioners of Morton County, ND finds it necessary to impose a moratorium on any and all carbon dioxide direct air capture facilities and that the purpose of the moratorium is to allow the County adequate time to conduct research, and develop and adopt standards to guide the development of said land use

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Morton County, ND that a moratorium on the development of all carbon dioxide direct air capture facilities is adopted, for the period of time necessary to develop and adopt adequate, applicable land use code amendments, and that this resolution shall take effect upon recording and publication.

BY ORDER OF THE Board of Morton County Commissioners this ____ day of ____, 2024.

ATTEST:

Morton County Commission

Auditor
Dawn Rhone

Chairman
Nathan Boehm

Morton County Planning & Zoning Department and Morton County Commissioners
2916 37th Street NW
Company Name

Re. M Joseph Facility

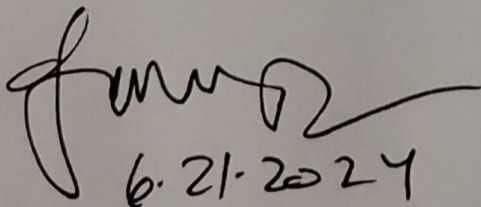
Dear Morton County Planning & Zoning Department and Morton County Commissioners:

We the landowners within the M Joseph Facility Project, before my family signed agreements with Retract, took in great consideration what it would be like in our neighborhood and how a project of this nature would impact Morton County. My family and I are excited to be part of a project that gives our neighbors and community new revenue opportunities and for Morton County the opportunity for growth and a new innovative source of property taxes from the company, and high paying employment opportunities for residents. These will result in the betterment of our local communities.

Although I moved away from the area where the project is planned our hearts are still in protecting our land, supporting our neighbors, and benefiting our community. My family has continued to support our friends and neighbors living in the community. We have also supported other projects in the county and community that benefited others including wind towers to other local land owners. With growing up in the communities of Glen Ullin and New Salem, I know there are many needs and I am excited to be a part of a project that can give back. It would be a great opportunity for schools, small businesses owners, and anyone involved in the initial construction and ongoing operation of the facility. We are proud of our county and excited to see the benefits this project will bring.

I 100% support the M. Joseph Facility and hope a decision is made to move forward with the project and to not consider a moratorium that could delay economic development for the county and towns. The sooner we get the project started, the sooner the community will benefit. Thank you for considering this project.

Jamie Johnson



6.21.2024

June 21th, 2024

Morton County Planning & Zoning Commission and Morton County Commission
2916 37th St NW
Mandan, ND 58554

Subject: Concerns Regarding Potential Development Moratorium

We are writing to express concern about the development moratorium currently being considering. As fellow landowners in Morton County, we are deeply worried about the potential implications this moratorium could have on our property rights and the future value of our land.

While we understand the intent behind considering a moratorium to manage growth and development, it is crucial also to consider the rights and interests of landowners who have invested significantly in their properties. A moratorium could limit our ability to make necessary improvements, develop our land, or sell it under favorable conditions, impacting our financial stability and plans.

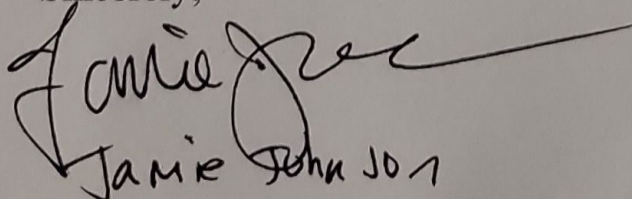
Moreover, it is important to recognize that responsible development can coexist with environmental and community goals. We strongly urge the County Boards to explore alternative solutions that balance growth with sustainability, rather than implementing a blanket moratorium that could have unintended negative consequences on property owners. We believe that a balanced approach is the key to addressing these concerns.

We kindly request the County Boards to consider the following points:

- Use the current Special Use Permit (SUP) process: The current SUP process has wide ranging authority to enact thorough project application requirements and conditions. Engage with landowners, developers, and community members to approve projects through the SUP process and create a more comprehensive county plan.
- Clear Criteria and Timeframes: If a moratorium is deemed necessary, establish clear and definitive timeframes to minimize uncertainty and disruption.
- Economic Impact Assessment: Conduct a thorough assessment of the financial impacts of a moratorium on landowners and the broader community.

Through collaborative efforts, we can find a balanced approach that protects the interests of all stakeholders. Thank you for your attention to this matter.

Sincerely,


JAMIE JOHN

Morton County Planning and Zoning Department and Morton County
Commissioners
2916 37th St NW
Mandan, ND 58554

June 21, 2024

Re: M Joseph Facility

To whom it may concern:

We the landowners within the M Joseph Facility project, before we signed the agreements with Retract, took in great consideration what it would be like in our neighborhood and how the project of this nature would impact Morton County. We are excited to be a part a project that gives our neighbors revenue opportunities, Morton County the opportunity for growth, high paying employment opportunities for residents. These will result in the betterment of our local communities.

Although we moved away from the area where the project is planned our hearts are still in protecting our land, supporting our neighbors, and benefiting our community. Our family has continued to support friends and neighbors living back home through difficult times and needs as they arise. Our hope is this project will help give back in addition to that. With living near communities of New Salem and Glen Ullin and raising our family there we know where many needs are and are pleased to be a part of a project that can give back, especially to local schools and churches. We are proud of our county and excited to see the benefits this project brings once it is up and running.

I 100% support the M Joseph Facility. Thank you, Planning and Zoning and County Commissioner's for consideration of this project.


Donna Roemmich

MORTON COUNTY COMMISSION

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

WHEREAS, the Board of Commissioners of Morton County, ND has taken notice of the impacts of data center development in Williams County, ND

WHEREAS, the Board of Commissioners of Morton County, ND finds it necessary to develop a land use code amendment to establish a framework for the evaluation and siting of data center and cryptocurrency mining facilities, in order to protect the health, safety and general welfare of the citizens of Morton County

WHEREAS, the Board of Commissioners of Morton County, ND finds it necessary to impose a moratorium on any and all data center and cryptocurrency mining facilities and that the purpose of the moratorium is to allow the County adequate time to conduct research, and develop and adopt standards to guide the development of said land use

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Morton County, ND that a moratorium on the development of all data center and cryptocurrency mining facilities is adopted, for the period of time necessary to develop and adopt adequate, applicable land use code amendments, and that this resolution shall take effect upon recording and publication.

BY ORDER OF THE Board of Morton County Commissioners this ____ day of ____, 2024.

ATTEST:

Morton County Commission

Auditor
Dawn Rhone

Chairman
Nathan Boehm