

Minutes of the Ward County Planning Commission
November 19, 2015

The meeting was called to order at 6:58 PM by Chairman Tuttle. Present were Commissioners Kopp, Fegley, Fjeldahl, and Wepler. Also present were County Planning and Zoning Administrator Amber Turnquest, Highway Engineer Dana Larsen, and Misty Hester, Secretary.

Moved by Commissioner Wepler, seconded by Commissioner Fegley, to approve the Planning Commission Meeting Minutes from the October 15, 2015. Roll Call: All Voted yes; Motion carried.

Application for plat approval by Derrick Miller for the following described property:

Outlot 5 of NE ¼, Section 33-154-82, Sundre Township

This application is for a 67.33 acre outlot. The Sundre Township Board has recommended approval. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows.

After a brief discussion regarding the easements being noted on the plat, it was moved by Commissioner Fjeldahl, seconded by Commissioner Fegley, to approve based on the stipulations by the Ward County Water Resource Board. Roll call: All voted yes; Motion carried.

Application for plat approval by Jonathon Rued for the following described property:

Outlot 6 of NE ¼, Section 33-154-82, Sundre Township

This application is for a 61.76 acre outlot. The Sundre Township Board has recommended approval. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows.

It was mentioned that the easements are also noted on this plat as well. Moved by Commissioner Wepler, seconded by Commissioner Kopp, to approve based on stipulations by the Ward County Water Resource Board. Roll call: All voted yes; Motion carried.

Application for a plat approval by Linda Benson for the following described property:

Outlot 1 Being a Tract of Land Lying in the NW ¼, Section 10-152-84,
Hilton Township

The application is for a 19.971 acre outlot. The Hilton Township Board has recommended approval. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows.

Moved by Commissioner Weppler, seconded by Commissioner Fegley to approve based on the stipulations by the Ward County Water Resource Board. Roll Call: All voted yes; Motion carried.

Application for a plat approval by Orlan Nelson for the following described property:

Outlots 2 & 3 Being Outlot 1, Document 2865509, Section 29-160-89,
Elmdale Township

The application is for 32.32 and 14.5 acre outlots respectively. The Elmdale Township Board has recommended approval. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows.

A brief discussion took place on access points in the present and the future. It was then moved by Commissioner Weppler, seconded by Commissioner Fegley to approve based on the stipulations by the Ward County Water Resource Board. Roll call: All voted yes; Motion carried.

First Reading of Proposed Ordinance Changes- Right of Way

Proposal:

Change the following reference in Chapter 3, Article 24, Section 4, 12 from:

Class of Road	Right of Way
County Roads:	150 ft. (75' from centerline)
Township Roads & Section Lines	80 ft. (40' from centerline)
Frontage Roads	80 ft. (40' from centerline)
Rural Subdivision Roads	80 ft. (40' from centerline)

To:

Class of Road	Right of Way
County Roads:	150 ft. (75' from centerline)
Township Roads & Section Lines	66 ft. (33' from centerline)
Subdivision Roads	80 ft. (40' from centerline)
Frontage Roads	80 ft. (40' from centerline)
Rural Subdivision Roads	80 ft. (40' from centerline)

This change would allow for a right of way of 33 feet from centerline on newly outlotted plats along township roads. Subdivision roads are those that run internally, within subdivisions. This class of road was added as developers had specifically asked for this change and the addition to this table would clarify the requirement. Surveyors, designers, and engineers maintain that the minimum roadway design exceeded the right of way of 66 feet in most conditions and they felt it would be more practical to have a standard 80 feet for those roads.

Discussion started with Commissioner Fjedahl stating the argument against the county taking people's property without compensating them. Commissioner Wepler steered the conversation towards the purpose of the Planning & Zoning Committee is to plan for the future while realizing the situations that may involve a Grandfathered clause.

Bucky Anderson then spoke. He bought land about 3 years ago and in order to record the deed, he stated he had to give up ½ of the land to Ward County with no compensation. In essence, he said he purchased \$5000 worth of land for the county so he could have his land.

A lengthy discussion proceeded of how different counties work, how farmers build homes along the road, justifiable reasons to take people's property. Two-acre lots were a big topic regarding the size of the lot possibly becoming less than the 2 acre minimum requirement. Overall the question that needs to be answered is: What is the fair way to *take* land to develop for the public as a whole without the land owner having to give it up without compensation?

It was motioned by Commissioner Fjeldahl, seconded by Commissioner Fegley to approve the proposed ordinance with the change that demonstrative need for 150' needs to be shown and the owner be compensated at current Fair Market Value as determined by a certified appraiser. Roll Call: All voted yes. Motion carried.

A public hearing now needs to take place at the Planning & Zoning meeting level. It would then possibly go to the Commission and repeat the process.

First Reading of Proposed Ordinance Changes- Map Showing County Floodplain Management Area and Elevations Around Rice Lake

Proposal:

Add the attached map to the current County Floodplain Management Maps. The new map shows the area surrounding Rice Lake that falls above and below the outlet elevation of 2051.0. Areas *inside* the County Floodplain Management Elevations shown are above the 2051.0 elevation. Attached is the memo to the Water Board from HDR about future development considerations around Rice Lake.

A brief discussion followed. The water board engineer has recommended that all new building elevation be set at 3 ½' along with a set back from the edge of the top of the bank by a minimum of 20'. Dana Larsen supports nothing less than 2'. An attached memo from Dennis Reep was included in the meeting packet.

Motioned by Commissioner Weppler, seconded by Commissioner Kopp to adhere to the recommendation regarding the flood plain elevation maps showing the outlet elevation at 2051.0 (3 1/2' above elevation) including the set back of 20'. Roll Call: All voted yes. Motion carried.

A public hearing now needs to take place at the Planning & Zoning meeting level. It would then possibly go to the Commission and repeat the process.

Other Business:

There being no further business, the meeting was adjourned by Commissioner Tuttle at 8:27 PM.

Chairperson, Ward County Planning Commission

Attest:

Deputy Ward County Auditor, Secretary