

## Minutes of the Ward County Planning Commission

April 21, 2016

The meeting was called to order at 7:00PM by Vice Chairman Fjeldahl. Present were Commissioners Carswell, Fegley, Livingston, Schuler, and Weppler. Also present were County Planning and Zoning Administrator Amber Turnquest, Highway Engineer Dana Larsen, States Attorney Roza Larson, and Secretary Jeanne Dufner.

Moved by Commissioner Weppler, seconded by Commissioner Schuler, to approve the Planning Commission Meeting Minutes from March 17, 2016. Roll Call: All Voted yes; Motion carried.

Application for a plat approval by **Scott Bostow** for the following described property:

Outlot 1, of Gov't Lot 3 of the NW  $\frac{1}{4}$ , Section 7-151-84, Spring Lake Township

The application is for 2.02 acre outlot adjacent to County Road 22. The Spring Lake Township Board has not yet responded. 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 Schuler, to approve the request contingent upon Spring Lake Township approval and the stipulations set by the Ward County Water Resource Board. Roll call: All voted yes; Motion carried.

Application for a plat approval by **Tagne and Larry Stone** for the following described property:

Outlot 1 Lying in SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 9-157-81, Margaret Township

This application is for a 4 acre outlot adjacent to County Road 21. The Margaret 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 Carswell, to approve the request contingent upon the stipulations set by the Ward County Water Resource Board. Roll call: All voted yes; Motion carried.

Application for a plat approval by **Rachael Vincent** for the following described property:

Outlot 3 Being a Portion of Sublot A of Outlot 1, Section 10-152-82, Newman Township

This application is for a 5 acre outlot adjacent to 97<sup>th</sup> Street SE. The Newman 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 Schuler, seconded by Commissioner Weppler, to approve the request contingent upon the stipulations set by the Ward County Water Resource Board. Roll call: All voted yes; Motion carried.

Application for a plat approval by **Rachael Vincent** for the following described property:

Outlot 4 Being a Portion of Sublot A Outlot 1, Section 10-152-82, Newman Township

This application is for a 4.3 acre outlot adjacent to 97<sup>th</sup> Street SE. The Newman 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 Schuler, seconded by Commissioner Carswell, to approve the request contingent upon confirmation that the property can be accessed from a township maintained road and the stipulations set by the Ward County Water Resource Board. Roll call: All voted yes; Motion carried.

Application for a plat approval by **Norman Sollid on behalf of William and Clara Klein** for the following described property:

Outlots 2 & 3 of Outlot 1 and N ½ NE ¼, Section 11-154-81, New Prairie Township

This application is for two outlots adjacent to 54<sup>th</sup> Ave SE, the outlots are 3.48 and 9.97 acres respectively. The New Prairie 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 Livingston, to approve the request contingent upon the stipulations set by the Ward County Water Resource Board. Roll call: All voted yes; Motion carried.

Application for a plat approval by **Sean Anderson** for the following described property:

Outlot 2 of NE ¼ SE ¼ & SE ¼ SE ¼, Section 1-157-83, Waterford Township

This application is for a 20.03 acre outlot adjacent to 198<sup>th</sup> Avenue NW. The Waterford Township Board has not yet responded. 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.

This property is located in Zoning District #1, the resolution of which states that, "there shall be no subdivision or sub-divisions or outlots in said Zoning District #1 except those incident to farming and except that property containing a habitable residential structure, such structure having been completed and existing for [at] least five years prior to the date of application, may be separated by plat from adjacent property." The current property meets this criterion to be subdivided. The Minot Air Force Base has not yet responded to a request for comment.

Moved by Commissioner Weppler, seconded by Commissioner Schuler, to approve the request contingent upon Waterford Township approval, the stipulations set by the Ward County Water Resource Board, and approval from Minot Air Force Base. Roll call: All voted yes; Motion carried.

Application for a plat approval by **Justin Hoffarth** for the following described property:

Outlot 7 of SE ¼ Less Outlot 9, Section 32-156-82, McKinley Township

This application is for special use permit is to allow a sanitation company to be operated on the property. There would be no customers at the location which would be used for container and truck storage.

At the March 17, 2016 meeting of the Ward County Planning Commission, a motion was made to recommend to the Ward County Commission that the special use permit be denied. At the April 5, 2016 meeting of the Ward County Commission a motion was made to send the application to the Planning Commission for additional consideration.

After a brief discussion concerning placement of a commercial business in an area zoned for residential/ag, it was moved by Commissioner Fegley to approve the special use permit request for a period of 10 years. Motion died for lack of second.

Commissioner Weppler and Commissioner Schuler pointed out that special use permits are granted for a limited amount of time, often no more than 10 years, with no guarantee of renewal.

Moved by Commissioner Livingston, seconded by Commissioner Schuler, to deny the special use permit request since this area is zoned for residential/agriculture. Roll call: Commissioners' Livingston, Schuler, Weppler, and Carswell voted yes; Commissioner Fegley and Vice Chairman Fjeldahl voted no; Motion carried.

Application for a plat approval by **Norman Sollid on behalf of Edward and Jean Heit** for the following described property:

Outlot 6 of Outlot 5 of NE ¼ SW ¼, Section 8-157-81, Margaret Township

The application is for 2.13 acre outlot. The Margaret 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.

An approval of this outlot would remove access to the original Outlot 5. The variance request is for Outlot 5 to be by easement only. The Ward County Zoning Ordinance requires that primary access to a lot cannot be by easement only.

This application was previously heard at the January 21, 2016 meeting of the Planning Commission and a motion was made to recommend to the County Commission that the application be denied. At the February 2, 2016 meeting of the County Commission the application was heard and a motion was made to send the application to the Planning Commission for additional consideration.

After a brief discussion regarding access to outlot 5, it was moved by Commissioner Weppler, seconded by Commissioner Livingston, to approve the plat and variance request contingent upon the stipulations set by the Ward County Water Resource Board and verification that the easement goes with the property and is not specific to one person. Roll call: All voted yes; Motion carried.

**Other Business:**

There was a brief discussion regarding the need for Building Density Restrictions in Zoning District #1 near Minot Air Force Base. The Board would like a representative from Minot Air Force Base to attend the next meeting to discuss future options.

Additionally the board was made aware of a recently discovered area in Hilton Township where construction crews have parked their campers for what may be the duration of a road improvement project. Area camp grounds have a restriction on the number of days a camper can be parked on a site, so crews have found an alternative location on privately owned property. They've been on-site for two weeks already and their presence has caused concern for at least one neighboring landowner.

Mr. Brent Johnson appeared to inform the Board an open garbage dumpster and occupied campers parked next to his pasture pose a fire threat. Additionally, people and dogs in the area are causing a disturbance for his cattle during calving season.

Ward County Building Inspector Leo Schmidt, First District Environmental Health Director James Heckman and County Planning and Zoning Administrator Amber Turnquest will be visiting the site on Friday, April 22, 2016 and will report their findings.

Moved by Commissioner Weppler, seconded by Commissioner Carswell to present results of the visit to the Ward County Commissioners at their next meeting on May 3, 2016. Roll call: All voted yes; Motion carried.

Finally, Vice Chairman Fjeldahl read a portion of the March 17, 2016 Meeting Minutes whereby the Board had granted a special use permit in Orlien Township for a duration of 20 years. Commissioner Schuler pointed out this permit had been granted to coincide with the 20-year property lease for a rail transload site.

There being no further business, the meeting was adjourned by Vice Chairman Fjeldahl at 8:40 PM.

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Chairperson, Ward County Planning Commission

Attest:

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Deputy Ward County Auditor, Secretary