

Minutes of the Ward County Planning Commission
January 19, 2017

The meeting was called to order at 7:00 PM by Chairman Tuttle. Present were Commissioners Fjeldahl, Fegley, Livingston, and Weppler. Also present were County Planning and Zoning Administrator Amber Turnquest, States Attorney Roza Larson, and Misty Hester, Secretary.

Nominations for the Ward County Planning Commission Chairman and Vice Chairman were called by Amber Turnquest. Nominations for Chairman were Commissioner Fjeldahl and Chairman Tuttle. Chairman Tuttle was elected as 2017 Chairman of the Planning Commission after a vote of 3 to 2. Nomination for Vice Chairman was a unanimous vote for Commissioner Fegley. Moved by Commissioner Weppler, seconded by Chairman Tuttle, to approve Commissioner Fegley as Vice Chair. Roll call: all voted yes; motion carried.

Moved by Commissioner Weppler, seconded by Commissioner Livingston, to approve the Planning Commission Meeting Minutes from the December 15, 2016 meeting. Roll call: all voted yes; motion carried.

Suggestion by Amber Turnquest to move the public hearing to the beginning of the agenda as no one else was present for those items.

Public Hearing

Application for a plat approval and variance by **Leon Borud** for the following described property:

Outlot 1 of SE ¼ NE ¼ SW ¼ NE ¼, Section 25-154-86, Tolgen Township

The plat application is for a 9.41 acre outlot. The Tolgen 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows.

The variance is to allow access to the newly created outlot to be by easement only. The Township considers the access to be a township maintenance road and “does not have a problem” with the access easement.

Moved by Commissioner Weppler, to open the public hearing at 7:10 PM

Leon Borud, 3963 Aster Loop, Minot ND, appeared and presented his purpose to sell his property. Leon presented pictures of his farmstead that had been in his family since 1910.

A brief question and answer took place regarding the access. It was verified that the township maintains the driveway as a public use road.

Moved by Commissioner Fjeldahl, the public hearing was closed at 7:14 PM.

Moved by Commissioner Weppler, seconded by Commissioner Fjeldahl, to approve the requested plat and variance application. Roll call: all voted yes; motion carried.

Application for a plat approval by Arlan Irwin for the following described property:

Outlots 6 & 7, of SE $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 26-153-83, Freedom Township

The plat applications are for 7.48 and 8.72 acre outlots respectively. The Freedom Township Board recommended approval of the plats "provided right of ways left the way they were prior to outlotting". 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows.

Amber had no concerns with outlot 7 as the state right of way already exists. Outlot 6 is not in compliance with the County Zoning Ordinance which requires a 40 foot dedicated right of way off of the township road.

Discussion ensued regarding the 33 feet right of way vs. 40 feet.

Moved by Commissioner Weppler, seconded by Chairman Tuttle, to approve the two outlots with the outlot 6 having the right of way that is consistent with the Ward County Zoning Ordinance. Roll call: Commissioner Weppler and Chairman Tuttle voted yes. Commissioners Livingston, Fegley, & Fjeldahl all voted no. Motion denied.

Moved by Commissioner Fjeldahl, seconded by Commissioner Livingston, to accept the plat with the township recommendations considered as part of the approval. Roll Call: Commission Fjeldahl and Commissioner Livingston voted yes. Commissioners Fegley, Livingston, Weppler and Chairman Tuttle voted no. Motion denied.

Moved by Commissioner Fegley to send Outlot 6 back to correct it to a 40' right of way or ask for a variance, Seconded by Commissioner Weppler. Roll Call: all voted yes except Commissioner Fjeldahl. Motion carried.

Moved by Commissioner Weppler, seconded by Chairman Tuttle, to approve outlot 7. Roll call: all voted yes; motion carried.

Application for a plat approval by **Galen Larson** for the following described property:

Outlots 1 & 2 of NE ¼ NW ¼, of Section 33-151-86, Ryder Township

The plat applications are for 3.36 and 3.55 acre outlots respectively. The Ryder 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows.

Moved by Commissioner Weppler, seconded by Commissioner Fjeldahl, to approve the application. Roll call: all voted yes; motion carried.

Application for a plat approval by **Gene Eggen** for the following described property:

Outlot 1 of NW ¼ SW ¼, of Section 17-154-83, Afton Township

The plat application is for a 2 acre outlot. The Afton Township Board has recommended approval with the note that "Afton Township has approved this plat. No further action is needed". 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows.

Moved by Commissioner Weppler, seconded by Commissioner Fjeldahl, to approve the plat approval. Roll call: all voted yes; motion carried.

Application for a **plat approval** by **Larry Nesson** for the following described property:

Outlot 28 Being a Portion of Government Lot 2, Section 10-152-85, Rice Lake Township

The plat application is for a 7.70 acre outlot. The Rice Lake Township Board has not yet responded and the Ward County Water Resource Board has not yet responded.

Moved by Commissioner Weppler, seconded by Commissioner Fjeldahl, to approve for discussion.

Discussion ensued.

Roll call: all voted yes; motion carried.

Zoning Ordinance Discussion

Amber received changes for Commissioner Livingston and Chairman Tuttle.

Discussions/comments/changes from those can be discussed in the next meeting to allow other members of the Commission opportunity to comment.

Discussions included wind farms, authority of restrictiveness in regards to the county vs. township vs. state, and special use permits. An overview of the most recently updated Permitted & Special Use table handout took place before adjourning the meeting.

There being no further business, the meeting was adjourned by Chairman Tuttle at 8:30 PM.

Chairperson, Ward County Planning Commission

Attest:

Deputy Ward County Auditor, Secretary