

Minutes of the Ward County Planning Commission
March 16, 2017

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

Moved by Commissioner Weppler, seconded by Commissioner Kossan, to approve the Planning Commission Meeting Minutes from the February 16, 2017 meeting. Roll call: all voted yes; motion carried.

REGULAR AGENDA:

Application for a final plat approval by **Four Seasons Construction, Inc.** for the following described property:

Picard Subdivision Being an Unplatted Portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Lying South of BNSF Railroad in Section 12-155-85 and an Unplatted Portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Lying North of Ward County Highway No. 10, Section 13-155-85, Des Lacs Township

The preliminary plat is for a two lot subdivision. The Des Lacs Township 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 Kossan, to approve based on the contingency of approval of the vacation of the section line. Roll call: all voted yes; motion carried.

PUBLIC HEARING:

Application for a variance and plat approval by **Arlan Irwin** for the following described properties:

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

The plat application is for a 7.48 acre outlot. The Freedom 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 open the public hearing at 7:03 PM.

John Pietsch, Chairman of the Freedom Township's Zoning and Ordinances, residing at 15900 16th St SW, Minot ND, appeared and gave a statement regarding the extremely low traffic flow at this particular plat. A hand-out of the township ordinances and requirements was presented to show their ordinance allows 2 non-farm residences per quarter. The township has right-of-ways at 33' from the center line and they require the county to provide proof of need when taking extra right-of-way as well as compensating the land-owner.

Moved by Commissioner Weppler, seconded by Commissioner Carswell, the public hearing was closed at 7:10 PM

Discussion ensued.

Moved by Commissioner Livingston, Seconded by Commissioner Fjeldahl, to grant the variance with the set-backs that the township recommends at 33'. Roll Call: all voted yes except Commissioner Weppler; motion carried.

Application for a variance and plat approval by **Robert Finken** for the following described properties:

Outlot 1 of SE ¼ SW ¼, Section 27-151-85, Cameron Township

The plat application is for a 4.66 acre outlot. The Cameron 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 application is to allow the outlot to be created, thereby removing the current direct access to a publicly maintained road to the existing residence. The access to the existing residence would then be by easement only would go against Chapter 3, Article 24, Section 4, F, 1, c of the Ward County Zoning Ordinance.

Moved by Commissioner Fjeldahl, seconded by Commissioner Kossan, to open the public hearing at 7:23 PM.

Amber stated two concerns the Ward County Highway department has: by creating this outlot, the access to the original home would be by easement only and does not give permanent access. The other concern is there is a separate property that runs east of it along the border line. If another home goes there, 4 residences would then be on the property and 3 would already be considered a subdivision. Roadway dedication could be built along the east side of the newly-created lot to have public access to a publicly maintained road.

Robert Finken, 16300 359th Ave SW, Douglas, ND 58735, appeared and spoke. He and his son-in-law, Robert, farm together. There is an existing modular home that they would like to have replaced. The deed cannot be transferred without the variance approval and the bank will not allow financing for the home without the deed. They share an existing driveway that has been shared for years.

An extended discussion ensued about contact with staff, access by easement only vs. road dedication, and the spacing between accesses on a county road.

Moved by Commissioner Weppler, seconded by Commissioner Carswell, the public hearing was closed at 7:39 PM.

Discussion ensued. Clarification was made that the recommendation for access for easement only does not meet the guidelines nor does it meet the threshold for the variance.

Moved by Commissioner Fjeldahl, Seconded by Commissioner Kopp, to approve the variance. Roll call: all voted yes except Commissioner Carswell and Commissioner Weppler; Motion carried.

Application for a variance and plat approval by **John Pietsch** for the following described properties:

Outlot 5 Lying in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12-153-83, Freedom Township

The plat application is for a 4.66 acre outlot. The Cameron 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows.

The variance application is to allow the outlot to be created without dedicating the 75 feet of right of way as required by Chapter 3, Article 24, Section 4, A, 12 of the Ward County Zoning Ordinance.

Item was removed from the agenda at the applicant's request.

Application for a variance and plat approval by **St. Paul's Lutheran Church** for the following described properties:

Outlot 3, a Portion of Outlot 2 Lying in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18-157-82, Tatman Township

The plat application is for a 0.52 acre outlot. The Tatman Township Board has not yet responded. The Ward County Water Resource Board has not yet responded.

The variance application is to allow the outlot with less than two acres as required by Chapter 3, Article 24, Section 4, F, 1, b of the Ward County Zoning Ordinance.

Moved by Commissioner Carswell, seconded by Commissioner Weppler, to open the public hearing at 7:45 PM.

For the record, no one appeared to speak for or against the variance and plat approval by St. Paul's Lutheran Church.

Moved by Commissioner Weppler, seconded by Commissioner Kossan, the public hearing was closed at 7:46 PM

Moved by Commissioner Livingston, Seconded by Commissioner Weppler, to approve based upon the formal approval of the Minot AFB. Roll call: all voted yes; motion carried.

RIGHT OF WAY DISCUSSION

Moved by Commissioner Weppler, seconded by Commissioner Carswell, to open the public hearing at 7:48 PM.

John Pietsch, Chairman of the Freedom Township's Zoning and Ordinances, residing at 15900 16th St SW, Minot ND appeared and suggested that the burden of proof should not be on the individual.

Sula and Leo Bruins, 1021 54th Ave SE; Lanae Franks, 5400 10th St SE, Minot ND; Mike Hayes, #4 21st St NW, Minot ND ; Chad Ness, Gasman Township Chair ; Clay Anderson, 2200 62nd St SW, Minot ND; Chad Ness, Gasman Township Chair, 3701 205th Ave SW, Max ND; Brent Johnson, 29400 142nd St SW, Douglas ND; Nathan Fegley, 10701 240th St NW, Berthold ND; Rick Walker, and Ardin Hayner, 34491 72nd St SW, Douglas ND, all appeared and spoke against the current policies on dedicated right of way.

Amber Turnquist spoke to explain what a dedicated right of way is and how it is triggered. Within discussions of the preceding public attendees, clarification for some attendees became apparent as they learned the processes.

Some grievances that remained though included: losing land without compensation (referred to as extortion several times from attendees), hardships placed on the land-owners to have to apply for a variance to keep their land, processes between the county and the city for plats within the 2-mile radius, county roads that divide a parcel leaving one piece too small to sell, and CRP Conservation program rules.

Moved by Commissioner Kossan, seconded by Commissioner Weppler, the public hearing was closed at 8:50 PM.

Discussion ensued.

Moved by Commissioner Fjeldahl, Seconded by Commissioner Kopp, to suspend the current policy and go back to the 33' statutory right-of-way on all classes of roads and all section lines. Roll call: all voted yes except Commissioner Weppler; motion carried.

Commissioner Kossan motioned to table agenda items E, F, and G.

Other Business:

Amber reminded the commissioners of the Planning & Zoning Workshops handout.

The first reading at the Planning Commission will be scheduled for April 20, 2017 for the motion made from the right of way discussion.

There being no further business, the meeting was adjourned by Commissioner Tuttle at 9:11 PM.

Chairperson, Ward County Planning Commission

Attest:

Deputy Ward County Auditor, Secretary