

Minutes of the Ward County Planning Commission

May 18, 2017

The meeting was called to order at 7:00 PM by Chairman Tuttle. Present were Commissioners Carswell, Fjeldahl, Fegley, Kopp, Kossan, Livingston, Sipma, & Weppler. Also present were County Highway Engineer Dana Larsen, States Attorney Roza Larson, and Misty Hester, Secretary.

Moved by Commissioner Weppler, seconded by Commissioner Fegley, to approve the Planning Commission Meeting Minutes from the April 20, 2017 meeting. Roll call: all voted yes; motion carried.

Dana Larsen updated the commissioners :

- Amber is no longer with the county and the county is currently without a planner. The commission has approved Donna Bye from Houston Engineering to tentatively serve as as the planner until the position is filled.
- The due dates on all applications will be the 15th of the month.

REGULAR AGENDA:

Application for a plat approval by **Norman Sollid on behalf of Darlene Brandt** for the following described property:

Outlot 1 of NW ¼ NW ¼, 35-151-86, Ryder Township

The plat application is for 8.26 acre outlot. The Ryder Township Board has not yet responded. The Ward County Water Resource Board has responded with the regular verbiage: 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 Carswell, to approve based the approval of the Ward County Water Resource Board. Roll call: all voted yes; motion carried.

Application for a preliminary plat approval by **Travis & Paula Bohl** for the following described property:

Petersen's 2nd Subdivision to Rice Lake, Ward County, North Dakota
Being Lots 21 & 22, Petersen's Subdivision to Rice Lake, Ward County,
North Dakota

The plat application is for two lot subdivision. The Rice 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows. The Water Resource Board also requires that the home be built to the minimum elevations as designated at Rice Lake.

Moved by Commissioner Weppler, Seconded by Commissioner Sipma, to approve based the approval of the Rice Lake Township board and the stipulations provided by the Ward County Water Resource Board including the minimum elevations designated at Rice Lake. Roll call: all voted yes; motion carried.

Application for a plat approval by the **City of Minot** for the following described property:

Outlot 12 of NW1/4NE1/4 , Section 9-154-82, Sundre Township

The plat application is for a 3.310 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 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 stipulations of the Ward County Water Resource Board. Roll call: all voted yes; motion carried.

PUBLIC HEARING:

Moved by Commissioner Weppler, the public hearing was opened at 7:09 pm.

Application for a plat and variance approval by **James M. & Sandra K. Moon** for the following described property:

Outlot 10 of SE1/4NE1/4 , Section 32-156-82, McKinley Township

The plat application is for 13.07 acre outlot. The Sundre Township Board has not responded. The Ward County Water Resource Board has not yet responded.

The variance application is to allow the outlot to be created without dedicating the 40 feet of right of way as required by Chapter 3, Article 24, Section 4, A, 12 of the Ward County Zoning Ordinance. The application states that without the variance, the additional right of way could interfere with an existing windbreak, fencing and other improvement already existing on the property.

Travis Zabloutney, 1119 12th Ave SW, Minot ND, appeared and spoke against the variance.

Jim Moon, property owner residing at 5421 42nd St NE in Minot, appeared and spoke for the plat and variance approval. His main concern is having the outlot approved. He did offer to withdraw his request for variance if it would help facilitate things. Rob from Ackerman intervened to explain the ordinance of the 40' requirements and the risks involved. He offered that Ackerman would make the adjustments of the plat to show the 40' dedication if Mr. Moon wanted to withdraw the request for the variance.

A brief discussion ensued.

Moved by Commissioner Weppler, seconded by Commissioner Kopp, the public hearing was closed at 7:24 pm.

Commissioner Weppler received clarification from Mr. Moon his intention to withdraw his request for variance and have the adjustments made to the plat to show the 40' dedication.

Moved by Commissioner Weppler, seconded by Commissioner Sipma, to approve the plat for Mr. Moon at the 40' that will come in for the Commission meeting and with the approval of the township and water board. Roll call: all voted yes except Commissioner Livingston; motion carried.

Moved by Commissioner Weppler, the public hearing was opened at 7:26 PM.

Application for a plat and variance approval by **Norman Sollid on behalf of Marsha Renner & Joseph Streeper** for the following property:

Outlot 2 of NW1/4 and NW1/4SW1/4, Section 17-153-81, Sawyer Township

The plat application is for a 75.47 acre outlot. The Sawyer Township Board has not yet responded. The Ward County Water Resource Board has not yet responded. The plat should not go before the County Commission until the Special Flood Hazard Area (100 year floodplain) is shown on the plat as required by NDCC.

The variance application is to allow the outlot to be created without dedicating the 40 feet of right of way as required by Chapter 3, Article 24, Section 4, A, 12 of the Ward County Zoning Ordinance. The application states that there are no roads on the section lines and as the outlot is to remain pasture land, there would be no hardship resulting from approval of the variance.

It was advised by Dana that the Special Flood Hazard Area needs to be included in the motion and be shown on the plat.

For the record, no one appeared to speak for or against the plat and variance approval.

Moved by Commissioner Weppler, seconded by Commissioner Carwell, the public hearing was closed at 7:30 PM.

A brief discussion ensued.

Moved by Commissioner Weppler, seconded by Commissioner Sipma to approve this variance based on the property being peculiar and the hardship is the land is difficult to put a road on it and it is greater than the size of the 40 acres. Additionally, the plat needs to have the Special Flood Hazard Area on it and the approval of the Surrey Township. Roll call: all voted yes; motion carried.

Moved by Commissioner Weppler, the public hearing was opened at 7:34 PM.

Application for a plat and variance approval by **Charles & Mavis Cummings** for the following described property:

Outlots 3 & 4 Being Outlot 1 of NE ¼ SE ¼, Section 3-156-86, Berthold Township

Upon approval of Outlot 4, there is an application for a **zone change** for the following described property:

Outlots 4 Being Outlot 1 of NE ¼ SE ¼, Section 3-156-86, Berthold Township

The plat application is for a 7.99 and 2.01 acre outlot respectively. The Berthold Township Board has not yet responded. The Ward County Water Resource Board not yet responded.

The variance application is to allow the outlot to be created without dedicating the 40 feet of right of way as required by Chapter 3, Article 24, Section 4, A, 12 of the Ward County Zoning Ordinance. The applicant does not see any hardships that will result from approval of the variance.

The application is to change the zoning from A-1 – Agricultural to C-2- Highway Commercial. All adjacent properties are zoned A-1.

Charles Cummings, 11701 268th St NW, Berthold ND, spoke to a board member after the last meeting and then spoke to both Amber Turnquest and Ackerman. He then decided to pull the plat before it went to the commission. He would also like to withdraw the request for the variance from the current application, but move forward with the zone change request.

A brief discussion ensued. It was decided to vote separately for the zone change and the variance.

Marvin Heller, Berthold Township board, spoke on behalf of the township to clarify their health concern with a 2 acre minimum lot and septic system and questioned if it would be enough. It was clarified that the county's minimum is 2 acres.

Moved by Commissioner Weppler, seconded by Commissioner Sipma, the public hearing was closed at 7:43 PM.

Moved by Commissioner Weppler, seconded by Commissioner Carswell, to approve the zone change contingent upon the stipulations of the Ward County Water Resource Board. Roll call: all voted yes; motion carried.

Moved by Commissioner Kossan, seconded by Commissioner Weppler, to approve the plat of outlots 3 and 4 subject to the stipulations of the Ward County Water Resource Board and the new plat showing the 40' right of way. Roll call; all voted yes except Commissioner Fjeldahl; motion carried.

Moved by Commissioner Weppler, the public hearing was opened at 7:50 PM.

Second Reading and Public Hearing for Changes to Dedicated Right of Way

The changes to suspend the current policy of dedicated right of way and allow 33 feet of statutory right of way on all plats adjacent to publicly maintained roads.

The change would strike the right of way requirements of 150ft (75' from centerline) on County Roads and right of way requirements of 80ft (40' from centerline) on Township Roads, Section Lines, Frontage Roads, and Rural Subdivision Roads in Chapter 3, Article 24, Section 4, A, (12). The right of way would read as follows:

12. Unless otherwise shown on the Master Plan, right-of-way and roadway widths shall be not less than as follows:

Class of Road	Right of Way
County Roads	66' (33' from centerline)
Township Roads	66' (33' from centerline)
Section Lines	66' (33' from centerline)
Frontage Roads	66' (33' from centerline)
Rural Subdivision Roads	66' (33' from centerline)

The change would remove the following sentence:

Plats proposed along roads shall donate and dedicate to the public for public use sufficient right-of-way to meet these requirements.

The change would strike the 80 feet from item "c" and replace it with 66 feet, in Chapter 3, Article 24, Section 4, A, (20). The language would read as follows:

20 Minimum road standards for township subdivision roads:

c Right-of-way width 66 feet

The following appeared in favor of the Changes to Dedicated Right of Way: James Lee, 7701 289th Ave SE, Max ND; Travis Zabloutney, 1119 12th Ave SW, Minot ND; Leo Bruins, 1021 54th Ave SE, Minot ND; Robert Finken, 16300 359th Ave SW, Douglas ND; Tom Hallamyer, 6301 30th St NW, Minot ND; Gene Gassman, 100 135th Ave SE, Minot ND; Sula Bruins, 1021 54th Ave SE, Minot ND; Troy Coons, 6054 74th St NW, Donnybrook ND; Luigi Heydt, 6975 338th St SW, Berthold ND; Bob Martin, Martin Law; John Pietsch, 15900 16th St SW, Minot ND; Marvin Heller, 8902 324th St NW, Berthold ND; Dennis Botana, 2401 N 83 Bypass, Minot ND.

Moved by Commissioner Weppler, seconded by Commissioner Carswell, the public hearing was closed at 8:45 PM.

Discussion ensued.

Moved by Commissioner Fjeldahl, seconded by Commissioner Livingston, to approve the language change shown in #12. Roll call: all voted yes except Commissioner Weppler; motion carried.

Dana reminded the Board of the meeting process to follow: It will go to the Commission for a First Reading and then again for a Second Reading and Public Hearing. Chairman Tuttle reminded everyone to watch the newspaper for specific dates.

Other Business:

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

Chairperson, Ward County Planning Commission

Attest:

Deputy Ward County Auditor, Secretary