

Minutes of the Ward County Planning Commission

July 20, 2017

The meeting was called to order at 7:00 PM by Vice Chairman Fegley. Present were Commissioners Fjeldahl, Koop, Livingston, Weppler, & Wolsky. Also present were County Planning and Zoning Administrator Nancy Simpson, County Highway Engineer Dana Larsen, States Attorney Roza Larson, and Misty Hester, Secretary.

Vice Chairman Fegley presented a letter written by Wayne Tuttle giving resignation of the committee; Moved by Commissioner Fjeldahl, seconded by Commissioner Weppler, to accept the resignation and have the letter will be forwarded to the next Commission meeting for action.

Nominations for the Ward County Planning Commission Chairman and Vice Chairman were called by Vice Chairman Fegley. Moved by Commissioner Fjeldahl, seconded by Commissioner Weppler, to nominate Clayton Fegley as the new Chairman. Roll call: all voted yes; motion carried.

Nomination for Todd Koop by Commissioner Livingston. Moved by Commissioner Weppler, seconded by Commissioner Livingston, to cease all nominations and cast a unanimous approval of Commissioner Koop as Vice Chair. Roll call: all voted yes; motion carried.

Moved by Commissioner Weppler, seconded by Commissioner Fjeldahl, to approve the Planning Commission Meeting Minutes from the June 15, 2017 meeting. Roll call: all voted yes; motion carried.

REGULAR AGENDA:

Application for a Plat Approval by **Travis Zabloutney & Tiffanee Fettig** for the following described property:

The unplatted portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33-156-82

The plat application is for creating two Outlots to be known as Outlot 10 and Outlot 11. Outlot 10 will be 5 acres and Outlot 11 will be 3 acres. The McKinley Township has responded with approval and no further comment. The Ward County Water Resource Board returned the plat without objection, but with the recommendations:

1. 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;
2. No development as a result of this plat should obstruct any watercourses or divert surface water flows.

Moved by Commissioner Weppler, seconded by Commissioner Koop, to approve the plat with all water board verbiage.

Travis Zabloutney appeared and explained his intentions to record a document signed by all the land owners in the existing quarter. If and when traffic activity in the area increases and an approach needs to be created, the land owners would all be notified at that time.

Leo Schmidt, McKinley Township representative, appeared and explained a township concern after listening to Mr. Zabloutney; the township would not want the burdens associated with road maintenance including snow removal for this area should activity increase.

Mike Gessner, lives ¼ mile East of outlots 10 & 11, appeared and spoke out of order with his concerns; Commissioner Wepler reminded him of the public hearing to take place after the regular agenda.

Amended motion made by Commissioner Wepler, seconded by Commissioner Koop, to include the Planning Commission Staff Report as follows:

Staff recommends the following:

1. An easement must be recorded to the north of the proposed outlots in the event of future development for the installation of a frontage road for access off 42nd Street.
2. A term sheet be created and recorded against both Outlots 10 and 11 along with the unplatted portion of SW ¼ SW ¼, Section 33 outlining; the temporary access from 46th Ave (Northeast Bypass), the requirements of when the temporary access will be removed and 42nd Street and frontage road would be improved, who would be responsible for those improvements, since neither the township or the county would participate in the cost of the improvements, and the need for the changes based on increased traffic or future development.
3. Remove the temporary access from 46th Ave (Northeast Bypass) and make the necessary improvements to 42nd Street if or when outlot 10 or neighboring land is developed and will cause an increase in traffic that exceeds 150 vehicles per day.
4. A development agreement to provide proper fire suppression for the site. This area is served by Minot Rural Fire and will need to abide by the International Fire Code.

The motion also includes the agreement by the township board, the covenant document to be ready for approval for approval by the commission meeting, and all terms to be finalized and ready for final approval. Roll call: all voted yes; motion carried.

PUBLIC HEARING:

Moved by Commissioner Wepler, seconded by Commissioner Fjeldahl, the public hearing was opened at 7:39 pm.

Application for a Special Use Permit for Crop Production Service Warehouse by Barry & Tiffanee Fettig for the following described property:

Proposed Outlot 11 in Section 33-156-82

The Special Use Permit is being requested to construct a warehouse and hopper bins for treatment and storage of agricultural products. In the site plan the applicant has space reserved for a second warehouse to accommodate future growth.

Mike Skatvold, FMI Construction LLC, Moorehead MN, appeared and presented information on the intention of the new development for growth purposes. He included information on the intended tenant, warehouse sizes, and usage plans as well as precautions for environmental protection.

Sibley Gessner, 4871 46th Ave NE, Minot ND, appeared with her concerns for safety, property values, traffic, and smells.

Keith Suko, Crop Production Services, by Nash Finch on Burdick Expressway, appeared and answered the questions by the Gessners. He also invited anyone to visit their existing warehouse at anytime to view their day-to-day operations.

Travis Zabloutney, appeared in favor of the application for the Special Use Permit.

Moved by Commissioner Wepler, seconded by Commissioner Koop, the public hearing was closed at 8:12 pm.

Moved by Commissioner Fjeldahl, seconded by Commissioner Koop, to approve the Special Use Permit with a 20-year time frame. Roll call: all voted yes; motion carried.

Other Business:

KLJ on behalf of CENEX Pipeline, LLC

KLJ will be giving information and answering questions about a proposal from CENEX Pipeline, LLC to construct pipeline from Sidney, MT to Minot, ND to replace a portion of the existing eight-inch pipeline and add throughput. The North Dakota Public Service Commission will hold hearings in Minot on July 24th at 10:00 am at the Sleep Inn & Suites.

Nici Meyer, Director, Right-of Way, KLJ, appeared regarding their intention of working with Cenex Pipeline, LLC, to replace a portion of its current refined fuels pipeline that lies between Laurel, MT, and Minot, ND. A Ward County Special Use Permit Application has been filed proactively in case it is determined as necessary; Zoning Boards do have the option regulating. Hand-outs included: KLJ letter, copy of SUP application, Cenex letter, Cenex Frequently Asked Questions sheet and maps. The PSC has a hearing scheduled for Monday, July 24th at 10:00 am at the Sleep Inn as well as Tuesday in Tioga; Nancy Simpson will be attending the hearing on Monday. A requirement by the PSC will be to have all required applications in order.

Meyer is here to make sure all requirements are in place for the hearing as well as anything that may need to be done in order to move forward with the application or any other deadlines.

Moved by Commissioner Fjeldahl, seconded by Commissioner Weppler, to have staff draft a letter similar to the one Williams county sent in stating that the PSC decision would suffice since Ward doesn't have any ordinances specifically regulating pipelines. Roll call: all voted yes; motion carried.

Medical Marijuana Ordinance

The State Legislature passed a law allowing the production and sale of medical marijuana. Currently, two manufacturing facilities and eight dispensaries will be permitted. These facilities may not locate within 1000 feet of an existing public or private school and must comply with North Dakota Health Department standards and regulations. Staff recommends adopting the same language as the City of Minot.

Moved by Commissioner Weppler, seconded by Commissioner Koop, to adopt the same language as the City of Minot.

Lengthy discussion ensued regarding state statute, special use permits, Compassion Centers, and how the county should handle each.

Motion was withdrawn by Commissioner Weppler so Nancy Simpson could return with a draft adopting language used by the City of Minot while fitting our code as well.

There being no further business, the meeting was adjourned by Chairman Fegley at 9:04 pm.

Chairperson, Ward County Planning Commission

Attest:

Deputy Ward County Auditor, Secretary