



DATE: February 7, 2018
TO: Ward County Planning Commission
FROM: Nancy Simpson, County Planning/ Zoning Administrator
SUBJECT: Regular Meeting 7:00PM, February 15, 2018, Room 108, Ward County Administration Building

AGENDA

- A. Call to order, roll call and determination of quorum.
- B. Review and approval of the minutes from January 18, 2018.
- C. Regular Agenda
 1. Kathleen Kupser
Application for a **Plat Vacation** for the following described property:

OLT 3 OF E2NENE LS ROW S26-155-84 BURLINGTON

The plat application is for vacating outlot 3 due to intended use not coming to fruition. The Burlington Township has responded with recommendation for approval and with no further comments.
- D. Other business or adjourn
 1. Elections
We will hold the annual election for Chair and Co- Chair. Nomination will be made first, then a vote for each position.
 2. Review Bylaws
The Ward County Planning Commission Bylaws are 25 years old. This time will be set aside for the Planning Commissioners to suggest amendments, revisions or additions to the existing document.
 3. Great Plans, Great Communities
Excerpts from a Webinar put on by the American Planning Association to help educate new planning officials, commissioners, and community members; this is an eye-opening introduction to the range, roles, and results of planning. This will take about 25 minutes.
 4. KLJ
Joel Quanbeck is the project manager for the Comprehensive Plan and Ordinance Update. Mr. Quanbeck will be giving details on how the project will be structured and give insight to the process for creating an excellent comprehensive plan that helps guide zoning ordinances.

cc: Ward County Commissioners
Regular Mailing List

Minutes of the Ward County Planning Commission

January 18, 2018

The meeting was called to order at 7:00 p.m. by Chairman Fegley. Present were Commissioners Fjeldahl, Hanson, Livingston, Koop, Kossan, Livingston. Also present were Planning & Zoning Administrator Nancy Simpson, County Highway Department Assistant Engineer Travis Schmit, Assistant State's Attorney Jaimee Towers, Ackerman Surveying Rob Berard, Dan Deaver and Misty Hester, Secretary.

Moved by Commissioner Fjeldahl, seconded by Commissioner Kossan, to approve the Planning Commission Meeting Minutes from the December 21, 2017. Roll call: all voted yes; motion carried.

Regular Agenda

Application for a plat by **Peter & Debora Sigurdson** for the following described property:

Outlot 12 being all of outlot 5 & a portion of outlot 6; Outlot 13 being all of outlot 7 and a portion of outlot 6, 8-153-81, Sawyer

The plat application is to divide existing outlot 6 to add portions to existing outlots 5 and 7 to create proposed outlots 12 & 13. The Sawyer Township has responded with a recommendation for approval and with no further comments. The Ward County Water Resource Board returned the plat without objection, and the usual recommendation was edited as indicated in the provided staff report. The new wording is intended to apply only to special use permits or uses where there would be impermeable services added. Wording has changed from what it was previously to be more specific to commercial development. Nancy Simpson answered questions regarding the new wording by the Water Board.

Moved by Commissioner Koop, seconded by Commissioner Hanson, to approve the plat with the Township, Water Board and staff recommendations listed in the Staff Report. No further discussion. Roll call: all voted yes; motion carried.

Application for a plat by **Bradly Gossen** for the following described property:

Outlot 5 being outlot 1 and unplatted portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20-153-81, Sawyer

The plat application is for enlarging outlot 1 and with intent to construct a single family residence. The Sawyer Township has responded with a recommendation for approval and with no further comments. The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation.

Moved by Commissioner Koop, seconded by Commissioner Kossan, to approve the plat with the Township, Water Board and staff recommendations listed in the Staff Report. Discussion regarding right-of-way lines on plat. Roll call: all voted yes; motion carried.

Application for a plat by **Norman Sollid on behalf of Russel Hadler & Wesley Haugen** for the following described property:

Outlot 2 NE $\frac{1}{4}$ NW $\frac{1}{4}$ & outlot 1, 8-155-81, Surrey

The plat application is for enlarging existing outlot 1 by one acre on the western side to plant trees as a shelter belt. The Surrey Township has responded with a recommendation for approval. The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation.

One condition of approval is that the plat needs to be corrected. Should be 350' in the long description and indicate 6.67 acres in the long description as well. Comm. Fjeldahl was concerned with the 40' right-of-way indicated on Outlot 2. Feels the 40' should be removed. Will add it as a condition of approval.

Moved by Commissioner Fjeldahl, seconded by Commissioner Koop, to approve the plat with the change in the 300' and the other one Nancy suggested plus moving the 40' notes only to pertain to Outlot 2 and the Township, Water Board and staff recommendations listed in the Staff Report. Roll call: all voted yes; motion carried.

Application for a plat by **Norman Sollid on behalf of Keith Deutsch** for the following described property:

Outlot 1 SE ¼ SE ¼, 28-153-87, Lund

The plat application is for creating an outlot for an existing farmstead. The Lund Township has responded with a recommendation for approval. The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation. Staff has recommended approval with the condition that the surveyor correct the state plane coordinates as they are off significantly.

Moved by Commissioner Fjeldahl, seconded by Commissioner Hanson, to approve the plat with corrections to the state plane coordinates and have the right-of-way language changed to the statutory 33' outside of Outlot 1 and the Township, Water Board and staff recommendations listed in the Staff Report. Discussion regarding the right-of-way dimensions. Roll call: all voted yes; motion carried.

Other Business

Follow up on last months' discussion about the Comprehensive plan. Attached to the packet is a document from the then Auditor stating that the 1974 Comp Plan was never adopted. Thus, the 1994 Comp Plan is the only Comp Plan for Ward County.

Moved by Commissioner Fjeldahl, seconded by Commissioner Koop, to approve to receive and file the letter from Dave Senger dated November 5, 1993. Roll call: all voted yes; motion carried.

Ward County Comprehensive Plan and Ordinance Update. Committed recommended KLJ to the commission which was approved. The next steps are to finish scoping and budgeting and then go back to the commission for final approval and contracting. This plan will include a Land Use Plan. Will give guidance for Ward County's growth. Plan will ensure that agricultural land will be protected and the economy has a way to diversify. Discussion regarding the purpose for a comprehensive plan versus zoning ordinances.

Moved by Commissioner Fjeldahl, seconded by Commissioner Kossan, to adjourn.

There being no further business, the meeting was adjourned by Chairman Fegley at 8:15 p.m.

Chairperson, Ward County Planning Commission

Attest:

Deputy Ward County Auditor, Secretary



**Planning Commission
Staff Report**

Meeting Date: February 15th, 2018

Applicant/ Owner: Kathleen (Kay) Kupser
8600 West County Road 12, Burlington, ND
701-839-7128

Representative/ Contractor: Same

Current legal description: Outlot 3 E2 NENE LS ROW 26-155-84, Burlington Township

Proposed legal description: E2 NENE LS 1.30 A & including vacated OLT 3 26-155-84, Burlington Township

Address: (if applicable) N/A

Township: Burlington

Current Zoning: Rural

Zoning Ordinance Reference: Ward County Zoning District 2

Item #: 1
Recommendations _____
Staff: Approval
Township: Approval
Water Board: N/A

PROJECT DESCRIPTION:

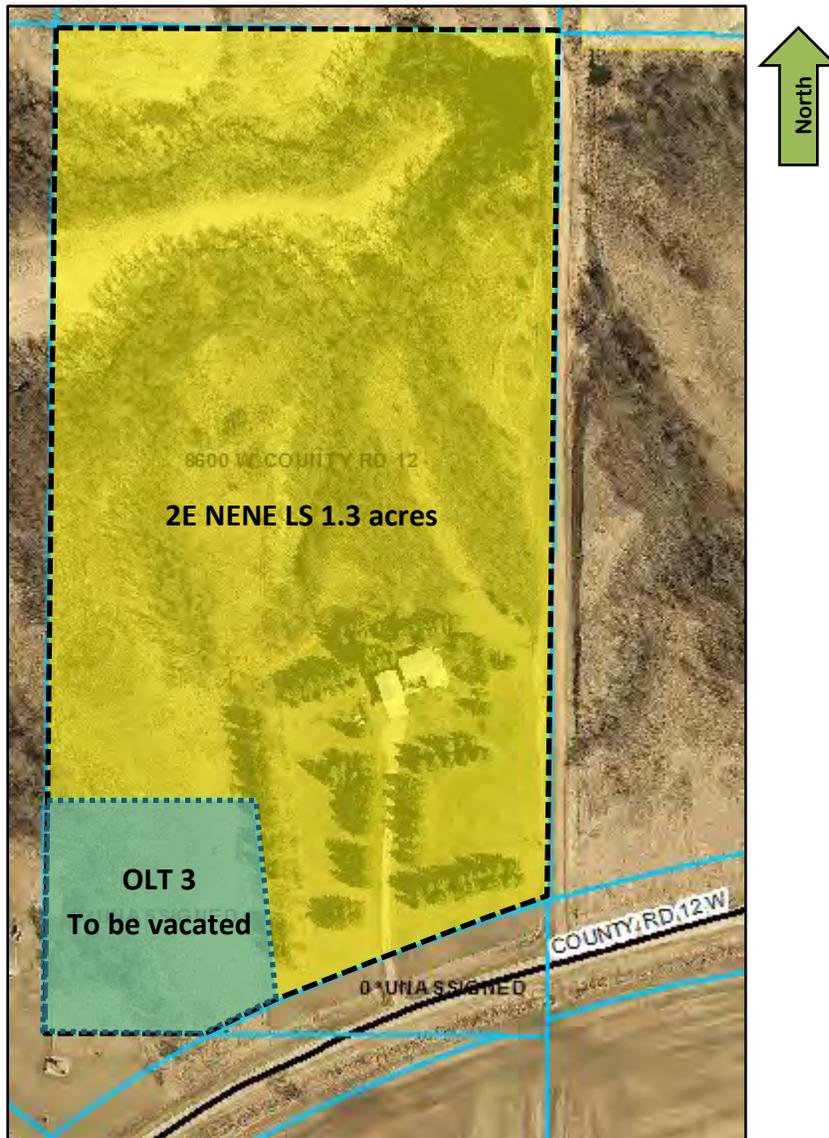
The applicant is requesting to vacate outlot 3 due to the intended use of the outlot never coming to fruition.

RECOMMENDATION:

Staff recommends approval based on the findings of fact and Township recommendation.

FINDINGS OF FACT:

1. By vacating outlot 3 the east ½ of NE ¼ NE ¼ will be 18.9 acres
2. Vacating outlot 3 will reduce density which is in keeping with the purpose of Zoning Resolution 2.
3. The applicant is requesting to vacate outlot 3 since the reason for the outlot never panned out.
4. This request is in compliance with Zoning Resolution No.6 Article 24 Section 7. Vacation.
"Vacation of subdivisions, plats, outlots, streets or alleys or any part thereof, shall be with the approval of the Ward County Planning Commission and shall conform to the rules as the Planning Commission may set forth."



PLANNING AND ZONING CONSIDERATIONS:

Outlot 3 was created to build a single family residence, however, plans changed and the house was never built. The owner would like to reincorporate outlot 3 back into the rest of her property. Doing so will reduce density which is the intent of Zoning Resolution 2. Vacating outlot 3 will restore 2 acres back in to the half quarter, quarter which is characteristic of surrounding properties.

HIGHWAY ENGINEERING CONSIDERATIONS:

N/A: The applicant does not own the portion of land that falls within County Road 12 right of way. In the legal description it is stated that the subject property is 'less 1.3 acres', said 1.3 acres is owned by someone else. The right of way dedicated in the plat of outlot 3 will be vacated as well.

TOWNSHIP RECOMMENDATION:

Township has responded with the conclusion that the plat vacation should be approved. No further comments were given.

WATERBOARD RECOMMENDATION:

N/A



PLAT VACATION APPLICATION

APPLICANT INFORMATION

Name: Kathleen (Kay) Kupser Phone: 701-839-7128
Email Address: kkupser@srt.com
Mailing Address:

SUBJECT PROPERTY INFORMATION

Legal Description Plat(s) to be vacated: Outlot 3 E2 NENE LS Row 26-155-84
Proposed Legal Description after vacation: E2 NENE LS 1-30A & including OLT 3 26-155-84

OWNER OF RECORD INFORMATION

Name: Phone:
Address:
Email Address:

REASON FOR VACATING PLAT

Intended use of property never came to fruition

SIGNATURE

I, the undersigned, hereby certify that the statements contained herein are true and correct to the best of my knowledge.

Signature of applicant: Kathleen L. Kupser Date: 1-24-18

OFFICIAL USE

Date Received: 1/24/2018 Received By: Nancy Simpson
Staff Check List: PC Action: CC Action:
Tnsp rcmd sent Received
Rcdr Rvw sent Received
Staff report written



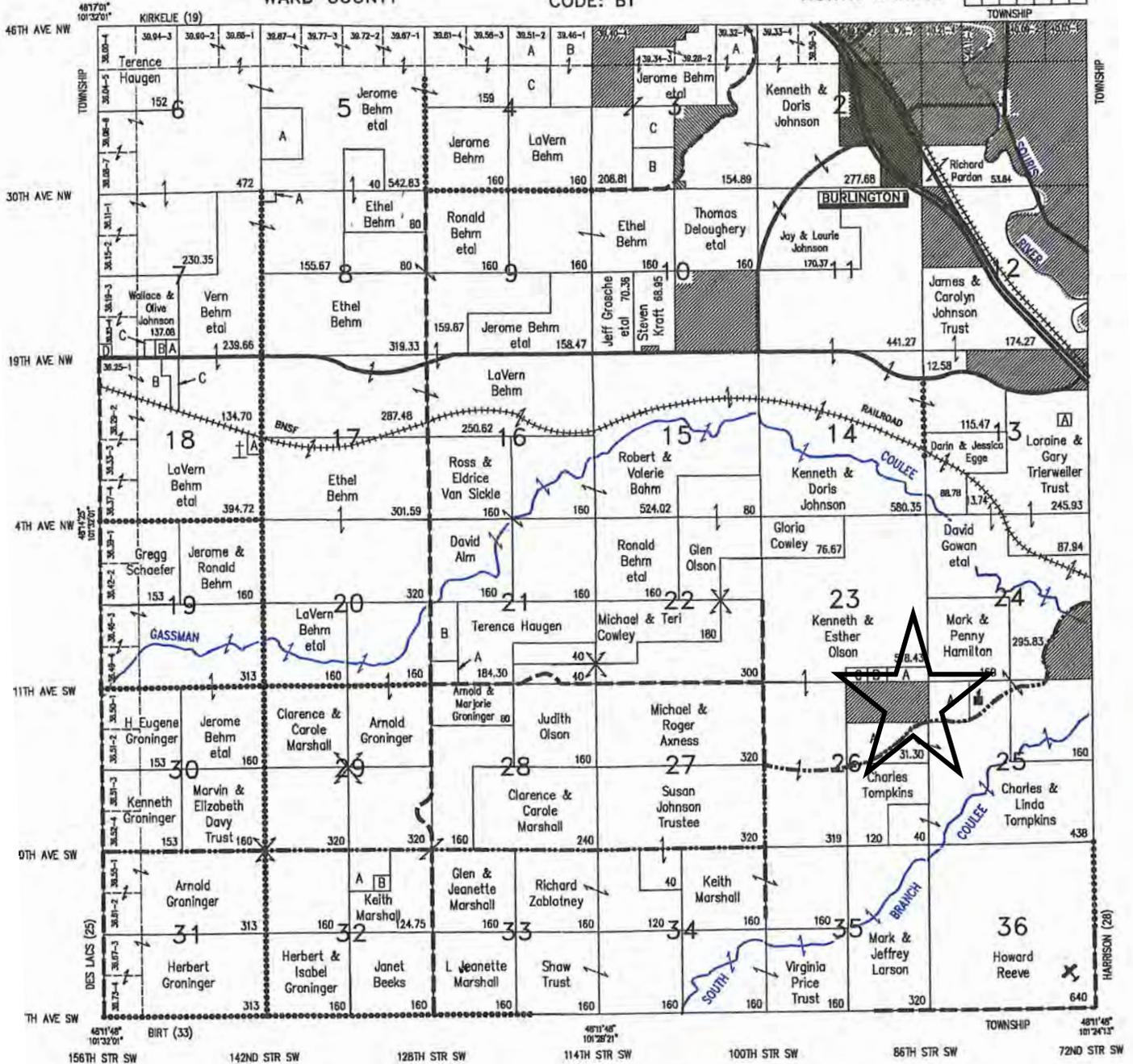
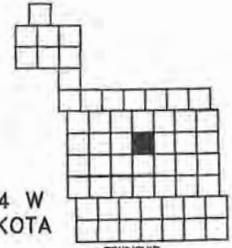
MAP OF BURLINGTON

TOWNSHIP: 155 N
WARD COUNTY

MIDLAND ATLAS COMPANY LLC COPYRIGHT 2011

CODE: BT

RANGE: 84 W
NORTH DAKOTA



SEE LETTERED SMALL TRACTS DIRECTORY FOLLOWING TOWNSHIP MAPS

EXCAVATING INC.
ALL TYPES OF EXCAVATING

Certified Tank Removal & Installation

COMMERCIAL/MUNICIPAL
Excavating - Grading/Fill
Gravel/Crushed Asphalt
Water/Sewer - Septic Systems
Basements - Trucking
Demolition - Landscaping

3430 Hwy 2 East, Minot, ND
(701) 839-1817

4218 53rd Ave SW, Fargo, ND
(701) 277-1884

Hovde Insurance Agency
Car - Home - Commercial - Health - Life - Disability
Long Term Care - State Farm Bank

Darrel V. Hovde, Agent
111 11th Ave SW • PO Box 1896
Minot, ND
(Next to Todd's Supermarket Mile-N-Smile)

(701) 852-2757 - Res. (701) 838-5679 - Fax: (701) 852-3320

ACKERMAN SURVEYING & ASSOCIATES, INC.

Lot Surveys - Subdivisions - Land Boundaries - Land Planning
Topographic & Construction Surveys - GPS Services

Rolly B. Ackerman, Robby L. Berard & Aaron J. Anderson
Registered Land Surveyors

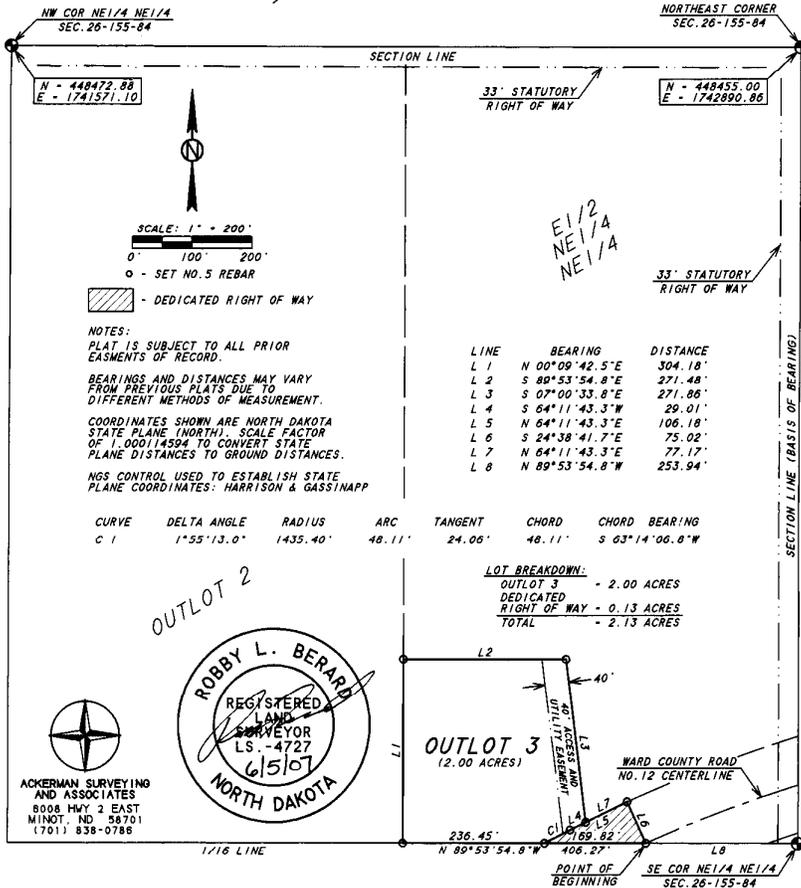
6008 Highway 2 East, Minot, ND 58701
Fax: (701) 837-1990
www.ackermanurvey.com
email: landsurvey@act.com

BT265404000000

PLAT OF OUTLOT 3

of E1/2NE1/4NE1/4 Section 26, Township 155 North, Range 84 West

Owners Kathleen O. Kasper



✓ Outlot 3, of E1/2NE1/4NE1/4 Section 26, Township 155 North, Range 84 West Described as follows:

Commencing at the Southeast Corner of the NE1/4NE1/4 of Section 26, Township 155 North, Range 84 West, Ward County, North Dakota; Thence N 89°53'54.8"W, along the South boundary of the NE1/4NE1/4 of Section 26, a distance of 253.94 feet to the point of beginning; Thence continuing N 89°53'54.8"W, a distance of 406.27 feet; Thence N 00°09'42.5"E, a distance of 304.18 feet; Thence S 89°53'54.8"E, a distance of 271.48 feet; Thence S 07°00'33.8"E, a distance of 271.86 feet; Thence N 64°11'43.3"E, a distance of 77.17 feet; Thence S 24°38'41.7"E, a distance of 75.02 feet to the point of beginning. Tract contains 2.13 Acres.



2871114

Page: 1 of 2
08/09/2007 03:16P

WARD COUNTY RECORD OTL

13.00 Ward County, ND

THE UNDERSIGNED, owners of the within described property, in accordance with the provisions of Section 57-02-39 of the North Dakota Century Code, and upon demand of the County Auditor of Ward County, North Dakota, ha caused to be made the within and foregoing plat of said land, with the lots as therein described, hereby donate and dedicate all the streets and alleys hereon shown to the public for public use.

IN TESTIMONY WHEREOF the said owner ha hereunto set _____ hand and seal this 28 day of June, 2007.

Signed in presence of

Kathleen L. Kupser (Seal)

_____ (Seal)

STATE OF NORTH DAKOTA } ss.
County of Ward }

On this 28 day of June in the year 2007, before me, a Notary Public in and for said County and State, personally appeared Kathleen Kupser

known to me to be the person who described in, and who executed the foregoing instrument and acknowledged that he executed the same.

My Commission Expires
COLLEEN C. HOUMANN
Notary Public
State of North Dakota
My Commission Expires Mar. 6, 2010

Colleen C. Houmann
Notary Public

SURVEYOR'S CERTIFICATE

I, ROBBY L. BERARD, Registered Land Surveyor, do hereby certify that at the request of KAY KUPSER

within and foregoing plat and description of the land as herein described, and that the lots, distances, area and location, as indicated on said plat and contained in said description, are true and correct.

Robby L. Berard
ROBBY L. BERARD Registered Land Surveyor #477

Subscribed and sworn to before me this 5th day of June, 2007.

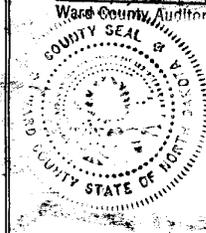
My Commission Expires:

CHAD B. ATTERTON
Notary Public, State of North Dakota
My Commission Expires Nov. 11, 2008

Approved _____ 2007 Approved Aug 7 2007

Taxes and special assessments paid and transfer accepted this 9 day of August, 2007.

Viola Hansen Deputy
Ward County Auditor



2871114
Page: 2 of 2
08/09/2007 03:16P
WARD COUNTY RECORD OTL 13.00 Ward County, ND

RECORDER'S OFFICE, WARD COUNTY, ND 08/09/2007 03:16PM
I certify that this instrument was filed for record this date.
Sheila M. Dalen, County Recorder

by Sheila M. Dalen Deputy
2871114



Township Board Plat Vacation Recommendation

TO: Board of Ward County Commissioners

The Burlington Township Board, Ward County, North Dakota has reviewed the plat vacation for which Kathleen Kupser, has requested approval.

The plat is described as:

Outlot 3 2E NENE LS ROW, 26-155-84 Burlington Township

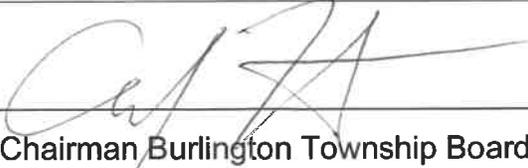
The applicant is requesting to add outlot 3 back to 2E NENE LS ROW

It is the conclusion of the Township Board of Supervisors that:

the plat vacation be approved

the plat vacation not be approved

Comments or suggestions for amendment: _____

Signed:  _____
Chairman Burlington Township Board of Supervisors

Date: 1-28-18

Rules and Bylaws of the Ward County Planning Commission

The following rules and bylaws of the Ward County Planning Commission are adopted pursuant to the provisions of North Dakota Century Code, Chapter 11-33, and particularly section 11-33-05.

Organization

Ward County Planning Commissioners shall be appointed in the manner prescribed by NDCC Chapter 11-33 and shall be recognized and assume the privileges and obligations of membership upon filing the proper oath of office with the Ward County Auditor and upon the effective date of the appointment, which ever is later.

The Ward County Planning Commission shall reorganize annually at the first meeting of each calendar year. A Chairperson and Vice-Chairperson shall be elected by a majority of those in attendance provided there is a quorum. The Chairperson shall preside at all meetings and carry out such other duties as custom, practice, or the law may require. The Vice-Chairperson shall perform the functions of the Chairperson in the Chairperson's absence. If either the Chairperson or Vice-Chairperson does not attend three consecutive, regular meetings of the Planning Commission, the Secretary shall declare the position of Chairperson and/or Vice-Chairperson vacant. If the position of Chairperson is declared vacant, the Vice-Chairperson shall automatically become Chairperson unless he or she declines the position. For a vacancy in either position, the Secretary shall call for nominations and an election to fill the vacancy or vacancies at the next meeting of the Commission.

As provided for by NDCC 11-33-05, the County Auditor shall serve as the Secretary to the Commission and shall keep the records and accounts of the Commission.

Meetings

The County Planning Commission shall adopt a meeting schedule at the annual reorganization meeting naming the days or dates, the time(s), and the place where regular meetings will be held. A copy of such notice shall be filed annually with the County Auditor. Meetings will be held at the prescribed date, time, and place unless there is no business to conduct as determined by the Secretary or unless the date, time and/or place of a regular meeting is changed as provided for in these bylaws. An agenda of business to be conducted at each meeting shall be mailed to the Planning Commissioners at least five days prior to each meeting with such information or detail as the Commission agrees should be included. If there will be no meeting, no agenda or notice shall be sent out. Members who are unable to attend a meeting are requested to notify the Chairperson or the Secretary in advance of their absence.

Meetings (continued)

Special meetings of the County Planning Commission or changes to the regular schedule may be called by the Chairperson, or if the Chairperson is not available, by the Vice-Chairperson, for good cause and as the need arises as determined by the Chairperson. Notice of special meetings or changes to regular meeting schedules shall be given to the Planning Commissioners, persons with business before the Commission, other known interested parties, and local news agencies as early as possible but in no case less than 24 hours before the special or rescheduled meeting.

A majority of the members of the Commission shall constitute a quorum.

The business of the Commission shall be conducted at regular, special, or rescheduled meetings. The meeting shall be conducted by the Chairperson or in the absence of the Chairperson, the Vice-Chairperson. If neither is in attendance, the Secretary shall call for nominations and election of a temporary Chairperson who shall preside at that meeting or until either the Chairperson or Vice-Chairperson is present to assume the role.

Meeting Attendance

Meeting attendance by the Planning Commissioners is important to the successful functioning of the Commission. So that Planning Commissioners are reminded of the importance of their attendance, in the event a Planning Commissioner is absent from three consecutive, regular meetings the secretary shall send the Commissioner a letter advising the Commissioner of his/her absences and the importance of his/her regular attendance. The letter shall request the Commissioner resign if his/her schedule will not permit regular attendance. Included with the letter shall be a resignation form enabling the Commissioner to resign with a minimum of effort.

Special Rules of the Commission

It is the policy of the Ward County Planning Commission that for public hearings conducted before the Commission, a notice of the hearings shall be mailed directly to landowners of property adjacent to property being considered for zone change or special use permit or to neighboring landowners if the land immediately adjacent to the property involved in the application is owned by the applicant.

The Chairmen and Clerks of Townships included in Ward County's zoning resolutions shall be mailed copies of County Planning Commission agendas at the same time the agenda is mailed to the Planning Commissioners. Other persons, businesses, or agencies shall be mailed a copy of the agenda(s) at least 3 days prior to the meetings upon request.

Amendments

These rules and bylaws may be amended, replaced, or rescinded at any time by a majority of the Planning Commissioners in attendance after such amendments or changes have been read at two consecutive meetings of the Planning Commission.

Saving Clause

Should any provision, including but not limited to any word, phrase, clause, sentence, or paragraph, of these rules and bylaws, even if amended or subject to amendment, be adjudged to deprive any person of constitutional or state rights, the remaining provisions of these rules and bylaws would have been adopted and shall remain in full force and effect. All rights, privileges, prohibitions, and requirements of the North Dakota Century Code not provided for in these rules and bylaws shall be considered a part of these rules and bylaws.

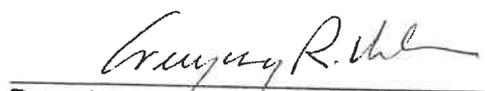
Adoption

These rules and bylaws have been approved and adopted by the Ward County Planning Commission this 25th day of August, 1993.



Chairperson, Ward County Planning Commission

Attest:



Deputy Ward County Auditor and Secretary