



DATE: April 10, 2018
TO: Ward County Planning Commission
FROM: Nancy Simpson, County Planning/ Zoning Administrator
SUBJECT: Regular Meeting 7:00PM, April 19, 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 March 15, 2018.
- C. Regular Agenda

- 1. Thomas Gasmann

Application for a **plat** for the following described property:

Outlot 1, NW ¼ NW ¼, 22-152-83, Gasman Township

The plat application is for creating an outlot to construct a single family residence. The Gasman Township Chairman spoke with staff on April 9th and said the Township approves the plat. The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation.

- D. Other business

- 1. Second reading of amended bylaws

Planning Commissioners will vote on the new version of the bylaws, if approved the bylaws will be enacted and serve as a guiding document for the planning commission.

- 2. Medical Marijuana Ordinance

The first iteration of the Medical Marijuana ordinance was not noticed properly and must go through the approval process again. This iteration has some minor changes, such as correcting typos and adding repetitive language to ensure applicants comply with State Law.

cc: Ward County Commissioners
Regular Mailing List

Supervisors **Minutes of the Ward County Planning Commission**

March 15, 2018

The meeting was called to order at 7:00 p.m. by Vice Chairman Josh Wolsky. Present were Commissioners Fegley, Fjeldahl, Koop, Livingston, Sipma, and Wepler. Also present were Planning & Zoning Administrator Nancy Simpson, County Highway Department Engineer Dana Larsen, County Highway Assistant Engineer Travis Schmit, State's Attorney Roza Larson, Building Inspector Leo Schmidt and Sarah Walker Secretary.

Moved by Comm. Wepler, seconded by Comm. Sipma, to approve the Planning Commission Meeting Minutes from February 15, 2018. Roll call: all voted yes; motion carried.

Public Hearing:

Application for a **variance** by Darrell Wilkerson for the following described property:

Outlot 6 being a portion of SE ¼ NE ¼, 20-153-81, Sawyer

The application is for a variance to Ward County Zoning Resolution No. 6 Article 24. F.1.c. pertaining to right-of-way dedication for an outlot. The reason for the variance is a hardship due to unique pre-existing conditions. The driveway of outlot 3 obstructs access to the proposed outlot 6. The way outlot 3 was drawn and approved did not dedicate right-of-way.

Moved by Comm. Wepler, seconded by Comm. Fjeldahl to open the public hearing at 7:01 p.m. Roll call: all voted yes; motion carried.

Moved by Commissioner Sipma to close the public hearing at 7:03 p.m. Voice vote; motion carried.

Comm. Sipma moved to approve with recommendations. State's Attorney, Roza Larson indicated that because the application is for a variance, the motion must include the specific reasons why. Mr. Sipma stated his reason was due to the unique pre-existing conditions imposed on the property. Motion seconded by Comm. Koop.

There was considerable discussion about why the easement is necessary. The last plat was not drawn correctly and no right-of-way was dedicated. This is no fault of the current owner. The owners of Outlots 3 and 6 have negotiated an Access Easement Agreement. Both owners have been made aware that in the event there are issues regarding access, it becomes a civil matter and will be handled accordingly. Concern that it could also present problems in the future if ownership is transferred.

Roll call; Comms. Fegley and Wepler voted no; motion carried.

Public Hearing:

Application for a **special use permit** by Kelly Perlichek for Strata for the following described property:

660' x 660' portion in SE ¼ of SW ¼ SW ¼, 3 157-182, Tatman

The application is to use property for recycle operation - asphalt, concrete & aggregate materials that are removed from the Minot Air Force Base. The materials processed on the property will be non-contaminated, non-hazardous. The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation.

Moved by Comm. Fjeldahl, seconded by Comm. Wepler to open the public hearing at 7:23 p.m. Voice vote; motion carried.

Planning & Zoning Administrator Nancy Simpson handed out two letters of protest from Tatman Township. Jim Peters, President of Tatman Township appeared with objections to the application from the Township for the following reasons:

1. Concern for adjoining landowners
2. Environmental impact – dust and water runoff
3. No services at the site (electricity or water)
4. Vandalism that has occurred at similar operations nearby
5. The road to the property in question is a minimum maintenance road used by local farmers rather than 83 or the Lake Darling highway due to heavy traffic
6. Worried about the volume of trucks and the safety on the road to be used to access the property
7. Bad past experience with other contractors especially in regard to road maintenance

Strata had to move their current operation as a result of conditions and restrictions from Minot Air Force Base. The township understands the dilemma that Strata has been presented with. There is frustration on the part of both parties that they are left to deal with the problems created due to the base requiring Strata to move.

Kelly Perlichek from Strata appeared to make his case for the move. Strata has a long presence in the state and do their best to be good neighbors. Would be willing to enter into an agreement with the Township or County in regard to road maintenance. Have tried to find more suitable properties but presently, this property is the only option. Strata feels they can work with the Township to address their concerns. During their peak season there will be a high volume of traffic on the road for about a two week period (truck on the road every six minutes). Will put up signs or construct road turnouts or whatever is needed to keep the road safe. Mr. Perlichek addressed specific concerns posed by the commissioners.

Dennis Erber, a citizen from Tatman Township, appeared to express his concerns. Throughout the course of projects and construction on the base, the Township has been in numerous conversations with the contractors involved and none have delivered on the terms they agreed to especially in regard to road maintenance. This has put a burden on the Township and he doesn't understand why the Township has become a dumping ground for the base. Also worried about how dust will affect farm yield.

Moved by Comm. Livingston, seconded by Comm. Wepler, to close the public hearing at 7:59 p.m. Voice vote; motion carried.

Moved by Comm. Sipma, seconded by Comm. Fegley, to deny the special use permit for Strata due to the size of the road, the volume of traffic and the resulting safety concerns for the Township citizens. Additional discussion regarding the possibility of turning the matter over to the Township so that they can negotiate a contract directly with Strata and then bring it back to the commission. Roll call: all voted yes; motion carried.

Regular Agenda:

Application for a **plat** by Darrell Wilkerson for the following described property:

Outlot 6 being a portion of SE ¼ NE ¼, 20-153-81, Sawyer

The plat application is for creating an outlot around an existing 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 Comm. Fjeldahl, seconded by Comm. Livingston, to approve the plat application for Darrell Wilkerson. Roll call; Comm. Fegley voted no; motion carried.

Application for a **plat** by Scott Myers for the following described property:

Outlot 1, NW ¼ SE ¼, 5-158-87, Carbondale

The plat application is for an outlot to be created to construct a single family residence. The Carbondale Township has not yet responded. The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation. Nancy Simpson said the Township has responded and have recommended approval of the application.

After discussion, moved by Comm. Weppler, seconded by Comm. Sipma, to approve the plat application for Scott Myers. Roll call; all voted yes; motion carried.

Application for a **plat** by Tyler Anderson for the following described property:

Outlot 1 S ½, 27-159-88, Baden

The plat application is for creating an outlot around an existing farmstead for the applicant to purchase from the current owner. The Baden 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.

Comm. Fjeldahl brought up the issue of right-of-way based on the acreage size versus the irregular shape of the proposed land. According to Planning & Zoning ordinance, division of land for agricultural purposes of 40-acres or more is exempt from resolutions, one of which is in regard to right-of-way. The plat indicates a long stretch of right-of-way. Comm. Fjeldahl said his understanding based on the ordinance, is that there should be no right-of-way taken as per Zoning Resolution 6 Article 3 Definitions 73. Subdivision. The only reason the property was surveyed and platted was due to its irregular shape. There was considerable discussion as the zoning language is somewhat confusing between Zoning Ordinances 2 and 6.

Based on the discussion, it was moved by Comm. Fjeldahl, seconded by Comm. Fegley, to amend the plat application to not require right-of-way because the land is larger than 40-acres and is being used for agriculture. Roll call; all voted yes; motion carried.

Moved by Comm. Sipma, seconded by Comm. Koop, to approve the plat application for Tyler Anderson as amended. Roll call; all voted yes; motion carried.

Other Business:

The commissioners discussed the amended bylaws. There was considerable discussion regarding how notice is to be handled in regard to meetings and public hearings. Nancy Simpson will make changes to the language to be addressed at the second reading.

Moved by Comm. Weppler, seconded by Comm. Sipma, to approve the amended draft of the Planning & Zoning Commission bylaws. Roll call; all voted yes; motion carried.

There being no further business, the meeting was adjourned by Chairman Kossan at 8:45 p.m.

Chairperson, Ward County Planning Commission

Attest:

Deputy Ward County Auditor, Secretary



**Planning Commission
Staff Report**

Meeting Date: April 19th, 2018

Applicant: Thomas Gasmann
701-721- 1592

Owner: Robert & Nancy Gasmann
25301 HWY 83 S, Max ND 58759

Representative/ Contractor: Same

Current legal description: NW ¼ NE ¼, 22-152-83

Proposed legal description: Outlot 1, NW ¼ NE ¼, 22-152-83

Address: (if applicable) N/A

Township: Gasman

Current Zoning: Agriculture

Zoning Ordinance Reference: Gasman

Item #: 1
Recommendations _____
Staff: Approval
Township: Approval-Verbal
Water Board: Approval w/conditions

PROJECT DESCRIPTION:

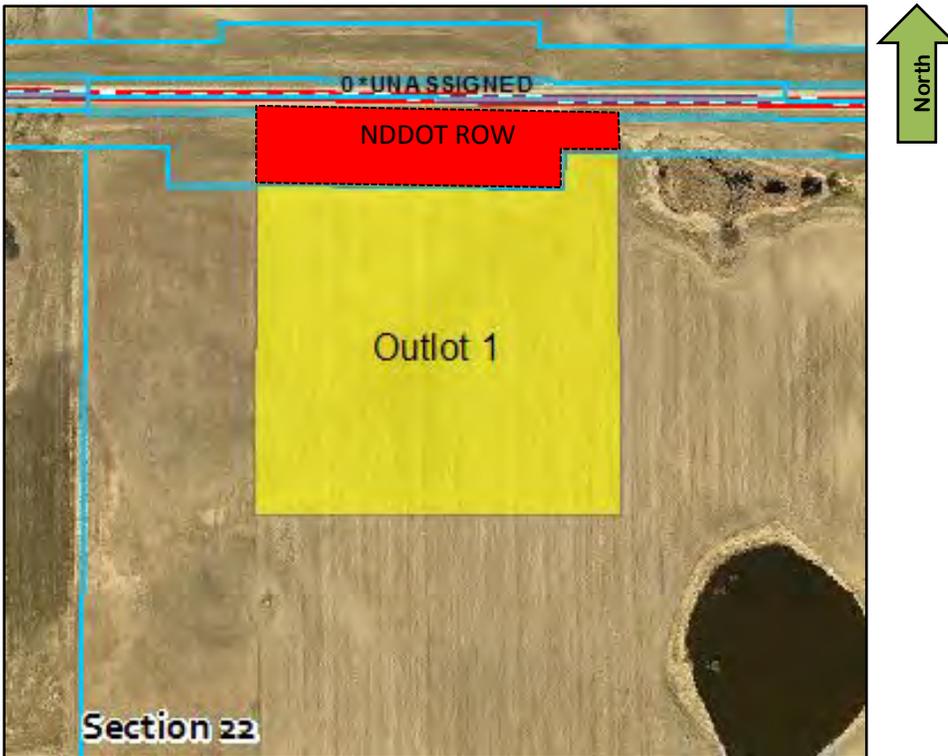
The applicant is requesting an outlot be created to construct a single family residence.

RECOMMENDATION:

Staff recommends approval based on the findings of fact and Township and Water Board recommendations.

FINDINGS OF FACT:

1. The proposed outlot is 10 acres.
2. The intended use meets the zoning requirements of the Township.
3. The Applicant intends to build a single family residence.
4. Right of way has been met as this road is a State Highway



PLANNING AND ZONING CONSIDERATIONS:

Gasman Township holds its own zoning. The subject property is zoned agricultural. Township zoning allows only one non-farm dwelling per quarter section. The proposed outlot, with the proposed single family residence will be the first within the northeast quarter.

HIGHWAY ENGINEERING CONSIDERATIONS:

N/A: Property is not serviced by a County road

TOWNSHIP RECOMMENDATION:

Township has responded with the conclusion that these outlots should be approved. Formal response not yet received as of April 9th. Verbal confirmation of approval was received via phone.

WATERBOARD RECOMMENDATION:

Based upon review and recommendation of the Water Resource Board Engineer, the plat is returned without objection but with the following recommendations:

1. A storm water management plan may be required if the subject property:
 - has applied for a special use permit
2. No development as a result of this plat should obstruct any watercourse or divert surface water flows.



PLAT APPLICATION \$50/LOT

APPLICANT INFORMATION

Name: <u>Thomas Gasmann</u>	Phone: <u>701 701 1592</u>
Email Address: <u>f150ecoboost@icloud.com</u>	
Mailing Address:	

SUBJECT PROPERTY INFORMATION

Proposed Name of Plat(s): <u>out lot 1</u>		
Legal Description: <u>NW 1/4 NE 1/4, 22-152-83</u>		
Address: (If Applicable)		
Proposed use: <u>residential</u>	Existing Use: <u>farmland</u>	Number of Lots Proposed: <u>1</u>

OWNER OF RECORD INFORMATION

Name: <u>Robert & Nancy Gasmann</u>	Phone:
Address: <u>25301 Hwy 83 S MAX, ND. 58759</u>	
Email Address:	

If applicant is different than the owner, please explain the position of the applicant as to the property in question:

SIGNATURE

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

Signature of applicant: <u>Tom Gasmann</u>	Date: <u>2/21/2018</u>
--	------------------------

** Please submit with this application, an official, notarized and signed surveyor's plat. The plat must also be signed by all landowners in the presence of a notary. **

OFFICIAL USE

Current Zoning: <u>Gasman</u>	Amnt: <u>50</u>	Paid: <input checked="" type="radio"/> Yes / <input type="radio"/> No	Total Paid: <u>\$50 Check</u>
Date Received: <u>2/21/18</u>	Received By: <u>Nancy Simpson</u>		
Staff Check List: <input type="checkbox"/> Tnsp rcmd sent _____ Received _____ <input type="checkbox"/> WRD rcmd sent _____ Received _____ <input type="checkbox"/> Rcdr Rww sent _____ Received _____ <input type="checkbox"/> Staff report written _____	PC Action:	CC Action:	



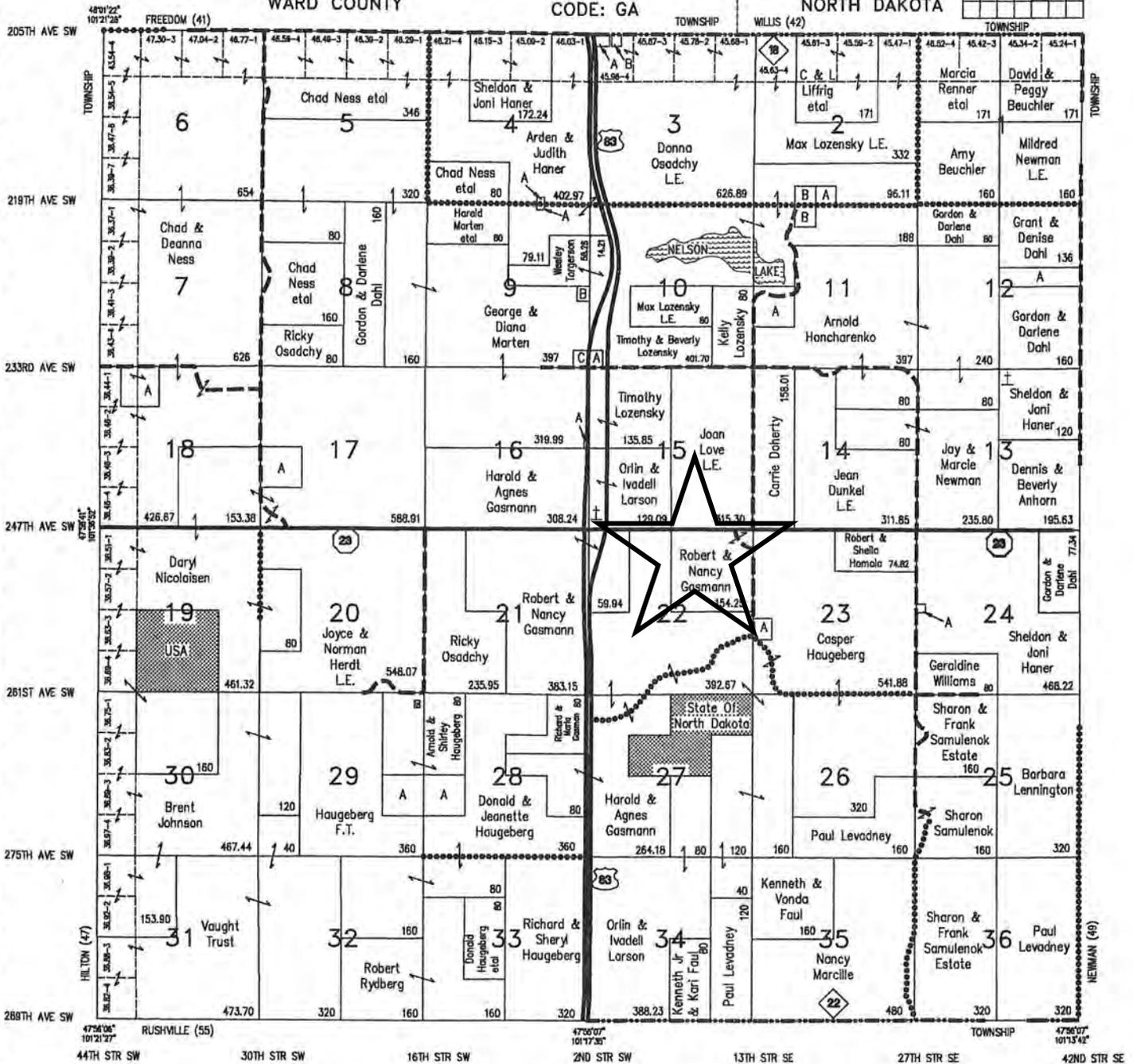
MAP OF GASMAN

TOWNSHIP: 152 N
WARD COUNTY

MIDLAND ATLAS COMPANY LLC COPYRIGHT 2011

CODE: GA

RANGE: 83 W
NORTH DAKOTA



SEE LETTERED SMALL TRACTS DIRECTORY FOLLOWING TOWNSHIP MAPS

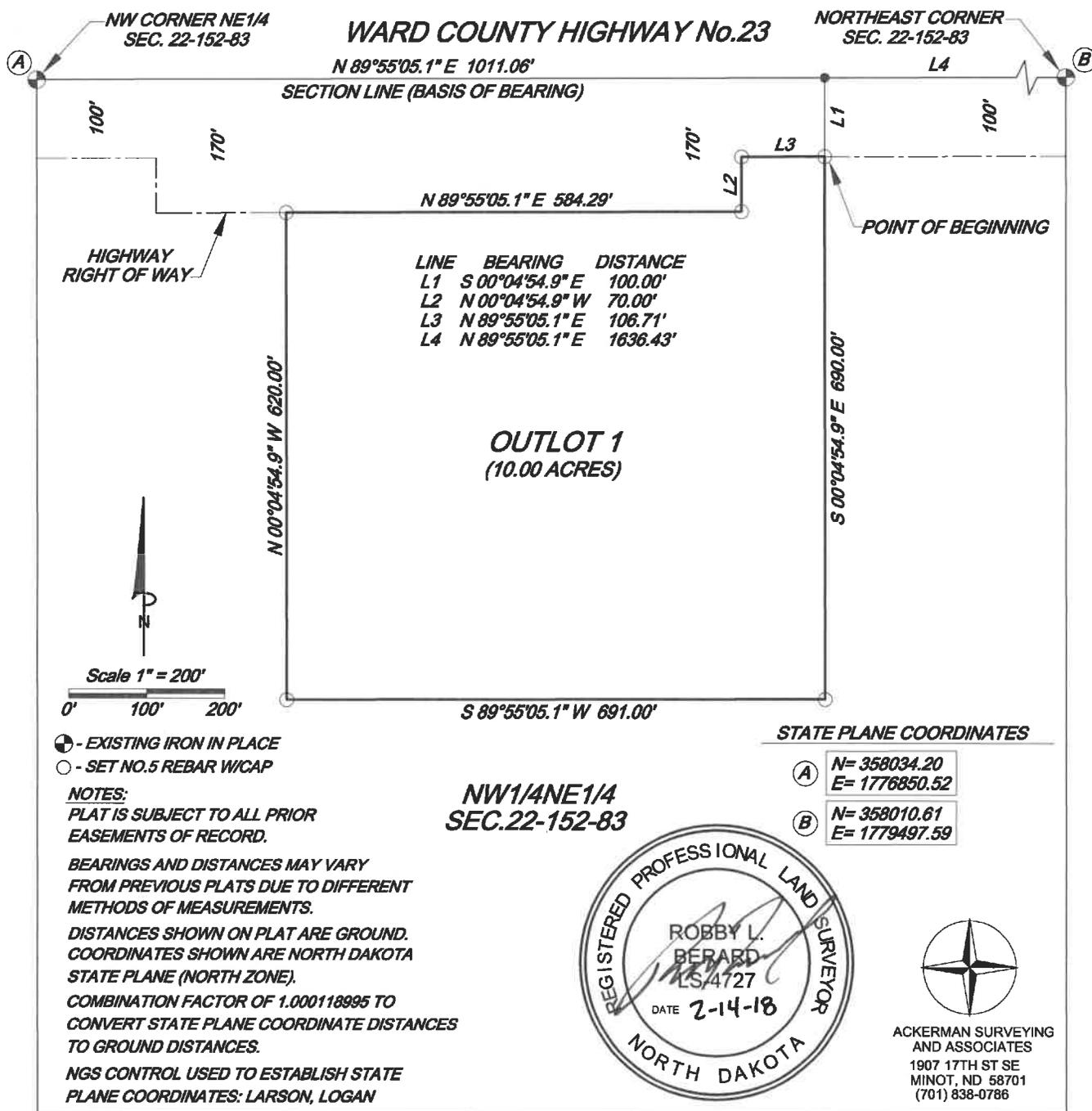
EXCAVATING INC.
ALL TYPES OF EXCAVATING
COMMERCIAL/MUNICIPAL
Excavating - Grading/Fill
Gravel/Crushed Asphalt
Water/Sewer - Septic Systems
Basements - Trucking
Demolition - Landscaping
Email: mail@exca.com
5820 Hwy 2 East, Minot, ND
(701) 839-1817 (701) 277-1884

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 1804
Minot, ND
(Next to Toad's Superjumper Ride-R-Shops)
(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. Beard & Aaron J. Anderson
Registered Land Surveyors
6608 Highway 2 East
Minot, ND 58701
(701) 838-0786
www.ackermansurvey.com
email: landsurvey@ack.com
Fax: (701) 837-1990

PLAT OF OUTLOT 1

of NW1/4NE1/4, Section 22, Township 152 North, Range 83 West
 Owner: ROBERT A. GASMANN AND NANCY GASMANN



Outlot 1, of NW1/4NE1/4, Section 22, Township 152 North, Range 83 West
 Described as follows:

COMMENCING AT THE NORTHWEST CORNER OF THE NE1/4 OF SECTION 22, TOWNSHIP 152 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA; THENCE N 89°55'05.1" E, ALONG THE NORTH BOUNDARY OF SECTION 22, A DISTANCE OF 1011.06 FEET; THENCE S 00°04'54.9" E, A DISTANCE OF 100.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF WARD COUNTY HIGHWAY No.23 ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S 00°04'54.9" E, A DISTANCE OF 690.00 FEET; THENCE S 89°55'05.1" W, A DISTANCE OF 691.00 FEET; THENCE N 00°04'54.9" W, A DISTANCE OF 620.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF WARD COUNTY HIGHWAY No.23; THENCE N 89°55'05.1" E, ALONG THE SOUTHERLY RIGHT OF WAY OF WARD COUNTY HIGHWAY No.23, A DISTANCE OF 584.29 FEET; THENCE N 00°04'54.9" W, A DISTANCE OF 70.00 FEET; THENCE N 89°55'05.1" E, A DISTANCE OF 106.71 FEET TO THE POINT OF BEGINNING.
 TRACT CONTAINS 10.00 ACRES.

THE UNDERSIGNED, owner 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 ownerS ha^{VE} hereunto set their hand s and seal this 16 day of February, 2018.

Robert A. Gasmann (Seal)
ROBERT A. GASMANN

Nancy Gasmann (Seal)
NANCY GASMANN

STATE OF NORTH DAKOTA } ss.
County of WARD

On this 16th day of February in the year 2018, before me, a Notary Public in and for said County and State, personally appeared ROBERT A. GASMANN AND NANCY GASMANN

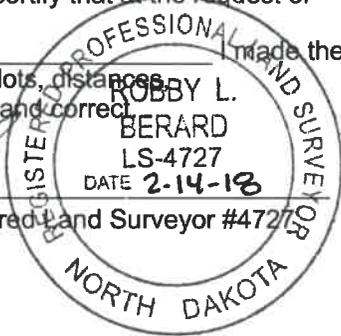
known to me to be the person s who are described in, and who executed the foregoing instrument and acknowledged that they executed the same.

My Commission Expires
GAIL K REITEN
Notary Public
State of North Dakota
My commission expires Aug. 4, 2022

Gail K. Reiten
Notary Public

SURVEYOR'S CERTIFICATE

I, ROBBY L. BERARD, Registered Land Surveyor, do hereby certify that at the request of TOM GASMANN made the 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 #4727


Subscribed and sworn to before me this 14th day of February, 2018.

My Commission Expires:
DEREK J BOECHLER
Notary Public
State of North Dakota
My Commission Expires June 20, 2019

Derek J. Boechler
Notary Public

Approved _____, 20____

Approved _____, 20____

Memo

Date: Friday, March 23, 2018

Project: Ward County WRD – Engineering Services Contract

To: Ward County Water Resource District (WRD), Nancy Simpson, Ward County Planning and Zoning Administrator

From: Dennis Reep, HDR Engineering

Subject: Plat Application – Gasmann, Gasman TWP, Section 22, T152N, R83W

The plat application is to create Outlot 1 (10.00 acres) in Section 22 of Gasman Township. The purpose is for developing rural residential home on existing farmland. It is located along the south edge of North Dakota Highway 23 approximately $\frac{3}{4}$ miles east of U.S. Highway 83. The comment from the Ward County WRD should be as follows:

Based upon review and recommendation of the Water Resource Board Engineer, the plat is returned without objection but with the following recommendations:

1. *A storm water management plan may be required if the subject property:
- has a special use permit applied for*
2. *No development as a result of this plat should obstruct any watercourse or divert surface water flows.*

Robert & Nancy Gasmann
NWNE 22-152-83
0+1 1

Recorders Outlot Plat Checklist:

Property Outlot coming out of
looks to be correct

YES

NO

Signed by parties we show on deed

YES

NO

Signed by Surveyor

YES

NO

Notarized (signer & surveyor)

YES

NO

Surveyor's Seal on back
(and on drawing if Rally's)

YES

NO

Outlot Number Available

YES

NO

~~2782759~~

~~2809521~~

2812050

Additional Comments:

Date: 3-27-18

By: Beth Putsch



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 11-33-04 & 05.

Organization

Ward County Planning Commissioners shall be appointed in the manner prescribed by NDCC Chapter 11-33-04 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, whichever 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 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 either position, the Planning and Zoning Administrator 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 schedule shall be filed 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 Planning and Zoning Administrator or unless the date, time and/or place of a regular meeting is changed as provided for in these bylaws. Should the regular meeting date, time and/or place be changed, those changes shall be filed with the County Auditor immediately following approval and adoption.

An agenda of business to be conducted at each meeting shall be sent 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 Planning and Zoning Administrator in advance of their absence.

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 Planning and Zoning Administrator 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 and Professionalism

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 without notice, the Planning and Zoning Administrator 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.

If the Planning and Zoning Administrator is absent, the Highway Engineer or Assistant Highway Engineer shall perform the meeting duties of the Planning and Zoning Administrator.

Planning Commissioners and present staff shall conduct themselves in a professional manner and ethical manner; make informed, unbiased and fair decisions that abide by the North Dakota Century Code, Comprehensive Plan and County Ordinances. Robert's Rules of Order shall serve as the guideline for conducting Planning Commission Meetings.

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

Amendments

These rules and bylaws maybe 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 adjusted 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 19th day of April, 2018.

Chairperson, Ward County Planning Commission

Attest:

Deputy Ward County Auditor and Secretary



April 9th, 2018

AN ORDINANCE AMMENDING ARTICLE 3 DEFINITIONS; ARTICLE 6: "A-1" AGRICULTURAL DISTRICT; ARTICLE 10: "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT; ARTICLE 11: "C-2" HIGHWAY COMMERCIAL DISTRICT; ARTICLE 13: "M-1" LIGHT INDUSTRIAL DISTRICT; ARTICLE 18; SPECIAL USE OF THE WARD COUNTY, NORTH DAKOTA ZONING RESOLUTION NO. 6.

WHEREAS, The Ward County Planning Commission directed the Planning and Zoning Administrator to research and draft a zoning amendment at their regular meeting held July 20th, 2017,

WHEREAS, the Planning and Zoning Administrator has drafted the following amendment to Ward County Zoning Resolution No. 6,

WHEREAS, Ward County desires to amend portions of the Ward County Zoning Resolution No. 6,

§ 1. Article 3: (Definitions) is to hereby amended to the following:

Compassion Centers: Establishments licensed by the State of North Dakota Department of Health for one of two purposes; 1) growing, processing and manufacturing medical marijuana to supply the product to dispensaries, 2) dispensaries for distribution of medical marijuana to qualified patients or designated care givers. (Applicants must comply with any and all North Dakota Health Department regulations as per North Dakota Century Code 19-24).

§ 2. Article 6: "A-1" Agricultural District Section 2. Use Regulations is to hereby amended to the following:

B. Truck and flower gardening, nurseries, orchards, and greenhouses, excluding Compassion Centers with the sole purpose of operating as a manufacturing facility.

§ 3. Article 10: "C-1" Neighborhood Commercial District is to hereby amended to the following:

E. Florist shop or greenhouse, excluding Compassion Centers with the sole purpose of operating as a manufacturing facility.

§ 4. Article 11: “C-2” Highway Commercial District, Section 2. Use Regulations is to hereby amended to the following:

- Y. The manufacture, compounding, processing, packaging or treatment of such goods, materials and products as the following:
 - 1. Bakery goods, candy, cosmetics, pharmaceuticals (excluding Compassion Centers with the sole purpose of operating as a dispensary.), toiletries, food products excepting fish and meat products, sauerkraut, vinegar, yeast, and the rendering of fats and oils.
- EE. Compassion Center operating as a dispensary shall be permitted as a Special Use. Applicants must comply with any and all North Dakota Health Department regulations as per North Dakota Century Code 19-24.

§ 5. Article 13: “M-1” Light Industrial District, Section 2. Use Regulations is to hereby amended to the following:

- H. Compassion center operating as a manufacturing facility shall be permitted as a Special Use. Applicants must comply with any and all North Dakota Health Department regulations as per North Dakota Century Code 19-24.

§ 6. Article 14: “M-2” Heavy Industrial District, Section 2. Use Regulations is to hereby amended to the following:

- H. Compassion center operating as a manufacturing facility shall be permitted as a special use. Applicants must comply with any and all North Dakota Health Department regulations as per North Dakota Century Code 19-24.

§ 7. Article 18: Special Use is to hereby amended to the following:

Section 15. Compassion Centers

Compassion Centers cannot be located within one thousand feet of a property line of a pre-existing public or private school and applicants must comply with any and all North Dakota Health Department regulations as per North Dakota Century Code 19-24.

- A. A manufacturing facility for the purpose of growing, processing and manufacturing medical marijuana to supply the product to dispensaries will be permitted as a special use to locate with in M-1 and M-2 zoning districts.
- B. A dispensary for the for purpose of distribution of medical marijuana to qualified patients or designated care givers will be permitted as a special use to locate within C-2 zoning districts.