

Minutes of the Ward County Planning Commission

July 19, 2018

The meeting was called to order at 7:00 p.m. by Vice Chairman Wolsky. Present were Commissioners Fjeldahl, Fegley, Hanson, Livingston, and Weppler. Also present were Planning & Zoning Administrator Nancy Simpson, State's Attorney Roza Larson, Ashley Leddon Secretary.

Moved by Comm. Fegley, seconded by Comm. Hanson, to approve the Planning Commission Meeting Minutes from June 21, 2018. Roll call: all voted yes; motion carried.

Public Hearings:

1. Moved by Comm. Weppler, seconded by Comm. Fjeldahl, to open the public hearing at 7:03 p.m. Roll call: all voted yes; motion carried.

Application for a **variance** by North Prairie Rural Water District for the following described property:

Proposed Outlot 4, NE ¼, 9-152-83, Gasman Township

This public hearing is for the application of a variance to Ward County Zoning Resolution No. 6 Article 24. F. 1. b. "outlots shall be a minimum of two acres in size". The reason for the variance is a hardship due to unique preexisting conditions. The proposed outlot is located on the old radar base and the intended use is for a water reservoir. No one appeared on behalf of the public or Township. Jacob Maxson appeared on behalf of North Prairie Rural Water.

Moved by Comm. Fjeldahl, seconded by Comm. Weppler, to close the public hearing at 7:05 p.m. Roll call: all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Hanson, to approve the variance application for North Prairie Rural Water District. Roll call: all voted yes; motion carried.

2. Moved by Comm. Fjeldahl, seconded by Comm. Livingston, to open the public hearing at 7:07 p.m. Roll call: all voted yes; motion carried.

Application for a **variance** by Paulette Zietz for the following described property:

Proposed Outlot 4 being a portion of Lot B of Outlot 1, 11-152-82, Newman Township

This public hearing is for the application of 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 preexisting conditions. Access to the outlot is provided by a "road by prescription" and is noted as a 40' access easement on the plat. Newman Township recommends denial until they "know the purpose of the variance". Robin Zietz appeared on behalf of the applicant. The "road by prescription" has been in use for at least 20 years and is used to access an inert landfill for tires. The landfill is permitted by the state and inspected twice yearly. Use and size of the road will not change. Ed Rau appeared on behalf of Newman Township. The Township was not previously notified of variance application and has concerns that the land use is changing. Joel Newman also appeared on behalf of Newman Township. The Township was also concerned there would be additional requirements of blading and gravel.

Chairman Kossan arrived at 7:14 p.m.

Moved by Comm. Wepler, seconded by Comm. Hanson, to close the public hearing at 7:23 p.m. Roll call: all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Wepler, to approve the variance application contingent upon Township approval for Paulette Zietz. Roll call: all voted yes; motion carried.

Regular Agenda:

3. Application for a **plat** by Celeste M. Barfield for the following described property:

Sublot A of Outlot 1 NW $\frac{1}{4}$ SW $\frac{1}{4}$, 27-154-84, Burt Township

The plat application is for Sublot A be vacated back to Outlot 1. Burt Township has not yet responded (as of 7/11). The Ward County Resource Board returned the plat without objection, and with the usual recommendation. The applicant is vacating Sublot A as the owners have remarried and wish to have one tax bill.

Moved by Comm. Wepler, seconded by Comm. Fjeldahl, to approve the plat application for Celeste M. Barfield. Roll call; all voted yes; motion carried.

4. Application for a **preliminary plat** by Scott Schuster, second reading, for the following described property:

Proposed Schuster Addt'n to Rice Lake Lot 1, 10-152-85, Rice Lake Township

The preliminary plat application is for combining two existing small lots into one so that the owner may move a trailer home onto a basement foundation and meet side yard setbacks. Rice Lake 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. Wepler, seconded by Comm. Fjeldahl, to approve the preliminary plat application. Roll call; all voted yes; motion carried.

5. Application for a **plat** by North Prairie Rural Water District for the following described property:

Proposed Outlot 4, NE $\frac{1}{4}$, 9-152-83, Gasman Township

The plat application is for creating an outlot for a water storage tank. Gasman Township has not yet responded (as of 7/11). The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation. This item was tabled from the previous meeting.

Moved by Comm. Wepler, seconded by Comm. Fjeldahl, to approve the plat application with conditions as outlined by the Water Board contingent on the Township response within the 60 day response period. Roll call; all voted yes; motion carried. Jacob Maxson appeared on behalf of North Prairie Rural Water District.

6. Application for a **plat** by Paulette Zietz for the following described property:

Proposed Outlot 4 being a portion of Lot B of Outlot 1, 11-152-82, Newman Township

The plat application is for an outlot to be created to surround an existing inert landfill for estate planning purposes. Newman Township recommends denial "until knows its specific use and meets the Newman Township current zoning regulations". The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation. Ed Rau appeared on behalf of Newman Township. The Township was not previously notified of variance application and has concerns that the land use is changing.

Joel Newman also appeared on behalf of Newman Township. The Township was also concerned the size of the landfill was changing. A new special use permit should be applied for as the permits are tied to the land legal description.

Moved by Comm. Fjeldahl, seconded by Comm. Hanson, to approve the plat application with conditions as outlined by the Water Board, contingent on township approval for Paulette Zietz. Roll call; Comm. Wolsky, Comm. Fjeldahl, Comm. Fegley, Comm. Hanson, Comm. Wepler voted yes; Comm. Livingston voted no; motion carried.

7. Application for a **plat** by Peggy Rostad Johnson for the following described property:

Proposed Outlots 4 & 5, being Outlot 2, 13-154-83, Afton Township

The plat application is for splitting existing Outlot 2 into proposed Outlots 4 & 5 so that the owner may transfer Outlot 5. Afton Township has not yet responded (as of 7/11). The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation.

Moved by Comm. Wepler, seconded by Comm. Wolsky, to approve the plat application contingent on Township approval with conditions as outlined by the Water Board for Peggy Rostad Johnson. Roll call; all voted yes; motion carried.

8. Application for a **plat** by Marlys Hanson Life Estate & Jody Reinisch for the following described property:

Proposed Outlot 1, E ½ SE ¼, 27-151-86, Ryder Township

The plat application is for creating an outlot surrounding an existing farmstead. Ryder Township has not yet responded (7/11). The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation.

Moved by Comm. Livingston, seconded by Comm. Fegley, to approve the plat application for Marlys Hanson Life Estate & Jody Reinisch contingent on Township approval with conditions as outlined by the Water Board. Roll call; all voted yes; motion carried.

Other Business:

Change August Meeting Date – Nancy will be unable to attend the August 16, 2018 Planning Commission Meeting due to her invitation to attend the 2018 Sustaining Military Readiness Conference.

Moved by Comm. Wepler, seconded by Comm. Hanson, to change the next meeting date to August 7, 2018 at 7:00 p.m.

Reading of Amended Bylaws – Amended bylaws were reviewed with previously discussed corrections made.

Moved by Comm. Wepler, seconded by Comm. Fegley to approve amended bylaws.

Request for Regular Compensation for planning Commissioners – Nancy Simpson presented a Request for Compensation to incentivize attendance to bring before the County Commission. Per state law, appointed County Commissioners and City Commissioners attendance is required. The Board wishes the request be presented with language not be exclusionary and be written by Nancy Simpson.

Moved by Comm. Fjeldahl, seconded by Comm. Wolsky beginning in 2019, to offer a \$50 per diem for meeting attendance, excluding County Commissioners seated on this commission, and any reported mileage for all members. Roll call; all voted yes; motion carried.

Comprehensive Plan Update – Nancy Simpson distributed a Comprehensive Plan flyer. Steering Committee Meeting will be July 31, 2018. All Public Information sessions are complete. Next steps are to set out detailed steps and set priorities with more public outreach in September and October.

Moved by Comm. Wepler, seconded by Wolsky to receive and file Comprehensive Plan flyer. Roll call; all voted yes; motion carried.

Ordinance Amendment Recommendation – When reviewing the fees associated with Wind Turbines, it became evident that a fee schedule is still listed in Ward County Zoning Resolution 6 Article 22. Staff recommends the changes outlined in the handout.

Moved by Comm. Hanson, seconded by Comm. Wepler to approve Ordinance Amendment Recommendation on first reading. Roll call; all voted yes; motion carried.

There being no further business, the meeting was adjourned by Chairman Kossan at 9:00 p.m.

Chairperson, Ward County Planning Commission

Attest:

Ward County Auditor, Secretary