

## Minutes of the Ward County Planning Commission

June 17, 2021

The meeting of the Ward County Planning Commission was called to order at 6:00 PM by Chairman Heller with Commissioners Anderson, Evans, Hendrickson, Kibler, Livingston and Schumaker present. Also present were Planning & Zoning Administrator Doug Diedrichsen, State's Attorney Roza Larson, Director of Tax Equalization Noreen Barton, Comm. John Pietsch, Laura Seabeneck from Minot AFB, Eric Poppinga from Central Power, and Secretary Lynae Schroeder.

Moved by Comm. Hendrickson, seconded by Comm. Evans to approve the Planning and Zoning Commission Meeting minutes from May 20, 2021 and Special Meeting minutes from June 3, 2021. Roll call; all voted yes; motion carried.

Moved by Comm. Evans, seconded by Comm. Anderson to approve opening the public hearing at 6:01 PM regarding an application for a Special Use Permit for Central Power Electric Cooperative, Inc. Roll call; all voted yes; motion carried.

Application for a special use permit for the following described property: 25400 303rd Ave SW, Ryder, ND 58779. The applicant is requesting a special use permit for a power infrastructure project (Power Substation). The existing substation needs to be expanded to increase capacity for the new grain facility project. The applicant has requested that this be moved to second reading at the July 6, 2021 County Commission meeting.

Eric Poppinga, Central Power Electric Cooperative, Inc. spoke in favor of the special use permit for replacement of the existing facility. A new substation will be built and the existing substation will be deenergized and demobilized.

Moved by Comm. Kibler, seconded by Comm. Evans to approve closing the public hearing at 6:08 PM. Roll call; all voted yes; motion carried.

Moved by Comm. Kibler, seconded by Comm. Evans to approve the special use permit for Central Power Electric Cooperative, Inc. and to move the second reading to the July 6, 2021 County Commission meeting based on findings of fact and staff recommendations. Roll call; all voted yes; motion carried.

Application from Randy Hanson for a special use permit (2<sup>nd</sup> reading) for the following described property: 7201 139<sup>th</sup> Street SE, Norwich, ND 58768. The applicant is requesting a special use permit for an accessory dwelling unit on the property which is not intended for rental purposes.

Moved by Comm. Evans, seconded by Comm. Kibler to approve application from Randy Hanson for a special use permit based on staff recommendations and findings of fact. Roll call; all voted yes; motion carried.

Application from Jordan Rodgers for a special use permit (2<sup>nd</sup> reading) for the following described property: NE4 9-151-82 Iota Flats. The applicant is requesting a special use permit for an accessory dwelling unit on the property which is not intended for rental purposes.

Moved by Comm. Kibler, seconded by Comm. Evans to approve application from Jordan Rodgers for a special use permit based on staff recommendations and findings of fact. Roll call; all voted yes; motion carried.

Application from Luke Schaefer for a Subdivision Plat for the following described property: Proposed Lot 2 Towery's third Addition to Rice Lake. The applicant is proposing to parcel a single subdivision lot. Proposed lot is 51,379.75 sq. feet.

Moved by Comm. Anderson, seconded by Comm. Hendrickson to approve application from Luke Schaefer for a Subdivision Plat based on staff recommendations and findings of fact, and recommendations from the Water Board, Highway Department and the Township. Roll call; all voted yes; motion carried.

Cody Hansen submitted a plat application for the following described property: Proposed Outlot 2 lying in the SE4NE4 11-156-87. The applicant is proposing to parcel Outlot 2 which is a 2.00-acre parcel. The outlot is for future agricultural purposes. Passport Township zoning applies with the township recommendation pending at the time of the meeting. The proposed outlot meets minimum zoning requirements for Ward County. July 16, 2021 is the 60-day mark for response from the township.

Moved by Comm. Hendrickson, seconded by Comm. Evans to approve the plat application for Cody Hansen based on findings of fact and staff recommendations. Roll call; all voted yes; motion carried.

Central Power Electric Cooperative, Inc. submitted a plat application for the following described property: Proposed Outlot 4 being a portion of SE4SE4 4-151-86. The applicant is proposing to parcel Outlot 4, a 2.13-acre parcel. Ward County zoning applies with the township recommending approval. The proposed outlot meets minimum zoning requirements for Ward County.

Moved by Comm. Evans, seconded by Comm. Anderson to approve the plat application for Central Power Electric Cooperative, Inc. based on findings of fact, staff recommendations, recommendations from the Water Board, Highway Department, and the Township. Roll call; all voted yes; motion carried.

Jordan Peterson submitted a plat application for the following described property: Proposed Outlot 2 being a portion of Government Lots 2&3 19-153-83. The applicant is proposing to parcel Outlot 2 which is 5.26 acres. The outlot is for residential purposes. Freedom Township zoning applies with the township recommendation pending. The proposed outlot meets minimum 5-acre requirement for Freedom Township and meets minimum zoning requirements for Ward County.

Moved by Comm. Evans, seconded by Comm. Kibler to approve the plat application for Eric Wald based on findings of fact, staff recommendations, and recommendations from the Water Board, Highway Department but pending recommendation of approval from the township. Roll call; all voted yes; motion carried.

Robert Barfield submitted a plat application for the following described property: Proposed Outlot 3 Sublot A of Outlot 1 and a portion of Outlot 1 lying in the SW4 27-154-84. The applicant is proposing to parcel Outlot 3. The proposed outlot is 3.00 acres. This outlot is for future agricultural purposes. Burt Township zoning applies with the township recommending approval with the following conditions: The outlot cannot be used for commercial use and no dwelling can be built on the property. The proposed outlot meets minimum 3-acre Burt Township requirement and meets minimum zoning requirements for Ward County.

Moved by Comm. Kibler, seconded by Comm. Evans to approve the plat application for Robert Barfield based on findings of fact, staff recommendations, and recommendations from the Water Board, Highway Department, and the township. Roll call; all voted yes; motion carried.

Norman Sollid submitted a plat application for the following described property: Proposed Outlot 2 being a portion of Outlot 1 SE4SW4 36-156-85. The applicant is proposing to parcel Outlot 2. The proposed outlot is 2.37 acres. This outlot is for future residential. Ward County zoning applies.

Moved by Comm. Anderson, seconded by Comm. Schumaker to approve the plat application for Robert Barfield based on findings of fact, staff recommendations, and pending the recommendation of approval from the township. Roll call; all voted yes; motion carried.

Daniel Reishus submitted a plat application for the following described property: Proposed Outlot 5&6 being a portion of Outlot 4 and a portion of Outlot 3 lying in the NE4 36-153-81. The applicant is proposing to parcel two Outlots. Proposed outlot 5 is 14.80 acres, proposed outlot 6 is 2.20 acres. Outlot 5 is for future agricultural purposes. Outlot 6 is for future residential purposes. Ward County zoning applies with the township recommending approval. The proposed outlots meet minimum zoning requirements for Ward County except as the Highway Department has pointed out, Outlot 6 right of way adjacent to the county road has not been dedicated.

Moved by Comm. Hendrickson, seconded by Comm. Anderson to approve the plat application for Daniel Reishus without the 75-foot ROW dedication because the Ward County Commission has made a motion not to enforce such a requirement and based on findings of fact, staff recommendations, and the recommendation of approval from the township. Roll call; all voted yes except Kibler, who abstained; motion carried.

Mr. Diedrichsen refreshed the Commission regarding the current zoning ordinances and new recommendations that are being made. Newly added verbiage is as follows: Under the Subdivision plats section on page 8, immediately following the heading it states: (Only Subdivision plat, this does not apply to Outlot Plats by motion of the County Commission) and on page 10, item v. the word Existing has been added and "and including widths required in Article 24, Section 4, A, (12)" has been stricken. Mr. Diedrichsen recommends roman numeral vi. which states "Outlots are exempt from ROW dedication." A discussion was held on traffic volume on different types of roads and improvements needed on roads to handle the traffic. Also discussion was held on the design standards for roads and how the highway department sets the minimum standards.

A discussion on a 66 foot right of way and an 80 foot right of way was held. These are standards set by the Highway Department and any change needs to be done through the Highway Department and not the Planning and Zoning Committee.

Moved by Comm. Hendrickson, seconded by Comm. Livingston to change the minimum standard for subdivision roads to 66 feet for the draft.

Further discussion was held on the ramifications of changing road standards back to 66 feet as the 80-foot ROW was put in place because developers were not able to build roads within the 66-foot guideline. Mr. Diedrichsen states that changing the roads back to 66 feet will bring up the same problems as before in which the 80-foot standard was put in place to fix.

Discussion on dedicated ROW and unfairness in the past with outlots. Mr. Diedrichsen stated that outlots and subdivisions are handled differently and that the County Commission has stopped the unfairness regarding unequal ROW dedication for outlots. The focus now is on standards for subdivisions.

Traffic and drainage were discussed regarding subdivisions and needing the 80-foot road to handle turning lanes, slope, and drainage issues. Comm. Pietsch spoke regarding water and draining issues in some of the subdivisions around Minot. The wider roads built by developers makes for a safer development in the long run and helps with flooding, sewer, and parking issues.

Comm. Evans stated she is voting against this motion and would like to make a motion to close discussion. There was no second.

Short discussion on curb and gutter in a subdivision.

Comm. Hendrickson withdrew her motion.

The Committee continued discussion on ROW and how it is acquired. States Attorney Roza Larson stated this Committee is working on setting the design standards as to how big the roads should be in subdivisions that developers are designing to sell. Comm. Pietsch spoke stating that developer standards are there to protect the taxpayers and helps with turning over the development once completed. Ms. Larson believes the developer is adding value and due to the extra burden and stress on the road, the road should be made wider.

Further discussion on 2-mile jurisdiction was held and the fact that the County takes over once the 2-mile jurisdiction has ended. These standards are for the 2-mile area beyond what the city zones for. The 125' setback was also mentioned and the need to maybe use a different number for commercial and industrial setbacks.

Comm. Hendrickson made a motion that all the conditional uses and permitted uses be listed in a massive table rather than spelled out to make it easier to understand. Mr. Diedrichsen stated once finalized there will be a public outreach into communities with posters and tables for explanation. In the final draft most likely there will not be any conditional uses listed as they are infinitely diverse. Comm. Hendrickson moves to remove the conditional uses from each zoning jurisdiction and the definitions and to only list the permitted uses in the next draft. No second. Motion dies.

Continued discussion on conditional use, permitted use, and variances and what each permit is set out to accomplish.

Mr. Diedrichsen informed that the County Commission passed a new policy for Right of Way Vacation with a new application.

Continued with the ordinance review. On page 6, the reference to six-mile has been struck and replaced with two miles. Also recommended by State's Attorney Roza Larson to take out the Minot reference and replace with extra territorial area. Mr. Diedrichsen made recommendation to remove Minot and the name of every city from this paragraph and make reference of within 2 miles of the cities that have a population greater than this, and within ET zone jurisdictions of the cities that have chosen to exercise an extra territorial zoning.

Committee discussed annexation procedures.

Mr. Diedrichsen mentioned that it may be a good idea to have Dana Larson or Travis Schmit from the Highway Department come and discuss design standards with the committee.

Further discussion on ET and subdivision design standards. On page 11, item 19, there is a Century Code change effective August 1, 2021. This new statute should be referenced here.

Page 13, Section 9 under fees, Ward County is severely undercharging for plats, subdivisions, variances, and conditional use permits. When placing an ad for these applications, most times the cost of the ad is not even covered. The purpose of the fee was to cover the ad and mailings. It was suggested to use languages such as "fees assessed at discretion of the County Commission" which would be an independent fee schedule not attached to this document.

Page 16, Section 3 in regard to excavation, the square feet reference should be changed to cubic feet for the excavation permit. For Sections 9 and 10, the ratios and numbers placed on this page should be reviewed to come up with standards. Floodplain management section is pretty much Federally mandated so no changes will be made to this section.

Mr. Diedrichsen will be requesting Consultant Joel Quanbeck, KLJ, to link areas within the ordinances so that information can be looked up easily. Committee agrees with changes set forth in this draft. Mr. Diedrichsen will reach out to Mr. Quanbeck early next week regarding the changes made. Committee is requesting for new draft to be presented to the Planning and Zoning Committee one month before final review with Joel. Mr. Diedrichsen suggests possibly waiting until after harvest to hold public meetings in order to ensure input from the farmers as well as others.

There being no further business, the meeting was adjourned at 8:34 PM.

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Chairperson, Ward County Planning Commission

Attest:

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Ward County Auditor, Secretary