

Minutes of the Ward County Planning Commission

August 19, 2021

The meeting of the Ward County Planning Commission was called to order at 7:04 PM by Chairman Heller with Commissioners Anderson, Evans, Fjeldahl, Hendrickson, Kibler, Livingston, Podrygula, and Schumaker present. Also present were Planning & Zoning Administrator Doug Diedrichsen, State's Attorney Roza Larson, and Secretary Lynae Schroeder.

Moved by Comm. Fjeldahl, seconded by Comm. Podrygula to approve the Planning and Zoning Commission Meeting minutes from July 15, 2021. Roll call; all voted yes; motion carried.

Moved by Comm. Kibler, seconded by Comm. Evans to approve opening the public hearing at 7:05 PM regarding a motion of recommendation to County Commissioners for Zoning Ordinance Amendment 2021-1. Roll call; all voted yes; motion carried.

No one from the public came forward for or against the Zoning Ordinance Amendment 2020-1.

Discussion on approval of Zoning Ordinance Amendment 2021-1 which strikes in Section e the following language "and including widths required in Article 24, Section 4, A, (12)" and adds Section f "Outlot Plats are exempt from right-of-way dedications required in Article 24, Section 4, A, (12). This amendment is exempting outlots (1 and 2 lot plat applications) from right-of-way dedication along county roads. This is a stop gap measure between now and when the new zoning ordinance gets passed so we are not endorsing outlot right-of-way dedication. State's Attorney Roza Larson stated that this ordinance change cleans up the language and shows what the intent is. This change is needed regarding right-of-way dedication or it opens the county up for liability.

A discussion was held regarding returning right-of-way that should not have been taken in the first place. Also discussion on whether or not a public hearing should have been held tonight on this issue without specific direction from the County Commission. It was debated on whether or not to approve this motion or send it back to the County Commission. Mr. Diedrichsen stated that the wrong behavior needs to be stopped first and once the behavior has stopped, steps can be made to fix it. At this point, there is no clear path in which this can be done; it is a multidepartment task to find out how to undedicate right-of-way.

Ms. Larson stated the county recorder would need to be involved to generate a list of names to provide all of the outlots that were approved since the beginning of this practice so that all plats can be identified that have dedicated ROW. Ms. Larson recommends that the County Commission be the one to come up with a solution on how to fix this with public notice, deadlines, and possible replatting.

Moved by Comm. Evans, seconded by Comm. Kibler to approve closing the public hearing at 7:42 PM. Roll call; all voted yes; motion carried.

Moved by Comm. Evans, seconded by Comm. Podrygula to recommend to the County Commission to publish and adopt the Ward County Zoning Ordinance Amendment 2021-1, which strikes the last part of Article 24, Sec. 4, F, e and adds f. Roll call; all voted yes; motion carried.

Moved by Comm. Evans, seconded by Comm. Hendrickson that Planning and Zoning Commission strongly recommends to the County Commission to direct the county recorder to identify all outlots platted with right-of-way dedication and provide a list to the County Commission to devise a remedy. Roll call; all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Kibler to approve opening the public hearing at 8:17 PM for a Special Use Permit from Dennis and Karen Erber. Roll call; all voted yes; motion carried.

Application for a Special Use Permit for the following described property: 2900 184th Ave NE, Glenburn, ND.

The applicant is requesting a Special Use Permit for an accessory dwelling unit on the property. Ward County Zoning applies and the township recommends approval.

No one from the public came forward for or against the permit.

Moved by Comm. Kibler, seconded by Comm. Schumaker to approve closing the public hearing at 8:18 PM. Roll call; all voted yes; motion carried.

Moved by Comm. Kibler, seconded by Comm. Evans to approve the Special Use Permit from Dennis and Karen Erber based on findings of fact and staff recommendations. Roll call; all voted yes; motion carried.

Austin Miller submitted a plat for following described property: proposed Outlot 5 lying in the SW4NE4; 32-156-84. The applicant is proposing to parcel Outlot 5, a 19.53-acre parcel. The outlot is for future residential purposes. 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. Kibler to approve the plat application for Austin Miller based on findings of fact and staff recommendations. Roll call; all voted yes; motion carried.

Mr. Diedrichsen gave an update on the Zoning Ordinance draft. Definitions that are highlighted are new ones that have been added. Feedlot regulations have been addressed on page 19. Discussion on various areas of the ordinances was held. Hyperlinks will be done.

Moved by Comm. Evans, seconded by Comm. Podrygula to change the start time to 6:00 PM on September 16, 2021 for the Planning and Zoning Commission meeting and to include on the agenda a discussion of the latest draft. Motion withdrawn.

There being no further business, the meeting was adjourned at 9:05 PM.

Chairperson, Ward County Planning Commission

Attest:

Ward County Auditor, Secretary