

Minutes of the Ward County Planning Commission

November 18, 2021

The meeting of the Ward County Planning Commission was called to order at 7:02 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, Secretary Lynae Schroeder, and visitors Jason Main and Casey Tompkins.

Moved by Comm. Schumaker, seconded by Comm. Evans to approve the Planning and Zoning Commission Meeting minutes from October 21, 2021. Roll call; all voted yes except Comm. Kibler who abstained; motion carried.

Dan Neshem submitted a plat for following described property: Proposed Outlot 2 lying in the SE4SW4 27-153-85. The applicant is proposing to parcel Outlot 2, which is 10.0 acres. This outlot is for future residential purposes. Ward County zoning applies with the township recommending pending.

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

Highway Engineer Dana Larsen entered the meeting at 7:13 PM.

Casey and Tammy Tompkins submitted a plat for following described property: Proposed Outlots 3 & 4 lying in the SW4SW4 2-155-81. The applicant is proposing to parcel two Outlots, proposed outlot 3 is 4.42 acres; proposed outlot 4 is 5.58 acres. These outlots are for future residential purposes. Ward County zoning applies with the township recommending approval.

Moved by Comm. Evans, seconded by Comm. Anderson to approve the plat application for Casey and Tammy Tompkins based on findings of fact, recommendations from the Water Board, County Highway Department, approval from township, and staff recommendations. Roll call; all voted yes; motion carried.

Austin Hanson submitted a plat for following described property: Proposed Outlot 1 lying in the NW4NW4 27-154-85. The applicant is proposing to parcel Outlot 1, which is 10.0 acres. This outlot is for future residential purposes. Ward County zoning applies with the township recommending denial of this plat.

Access easement to the plat is approximately 10 feet on the adjacent property owned by another property owner. Suggestions are to provide new access easement or move the current access road 10 feet to the north. Road itself sits entirely on the Hanson property but the included drainage in the access easement sits on the southern adjacent property owner's land. Disagreement between property owners on whether this is a publically maintained road. Staff recommendation is to table this item and let the property owner and township decide whether or not it is a publically maintained road. If not, according to our ordinance, a variance would need to be required in order to access an outlot via an easement. Further discussion was held.

Moved by Comm. Hendrickson, seconded by Comm. Fjeldahl to deny the plat application for Austin Hanson at this time. Roll call; all voted yes; motion carried.

Clayton Fegley submitted a plat for following described property: Proposed Outlots 1 & 2 lying in the NW4 10-156-85. The applicant is proposing to parcel two Outlots, proposed outlot 1 is 10.0 acres; proposed outlot 2 is 54.0 acres. These outlots are for future residential and agricultural purposes. Ward County zoning applies with the township recommending approval.

Moved by Comm. Hendrickson, seconded by Comm. Fjeldahl to approve the plat application for Clayton Fegley based on findings of fact, recommendations from the Water Board, County Highway Department, approval from township, and staff recommendations. Roll call; all voted yes; motion carried.

Jason Burkhart submitted a plat for following described property: Proposed Outlot 2 lying in the SW4SW4 12-151-83. The applicant is proposing to parcel Outlot 2, proposed outlot 2 is 17.80 acres. This outlot is for future residential purposes. Ward County zoning applies with the township recommending approval.

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

A discussion was held on the bylaws and noticing neighboring landowners. The new ordinance states "If the applicant owns the adjacent property, notice shall be sent to neighboring landowners within one mile from the subject property."

Moved by Comm. Hendrickson, seconded by Comm. Kibler to approve first reading regarding the change of date for annual reorganization meeting to the first meeting of April each year. Roll call; all voted yes; motion carried.

Change to the notification area was discussed. This change reads now "If the applicant owns the adjacent property, notice shall be sent to neighboring landowners, up to one mile, but not less than one half mile from the subject property. In more dense areas, notice shall be sent to neighboring landowners at a minimum of 300 feet from the subject property." It will be changed to "If the applicant owns the adjacent property, notice shall be sent to neighboring landowners one mile from the subject property."

Moved by Comm. Kibler, seconded by Comm. Hendrickson to approve first reading regarding the change to the notification area as presented above. Roll call; all voted yes; motion carried.

The Planning and Zoning Committee at their last meeting asked for the engineering team to provide standards on highway commercial and rural industrial area setbacks. Mr. Diedrichson and Mr. Larsen are recommending a secondary setback 75 feet from the road centerline for highway commercial and rural industrial areas on any improvement that does not follow the definition of structure. The reason for the setback is to preserve the corridor for future improvements which will help reduce future costs of maintaining the roadway. This setback will help so that a parking lot placed too close to the roadway does not need to be removed, and also it will take care of making sure there is room to improve a roadway without having to tear down and rebuild structures in order improve the corridor. This 75-foot setback would apply to all below, at, or above grade improvements for commercial businesses. A lengthy discussion was held.

Additional setbacks proposed by Mr. Diedrichson and Mr. Larsen are as follows: Minimum front yard setbacks for all buildings on county roads 125 feet, minimum setback for fences, trees, and shrubs on a county road 100 feet; minimum front yard setback on a township road 125 feet from a primary building; minimum front yard setback for fences, trees, and shrubs on a township road 100 feet; minimum side yard setback for primary building 30 feet; minimum side yard setback for accessory building 15 feet; minimum rear yard setback for primary building 30 feet; minimum rear yard setback for accessory buildings 15 feet; secondary setback for all improvements at 75 feet from road centerline.

A discussion on variances, permits, and utility easements was held. Property rights were brought up as well.

At this time the engineering team is asking for recommendations from the Commissioners regarding setbacks, what is considered a structure (railroad spurs, parking lots, and light poles need to be delineated), and any further concerns they may have. Also the safety aspects of setbacks need to be looked at as well.

Mr. Diedrichsen will send out the notes on what he and Mr. Larson discussed in regard to the above issue.

There being no further business, the meeting was adjourned at 9:23 PM.

Chairperson, Ward County Planning Commission

Attest:

Ward County Auditor, Secretary