

Planning and Zoning Commission Minutes

January 8th, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on January 8th, 2012. Board members present: Daryl Flagen, Dale Patten, Kris Mrachek, Rick Lawler, Doug Bolken, Carol Norgard, Rick Lawler, Kris Pacheco and Paul Wisness. Also present were County Planner Walter Hadley, Gene Buresh, and Ari Johnson.

Chairman Patten called the meeting to order at 5:00pm. December 11th minutes were read. Mr. Paul Wisness voted to accept the minutes and Mr. Daryl Flagen seconded. Members voted and approved.

Mr. Gene Transtrom voiced concerns with the 150 foot setbacks for trees and structures that are currently in the zoning ordinance and how they would affect the residences around him as well. Johnson Corner representatives voiced concerns with the commercial zoning they believe they have around their area. The board reassured them that zoning was agriculture right now but would have the ability to change to commercial in the future.

Mr. Dale Patten requested the board meeting continue and to come back to the concerns. Mr. Gene Buresh addressed the typo errors that were mentioned at the public hearing. Mr. Buresh felt confident in his staff that does review this document along with the board that has continually reviewed the document. Mr. Buresh stated the document will be continuously be revised if grammatical errors are found.

Mr. Gene Buresh addressed one of the comments at the public hearing regarded the 150 foot setbacks. Mr. Buresh updated the board on surrounding counties setbacks to reassure the board that the newly established setbacks are right along the lines of others. Mr. Daryl Flagen agreed. Mr. Les Haugen would like some kind of wording in the documents to protect the current landowners. Mr. Ari Johnson felt that there was no problem at keeping the setbacks the way they are. Mr. Dale Patten addressed the concerns of eliminating encroachment problems and all issues that have been presented are solvable with a variance. Mr. Patten also stated that it is the shelterbelts that will be the opposing problem. Mr. Paul Wisness agreed that someone may get hurt at our intersections with the setbacks getting reduced. Mr. Wisness argued that there are already very dangerous intersections out there and the ordinance would protect from more. Mr. Doug Bolken spoke on behalf of the city's system at looking at setback and variance requests. Mr. Bolken stated that variances are granted if the structure is in line with what the area already has. Mr. Walter Hadley suggested having a corner setback to allow safer turns. Mr. Les Haugen suggested changing the setback to 75ft.

Mr. Kris Mrachek made a motion to keep the setbacks of structures and trees at 150ft from county roads. Mrs. Carol Norgard seconded the motion. Called for discussion. Mr. Les Haugen and Mr. Daryl Flagen opposed. Motion carried.

Ms. Carol Norgard made a motion to leave the setbacks of structures and trees from state highways at 250ft as well. Mr. Paul Wisness seconded. Called for discussion. Mr. Les Haugen opposed. Motion carried.

Mr. Gene Buresh found a duplicate 3.6 in the zoning ordinances that he will correct. Mr. Doug Bolken moved to move 3.8.2(9) into a conditional use and maintain under 3.8.2(7) and remove the coal section out. Mr. Daryl Flagen seconded. Called for discussion. All aye and motion carried.

Mr. Gene Buresh reviewed a comment on the limitation of single family farm. Mr. Ari Johnson requested the board define farm family to resolve the dilemma. Johnson agreed to have a definition present at next meeting.

MR. Gene Buresh removed farm home occupation of 3.4.2 to resolve conflict. Discussion was held on farm definition as well as the farm related occupations that are allowable uses.

Mr. Gene Buresh presented the board with the new solid waste requirements. He stated they have been changed to allow the state control of the construction details of the projects. The board also discussed solid waste setbacks that were previously stated. Mr. Doug Bolken made a motion to have Solid Waste Treatment Facilities have a 1 (one) mile setback from any single family residence. Mr. Paul Wisness seconded. Discussion was held. All members voted aye. Motion carried.

Mr. Doug Bolken moved to accept the shorter version to the Solid Waste requirements that Mr. Buresh presented earlier. Mrs. Carol Norgard seconded. All members voted aye. Motion carried.

Mr. Walter Hadley stated that the map around the city was worked on with Mr. Kurt Moen and they will continue to work on this before the 22nd. Mr. Les Haugen suggested leaving all areas zoned agricultural. Mr. Ari Johnson suggested making sure that the conditional uses are broad enough to accept things but still leave things a little open for development. Mr. Doug Bolken reminded the board that with conditional uses permits the board as well as the county will have ways to control the future developments. Mr. Les Haugen feels that the board will then be picking on certain individuals and that if land is leased than that use of lease agreement should be grandfathered. Mr. Doug Bolken suggested keeping the zoning and adoption of current developments to be consistent and to not create ambiguity. Mr. Gene Buresh reminded the board that scoria pits as well as water depots are under the agricultural district as a conditionally allowed uses.

Mr. Paul Wisness stated that he felt the scoria pits 300 feet from an adjacent property is a little much and feel that could be changed to 150 feet. Mr. Wisness moved to change the setback of scoria pits from adjacent properties from 300 feet to 150 feet. Mr. Rick Lawler seconded. All members voted aye. Motion carried.

All written comments were reviewed:

Brent & Stacy Arnegard: The board agreed that the setbacks and other issues involving man camps that were made noted would be established as part of the conditional use permits in allowable districts.

Ken Edmunds: The board reviewed the zoning suggestion and the current use is industrial which does follow the possibility of development in the suggested area.

Richard Satter: The board will review all mapping zone changes at the January 22nd meeting.

Steven Nelson: The board reviewed the dilemma of having a previous feedlot with a development going in nearby in which they would both be grandfathered. The board has zoned the area agriculture but will have no jurisdiction over previous developments.

Tyson Raley: The board reviewed his zone as agricultural which allows under conditionally allowed uses 4.3: Truck parking and truck garages and all associated structures to service the same.

Brett Narloch: The board will review all mapping zone changes at the January 22nd meeting.

Wayne Krieger: The board agreed that the development is in a n industrial zoned area. Industrial Districts allow 3.8.2 All uses permitted in the Commercial District except residential. Commercial District allowed uses 3.7.2 Hotels and Motels.

Chris Kreger: The board reviewed and all issues were resolved by using the shortened version of Solid Waste Treatment Facility requirements to allow the state to enforce design standards.

Johnson Corners: The board agreed that the land will stay agriculture zoned and if future zone changes are requested in the area the board would use the McKenzie County Comprehensive Map for development direction.

Vawrita Best: The board agreed to define both agri-business as well as agri-tourism. The board did not feel okay with the 40 or 160 minimum for a residential home on agriculture land nor the 51% agriculture income which would require the board to look at proofs of income which is not what the board is intending. The board has up zoned the area of County Road 37 to encourage the upgrade of development in that area.

Greg Tank: The board will not enforce current lots at Tobacco gardens regarding the 120 feet setback from lakes and rivers but new residential development can request a variance.

Tim Dwyer: The board will review all mapping zone changes at the January 22nd meeting.

Dara & Kevin Langerud: The board reviewed the comments and feel that they have provided an ordinance that is detailed enough and enforceable.

Mike Durham & Karen Holte: The board agreed that all comments should be directed towards the Watford City, ND planning board as the development is within the city jurisdiction. The board also agreed that the garbage will have to be addressed elsewhere as it is not enforceable through zoning.

Michael Derby: The board will address the comment at the January 22nd meeting along with the public hearing comments.

Grand Bakken Lodge: The board will review all mapping zone changes at the January 22nd meeting.

Meeting was adjourned at 9:04pm with no further discussion.

Secretary

Chairman