

Stutsman County Planning & Zoning Commission Minutes – September 6, 2018

Meeting was called to order at 8:00 AM by Chairman Brian Amundson. Roll call taken. Present were Duane Anderson, Paul Bensch, Dan Buchanan, Dave Schwartz, David Steele, Thomas Schultz, Brian Amundson, Dale Marks, and Tyler Perleberg, Zoning Administrator.

Others in attendance: Brandon Miller, Robert and Judy Haglund, Casey Yunck, and Jessica Alonge.

A motion was made by Dan Buchanan to approve the meeting minutes from June 28, 2018. Motion seconded by Dave Schwartz. Motion carried.

Tyler Perleberg introduced the application to request a zoning change from an Agricultural zoning district to a Residential Community zoning district for the property located in the SW1/4 of Section 34, T140N, R69W (Peterson Township) and that part north of County Road 39 in the NW1/4 of Section 3, T139N, R69W (St. Paul Township). The plan is to construct a new subdivision and create lake lots in this area. Tyler explained that, out of courtesy, he sent mailings to landowners within a quarter mile of the proposed location and mailings were also sent to both townships that are involved in this area. Tyler explained that he only heard feedback from one gentleman, named Thomas Reule. Tyler read a letter of concern to the board that Mr. Reule had emailed to him.

Another property owner, Robert Haglund, presented some questions regarding sewer, water, and boat docks. Brandon Miller, the applicant, explained his vision of water and sewer and stated that the boat docks will be private use. He contacted the Bureau of Reclamation to verify the capability of putting in the docks and also contacted the department of health to verify the needs of septic systems and/or holding tanks.

Duane Anderson asked about the size of the lots. Mr. Miller explained that most of the lots are at least one acre and will be about 75-100 feet wide and roughly 500 feet long. There are 10 lots that will be smaller than an acre, but will be at least 20,000 square feet in size. Mr. Perleberg explained that regardless of the decision today, people looking at adding a residence would still have to follow our zoning ordinance, and one of the requirements of our ordinance is getting approval of a septic system thru the department of health. David Steele asked about the type of septic systems that will be used. Brandon stated he doesn't foresee anybody using older systems that were known for causing issues and that they will be compliant with the department of health's requirements.

Questions were raised about subdivision plats and how emergency services would be provided to this area. Mr. Perleberg explained that the county's zoning ordinance does not have any subdivision zoning regulations in place to address these issues. Dan Buchanan asked the chairman what the purpose of this meeting is today on what the board is deciding on, asking if the only item is deciding on the re-zoning of this area from agricultural to residential community. Chairman Amundson confirmed that question.

Questions were raised about the lake depth and Mr. Miller answered that he believes the deepest spots are 24 feet. Thomas Schultz recommended that Mr. Miller contacts the state water board to ensure all permitting is done and taken care of with them.

Mr. Miller went on to explain that he was in contact with Tyler Michel at the Stutsman County Road Dept. to work out a plan for an access road. He plans to get a permit for that soon. He explained that

the road would be a private road and costs associated with the road would be the property owners responsibility.

Dale Marks asked about campers and how many that would be allowed. Mr. Miller explained that in the covenants he has developed, one residence would be allowed with an additional one camper allowed.

David Schwartz asked about what Mr. Miller has for plans for the county roads that lead to the property because he states that those county roads are no-haul roads. He stated that contractors in the past have been denied use of that road because of the road condition. Other board members expressed concern that if the road gets beat up that the county will have some high costs to repair the roads. It was recommended to get Mickey from the Stutsman County Road Department involved to discuss options on the availability of that road. Mr. Miller stated that he would for sure help assist in costs to improve the road to a certain extent.

Mr. Steele asked if the residences are going to be seasonal or permanent houses. Mr. Miller believes that they will be seasonal, but someone in the area could have a permanent residence. Mr. Steele also asked about water levels and Mr. Miller explained that water levels are not guaranteed.

Mr. Anderson asked what the minimum lot sizes are required for our residential community zone. Mr. Perleberg stated that in the zoning ordinance for an RC zone, minimum lot size shall be 5,000 square feet for lots served by public water or sewer and 20,000 square feet for lots not served by public water or sewer. Mr. Perleberg reminded the board that the department of health would still have to approve of any septic systems prior to adding a residence.

Mr. Schultz asked Mr. Miller if he has a Stormwater Pollution Prevention Plan in place and recommends having his engineer develop that. Discussion about stormwater runoff and dredging took place.

Mr. Haglund was concerned if there are any wildlife easements on the lake, explaining that there is an island out there he believes has a WRP easement on it.

Mr. Buchanan made a motion to approve the zoning change. No second to the motion was made. Motion failed.

Discussion took place on what steps should be taken next. It was stated to provide the proper permitting that is needed and to contact Mickey at the road department to discuss the use of the road.

Mr. Schwartz made a motion to table the meeting to a later date when there is more information available, Mr. Steele seconded that motion, motion passed unanimously.

Mr. Anderson recommended that the committee look into getting a subdivision ordinance in place. Mr. Perleberg stated he will look into it.

Mr. Schwartz made a motion to adjourn the meeting, Mr. Buchanan seconded, motion approved. Meeting adjourned.