

Stutsman County Planning & Zoning Commission Minutes – October 2, 2018

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

Others in attendance: Brandon Miller, Thomas Reule, Nicole Meland, and Jessica Alonge.

A motion was made by Dale Marks to approve the meeting minutes from September 6, 2018. Motion seconded by Dave Schwartz. Motion carried.

Discussion began about the use of the road. Mr. Schwartz stated that there was prior concern brought up that in the past the county has denied access to a couple contractors to use that road for projects. However, it was determined that those projects were state or federally funded projects and those projects have criteria that they cannot use a county paved road as an access-haul road. This project is for private use, so a road haul agreement can be worked out. Interstate Engineering is working with Mickey at the county road department to draft a road use agreement for this project. A pre-haul and post-haul inspection would take place and determine improvements or repairs needed when the project is done.

Mr. Steele asked how many miles of road are affected. Mr. Schwartz responded that about 6/10 of a mile is paved from I-94 to old highway 10, then there is about two miles west, mostly comprising of gravel, that leads to the project site.

Mr. Schwartz stated that other concerns with the size of lots and sewers were looked into and he stated that those issues have to get approval from the health department and those issues will be the responsibility of the property owners to obtain the proper permitting. He stated that he feels there is little impact on the people living out there and that this will be a good thing for the City of Medina as they will see increased business.

Chairman Amundson asked if Peterson and St. Paul townships are still organized and if they have relinquished their zoning rights to the county. Mr. Perleberg confirmed that yes they have. Mr. Amundson asked if the townships will now be responsible for the road maintenance. Mr. Schwartz confirmed that it is still a county road.

Thomas Reule disagrees that this project won't have an impact on the area and that there will a lot of added traffic on the road with the amount of lots that are proposed for the project. He has concern that culverts were raised at one point when there was a grade raise and that he is seeing more water retained on his land. He stated that the size of the project will impact the farmers in the area and that it a huge project that will probably create the 2nd biggest city in Stutsman County. He believes that the increased traffic are going to cause maintenance to be done on those roads.

Mr. Marks asked how many culverts were too high and asked if we could just lower them down. At this point, if the water is being equalized, then the issue can be addressed if needed in the future.

Mr. Reule expressed that farmers are going to be impacted negatively. Mr. Schwartz stated that he lives along a much busier highway and that he doesn't see a great impact on the farm community. Mr. Schwartz states that he doesn't see this impacting very many residences. Mr. Schwartz stated that their

hasn't been any residents in the area expressing concern about the project. He states that the townships and the City of Medina will see an increase in their tax base due to the increase business and property tax in those areas.

Mr. Steele stated that he drove out to the site and saw that the road is fairly wide for both machinery and cars to pass so he doesn't see an issue with that.

Mr. Reule re-stated that he feels there is going to an impact, maybe good, maybe bad, for the area. He feels that that the project is too big and if it was scaled back a bit, it wouldn't be as bad and there were not campers allowed. He stated that Mr. Perleberg sent him the covenants the developer has and Mr. Reule stated that those aren't covenants and that anything goes. He stated he lives in Devils Lake and he has seen some of these developments and that some are good and some are a complete mess. Mr. Reule feels that the cost of the lots won't dictate what someone does after the purchase and stated that covenants are important.

Mr. Schultz disagrees that sewage a just being a problem with the health department. He stated that one dwelling is considered two bedrooms. He's concerned that once a sewage system is approved, who's going to monitor if there are additional demands on sewage systems, such as a camper on site. He states, thru his own experience, that he went thru a tough time after the fact so he wants the developer to be aware to cover himself within his covenants. Mr. Miller stated his plan for that is that the extra camper is not to use the current septic and that the association will have to monitor those issues of compliance with the covenants.

Mr. Amundson stated that we're here for zoning and that we are here to provide opportunity to the landowners to have the right to do what they wish with their land that won't affect other landowners. He states that the septic issues and the other stuff that happens within the covenants are the responsibility of the developer and the owners.

Mr. Anderson agrees with Mr. Schultz that he's seen where a zoning issue was approved, owner sells a lot, and the new owner isn't allowed to do what they want to do. He feels if that isn't our issue, it should be in the future and our zoning ordinance may need to be looked into.

Mr. Schwartz stated that issues he's run into with sewers, that the state and even the local health department the rules are constantly changing. He agrees that those issues are out of our hands to monitor and keep track of and regulate.

Mr. Miller stated that in his conversation with Marci at the local health department, she stated that Stutsman County is one of the strictest health departments in the state. Mr. Schultz warned that they won't be out there monitoring at all times. Mr. Miller stated that he's been thru many of these projects so this isn't his first rodeo.

Mr. Bensch states that he doesn't see the traffic as being much of an issue and that the development will take time to get the area developed and bought. Mr. Miller stated that the back lots are intended for shops or sheds, not for residences.

Mr. Bensch made a motion to approve the zoning change, Mr. Schwartz seconded, motion carried unanimously.

Mr. Amundson asked Tyler if any progress has been made on looking into the subdivision zoning. Tyler stated that he has looked into other counties but has not begun our own yet. He intends to draft it and hopefully have something for the board to review within a couple months. Mr. Amundson made a recommendation to put together a committee to assist. Tyler stated that similar to the Medical Marijuana ordinance draft, other agencies, such as emergency management and the sheriff's department were involved to get their concerns addressed, as well.

Mr. Schwartz made a motion to adjourn the meeting. Meeting adjourned.