

KEITH COUNTY PLANNING COMMISSION
MINUTES

APRIL 2, 2015

Chairman Holland called the Keith County Planning Commission meeting to order at 7:30 p.m., April 2, 2015 with a quorum present.

Roll Call: S. Allen, Ayres, Brodbeck, Holland, Holscher and Spurgin.

Absent: C. Allen (excused), McConnell (excused) and Koontz.

Staff and Ex-Officio: J. Quinlivan and C. Johnson.

Guests: See attached list.

Chairman Holland called for a review of the agenda as mailed, no additions or changes were suggested, motion by Holscher to approve the agenda as mailed, second by Spurgin, all present voting in the affirmative, motion carried.

Chairman Holland called for a review of the minutes of March 5th, 2015, as written. There being no changes, or additions; motion by Ayres to approve as written, second by Brodbeck; all present voting in the affirmative, motion carried.

Chairman Holland opened the first hearing: Change of Zone request from Ag to RR by Leroy Becker: Motion to remove from the table by Spurgin, second by S. Allen: Roll call: Allen—Aye, Ayres—Aye, Brodbeck—Aye, Holland—Nay, Holscher—Aye and Spurgin—Aye. Motion carried.

Staff reviewed the request noting that the rationale was in the amended Administrative report; the site did not meet the requirements for in the Ag district, the lot size is smaller than the minimum, and the home was constructed in 1978, therefore the reason for the change of zone being a necessity. Staff noted that this action had occurred a number of times in the last ten years without issue and recommended once again that the change of zone be recommended for approval. Further discussion occurred regarding the request relative to the Keith County Comprehensive Plan which the Chairman maintained did not recommend rural nonfarm residential development. After considerable discussion, motion by Spurgin to recommend approval of the change in zone from Agriculture to Rural Residential, second by S. Allen: Roll Call: Allen—Aye, Ayres—Aye, Brodbeck—Aye, Holland—Nay, Holscher—Aye, and Spurgin—Aye. Motion carried.

Chairman Holland opened the second hearing: Becker's Minor Subdivision request to subdivide a tract of land located in the NE ¼ of Section 20, T13N/R35W. Motion to remove from the table: Spurgin, second by Brodbeck: Roll Call: S. Allen—Aye, Ayres—Aye, Brodbeck—Aye, Holland—Nay, Holscher—Aye and Spurgin—Aye. Staff reviewed the proposed Minor Subdivision noting that it did meet all Ordinance requirements for a Minor Subdivision. After discussion regarding the minimum lot size, state statute, intent of the Comprehensive Plan/Zoning Ordinance and use of pivot corners, motion by S. Allen to recommend approval as

drawn, second by Ayres: Roll Call: S. Allen—Aye, Ayres—Aye, Brodbeck—Aye, Holland—Nay, Holscher—Aye and Spurgin—Aye

Chairman Holland opened the hearing on a Conditional Use Permit by Interstate Highway Construction to place and operate a concrete batch plant in conjunction with the rebuilding of I-80. The proposed batch plant would be located on Lots 6 & 7 lying south of I-80 in Section 25, T13N/R41W. Staff reviewed the site, noting that it is relatively isolated at the end of County Road M.5 and County Road 50. The site is bordered on all sides with cedar trees, will have one entrance at the east end on County Road 50 and unlike previous applicants will not include gravel mining or an asphalt plant. Staff did note that .8 tenths of a mile south was a home located 50 feet off County Road M.5 ROW. In the recommendation for approval staff suggests that the proposed CUP include a time limit of two years and an aggressive watering program be employed at the intersection of County Road 40 and County Road M.5 to reduce the impact on the home located there. Question arose if the company could use County Road M rather than M.5 a half mile distant. Interstate Highway Construction noted that they had toured the area with the County Highway Superintendent and concluded that County Road M did not have a wide enough entrance for the concrete trucks, to do so would require an additional 30 feet of access. Staff noted that Mr. Ryan, County Road Superintendent, had provided the Commission a letter stating his findings and conclusions. There being no further discussion; motion by Spurgin to approve with the condition that the permit have a two year life and an aggressive watering program be implemented, second by Ayres: All present voting in the affirmative.

Chairman Holland opened the hearing on #15-2: A request to develop an RV park on Lots 2&3 of Dorris's 2nd Subdivision, Section 19, T15N/R38W. Staff reviewed the request noting that the entrance would be 460 feet from the entrance to Arthur Bay campground and the Kite Ranch concern being expressed that traffic congestion would create an accident situation. NDOR has been contacted as has the county Sheriff for comment: NDOR indicated a concern but would not rescind the existing entrance permit, the Sheriff's office suggested additional warning signs be placed on the hill to the east and before the Arthur Bay entrance. Chairman Holland noted that the district, HD Highway Commercial, did not provide for a RV Conditional Use, it had been discussed but never approved as a text amendment consequently proper notification to the public was not given. Staff suggested to the Planning Commission that to reduce the potential for traffic accidents the frontage road be extended, however that would have an impact on the Kite Ranch.

Area neighbors in attendance expressed both support and concern over the project as proposed, the developer noted that in addition to the RV Park he was considering a small convenience store as well.

Staff suggested that in lieu of the fact proper notification to the public had not been given and the lack of a site plan the request be tabled to May. The developer and neighbors were in agreement, motion by Holscher to table to the May meeting, second by S. Allen; all present voting in the affirmative.

Chairman Holland then moved the meeting to the election of officers noting that he did not want the chairmanship again, after discussion regarding the fact that not all members were present, motion by Spurgin to table election of officers to the May meeting, second by Ayres; all present voting in the affirmative.

Chairman Holland opened the meeting to Items for Discussion:

- A. Kent Bernbeck was not present, however his situation with the storage of his own recreational trailers on a residential lot was discussed. Staff and the Chairman noted that Mr. Bernbeck rents these trailers through the Kite Ranch for vacationers in the summer season and the ordinance did not specifically prohibit this. Staff also noted that the landowners in the subdivision had enacted the covenants which specifically prohibited the placement of trailers. The Commission instructed staff to let the homeowners pursue the matter, but in the meantime it is an issue that may need to be researched in the future.
- B. The Commission spent a considerable amount of time discussing the Future Land Use plan recommendations (p. 35) regarding nonfarm residential development, the minimum lot size required in the Agricultural district and the year requirement of 1975 as part of determining whether or not a nonfarm residential home was a Use By Right. No conclusion was reached but this will be an ongoing issue and was suggested an amendment to the Comprehensive Plan.

There being no further business the Commission adjourned to May 7th at 7:30 p.m.; motion by S. Allen, second by Spurgin; all present voting in the affirmative.

ATTEST: _____
Keith County Zoning Administrator

Wes Holland, Chairperson

Date

Bill Davis
Danielle Norris

4-2-15

Paul Heinrich

Lee Roy Becker

Gregory Gifford

Jordan Shearer

Stanley Eck

RYAN E. DICKINSON

Caleb Johnson

Brett M. Clark

L.W.E. O'Brien

JIM KLEMPERER

Randy Fair

Ken
Herr

Lee Roy Becker & plot

Lee Roy Becker
Gregory Gifford

Lee Roy Becker

DLS, INC.

Conan Mason

Interstate Hwy. Const.

Commission

INTERSTATE HIGHWAY CONST., INC.

Keith County Attorney