

Washburn Planning and Zoning Commission Meeting
September 16, 2019 at 6:00pm
Washburn City Hall

Members present: Jim Kaiser, Liz Patterson, Carol Carlson, Ann Oberg and Larry Thomas
Members absent: None

Patterson called the Planning and Zoning meeting to order at 6:00p.m.

Patterson said this board has received a conditional use permit application for property located at 0.73 acres in NW4SE4 14-144-82, unplatted, but will need to know the reason for the request as it was left blank on the application form.

Lawrence & Jessica King wer present asking for a conditional use permit. This request is due to the recommendation by the City Commission as the next step to address a concern brought up by a Washburn resident. Jessica stated we are not asking to change the use of the property. We want to continue to use the property as we have for the last five years. Kings would like to request that if they should ever sell this property that the conditional use would terminate with the transfer in ownership.

Patterson asked for clarification so it is to basically to use it for a business purpose. King replied to use it as we have been. Patterson so for a home occupation? King replied yes. Thomas stated a conditional use permit was suggested rather than re-zoning. As it seemed to be a better fit in this situation.

Carlson asked how a conditional use permit is going to address the complaint. A conditional use permit would then make the use permitted, but it would not address the complaint. King understood that this is the next step in addressing the complaint. Carlson asked that moving forward with a conditional use permit would then bring this to a public hearing, at which this resident would be able to address and voice their complaint. Thomas felt this will be the best way to address this situation.

Kaiser questioned this option because the conditional uses for R1 are defined. And this is not a listed use, so I do not see how this is a viable option. Patterson stated in 117.3.4 Conditionally Permitted Uses states “Where a use is classified as a conditional use under this ordinance and exists at the date of adoption of this ordinance, it shall be considered a permitted use. Where a use is not allowed as a conditional use or permitted use, under this ordinance, and exists at the date of adoption of this ordinance, it shall be considered non-conforming and shall be subject to the non-conforming buildings and use provisions under Section 117.11.2.” This section allows us to be flexible given the circumstances.

After much discussion, Thomas motioned to move forward with a public hearing on 10/7/2019 at 6:00 p.m. Oberg seconded. All members present voted aye. Motion carried.

Price received a call from a resident asking what the procedures are for vacating an alley. And after researching it did not find anything in ordinance #117 A-1 addressing vacating a street or alley. The only thing Price found was NDCC 40-39. Carlson said she does not remember this coming before the planning and zoning board in the past. Thomas believes there is a sewer main in this alley, so there will be an easement there. The City will always have the ability to come in and disturb this alley if needed.

Patterson adjourned the meeting at 6:30p.m.

Ranie Price, City Auditor