

Stutsman County Planning and Zoning Commission Minutes

September 22, 2011

At 8:00 a.m. the meeting was called to order by Planning and Zoning Commission Chairman Harold Bensch. Present were Charlie Kourajian, Dale Marks, Harold Bensch, Ryan Odenbach, Dave Schwartz, Brian Amundson, Duane Andersen, and Noel Johnson, Zoning Administrator. Absent was Ken Schulz. Jerry Bergquist, 9-1-1 Coordinator/Emergency Manager and Todd Volk, 9-1-1 Coordinator/Assistant Emergency Manager were also present.

Amundson made a motion seconded by Marks to approve the minutes of the January 5, 2010 meeting. Motion carried.

Johnson stated that this meeting was a public hearing for the Planning and Zoning Commission to consider an amendment to the County Zoning Ordinance that would update the ordinance to new FEMA requirements for participation in the National Flood Insurance Program (NFIP). If the Planning and Zoning Commission approved the update it would be presented to the Stutsman County Commission for consideration of adoption.

Bergquist stated that the only correction to the copy that commission members had received for review would be to correct the name of the Board to read as Stutsman County Planning and Zoning Commission under section 4.4-1 Appeal Board.

Bensch questioned the term "start of construction" in that it varies from what is generally considered to be the point where any surveyor had started work on a project. Bergquist stated that this document was taken from a FEMA template, so the terminology was created by them.

Bergquist stressed that this ordinance does not create liability on the part of Stutsman County, any officer or employee thereof, or the Federal Emergency Management Agency.

At the present time, homeowners were able to only purchase flood insurance that would insure up to \$35,000 in damages. Upon adoption of the revised ordinance, homeowners would be able to obtain coverage up to \$250,000. Incorporated cities would not be included under the County's program, each city would need to have their own ordinance in place.

Kourajian asked if any construction within the county would require a permit. Bergquist stated that only if the construction fell within a flood plain and that there was very little flood plain outside the City of Jamestown. A permit would need to be designed.

Amundson asked if the flood plain was established by FEMA. The flood insurance rate map was adopted on May 24, 2011 and would be considered a part of this ordinance. Part of Spiritwood Lake City was included on the map. The flood plain extends only about ¼ mile downstream of Jamestown city limits and it ends before the Northern Prairie Wildlife Research Center. If an individual builds on property located within a floodplain, banks would most likely require flood insurance. Flood insurance policies are for annual coverage/premium and are effective 30 days after purchase date.

Bergquist reported that there have been 17 presidential disasters since 1993. There was public assistance to fix roads. Prior to 2011, as long as there were 100 houses damaged within a county all

homeowners were eligible for individual assistance. In 2011 FEMA did not allow individual assistance for every county. There is the feeling that more and more homeowners would need to carry flood insurance.

Schwartz made a motion to adopt the ordinance with changes in wording to "Stutsman County Planning and Zoning Commission."

Bergquist stated that if the ordinance wasn't adopted it could jeopardize assistance in the future. He also stated that FEMA is the only organization that offers flood insurance.

Kourajian seconded the motion to adopt the ordinance. Motion carried.

Johnson informed the commission was his upcoming retirement and that a new zoning administrator would have to be appointed. He also stated that he would like to have the entire zoning ordinance reviewed and re-adopted by the end of the year.

A working committee made up of Harold Bensch, Brian Amundson, Dave Schwartz, Fritz Fremgen (State's Attorney), and Noel Johnson would review the ordinance.

The cost of flood insurance is lower when no flood plain map exists. When an area is mapped insurance is more expensive.

Bergquist briefed the commission on the status of the reservoirs. In 2009, they were releasing 430,000 acre foot of water. In 2011, the releases are at 900,000 acre foot of water. The underground water structure has changed.

The planning and zoning meeting was adjourned at 8:25 a.m.

Noel A. Johnson
Zoning Administrator