



CITY OF WATFORD CITY

P.O. BOX 494 WATFORD CITY, NORTH DAKOTA 58854

PLANNING AND ZONING COMMISSION MEETING AGENDA

Monday, August 28th, 2023

6:00 PM City Hall, Heritage Room

- **CALL TO ORDER REGULAR MEETING**
- **APPROVE AGENDA**
- **APPROVE MINUTES**
July 26, 2023 - Meeting
- **CALL TO ORDER PUBLIC HEARING**
- **CLOSE PUBLIC HEARING**
- **CONTINUE REGULAR MEETING**
- **PERMIT RECORDS**
July 2023 - August 2023 Permits
- **OLD BUSINESS**
- **NEW BUSINESS**
 - a. **Discussion on storage containers in Industrial, Commercial, or additional zoning districts**
 - b. **Discussion of animals inside City limits**
 - c. **Open discussion of zoning ordinances, upcoming permitting software, future land use map, etc.**
- **ADJOURNMENT**

Minutes

July 26th 2023



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
Wednesday, July 26th, 2023**

The Watford City Planning & Zoning Commission meeting was held on Wednesday, July 26th, 2023, at City Hall in the Heritage Room. In attendance: Chairman Jesse Lawrence, Vice Chairman Marco Pelton and Commission Members: Troy Knutson, Ross Sundeen, Jacob Jellesed, and Sam Huebner. Also in attendance: City Planner Jake Walters, Planning Administrative Assistant Kayla Grace, City Building Inspector Steve Williams, and City Attorney Wyatt Voll. Not in attendance were Commission Members Warren Hovland and Lance Renville.

With the above-mentioned present, the regular meeting hearing was called to order at 6:05 P.M. by Chairman Lawrence.

1. Call for new or old business.
2. Call to approve agenda.

Agenda was reviewed as presented. There were no comments or changes.

MOTION: Sundeen SECOND: Pelton
VOICE VOTE:
AYES: all in favor
NAYS: none

1. Call to approve June 26th, 2023, Meeting Minutes.

Minutes were reviewed as presented. There were no comments or changes.

MOTION: Pelton SECOND: Knutson
VOICE VOTE:
AYES: all in favor
NAYS: none

Call to order Public Hearing at 6:07 P.M. by Chairman Lawrence.

Under consideration were the following Agenda items:

**1. Division of Land Application – Minor Plat: Simple Lot Split, 13 Poplar St
Submitted by Marco Pelton**

Walters discussed the reason for the application and gave a brief history of the property. Walters explained that the owner is looking to split the property into two lots in order to sell off the created northern lot containing an existing garage structure. The mylar plat map will be amended to show the existing utility easement crossing the property and it was noted that the buyers are aware of the easement.

Vice Chairman Pelton stated that he had been working with the City for quite a while to get a plan together to have a private garage built on a City lot so when the opportunity to purchase this property with the existing structure came up it was a good fit. Pelton stated that he and his brother are the potential buyers for the northern lot should it be created.

There was brief discussion regarding the lot size and if it would meet the requirements for future construction of a single-family home on the lot per City Ordinances. Walters explained that the lot does meet that requirement and it appropriate as a standalone city lot (i.e., access, size, services).

There was no further discussion.

MOTION: Sundeen SECOND: Huebner to recommend Approval

Approval is contingent upon:

1. Receiving sufficient proof of ownership.
2. Amendment of plat to include easement line that runs across created northern lot.

(Post meeting notes on conditions: Per Wyatt Voll and planning staff, the proper title work has been received and the seller has been asked for a resolution specifically stating the authority of the designated signatory on behalf of the corporation. As for #2 above, the surveyor has been notified of the needed additional information and will update the map ahead of mylar and recordation. Staff is comfortable with their initial recommendation, and the subsequent P&M Commission recommendation, for approval with conditional approval pending 1 and 2 above.)

ROLL CALL VOTE:

AYES: Knutson, Sundeen, Lawrence, Huebner, Jellesed

NAYS: none

ABSTAINED: Pelton

MOTION: CARRIED

**2. Division of Land Application: Minor Plat: Simple Lot Split, 804 17th Ave SW
Submitted by Lee & Bobby Traub**

Walters gave a brief history of the property and explained why the Simple Lot Split was before the Commission. He explained that there are currently two residential homes on the property, one of which is a rental, while the other is occupied by the owner/applicant. The applicant is looking to break off the acreage for the rental property as a separate parcel in order to sell to the current tenant.

It was further explained that the easement shown on the Minor Plat map is just for informational purpose; depicted to assure the Commissioners that they are not recommending approval on an orphaned or inaccessible lot. The easement itself will need to be recorded in parallel with the Minor Plat. Approval is contingent upon this separate easement document providing access across Lot 2 for the benefit of Lot 1. Walters stated that a zone change is not required and that both lots are on their own well and septic.

Pelton asked about the area on the map marked "unplatted" and it was clarified that it is a remainder area from the creation of the Traub Subdivision; the portion of the original irregular tract not included in the Traub Subdivision.

There was no further discussion.

MOTION: Sundeen SECOND: Knutson to recommend Approval

Approval is contingent upon:

1. Receiving sufficient proof of easement ownership.
2. Separate easement document to be recorded for access across Lot 2 for the benefit of Lot 1.

(Post meeting notes on conditions: Per Wyatt Voll, sufficient title opinion has been provided to show ownership and the ability to sign the minor plat by the Traubs. As for #2 above, the surveyor has been notified of the required, additional easement document to run in parallel with the map's recordation. Staff is comfortable with their initial recommendation, and the subsequent P&M Commission recommendation, for approval with conditional approval pending #'s 1 and 2 above.)

ROLL CALL VOTE:

AYES: Knutson, Lawrence, Huebner, Pelton, Sundeen, Jellesed

NAYS: none

MOTION: CARRIED

3. Land Use Application: Conditional Use Permit: Daycare Facility (Group or Center License) in a C-B Zone Submitted by Language Explorers Academy LLC

Walters provided an overview and general information regarding the proposed daycare center out in The Crossings. The facility would be located at the north end of the existing building at 104 Prospect St SE. This building has residential units upstairs and commercial suites at ground-level.

Due to the C-B zoning district, a Conditional Use Permit (CUP) is required for this type of daycare facility. The proposed build-out provides for up-to thirty (30) children (ages 3-5) Monday through Friday mornings and up-to thirty (30) children (ages 3-5) weekday afternoons. Walters explained that the applicants have been working closely with Building Inspector, Steve Williams, regarding the project build-out plans to ensure they remain in compliance with local ordinances as well as all applicable building codes.

It was discussed that, although the tenants are the CUP applicants, the ownership of the property is aware of the applicant's intentions and are in support of the CUP for a daycare facility in their building. The space has already been rented at risk. Walters noted that, following suit with some recent CUP's, staff is recommending to not have a fixed review period for the permit, rather a set of conditions that could, or would, necessitate review should a viable complaint be received or violation occur. State licensure, grant and lending mechanisms, or similar warrant this consideration and sufficient safeguards are in place to recall the CUP is necessary.

Chairman Lawrence inquired if the adjacent residential spaces were occupied, and Walters stated yes. Commission Member Sundeen asked if a neighbor makes a complaint is the CUP automatically brought back in for review? Walters answered that if the complaint is substantive (e.g., noise or traffic complaints) that yes, it would be brought back to the commission for review, but that a complaint such as simply not wanting the daycare to be in the building with no further clarity or legitimacy would likely not justify the CUP being reviewed.

There was some discussion regarding the range of possible complaints from neighbors or, from the daycare itself about their residential or commercial neighbors, and Walters reminded the Commissioners that, with the location being in a C-B zone, there is already a sense of "buyer/renter beware" regarding business-related traffic, smells, sounds, noise, etc. in the area.

There was no further discussion.

MOTION: Sundeen SECOND: Pelton to recommend Approval

Approval is Contingent upon:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare of community,

2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use.
3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets.
6. The conditional use shall conform to all special provisions of the district in which it is located.
7. The Conditional Use Permit shall be approved, with no fixed review period(s), unless any of the following were to occur:
 - a. staff receives a substantive complaint about the business from a surrounding property owner,
 - b. there is a significant change in intensity of the business traffic generated,
 - c. change in ownership or licensure of the daycare occurs, or
 - d. staff determines review is required due to changes in ordinance(s) or applicable standards.

ROLL CALL VOTE:

AYES: Knutson, Lawrence, Sundeen, Huebner, Pelton, Jellesed

NAYS: none

MOTION: CARRIED

CLOSE PUBLIC HEARING: 6:19 P.M. by Chairman Lawrence

CONTINUATION OF REGULAR MEETING:

PERMIT RECORDS:

Reviewed permit records as presented. Building Inspector Steve Williams mentioned the development that has started out in The Crossings for the new Holiday gas station as well as the Dollar General out in Hunter's Run (underway for several weeks). The Dollar General that is planned for South Main Street has not yet been permitted. Williams also stated that there have not been any permit applications for residential builds. Walters shared that there are initiatives currently being worked on, encouraging more residential development in the area. Pelton asked if the latest JDA program had been finalized and

Walters stated that it had been. Both Walters and Commission Member Knutson made mention of how rapidly homes in some price ranges move on the market versus homes in significantly higher price ranges, but that new home starts have been slow.

NEW BUSINESS:

There was no new business.

OLD BUSINESS:

There was no old business.

ADJOURNMENT: 6:34 P.M. **MOTION:** Pelton

The next regularly scheduled Planning and Zoning Commission Meeting will be held on
Monday, August 28th, 2023, at 6:00 PM

Jesse Lawrence, Chairman

Jake Walters, City Planner

Permit Records

July-August

5564	SIGN	7/25/2023	Colby, LLC	Indigo Signs	406 Hunter's Run St		Hunter's Run Subdivision	82-42-15555	Building sign and monument sign	\$ -	\$ 100.00	5844			
5565	RESIDENTIAL BUILDING	7/26/2023	Troy Dockett	Groundworks of MN dba Innovative Basement Authority	2001 Granite Rd	Lot 38, Blk 1	Stepping Stone	83-25-13800	adding 39 LNFT of gutter to basement to prevent water and replacing sump pump	\$ 5,036.89	\$ 53.76	5845			
5566	RESIDENTIAL BUILDING	7/31/2023	Ward Simonon	Self	412 3rd St NW	Lot 4, Blk 0	North Watford	82-50-01825	placing a ready built shed	\$ 9,000.00	\$ 81.50	5848			
5567	RESIDENTIAL BUILDING	8/3/2023	John & Rosanna Ough	Cleary Building Corp	416 20th Ave SE		Seibolds Addition to Watford City	20-00-21400	erect 40'x80'x16'8" pole building	\$ 90,362.00	\$ 471.36	5849			
5568	CONSTRUCT/REPAIR	8/7/2023	City of Watford City	Traffic Safety Services, Inc.	Various Locations, WC				stripping repairs	\$ 92,836.00	Waived	Waived			
5569	FENCE	8/9/2023	William Jason Barlow	Kalp LLC	209 26th Ave NE	Lot 2, Blk 8	Dakota Ridge	82-32-08200	white vinyl privacy fence along the back of home with 2 gates for access		\$ 25.00	5852			
5570	CONSTRUCT/REPAIR	8/11/2023	McKenzie County School District #1	Construction Engineers Inc	2112 Wolf Den Pkwy	Lot 6, Blk 1	Fox Hills Village	82-31-05100	remove curb and pour 2 driveways	\$ 9,300.00	Waived	Waived			emailed black & white copy to Winn Construction. Original Permit Card given to Paige.
5571	RESIDENTIAL BUILDING	8/14/2023	William & Carolyn Liebel	Sanford Construction	404 6th Ave NE	Lot 2, Blk 4	3rd Addition-Holms to Watford City	82-40-01800	kitchen remodel, interior doors & trim	\$ 35,000.00	\$ 245.00	5863			contractor license fee added to invoice
5572	COMMERCIAL BUILDING	8/14/2023	Colby 2022, LLC - Tyler Oliver	Copeland Development & Construction	504 Main St S		2nd Annexation 150-98 WC	82-15-23000	construction of a new pre-engineered metal buildign and parking lot for commercial retail use	\$ 1,250,000.00	\$ 5,155.50	5864			emailed to invoice to Jessica at Copeland Development 8/14/23
5573	RESIDENTIAL BUILDING	8/17/2023	Kirby Voegelé	Ark Enterprises LLC	501 5th Ave NE	Lot 1, Blk 1	2nd Addition - Holms to Watford City	82-39-00100	deck 27'x8'9"	\$ 12,000.00	\$ 102.50	5865			
5574	FENCE	8/18/2023	Walter Hadley	Self	417 25th Ave NE	Lot 17 & 18, Blk 3	Little Bison - 1st Addition	83-40-04200 83-40-04300	fence rear yards and include a privacy fence between the the two units to provide definition between properties.		\$ 25.00	5868			Jaime Lechuga listed as contractor on application but due to him not securing his state and city contractor licenses the property owner is proceeding with the project with himself as the contractor
5575	RESIDENTIAL BUILDING	8/18/2023	Jeremiah & Tera Rovik	Self	605 4th St NW	Lot 1, Blk 3	3rd Addition - North Watford	82-53-01300	12x24 free standing front deck	\$ 8,260.00	\$ 76.32	5869			
5576	CONSTRUCT/REPAIR	waiting for bond docs to issue	City of Watford City	Key Contracting, Inc.	Various Locations, WC				manhole rehabilitation	\$ 60,000.00	Waived	5871			invoice includes contractor license fee ONLY
5577	COMMERCIAL BUILDING	8/22/2023	TTK Enterprises, LLC	multiple	2308 17th Ave NE		ETA	20-00-06540	construction of new engineered steel building system for industrial use	\$ 3,191,620.00	\$ 10,592.04	5870			
5578	COMMERCIAL BUILDING	not issued - contractor needs city license	Southpark Extended Stay, LLC	8K Construction, LLC	113 9th Ave SE	Lot 1, Blk 3	South Park Addition	82-72-01100	lounge renovation	\$ 100,000.00	\$ 710.50	5872			
5579	STORAGE	8/23/2023	Southpark Extended Stay, LLC		113 9th Ave SE	Lot 1, Blk 3	South Park Addition	82-70-01100	conex container for storage behind lounge for storage for 2-6 months		\$ 100.00	5872			conex container to be removed from property upon completion of renovation project
5580	RESIDENTIAL BUILDING	8/23/2023	Ryan Clarkson	Uppa Creek Construction	1417 W Pheasant Ridge St	Lot 11, Blk 0	Pheasant Ridge	82-55-01100	roof repair	\$ 6,500.00	\$ 64.00	5874			

2022	
Month	# of Permits Issued
January	7
February	9
March	14
April	33
May	29
June	42
July	23
August	37
September	24
October	30
November	13
December	6
2022 TOTAL	267

2022	
Month	Value
January	\$ 379,000.00
February	\$ 42,500.00
March	\$ 505,002.10
April	\$ 1,912,410.00
May	\$ 199,639.62
June	\$ 746,840.00
July	\$ 607,158.74
August	\$ 604,697.89
September	\$ 260,173.25
October	\$ 2,871,987.42
November	\$ 927,538.60
December	\$ 1,038,802.55
2022 TOTAL	\$ 10,095,750.17

2022 Residential Permits			
Type	# of Units	# of Buildings	Value
Single Family Home	6	6	\$ 2,292,630.00
Duplex	4	2	\$ 608,000.00
Apartment 3-4 Units	0	0	\$ -
Apartment 5+ Units	0	0	\$ -
2022 TOTAL	10	8	\$ 2,900,630.00

2023		
Month	# of Permits Issued	Comparison
January	16	229%
February	8	89%
March	18	129%
April	14	42%
May	34	117%
June	26	62%
July	19	83%
August	14	38%
September		
October		
November		
December		
2023 YTD	149	56%

2023		
Month	Value	Comparison
January	\$ 491,582.95	130%
February	\$ 11,338,344.00	26678%
March	\$ 14,254,248.00	2823%
April	\$ 249,348.22	13%
May	\$ 385,659.00	193%
June	\$ 195,460.00	26%
July	\$ 500,810.00	82%
August	\$ 4,869,914.89	805%
September		
October		
November		
December		
2023 YTD	\$ 32,285,367.06	320%

2023 Residential Permits				
Type	# of Units	# of Buildings	Value	Comparison
Single Family Home	0	0	0	0%
Duplex	0	0	0	0%
Apartment 3-4 Units	0	0	0	0%
Apartment 5+ Units	0	0	0	0%
2023 TOTAL YTD	0	0	\$ -	0%

New Business

- 1. Storage containers in Ind., Com., or additional zoning districts*
- 2. Animals inside City limits*
- 3. Open discussion of zoning ordinances, upcoming permitting software, FLU, etc.*

SECTION 11. STORAGE CONTAINERS

Storage Containers, whether wheeled or un-wheeled, shall only be allowed within City limits on property zoned I-P and only if they are located a minimum of three hundred feet from property zoned R-1, R-2, R-2M, R-3, R-4, M-H, R-P, or C-B, or are completely screened from view by means of a privacy fence. The total area of Storage Containers may not exceed three (3) percent of any parcel of land and must be used as an accessory to an existing structure.

Storage Containers may be allowed in any area of the City, regardless of the zone, for a period of no longer than seven (7) days.

If a Building Permit has been obtained, Storage Containers may be permitted within the City, regardless of the zone, for a period of no longer than six (6) months on the same or adjacent property as that property for which the building permit is effective. One extension shall be available for those who have not completed their construction project within that time. If it is shown that the Storage Container is to be used in a public construction project (i.e., roads, water, sewer, etc.) or in a large scale private construction project with a cost of over five hundred thousand dollars (\$500,000.00), the Building Inspector may allow the Storage Container to remain in place for a period of time of more than six (6) months or one (1) year and commensurate with the time expected to complete the construction project.

In all instances of Storage Containers being allowed within the City limits not in conjunction with a building permit, a permit must be applied for and issued by the Building Inspector prior to its entry. The fee for a Storage Container Permit shall be one hundred dollars (\$100.00). Permits for Storage Containers meant to stay longer than one hundred twenty (120) days shall only be valid for one (1) year from the date of issuance, after which time a renewal application may be made. The Building Inspector may consider the condition and appearance of the Storage Container in determining whether or not to issue a permit. If a Storage Container has holes, defective doors or latches, rust or graffiti, a permit shall not be issued. All Storage Containers must be either Class A or Class B.

This Section shall have a retroactive application. All owners of Storage Containers located within the City limits at the time of this Section's enactment shall apply for a permit within seven (7) days. Those Storage Containers for which no application has been made will be in violation of the Watford City Zoning Ordinance.

(Ord. No. 232, 4-4-2011)

7-107 Keeping of Certain Animals Prohibited

It shall be unlawful to keep any live sheep, swine or pigs, cattle, chickens or other poultry, goats or rabbits in the City, except as authorized and allowed by the Zoning Ordinance and with the approval of the City Council. This section shall not apply to any person, partnership or corporation keeping or handling such animals under consignment in the course of regular business of a licensed livestock auction market.

North Dakota Century Code

CHAPTER 23.1-06 AIR POLLUTION CONTROL

...

23.1-06-15. Regulation of odors - Rules.

...

c. For purposes of this section:

(1) One mature dairy cow, whether milking or dry, equals 1.33 animal units;

(2) One dairy cow, heifer or bull, other than an animal described in paragraph 1 equals 1.0 animal unit;

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(3) One weaned beef animal, whether a calf, heifer, steer, or bull, equals 0.75 animal unit;

(4) One cow-calf pair equals 1.0 animal unit;

(5) One swine weighing fifty-five pounds [24.948 kilograms] or more equals 0.4 animal unit;

(6) One weaned swine weighing less than fifty-five pounds [24.948 kilograms] equals 0.1 animal unit;

(7) One horse equals 2.0 animal units;

(8) One sheep or weaned lamb equals 0.1 animal unit;

(9) One turkey equals 0.0182 animal unit;

(10) One chicken equals 0.01 animal unit;

(11) One duck or goose equals 0.2 animal unit; and

(12) Any weaned livestock not listed in paragraphs 1 through 11 equals 1.0 animal unit per each one thousand pounds [453.59 kilograms], whether single or combined animal weight.

McKenzie County Ordinance

Allowed in R-1 Low Density District (unless prohibited by the Homeowners Association), R-5A Five Acre Minimum Residential Lot District, and R-10A Ten Acre Minimum Residential Lot District.

Varies slightly from the CC language: highlighted

8) One (1) animal unit per full acre as described in the N.D.C.C Ch. 11-33-02.1 are allowed unless prohibited by the Homeowners Association.

- a) One mature dairy cow, whether milking or dry, equals 1.33 animal units;
 - b) One dairy cow, heifer, or bull, other than an animal described in paragraph a) equals 1.0 animal unit;
 - c) One weaned beef animal, whether a calf, heifer, steer, or bull, equals 0.75 animal unit;
 - d) One cow-calf pair equals 1.0 animal unit;
 - e) One swine weighing fifty-five pounds or more equals 0.4 animal unit;
 - f) One swine weighing less than fifty-five pounds equals 0.1 animal unit;
 - g) One horse equal 2.0 animal units;
 - h) One sheep or lamb equals 0.1 animal unit;
 - i) One turkey equals 0.0182 animal unit; Latest Amendment August 17, 2021 Page 51
 - j) One chicken, other than a laying hen, equals 0.008 animal unit;
 - k) One laying hen equals 0.012 animal unit;
 - l) One duck equals 0.033 animal unit;
- and m) Any livestock not listed in subdivisions a through l equals 1.0 animal unit per each one thousand pounds whether single or combined animal weight.