

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

PLANNING AND ZONING COMMISSION
MEETING AGENDA
Monday December 28, 2020
6:00 PM City Hall, Heritage Room

- **CALL TO ORDER PUBLIC HEARING**

1. Land Use Application for an Conditional Use Permit- Annual Review submitted by Knife River-North Central for property owned by Warren Hovland, One Way Service Inc. The original Conditional Use Permit was approved to allow a Concrete Batch Plant.
2. Land Use Application for an Conditional Use Permit- Annual Review submitted by Knife River-North Central for property owned by Warren Hovland, One Way Service Inc. The original Conditional Use Permit was approved to allow a Asphalt Batch Plant.
3. Watford City Municipal Code of Ordinances Chapter XV–Zoning Ordinance, Article XXX-Subdivision Regulations.

- **CLOSE PUBLIC HEARING**

- **CALL TO ORDER REGULAR MEETING**

- **MINUTES**

November 30, 2020 Meeting

- **PERMIT RECORDS**

November- December Permits

- **OLD BUSINESS**

1. Stenehjem Commons Plat (2015)
2. QEP Access

- **NEW BUSINESS**

- **ADJOURNMENT**

1.

LAND USE APPLICATION

Conditional Use Permit

Annual Review

Knife River

401 14th ST SW

Concrete Batch Plant

ORIGINAL

LAND USE APPLICATION

Watford City Planning Department
See Reverse for Submittal Requirements
AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: 7-10-12	APPLICATION NUMBER: CU-13-2012
<input type="checkbox"/> ZONE CHANGE - \$200.00 fee	PROCESSES BY: P&P.	MEETING DATES: P&Z: CC:
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT - \$350.00 fee plus publishing cost	FEE: Billed	ADVERTISE DATE:
<input type="checkbox"/> VARIANCE - \$200.00 fee	RECEIPT #:	PROPERTY OWNERS NOTIFIED:
<input type="checkbox"/> STREET NAME CHANGE	SECTION/TOWNSHIP/RANGE:	
<input type="checkbox"/> VACATION and ABANDONMENT	RELATED CASE NOS:	
<input type="checkbox"/> SIMPLE LOT SPLIT - \$450.00	FINAL ACTION MEMORANDUM ISSUED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Warren Horland
APPLICANT: Knife River

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Knife River
ADDRESS: 5654 134th NW
CITY: Williston STATE: ND ZIP CODE: 58801
TELEPHONE: 763-386-0700 EMAIL: brad.arntson@knife-river.com
ASSESSOR'S PARCEL NUMBER(S):
LEGAL DESCRIPTION: Sec 23 R99 T150
PROPERTY ADDRESS AND NEAREST CROSS STREETS: 401 14th SW : City 35 : T.H 85
GROSS/NET ACREAGE: 3 PRESENT ZONE CLASSIFICATION:
DESIRED ZONE CLASSIFICATION: CURRENT LAST USE: Agr

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

Cond Use Permit to allow for a Concrete batch plant in a H-I zone

DESCRIBE THE SOURCE OF WATER/SEWER: Rural water Do you have a will serve letter YES NO



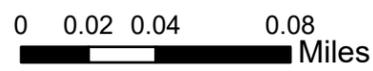
Legend

-  ETA
-  City Limits
-  Parcels

FOR INFORMATIONAL
PURPOSES ONLY

CITY OF WATFORD CITY
Watford City, North Dakota

CONDITIONAL USE PERMIT
ANNUAL REVIEW
Knife River
401 14th St SW

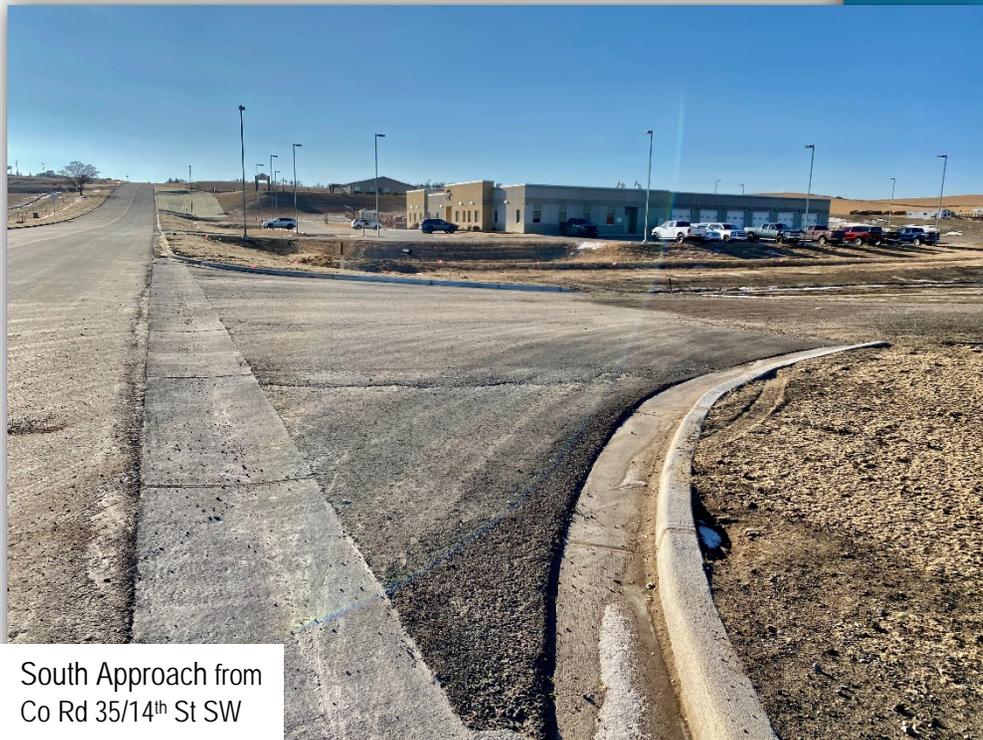


DRAFTED
basmith
DATE
12/23/2020



Note: Any reliance upon this map is at user's own risk. Watford City does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.

Knife River Batch Plant



South Approach from
Co Rd 35/14th St SW



South Access

Watford City



City of Watford City

213 2nd St., NE / PO Box 494

Watford City, ND 58854

Ph. 701- 444- 2533

Fax 701- 444- 3004

cityofwatfordcity.com

December 21, 2020

STAFF REPORT CUP Conditional Use Permit

APPLICANT:

Knife River –North Central
Attn: Luci Snowden
3303 Rock Island Place
Bismarck, ND 58504

PROPERTY OWNER:

Warren Hovland
One Way Service, Inc.
909 12th St SE
Watford City, ND 58854

PROPERTY LOCATION:

Parcel # 82-73-07750, Annexed portion of E ½ SE ¼ Section 23, Township 150 North, Range 99 West, 401 14th St SW, Watford City, McKenzie County, North Dakota.

REQUEST:

Annual Review of Conditional Use Permit for the consideration of allowing Concrete Batch Plant within Industrial Zoned Property.

ZONING:

HI: Heavy Industrial

CURRENT USE:

Industrial

REFERENCES:

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances, Article XIX (A) Heavy Industrial, Section E: Uses Subject to a Conditional Use Permit- *Asphalt or Asphalt batch plants.*

SITE DEVELOPMENT:

- Access: The property is accessed directly from 14th St SW (County Road 35) and off of 2nd Ave SW (a.k.a Hwy 85 Business)
- Sewer: City Sanitary Sewer Services are available within this area.
- Water: City Water Services are available within this area.

SURROUNDING LAND USE:

North: Zoning – C1: General Commercial
Use - Commercial Businesses

East: Zoning – AG: Agriculture
Use - McKenzie County Shop building and undeveloped land

South: Zoning – AG: Agriculture & C1: General Commercial
Use - RTC Building, Church, and undeveloped land.

West: Zoning – AG: Agriculture
Use - Undeveloped

DISCUSSION:

This Land Use Application for Conditional Use Permit was originally submitted in 2012 and has been approved and renewed annually for the continued operation of an asphalt batch plant.

While the Concrete Batch Plant is in operation, The City of Watford City will have zero tolerance for fugitive dust, material track-out, and noise disruptions outside of the hours of 7:00 AM – 9:00 PM. Any such violations may result in the implementation of fines as specified with City Ordinances as well as jeopardize the Conditional Use Permit in which The City holds the right to revoke even upon the first offense. Watford City's Code Enforcement Officer(s) will be monitoring this property to ensure compliance of City Ordinances. The City Ordinances pertaining to this type of Conditional Use Permit are not limited to, but especially include the following:

- *Chapter IV: Public Health, Welfare, and Safety, Article 16- Lot Maintenance, Section 4-1602: Fugitive Dust*
- *Chapter IV: Public Health, Welfare, and Safety, Article 16- Lot Maintenance, Section 4-1601: Material Track Out.*
- *Chapter IV: Public Health, Welfare, and Safety, Article 13- Radio Interference and Noise Control, Section 4-1302: Loud Disturbing, Unnecessary Noises Prohibited; Following Exceptions #8 and #18.*

During the construction of County Rd. 35, Mr. Hovland's property was granted temporary access directly off Highway 85 Bus. /2nd Ave SW by the NDDOT. However, the DOT was not in favor of that access point becoming permanent. This led to many discussions between City Planning staff and Knife River regarding requirements for access. Knife River currently uses the southernmost access from County Road 35. The Planning Staff discussed options for the

improvement of both the North and South approaches and recommended a mutual agreement between The City, Property Owner Mr. Hovland, and Knife River for the construction.

As a requirement for approval of this annual review for Knife River's existing Concrete and Asphalt Batch Plant, the improvement to the property will be required to follow our Heavy Industrial Zoning Ordinance. In agreement, Knife River and the property owner, Mr. Hovland will be required to improve the onsite access for a minimum of the first 40 ft. from the approach off County Road 35 onto the property as an effort to help minimize material track-out from truck traffic onto the newly paved road.

Due to the completed construction of County Road 35, we will now require the on-site improvements of this property's access points as a contingency of this conditional use permit approval of which, the contingency will be enforced for the determination of future approval during the 2021 CUP Annual Review.

The City of Watford City mailed the property owners holding an interest in the property, as well as the adjacent property owners, a notice regarding the Conditional Use Permit Annual Review. At the time of this report, none of the above-mentioned noticed property owners have contacted The City regarding this Application.

RECOMMENDATION:

It is the recommendation of City Planning Department Staff to **Approve** the Land Use Application for Conditional Use Permit for the purpose of operating a **Concrete Batch Plant**. Approval shall be contingent upon the following items:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare
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; and
6. The conditional use shall conform to all special provisions of the district in which it is located.
7. The conditional use permit renewal shall be approved for a term of 1 year. The permit will be reviewed again in December 2021 at which time renewal or nonrenewal may be determined and/or may be subject to additional requirements.
8. All City Ordinances and regulations must be strictly followed especially, but not limited to, the following: fugitive dust, material track-out, and noise disturbances. The specific fines set within the Ordinance will be imposed for any and all occurrences of any such violations. Violations may also lead to revocation of this Conditional Use Permit.
9. The 2 points of access off of County Rd 35 must be improved to Industrial Standards meeting a minimum of 40' paved onto the property for each access in order to

minimize track out onto the newly paved road. This is a contingency required to be constructed prior to the annual review in 2021.

PLANNING DEPARTMENT STAFF CONTACT:

Becky Smith
basmith@nd.gov
(701)444-8402

LaRissa Bertram
lbertram@nd.gov
(701)444-8406

Smith, Becky A.

From: Demars, Grace
Sent: Wednesday, December 23, 2020 12:25 PM
To: Smith, Becky A.
Subject: Fwd: approach in Watford City US 85B & 14th St

Get [Outlook for Android](#)

From: Wilt, Joel M. <jwilt@nd.gov>
Sent: Thursday, November 12, 2020, 10:51 AM
To: Demars, Grace
Subject: RE: approach in Watford City US 85B & 14th St

Grace, as far as the department is concerned, we have not seen anything new to support another access. As Watford develops, it only makes sense to control highway access to points that can be controlled in the future. We believe that frontage and backage roads to key intersections is the safest for the public and businesses. I guess we don't see anything has changed and is promote limiting access/conflict points. thanx

Joel M. Wilt, P.E.
Williston District Engineer - NDDOT
605 Dakota Parkway West
Williston, ND 58801
ph (701)774-2700



From: Demars, Grace <gdemars@nd.gov>
Sent: Thursday, November 12, 2020 9:15 AM
To: Wilt, Joel M. <jwilt@nd.gov>
Subject: RE: approach in Watford City US 85B & 14th St

Hi Joel,

The topic of this approach continues to come up.

For my knowledge, would the NDDOT entertain an approach from the Hovland Property onto US Hwy 85B anywhere along the frontage of the property, at this point?

Do you think there is anywhere along the red line in the attached document that the NDDOT would entertain the idea of an approach?

Thank you,

Grace Demars, EI
Office: 701-444-8433
Cell: 701-641-7387
City of Watford City

From: Wilt, Joel M. <jwilt@nd.gov>
Sent: Thursday, November 12, 2020 8:57 AM
To: Demars, Grace <gdemars@nd.gov>
Subject: RE: approach in Watford City US 85B & 14th St

Thanx!!!

Joel M. Wilt, P.E.
Williston District Engineer - NDDOT
605 Dakota Parkway West
Williston, ND 58801
ph (701)774-2700



From: Demars, Grace <gdemars@nd.gov>
Sent: Thursday, November 12, 2020 8:24 AM
To: Wilt, Joel M. <jwilt@nd.gov>
Cc: Gathman, Bill P. <bgathman@nd.gov>
Subject: FW: approach in Watford City US 85B & 14th St

Hi Joel,

Please see Imran's email below.

The approach has been removed.

Thank you,

Grace Demars, EI
Office: 701-444-8433
Cell: 701-641-7387
City of Watford City

From: Imran Ahmed <lahmed@co.mckenzie.nd.us>
Sent: Tuesday, November 10, 2020 5:27 PM
To: Demars, Grace <gdemars@nd.gov>
Cc: Omar Mohamed <omohamed@co.mckenzie.nd.us>; Kanwar, Suhail <skanwar@co.mckenzie.nd.us>
Subject: RE: approach in Watford City US 85B & 14th St

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Grace,

With reference to the trailing emails from Williston District Engineer of NDDOT & yourself, I would like to inform you that Teraflex has cleared the temporary diversion / approach stuff and restored the area in line with instructions of the Final Temporary Permit.

Thanks & Best Regards.

Best Regards

IMRAN AHMED
Project Manager
McKenzie County
Watford City, ND 58854
P: 701 444 7181
C: 701 580 2602

From: Demars, Grace <gdemars@nd.gov>
Sent: Tuesday, October 6, 2020 7:52 AM
To: Imran Ahmed <lahmed@co.mckenzie.nd.us>
Subject: RE: approach in Watford City US 85B & 14th St

Thank you, Imran!

Grace Demars, EI
Office: 701-444-8433
Cell: 701-641-7387
City of Watford City

From: Imran Ahmed <lahmed@co.mckenzie.nd.us>
Sent: Monday, October 5, 2020 8:19 PM
To: Demars, Grace <gdemars@nd.gov>
Subject: FW: approach in Watford City US 85B & 14th St

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Grace,

Below is my email sent today morning to the Project Manager of Teraflex with regards to the restoration of the detour area to the pre-project condition, for the NDDOT final review.

Thanks & Best Regards

IMRAN AHMED
Project Manager
McKenzie County

Watford City, ND 58854

P: 701 444 7184

C: 701 580 2602

From: Imran Ahmed

Sent: Monday, October 5, 2020 8:01 AM

To: 'Matt Bangerter' <mattb@teraflexgroup.com>

Cc: Suhail Kanwar <skanwar@co.mckenzie.nd.us>; Omar Mohamed <omohamed@co.mckenzie.nd.us>

Subject: FW: approach in Watford City US 85B & 14th St

Hi Matt,

With reference to the trailing emails from Williston District Engineer of NDDOT & the City Engineer of Watford City, Kindly arrange to get all the temporary diversion / approach stuff removed and restore the areas at your earliest in line with their instructions as well as per your undertaking in the attached Final Temporary Permit so that final inspection can be offered for their review.

Thanking you in advance, I remain.

Best Regards

IMRAN AHMED

Project Manager

McKenzie County

Watford City, ND 58854

P: 701 444 7181

C: 701 580 2602

From: Omar Mohamed

Sent: Friday, October 2, 2020 3:19 PM

To: Suhail Kanwar <skanwar@co.mckenzie.nd.us>; Imran Ahmed <lahmed@co.mckenzie.nd.us>

Subject: FW: approach in Watford City US 85B & 14th St

FYI

Omar Mohamed, EIT

Assistant County Engineer

P: (701) 444-7168

C: (701) 978-8637

McKenzie County, ND

From: Demars, Grace <gdemars@nd.gov>

Sent: Friday, October 2, 2020 3:13 PM

To: warren@onewayserviceinc.com

Cc: Moen, Curtis <cumoen@nd.gov>; Omar Mohamed <omohamed@co.mckenzie.nd.us>; Dayton Poser

<dayton@teraflexgroup.com>

Subject: FW: approach in Watford City US 85B & 14th St

Good afternoon Warren,

Please see the email below from Joel Wilt with the NDDOT Williston District. Per my discussion with him this afternoon and the email, the NDDOT's stance is that the temporary approach Teraflex installed west of 14th St SW along Hwy 85B needs to be removed and restored.

If you have any questions, please let me know.

Thank you,

Grace Demars, EI
Office: 701-444-8433
Cell: 701-641-7387
City of Watford City

From: Wilt, Joel M. <jwilt@nd.gov>
Sent: Friday, October 2, 2020 3:03 PM
To: Demars, Grace <gdemars@nd.gov>
Subject: FW: approach in Watford City US 85B & 14th St

Grace, As stated on the driveway permit, this temporary approach is to be removed upon completion of the 14th Street widening. The email below confirms that "Everything must be restored...". It is important for the safety of this corridor to limit access points to arterial roads. Do you know when restoration will be completed for our review? Thank

Joel M. Wilt, P.E.
Williston District Engineer - NDDOT
605 Dakota Parkway West
Williston, ND 58801
ph (701)774-2700



From: Wilt, Joel M.
Sent: Thursday, April 30, 2020 4:24 PM
To: Matt Bangerter <mattb@teraflexgroup.com>
Subject: RE: approach in Watford City

Matt, Attached is your Temporary Drive permit. Everything must be restored upon completion. thank

Joel M. Wilt, P.E.
Williston District Engineer - NDDOT
605 Dakota Parkway West
Williston, ND 58801
ph (701)774-2700

From: Matt Bangerter <mattb@teraflexgroup.com>
Sent: Wednesday, April 29, 2020 12:11 PM
To: Wilt, Joel M. <jwilt@nd.gov>
Subject: approach in Watford City

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Thanks for taking my call. I apologize for not knowing about this permit and not getting this permit done before we did this. Attached is the permit and a map/drawing of the approach/detour we will be doing. Please let me know if there is anything else that you need from me.

Thanks,
Matthew Bangerter
801-664-7608
Teraflex Group, LLC

2.

LAND USE APPLICATION

Conditional Use Permit

Annual Review

Knife River

401 14th ST SW

Asphalt Batch Plant

ORIGINAL

LAND USE APPLICATION pg. 1 of 2
Watford City Planning Department

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE	DATE FILED: 9-10-14	APPLICATION NUMBER:
ZONE CHANGE	PROCESSES BY: mw	MEETING DATES: P&Z: 9-29-14 CC: 10-6-14
CONDITIONAL USE PERMIT	FEE: \$525.00	ADVERTISE DATE: 9-17-2014 & 9-24-2014
VARIANCE	RECEIPT #:	PROPERTY OWNERS NOTIFIED: yes
VACATION & ABANDONMENT	SECTION/TOWNSHIP/RANGE:	
STREET NAME	RELATED CASE #:	
	FINAL ACTION MEMORANDUM MAILED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Warren Hovland
APPLICANT: Knife River, Brad Arnston

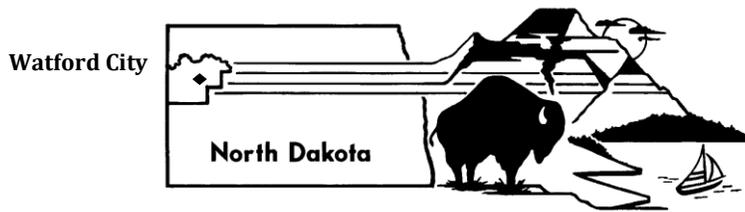
ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Warren Hovland & Knife River
ADDRESS: 401 14th St SW
CITY: Watford City STATE: North Dakota ZIP CODE: 58854
TELEPHONE: EMAIL:
ASSESSOR'S PARCEL NUMBER(S):
LEGAL DESCRIPTION:
PROPERTY ADDRESS AND NEAREST CROSS STREETS:
GROSS/NET ACREAGE: 36.53 PRESENT ZONE CLASSIFICATION: Heavy Industrial
DESIRED ZONE CLASSIFICATION: ----- CURRENT LAST USE:

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS
(USE ADDITIONAL PAGES IF NEEDED)

Place an Asphalt Batch Plant on Heavy Industrial zoned property. Currently property contains
concrete batch plant under a conditional use permit

DESCRIBE THE SOURCE OF WATER/SEWER: Do you have a will serve letter YES NO



City of Watford City
213 2nd St., NE / PO Box 494
Watford City, ND 58854
Ph. 701- 444- 2533
Fax 701- 444- 3004
cityofwatfordcity.com

December 21, 2020

STAFF REPORT

Conditional Use Permit: Annual Review

APPLICANT:

Knife River –North Central
Attn: Luci Snowden
3303 Rock Island Place
Bismarck, ND 58504

PROPERTY OWNER:

One Way Service, Inc.
Warren Hovland
909 12th St SE
Watford City, ND 58854

PROPERTY LOCATION:

Parcel # 82-73-07750, Annexed portion of E ½ SE ¼ Section 23, Township 150 North, Range 99 West, 401 14th St SW, Watford City, McKenzie County, North Dakota.

REQUEST:

Annual Review of current Conditional Use Permit for the consideration of allowing Asphalt Batch Plant within Industrial Zoned Property.

ZONING:

HI: Heavy Industrial

CURRENT USE:

Industrial

REFERENCES:

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances, Article XIX (A) Heavy Industrial, Section E: Uses Subject to a Conditional Use Permit- *Asphalt or Asphalt batch plants.*

SITE DEVELOPMENT:

- Access: The property is accessed directly from 14th St SW (County Road 35) and off of 2nd Ave SW (a.k.a Hwy 85 Business)
- Sewer: City Sanitary Sewer Services are available within this area.
- Water: City Water Services are available within this area.

SURROUNDING LAND USE:

North: Zoning – C1: General Commercial
Use - Commercial Businesses

East: Zoning – AG: Agriculture
Use - McKenzie County Shop building and undeveloped land

South: Zoning – AG: Agriculture & C1: General Commercial
Use - RTC Building, Church, and undeveloped land.

West: Zoning – AG: Agriculture
Use - Undeveloped

DISCUSSION:

This Land Use Application for Conditional Use Permit was originally submitted in 2012 and has been approved and renewed annually for the continued operation of an Asphalt Batch Plant.

While the Concrete Batch Plant is in operation, The City of Watford City will have zero tolerance for fugitive dust, material track-out, and noise disruptions outside of the hours of 7:00 AM – 9:00 PM. Any such violations may result in the implementation of fines as specified with City Ordinances as well as jeopardize the Conditional Use Permit in which The City holds the right to revoke even upon the first offense. Watford City's Code Enforcement Officer(s) will be monitoring this property to ensure compliance of City Ordinances. The City Ordinances pertaining to this type of Conditional Use Permit are not limited to, but especially include the following:

- *Chapter IV: Public Health, Welfare, and Safety, Article 16- Lot Maintenance, Section 4-1602: Fugitive Dust*
- *Chapter IV: Public Health, Welfare, and Safety, Article 16- Lot Maintenance, Section 4-1601: Material Track Out.*
- *Chapter IV: Public Health, Welfare, and Safety, Article 13- Radio Interference and Noise Control, Section 4-1302: Loud Disturbing, Unnecessary Noises Prohibited; Following Exceptions #8 and #18.*

During the construction of County Rd. 35, Mr. Hovland's property was granted temporary access directly off Highway 85 Bus. /2nd Ave SW by the NDDOT. However, the DOT was not in favor of that access point becoming permanent. This led to many discussions between City Planning staff and Knife River regarding requirements for access. Knife River currently uses the southernmost access from County Road 35. The Planning Staff discussed options for the improvement of both the North and South approaches and recommended a mutual agreement between The City, Property Owner Mr. Hovland, and Knife River for the construction.

As a requirement for approval of this annual review for Knife River's existing Concrete and Asphalt Batch Plant, the improvement to the property will be required to follow our Heavy Industrial Zoning Ordinance. In agreement, Knife River and the property owner, Mr. Hovland will be required to improve the onsite access for a minimum of the first 40 ft. from the approach off County Road 35 onto the property as an effort to help minimize material track-out from truck traffic onto the newly paved road.

Due to the completed construction of County Road 35, we will now require the on-site improvements of this property's access points as a contingency of this conditional use permit approval of which, the contingency will be enforced for the determination of future approval during the 2021 CUP Annual Review.

The City of Watford City mailed the property owners holding an interest in the property, as well as the adjacent property owners, a notice regarding the Conditional Use Permit Annual Review. At the time of this report, none of the above-mentioned noticed property owners have contacted The City regarding this Application.

RECOMMENDATION:

It is the recommendation of City Planning Department Staff to **Approve** the Land Use Application for Conditional Use Permit for the purpose of operating an **Asphalt Batch Plant**. Approval shall be contingent upon the following items:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare
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; and
6. The conditional use shall conform to all special provisions of the district in which it is located.
7. The conditional use permit renewal shall be approved for a term of 1 year. The permit will be reviewed again in December 2021 at which time renewal or nonrenewal may be determined and/or may be subject to additional requirements.
8. All City Ordinances and regulations must be strictly followed especially, but not limited to, the following: fugitive dust, material track-out, and noise disturbances. The specific fines set within the Ordinance will be imposed for any and all occurrences of any such violations. Violations may also lead to revocation of this Conditional Use Permit.
9. The 2 points of access off of County Rd 35 must be improved to Industrial Standards meeting a minimum of 40' paved onto the property for each access in order to minimize track out onto the newly paved road. This is a contingency required to be constructed prior to the annual review in 2021.

PLANNING DEPARTMENT STAFF CONTACT:

Becky Smith
basmith@nd.gov
(701)444-8402

LaRissa Bertram
lbertram@nd.gov
(701)444-8406

3.

ORDINANCE AMENDMENT

Chapter XV-Zoning

Article XXX-Subdivision Regulations

ARTICLE XXX - SUBDIVISION REGULATIONS

SECTION 1. - PURPOSE OF CHAPTER

This Ordinance is adopted in order to safeguard the best interests of the City of Watford City and to assist the subdivider in harmonizing their interests with those of the City at large. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community to which the community will adhere, and because piecemeal planning of subdivisions will result in an undesirable, disconnected patchwork of roadways and poor circulation of traffic unless its design and arrangement is correlated to the Comprehensive Plan and the Street and Highway Plan of the City, aiming at a unified scheme of community interests, to prevent the creation of non-conforming lots, to insure that all subdivisions of land are platted by professional land surveyors registered in the state of North Dakota, all subdivisions of land hereafter submitted for approval to the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. These regulations are hereby adopted for the following purposes:

1. To establish standard procedures, requirements and conditions for the preparation, submission and approval of plats of the subdivision of land within the City and its un-incorporated jurisdiction thereof, as provided in Chapter 40-48 of the North Dakota Century Code, and to enable the City Planning Commission to exercise the authority granted therein, and
2. To require that such plats conform satisfactorily to the comprehensive plan for the territorial jurisdiction of the City Planning Commission and other plans for such jurisdiction or part thereof, including the land use plan and other portions of the Comprehensive plan.

(Ord. No. 231, 3-7-2011; Ord. No. 476, 6-6-2018)

SECTION 2. - TITLE OF CHAPTER

These regulations shall be known as the "Subdivision Regulations of the City of Watford City."

(Ord. No. 231, 3-7-2011; Ord. No. 476, 6-6-2018)

SECTION 3. - CONFORMITY WITH CHAPTER

Hereafter all subdivisions made within the City and within the designated areas outside of the corporate limits thereof, and not located in any other municipality, shall be subject to and shall conform to these regulations and shall conform to the major thoroughfare plan and other plans for such territory, or part thereof, including the land use plan and other portions of the Comprehensive Plan.

(Ord. NO. 231, 3-7-2011; Ord. No. 476, 6-6-2018)

SECTION 4. - DEFINITIONS

For the purpose of this ordinance certain words used herein are defined as follows:

1. ALLEYS: Alleys are minor public ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. Frontage on an alley shall not

constitute legal frontage for the purpose of defining a lot or for the purpose of obtaining a building permit.

2. BLOCK: An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a physical land barrier such as a river.
- ~~2-3.~~ BOUNDARY LINE ADJUSTMENT: a division of land made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimensions to meet minimum requirements for width and area for a lot.
- ~~3-4.~~ BUILDING LINE: A line extending across the full width of a lot in front of which no building may be constructed other than steps not requiring handrails.
- ~~4-5.~~ BUILDING PERMIT: The permit to allow for structural construction as required under the Building Code of the City of Watford City.
- ~~5-6.~~ CITY: [The] City of Watford City, North Dakota.
- ~~6-7.~~ CITY AUDITOR: [The] City Auditor of the City of Watford City, North Dakota.
8. CITY ENGINEER: The City Engineer of the City of Watford City, North Dakota[SBA1][SBA2].
- ~~7-9.~~ CONCEPT PLAN: Generalized illustrative [SBA3] plan for the development of land depicting a proposed subdivision layout, land use, phasing, streets, and general design in accordance with current City standards and zoning regulations.
- ~~8-10.~~ CUL-DE-SAC: ~~A short street having one (1) end open to traffic and being terminated by a vehicular turn-around with a minimum paved radius of forty five (45) feet. Maximum cul-de-sac length is one thousand (1,000) feet as measured from the centerline of the intersecting street to the center of the radius of the cul-de-sac.~~ A local street with only one outlet have an appropriate terminal for safe and convenient reversal of traffic movement. [DG4]
- ~~9-11.~~ DEAD END STREET: A street which has only one (1) outlet for vehicular traffic and terminates without a vehicular turn-around.
- ~~10-12.~~ DEPTH OF LOT: The depth of a lot shall be the average distance from the front lot line to the rear lot line. The front lot line is the lot boundary abutting the public right-of-way. (In the case of a corner lot abutting two (2) streets, the front lot line is the boundary aligned with or an extension of predominate front lines of lots in the remainder of the block.) The rear lot line shall be the boundary opposite (or most nearly opposite) the front lot line.
- ~~11-13.~~ DOUBLE FRONTAGE LOTS: Double frontage lots are those which extend continuously between two (2) parallel (or approximately parallel) streets bounding a block. A block containing double frontage lots is composed of one (1) rather than two (2) tiers of lots. Lots with alleys at the rear lot line shall not be considered double frontage lots.
- ~~12-14.~~ DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) related by blood, marriage, or other legal means, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- ~~13-15.~~ EASEMENT: A grant by a property owner of the use of a strip of land for such public or private use as constructing and maintaining utilities, including but not limited to, sanitary sewers, water mains, electric lines, telephone lines, T.V. or F.M. transmission lines, storm sewer or storm drainage ways, gas lines, and roadways.
- ~~14-16.~~ FAMILY: An individual or two (2) or more persons related by blood, marriage, or adoption or a group of not more than five (5) persons (excluding servants[SBA5]) who need not be related by blood, marriage, or adoption living together in a dwelling unit.
- ~~15-17.~~ FINAL PLAT: A drawing or map of a subdivision, meeting all the requirements of the City of Watford City and in such form as required by the County of McKenzie for purposes of recording.

- ~~46-18.~~ GROUP DWELLING: A single unit providing complete, independent living facilities for one (1) or more persons unrelated by blood, marriage, or other legal means, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- ~~47-19.~~ IMPROVEMENTS: Street grading, street surfacing and paving, curbs and gutters, street lights, street signs, traffic control devices, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations. as designated by the Planning Commission.
- ~~48-20.~~ INTERSECTION, STREET: The point of crossing or meeting of two (2) or more streets. Intersections shall meet at angles of not less than seventy-five (75) degrees.
- ~~49-21.~~ LOT: One (1) unit of a recorded plat or subdivision or a portion or parcel of land considered as a unit and occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces required by other City ordinances and having frontage on an improved (ref Improvements) public street.
- ~~20-22.~~ LOT OR PROPERTY PIN: A monument established by certified land survey and set by a registered land surveyor to provide for accurate location of property lines set in accordance with North Dakota Century Code 47-20.1-10. Minimum corner requirements.
- ~~24-23.~~ MARKET VALUE: An estimate of the property worth, in terms of money, in the free and open market.
- ~~22-24.~~ MONUMENT: An identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.
- ~~23-25.~~ OWNER: Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of these.
- ~~24-26.~~ PARCEL: A contiguous quantity of land under separate ownership.
- ~~25-27.~~ PARKS AND PLAYGROUNDS: Areas of public land and open spaces in the City of Watford City, dedicated or reserved for recreation purposes.
- ~~26.~~ ~~PERCENTAGE OF GRADE: The rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The center line of a street from the face of the nearest intersecting curb or nearest edge of pavement shall be used to determine the street grade.~~
- ~~27-28.~~ PEDESTRIAN WAY: A public or private right-of-way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of public or private utilities.
- ~~28-29.~~ PLANNING COMMISSION: [The] City Planning and Zoning Commission of Watford City, North Dakota.
- ~~29-30.~~ PLAT: A map which defines the subdivision of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
- ~~30-31.~~ PRELIMINARY PLAT: A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.
- ~~31-32.~~ PROTECTIVE COVENANTS: Contracts made between private parties as to the manner in which land may be used, with the objective of protecting and preserving the physical and economic integrity of any given area.
- ~~32-33.~~ RECREATIONAL AREA, PUBLIC: An area of land open to the public for recreational purposes with or without user fees charged.
- ~~34.~~ REVERSE FRONTAGE LOT: A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.
- ~~33-35.~~ REVERSIONARY MAP: a map of reversion for the purpose of allowing subdivided property to be reverted back to acreage.

- ~~34-36.~~ RIGHT-OF-WAY: Areas or portions of areas of land dedicated, used, or prescriptively used for a road and along the side of the roadway. A thoroughfare or path reserved or established for public use or reserved for or occupied and used by a railroad or a public utility.
- ~~35-37.~~ SIDEWALK OR WALKWAY: That portion of a dedicated right-of-way or easement intended for pedestrian use only.
- ~~36-38.~~ SHARED USE PATH OR PATHWAY: That portion of a dedicated right-of-way or easement intended for pedestrian and/or non-motorized use only.
- ~~37-39.~~ STREET: A public way for vehicular traffic which affords the principal means of access whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- ~~38-40.~~ STREET, THOROUGHFARES: Arterial streets which are used primarily for heavy traffic, and traffic and serving as an arterial traffic way between the various districts of the community, as shown on the Comprehensive Plan.
- ~~39-41.~~ STREET, COLLECTORS: Those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts as shown on the Comprehensive Plan.
- ~~40-42.~~ STREET, MINOR LOCAL: Those which are used primarily to provide vehicular and pedestrian access to abutting properties.
- ~~41-43.~~ STREET WIDTH: The shortest distance between the curb faces on opposite sides of the street or the shortest distance between the edges of the improved surface of the traveled way.
- ~~42-44.~~ STREET, PRIVATE: A private roadway affording access by pedestrians and vehicles, which is under individual rather than municipal control and ownership.
- ~~43-45.~~ STREET, SERVICE OR FRONTAGE ROAD: Minor Local streets which are parallel and adjacent to thoroughfares and highways, and which provide access to abutting properties and protection from through traffic.
- ~~44-46.~~ SUBDIVIDER: A person, corporation, partnership, association or any other group who prepares or causes to be prepared a subdivision plat.
- ~~45-47.~~ SUBDIVISION: Any division or redivision of a lot, tract, or parcel of land within the city or its extra-territorial jurisdiction into two (2) or more lots, tracts, or parcels of land for the purpose of transfer of ownership, building development, the creation of streets and/or rights-of-way, or any other purpose; except that .a)The sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots shall not be deemed a subdivision .b)The allocation of property by court decree in settling the estate of a decedent or in partitioning land among owners shall not be deemed a subdivision. .c)The unwilling sale of land as the result of legal condemnation procedures, or the acquisition of street rights-of-way by a public agency in conformance with the comprehensive plan shall not be deemed a subdivision.
- ~~46-48.~~ SWALES: A drainage system for storm runoff which approximates natural drainage patterns. For example, shallow drainage ways are provided beside streets and, if necessary, a ponding area is provided. Thus, use of a natural percolation is emphasized, and the need for conventional curb, gutter and storm drains is minimized or eliminated. The net result is lower initial cost to home buyers because of lower original costs and lower maintenance costs. This system may be used when internal pedestrian ways are provided in subdivisions.
- ~~47-49.~~ TANGENT: A straight line departing from a curve which is perpendicular to the radius of that curve.
- ~~48-50.~~ TRACT: A parcel of land intended for division or development of a subdivision.
- ~~49-51.~~ U.S.G.S. DATUM: Refers to United States Geodetic Survey Datum.
- ~~50.~~ VERTICAL CURVE: The surface curvature on a street center line located between lines of different percentage of grade.

~~51-52.~~ WIDTH OF LOT: The width of a lot shall be the average distance between side lot lines. Side lot lines are those which are neither front nor rear lot lines.

(Ord. No. 231, 3-7-2011; Ord. No. 476, 6-6-2018)

SECTION 5. - APPROVAL OF PLATS

Plat approval as required herein and in conformity with statutory authority within the Planning Commission's territorial jurisdiction, shall be by the Planning Commission, with confirmation approval by the City Council. In all cases where land is offered for dedication for streets, utilities, or other public purposes, the governing body affected shall act to accept or reject the offer of dedication and the deed for the fee to such lands. The approval of other jurisdictional Planning Commissions shall be required on all plats of land situated within the unincorporated jurisdiction of the City of Watford City, North Dakota.

~~1. [SBAG].~~

(Ord. No. 231, 3-7-2011; Ord. No. 476, 6-6-2018)

SECTION 6. - PROCEDURE FOR APPROVAL OF PLATS

All subdivision submitted for approval, as well as all plats, preliminary and final, shall be prepared in conformance with the provisions of this ordinance and in conformance with the Watford City Comprehensive Plan. The subdivider shall be responsible for such conformance. All plats: subdivision preliminary, final, and amended as well as minor plats, simple lot splits, boundary line adjustments, and maps of reversion shall be prepared in conformance with the provisions of this ordinance and in conformance with the Watford City Comprehensive Plan.

Overview of Approval Process:

Proposed subdivision developments must be approved by the City in accordance with the following procedures which include four principal steps:

1. Concept plan and pre-submittal meeting with the City.
2. Preliminary plat and plans approval.
- ~~4. Final plat and~~
3. plans approval.

Concept Plan and Pre-submittal Meeting Preliminary Steps:

1. Before preparing the ~~general plan~~ preliminary plat of a subdivision, the subdivider shall ~~consult~~ ~~informally~~ attend a pre-submittal meeting with the City Planning, Engineering, and Public Works Departments concerning the relation of the property to existing conditions, future plans, and community facilities, utilities and services. A preliminary concept plan shall be provided at the pre-submittal meeting which shall include:
 - a. Proposed name of subdivision, which name shall not duplicate or too closely approximate the name of any plat or existing subdivision heretofore recorded in the County except when such plat is an addition to an existing plat of record. The name of the rearrangement of an existing plat may be shortened from a complete legal description of the rearrangement by stating **“(said rearrangement) hereafter to be known as.”**
 - b. Full legal description of the land involved in said plat.

- c. Name, phone number, and addresses of the owner and subdivider of the land.
- d. North Arrow.
- e. Total acreage and square feet of project area.
- f. If residential, state type, number of dwelling units, and approximate net density along with desired zoning districts.
- g. General layout of streets and access points to adjacent street systems.
- h. VacinityVicinity map, to scale, showing locations of the concept plan and other property for at least 660' in every direction.
- i. Identify wetlands on the property along with water courses, lakes, wetlands, limits of floodplains and floodways and other significant physical features.
- a-j. If the subdivider owns adjacent property to the proposed subdivision, A[SBA7]a[GD8] subdivision master plan shall be provided for review for any property for which the subdivider owns adjacent property, and it is reasonable to believe it will be developed in phases. That applicant shall be required to submit a masterplan for the entire area of ownership along with a phasing schedule.

The City departments will review the presented concept plan and provide feedback to the subdivider following the pre-submittal meeting.

2.

Preliminary Plat Requirements:

Specifications for Preliminary Plats:

- 1. The following data regarding identification and description of the preliminary plat shall be provided:
 - a. Proposed name of subdivision, which name shall not duplicate or too closely approximate the name of any plat or existing subdivision heretofore recorded in the County.
 - i. Location by section, township and range, or by other legal description.
 - ii. Names, phone number, email and addresses of the owners, subdividers, engineer, and developers having control of the lands included in said preliminary plat, the designer of the plat, the surveyor and his registration number.
 - iii. Graphic scale, not less than one (1) inch to one hundred (100) feet, or other scale as approved by the City Planner.
 - iv. North point.
 - v. Date of preparation.
 - vi. Font size shall be a minimum of 0.1 inches in height. Font type shall be Arial, Calibri, Helvetica, or Verdana.
- 2. The following data regarding existing conditions shall be provided for preliminary plats:
 - a. Boundary line survey, including measured distances and angles which shall close by latitude and departure with an error of closure not exceeding one (1) foot in ten thousand (10,000) feet.
 - b. Total acreage in said preliminary plat computed to one one-hundredth (1/100) of an acre.
 - c. Total square footage of each lot.
 - d. Location and names of existing or platted streets or other public ways, parks and other public open spaces, buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract at the time of submission of the plat.
 - e. If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the plat of record along with its original name shall be indicated by

- dotted or dashed lines. Also, any revision or vacated roadway of the original plat of record shall be so indicated.
- f. Location and size of existing surfaced streets shall be shown, as well as all railroads, sewers, water mains, fire hydrants, gravel pits, culverts, or other underground facilities within and to a distance of one hundred (100) feet beyond the tract.
- g. Boundary lines of adjoining platted or unplatted land within one hundred (100) feet beyond the tract.
3. The following data regarding proposed development design features of the preliminary plat shall be provided:
- a. Layout of proposed streets, alleys, pedestrian ways and easements, showing right-of-way widths and proposed names of streets. The name or number of any street similar to or heretofore used in the City of Watford City shall not be permitted unless the proposed street is an extension of an already named street in which event that name or number shall be used. All street names or numbers shall be subject to the approval of the Planning Commission and City Council. All north-south travel ways shall be streets and all east-west travel ways shall be avenues. Alleys shall be unnamed.
- b. Layout, numbers and dimensions of lots, square footage area of each lot, and the number or letter of each block.
- c. Proposed Public Improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
- d. Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
- e. Vicinity sketch, at a scale of one (1) inch equals one thousand (1,000) feet or less for an area one-half (½) mile in radius of the tract, to show the relation of the plat to its surroundings.
- f. Existing and proposed covenants, if applicable.
4. Acknowledgment shall be provided that the Developer has reviewed the City's template Development Agreement and Subdivision Improvement, Maintenance, and Warranty Agreement and agree that the documents shall be finalized by the time the Final Plat is reviewed by the City Council.

Preliminary Plat Approval:

The subdivider shall apply in writing ~~to the Planning Commission~~ for tentative approval of the preliminary subdivision plat ~~Concept~~ utilizing the City Division of Land application form.

1. The preliminary plat shall be submitted to the Planning Department~~An electronic format in both .PDF format and eleven (11) inches by seventeen (17) inches ledger size copy size paper of the preliminary plat shall be submitted to the Planning Department.~~ Preliminary ~~Plats must~~Plats must be submitted on or before the deadline date as set by ~~The~~the Planning Department. ~~The preliminary plat shall comply with provisions of Section 10 of these regulations.~~ Fees charged for the filing of the preliminary subdivision plat shall be paid in full, on the basis of the estimated number of lots created, at the time of application for tentative approval. As determined by the City, a ~~third party~~ third-party review may be required. It will be the responsibility of the subdivider to pay any additional fees associated with third party reviews for this project. The fee for the submission of a plat is set by Resolution of City Council. The City Planning Department shall prepare a report, thereon; setting out whether or not said plat meets the requirements of the City Ordinance, and the City of Watford City Comprehensive Plan. The City Planner or Planning Department shall present

said report together with recommendations thereon, to the next meeting of the Planning Commission and City Council, filing as herein set out.

2. After receipt of the application for preliminary plat approval, the Planning Department shall give notice of a public hearing on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City of Watford City or in the county concerned. The subdivider will furnish the name and address of the owner of the land, or his agent, at the time of application, and the Planning Department shall send to said address by registered mail a notice of the time and place of such public hearing not less than five (5) days before the date fixed for the hearing. The public hearing may be held at a regular meeting or special meeting of the Planning Commission.
3. Within sixty (60) days after the submission of a plat, the Planning Commission shall make recommendation to approve or disapprove it. If the plat is not recommended for approval or disapproval within such time, it shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand. The applicant, however, may waive the requirement that the commission shall act within the sixty (60) days and consent to an extension of such period. The grounds upon which any plat is disapproved shall be stated upon the records of the commission.
- ~~3.~~ It will be the duty of the Planning Commission to discourage the subdividing of lands that are far in advance of the needs of the community; or that by their location cannot be efficiently served by public utilities, schools, fire protection, police protection or other municipal service; or that are located in areas subject to flooding or that are topographically unsuitable for development; or that for any other reason are unwisely or prematurely subdivided. It shall also be the duty of the Planning Commission to encourage the replatting of lands deemed to be unsatisfactorily subdivided or are underdeveloped.
- ~~4.~~
- ~~4.~~ It shall also be the duty of the Planning Commission to encourage the coordinated platting of adjacent small parcels of land.
- 5.
6. Upon the making of its recommendation, the Planning Commission shall embrace the same within a motion, which shall include all conditions it required for approval, or conditions upon which approval will be granted, and shall set forth the reasons for the approval given. All engineering considerations presented in the preliminary plat ~~concept plan data~~ furnished shall be set forth in the proceedings of the Council. -A copy of the motion shall be sent forthwith to the subdivider and a copy thereof to the City Council together with the plat if it is approved, conditionally or otherwise.
7. Approval of the preliminary plat and ~~concept plan~~ shall be effective for a maximum period of twelve (12) months, unless upon application by the developer, an extension is granted. If the plat or portion thereof has not been submitted for final approval within the time limit, a preliminary plat must again be submitted for approval.
- ~~8.~~ The City Council shall review the preliminary plat, ~~concept plan~~, and the recommendations of the Planning Commission at their next regular meeting following the action of the Planning Commission and shall take action on such plat and recommendations within sixty (60) days. Failing to do so, it shall be considered an approval of the plat and a certificate to that effect shall be issued by the City Council on demand. Procedures for approval, approval with conditions or denial shall be as prescribed by the Planning Commission.

Final Plat Requirements:

Specifications for Final Plats:

1. The final plat shall contain the following:
 - a. The final plat prepared for recording purposes shall be prepared in accordance with provisions of North Dakota State Statutes and applicable City and County regulations.
 - b. Name of subdivision: Names shall not duplicate or too closely approximate the name of any existing subdivision in McKenzie County except when such plat is an addition to an existing plat of record. The name of a rearrangement of an existing plat may be shortened from a complete legal description of the rearrangement by stating "(said rearrangement) hereafter to be known as _____."
 - c. Location and description and North Dakota State plane coordinates of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced; each of two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners, quarter-section corners, or to existing recorded physical monuments.
 - d. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in ten thousand (10,000) feet. The location of monuments shall be noted or shown on the final plat. Location of such monuments shall be shown in reference to existing official monuments or to the nearest established street lines, including true angles and distances to such reference point or monuments. Permanent monuments shall be placed at each corner of each lot or portion of a lot, points of curvature, points of street intersection, and points of tangents on street lines, at each angle point on the boundary of the subdivision, at each intersection of a lot line with the centerline of an easement for a public utility or an easement for public use, and at each angle point or point of curvature for an easement for a public utility or an easement for public use. A permanent monument shall be deemed to be a steel rod, one-half ($\frac{1}{2}$) inch in diameter extending at least two (2) feet below the finished grade. In situations where conditions prohibit the placing of monuments in the location prescribed above, offset markers are permitted. Permanent monuments placed within the paved portion of a street shall be a brass or aluminum cap monument set on top of a thirty (30) inch long by five-eighths ($\frac{5}{8}$) inch diameter steel rebar contained in a cast iron monument case.
 - e. Locations of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to produce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
 - f. Boundary lines and description of boundary lines on any areas other than streets and alleys, such as easements, which are to be dedicated or reserved for public use.
 - g. Lots shall be numbered clearly, and the square footage of each lot shall be shown. Block numbers shall be shown clearly in the center of the block and all streets shall be named.
 - h. Names and addresses of owners, subdividers, and developers, designer of the plat, surveyor and his registration number, making the plat.
 - i. The scale of the plat shall be not less than one (1) inch to one hundred (100) feet or other scale as approved by the City Planner to be shown graphically, north point, and date of preparation.
 - j. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements."

- k. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby also dedicated.
2. Certifications Required on Final Plats:
 - a. All signatures shall be notarized.
 - b. Notarized certification by owner and by any mortgage holder of record of their consent of the plat and the dedication of streets and other public areas.
 - c. Notarized certification by registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimension and geodetic details are correct.
 - d. Space for Certificates of Approval to be filled in by the signatures of the owner(s), surveyor, Chairman of the Planning Commission, City Auditor, Mayor of the City Council, Utility providers, and Notary Publics for each as well as the McKenzie County Recorder and McKenzie County Tax Director.
3. After the final plat has been approved by City Council, the final plat shall be submitted as (1) Mylar in sheet size of twenty-four (24) by thirty-six (36) inches.
 - a. Font size shall be a minimum of 0.1 inches in height.
 - b. Font type shall be Arial, Calibri, Helvetica, or Verdana.

Final Plat Approval:

After the preliminary plat has been approved, and the subdivider determines to proceed to secure final approval of all or a part thereof as a final plat, the final plat shall be submitted to the Planning Commission with a letter requesting such approval and describing the proposed development schedule for the subdivision.

1. ~~The final plat shall be submitted to the Planning Department in both .PDF format and eleven (11) inches by seventeen (17) inches size paper for review. An electronic format and eleven (11) inches by seventeen (17) inches ledger size copy of the plat shall be submitted to the Planning Department for review.~~ The final plat must be received by or on the submittal deadline date as set by the Planning Department. The application shall be accompanied by such other documents and materials as may be required by these regulations or by the City Planner. The Planning Department shall prepare a report thereon setting out whether or not said final plat is in substantial agreement with the preliminary plat and if not, in what particulars it varies therefrom; whether or not it conforms to the requirements of State law and the City Ordinance, and that the final plat meets all the conditions as attached to the approval of the preliminary plat. The City staff report shall state whether the final plat and improvements conform to the engineering standards and requirements as set forth. At this time an adjusted filing fee shall be determined as set by Resolution of City Council and any additional fee shall be paid.
2. If the Planning Commission recommends approval of the subdivision, such approval will be entered upon the original and copies of the plat and will be signed by the Chairman of the Planning Commission. If the Planning Commission recommends disapproval of the subdivision, such action, together with the reasons therefore, will be entered in the official records of the Planning Commission and a copy of such record will be sent to the subdivider. If it shall determine that it cannot approve it unless certain conditions are attached, it shall by motion set forth the conditions for approval and forthwith send a copy of such conditions to the subdivider, and all further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if no further action is taken by the subdivider within a thirty-day period, the plat shall be deemed to be disapproved.

3. The Planning Commission will act upon all requests for final approval of a subdivision within thirty (30) days after application for such approval is made. Failure by the Planning Commission to act within such period shall be deemed as approval of the subdivision and the Planning Department shall issue a certificate to the effect upon demand. However, the subdivider may waive this requirement and agree to an extension of this period.
4. Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decreases of other lands devoted to public use, the Planning Commission shall thereby and without further public hearing have approved such change in streets, alleys, or public lands as an amendment to the Comprehensive Plan. The Planning Commission will transmit notice of such action to the City Council of the City of Watford City together with appropriate recommendations concerning the acceptance of dedicated streets and alleys, or the vacation thereof, and of the acceptance of other dedicated lands. In the case of streets, alleys and public lands lying outside the City of Watford City, notice of the action of the Planning Commission and appropriate recommendations will be transmitted to the board of County Commissioners of McKenzie County, the Township Board, and other bodies having jurisdiction.
5. Final action by motion on the final plat shall be communicated forthwith to the subdivider by the City Planning Department for the Planning Commission, and a copy of the motion shall be sent to the City Council, together with the plat, and such other data as the Council shall determine.

Submittal to the City Council for Final Plat Approval:

1. Upon the recommendation of approval or disapproval by the Planning Commission, the final plat shall come before the City Council for review.
2. The Council shall have the authority to hold such hearings on the final plat as it shall determine, and upon such notice as it shall provide.
3. If the Council is not satisfied with the final plat as presented, it may:
 - a. disapprove the same;
 - b. set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or
 - c. refer the same to the Planning Commission which shall act thereon at the next meeting and report back to the City Council no later than sixty (60) days after the said action of the City Council.
4. If the City Council shall determine to accept the plat, it shall by resolution so determine, and the resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other spaces dedicated to public purposes.
5. The action of the City Council finally determining the matter shall be communicated to the subdivider, and if the plat be disapproved, reasons given by the Council for such determination shall be set forth.
6. A final plat that is approved by the City Council shall be filed by the City Planning Department for record with the McKenzie County Recorder, ~~within thirty (30) days after approval.~~
7. The approval of a subdivision ~~and~~ plat shall expire 12 months from the date of approval. An extension of a final plat may be granted once for a total period of not more than 12 additional months. A request for extension must be made in writing not more than 30 days after the expiration of the original approval. An extension of approval may be only granted if the final plat requires no modification and remains consistent with the purpose and intent of the originally approved final plat. If the approval of a final plat expires and an extension to the approval is not, or cannot be granted, a new application for the final plat must be filed and approved.

8. No building permit shall be issued for the erection of any building or structure on any land conveyed in violation of the provisions of this chapter. No construction shall proceed until:

- a. Final plat approval
- b. Approval of final grading plan
- c. The City has received signed development agreements with required financial surety in place.

6-9. The Developer shall have signed the Development Agreement and the Subdivision Improvement, Maintenance, and Warranty Agreement prior to the City Council accepting or denying the Final Plat. The City Council shall act on the Development Agreement and Subdivision Improvement, Maintenance, and Warranty Agreement at the time of taking action on the Final Plat.

(5clearly.

(Ord. No. 231, 3-7-2011; Ord. No. 476, 6-6-2018)

SECTION 7 – PROCEDURE FOR APPROVAL OF PLANS^[GD9]

Subdivision plans shall be submitted simultaneously with the preliminary and final plat to the applicable City Departments.

Preliminary Plans:

Specifications for Preliminary Plans:

The Preliminary Plans shall be in conformance with the City of Watford City Engineering Design Standards for Subdivisions and Public Improvements (Engineering Design Standards) and shall include all information from the concept plan as well as the following information:

1. Preliminary plans shall be submitted and designed by a Registered Professional Engineer licensed in the State of North Dakota.
2. Grading Plan shall consist of the following:
 - a. Existing and proposed contours at vertical intervals not more than two feet. Water courses, lakes, wetlands, limits of floodplains and floodways, and other significant physical features shall be delineated. USGS Datum, including date of datum used, shall be used for all topographic mapping.
 - b. Locations and invert elevations of storm sewers, drainage ditches, and culverts within the plat and to 100 feet beyond the plat.
3. Street Plans shall consist of the following:
 - a. Layout of existing and proposed public streets, showing right-of-way and pavement widths along with proposed name of streets.
 - b. Existing and proposed centerline grades of public and private streets.
 - c. Locations and widths of trails and sidewalks.
 - d. Length of street identified by centerline stationing.
 - e. Angle of intersection measured 100 feet from the intersection.
 - f. Horizontal and vertical curve information.
 - g. A preliminary geotechnical report for pavement design for public infrastructure improvements.
 - h. Preliminary public road typical section.
 - i. A preliminary traffic impact analysis as described in Engineering Design Standards.
4. Utility Plans that consists of the following:
 - a. Locations and widths of existing and proposed utility easements.

- b. Location, width, size, type, and invert elevations of existing and proposed sanitary sewers, water mains, storm sewers, culverts, manholes, lift stations, hydrants, valves, and any other underground facilities within the plat and to a distance of 100 feet beyond shall be shown.
5. A preliminary storm water management report is required if the development creates more than 20,000 square feet of impervious area and shall be submitted and designed by a Registered Professional Engineer licensed in the State of North Dakota.
6. Additional information as requested by the City.

Preliminary Plan Approval:

The preliminary plans shall be reviewed by the applicable City Departments and the departments will provide feedback to the subdivider following the submission of the preliminary plans.

Final Plans:

Specifications for Final Plans:

The Final Plans shall be submitted to the applicable City Departments. The Final Plans shall be in conformance with the Engineering Design Standards and shall include all information from the concept plan, preliminary plans, as well as the following information:

1. The final subdivision plan shall be signed and sealed by a Registered Professional Engineer licensed in the State of North Dakota.
2. A final phasing and schedule associated with the subdivision of land and public improvements.
3. The Final Grading Plan shall consist of the following:
 - a. Existing and proposed contours at vertical intervals not more than two feet. Water courses, lakes, wetlands, limits of floodplains and floodways, and other significant physical features shall be delineated. USGS Datum, including date of datum used, shall be used for all topographic mapping.
 - b. Locations and invert elevations of storm sewers, drainage ditches, and culverts within the plat and to 100 feet beyond the plat.
 - c. Revised in accordance with preliminary plat and plan comments from the City staff.
4. The Final Street Plans shall consist of the following:
 - a. Layout of existing and proposed public streets, showing right-of-way and pavement widths along with proposed name of streets.
 - b. Existing and proposed centerline grades of public and private streets.
 - c. Locations and widths of trails and sidewalks.
 - d. Length of street identified by centerline stationing.
 - e. Angle of intersection measured 100 feet from the intersection.
 - f. Horizontal and vertical curve information.
 - g. A final geotechnical report for pavement design for public infrastructure improvements.
 - h. Final public road typical section.
 - i. Final traffic impact analysis as described in Engineering Design Standards.
 - j. Revised in accordance with preliminary plat and plan comments from the City staff.
5. Utility Plans that consists of the following:
 - a. Locations and widths of existing and proposed utility easements.
 - b. Location, width, size, type, and invert elevations of existing and proposed sanitary sewers, water mains, storm sewers, culverts, manholes, lift stations, hydrants, valves, and any other underground facilities within the plat and to a distance of 100 feet beyond shall be shown.

6. A final storm water management report is required if the development creates more than 20,000 square feet of impervious area and shall be signed and sealed by a Registered Professional Engineer licensed in the State of North Dakota.
7. Submittal of the erosion control review & checklist and floodplain development permit application (as needed).
8. Submittal of any additional permits and approvals as required by State, Federal, and County agencies.
9. Final Construction Plans and Specifications, signed and sealed by a Registered Professional Engineer licensed in the State of North Dakota, that consist of the following:
 - a. Title page
 - i. Needs certification language for design Engineer and signature block for the City Engineer
 - b. List of standard drawings
 - c. Plan notes
 - d. Construction details
 - e. Typical sections
 - f. Quantities and basis of estimate
 - g. Road centerline, storm sewer, sanitary sewer and water main plan and profiles
 - h. Grading Plans
 - i. Striping and signing plans
 - j. Lighting plans
 - k. Cross sections
 - l. Temporary traffic control
 - m. Trail construction plans
 - n. Erosion control plans
 - o. Specifications to include the City of Watford City Standard Specifications, and the City of Watford City Standard Drawings, the North Dakota Department of Transportation (NDDOT) Standard Specifications for Road and Bridge Construction, and the NDDOT Field Sampling and Testing Manual.
10. Additional information as requested by the City.

Final Plan Approval:

The final plans shall be reviewed by the applicable City Departments and the departments will provide feedback to the subdivider following the submission of the final plans. The City will provide an approval letter for the final plans following final plans approval.

1. The approval of the final documents shall expire 12 months from the date of approval unless construction of the improvement works is diligently pursued.
2. An extension of approval of the final plans may be granted once for a total period of not more than an additional 12 months. A request for extension must be made in writing not more than 30 days after the expiration of the original approval. An extension of approval may only be granted if the documents require no modification and remains consistent with the purpose and intent of the originally approved documents.
3. If the approval of the documents expires and an extension to the approval is not, or cannot be granted, new documents for the improvement works must be filed and approved prior to the approval to construct.

Approved final plans prepared by a Registered Professional Engineer licensed in the State of North Dakota are required before construction begins on the public infrastructure improvements.

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SECTION 7. - PLATS OUTSIDE CORPORATE LIMITS

Procedure for approval of preliminary and final plats of land outside of the corporate limits of Watford City shall be the same as set forth in Section 6 of this Ordinance, except that one (1) copy of the preliminary plat shall be referred to the McKenzie County Commission, and one (1) copy to the affected townships with a request for their recommendations to be submitted to the Watford City Planning Commission. The Watford City Planning Commission shall consider such recommendations prior to taking action on the plat. If no such recommendations are received by the Watford City Planning Commission within sixty (60) days, the plat shall be deemed approved by the County and the township.

(Ord. No. 231, 3-7-2011; Ord. No. 476, 6-6-2018)

SECTION 8. - VACATION OF A PLAT OF RECORD

Conditions: A subdivider or owner may make application to the Planning Department to vacate any plat of record under the following conditions:

1. The plat to be vacated is a legal plat of record.
2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
3. Vacation of the subdivision will not be contrary to the Watford City Comprehensive Plan.
4. Procedure: Shall comply with vacation proceedings as outlined in Chapter 40-50.1 of the North Dakota Century Code. The land owner or owners shall present a proposal to the Planning Commission, containing the legal description and plat of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the City Council. The City Council shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the County Recorder. All fees for the recording of such vacation shall be paid by the subdivider.

(Ord. No. 231, 3-7-2011; Ord. No. 476, 6-6-2018)

SECTION 9. - PROFESSIONAL ASSISTANCE

The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted, expenses to be paid by the owner or subdivider.

(Ord. No. 231, 3-7-2011; Ord. No. 476, 6-6-2018)

~~SECTION 10. - SPECIFICATION FOR PLATS~~

~~Public Improvements proposed by the subdivider shall conform to the City of Watford City Engineering Design Standards for Subdivisions and Public Improvements, the City of Watford City Standard Specifications, and the City of Watford City Standard Drawings. **Specifications for Final Plats:**~~

~~After the preliminary plat has been approved by City Council, the owner or subdivider shall submit a final plat together with any necessary supplementary information. The final plat shall be submitted to the Planning Department as an electronic format as well as one (1) ledger (eleven (11) by seventeen (17) [inch]) size copy. After the final plat has been approved by City Council, the final plat shall be submitted as (1) Mylar in sheet size of twenty-four (24) by thirty-six (36) inches. Font size shall be a minimum of 0.1 inches in height. Font type shall be Aerial, Calibri, Helvetica, or Verdana.~~

~~The final plat shall contain the following:~~

- ~~4. The final plat prepared for recording purposes shall be prepared in accordance with provisions of North Dakota State Statutes and applicable City and County regulations.~~
- ~~5. Name of subdivision: Names shall not duplicate or too closely approximate the name of any existing subdivision in McKenzie County except when such plat is an addition to an existing plat of record. The name of a rearrangement of an existing plat may be shortened from a complete legal description of the rearrangement by stating "(said rearrangement) hereafter to be known as _____."~~
- ~~6. Location and description and North Dakota State plane coordinates of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced; each of two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners, quarter-section corners, or to existing recorded physical monuments.~~
- ~~7. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in ten thousand (10,000) feet. The location of monuments shall be noted or shown on the final plat. Location of such monuments shall be shown in reference to existing official monuments or to the nearest established street lines, including true angles and distances to such reference point or monuments. Permanent monuments shall be placed at each corner of each lot or portion of a lot, points of curvature, points of street intersection, and points of tangents on street lines, at each angle point on the boundary of the subdivision, at each intersection of a lot line with the centerline of an easement for a public utility or an easement for public use, and at each angle point or point of curvature for an easement for a public utility or an easement for public use. A permanent monument shall be deemed to be a steel rod, one-half (1/2) inch in diameter extending at least two (2) feet below the finished grade. In situations where conditions prohibit the placing of monuments in the location prescribed above, offset markers are permitted. Permanent monuments placed within the paved portion of a street shall be a brass or aluminum cap monument set on top of a thirty (30) inch long by five eighths (5/8) inch diameter steel rebar contained in a cast iron monument case.~~
- ~~8. Locations of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to produce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.~~
- ~~9. Boundary lines and description of boundary lines on any areas other than streets and alleys, such as easements, which are to be dedicated or reserved for public use.~~
- ~~10. Lots shall be numbered clearly and the square footage of each lot shall be shown. Block numbers shall be shown clearly in the center of the block and all streets shall be named.~~
- ~~11. Names and addresses of owners, subdividers, and developers, designer of the plat, surveyor and his registration number, making the plat.~~
- ~~12. The scale of the plat shall be not less than one (1) inch to one hundred (100) feet or other scale as approved by the City Planner to be shown graphically, north point, and date of preparation.~~

~~13. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements."~~

~~14. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby also dedicated.~~

Certifications Required on Final Plats:

- ~~1. All signatures shall be notarized.~~
- ~~2. Notarized certification by owner and by any mortgage holder of record of their consent of the plat and the dedication of streets and other public areas.~~
- ~~3. Notarized certification by registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimension and geodetic details are correct.~~
- ~~4. Space for Certificates of Approval to be filled in by the signatures of the owner(s), surveyor, Chairman of the Planning Commission, City Auditor, Mayor of the City Council, Utility providers, and Notary Publics for each as well as the McKenzie County Recorder and McKenzie County Tax Director.~~

~~(Ord. No. 231, 3-7-2011; Ord. No. 476, 6-6-2018)~~

SECTION 11. - OPEN SPACE REQUIREMENTS:

- A. GENERAL: Residential subdivisions, other than those simple lot splits meeting the requirements of Section 13 to Article XXX of Chapter XV of these Ordinances, shall be required to provide open space. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas as well as to provide passive recreational opportunities. Each area set aside shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the developer and Planning Commission. The area shall be shown and marked on any tentative and final map.
- B. MINIMUM REQUIREMENTS:
 - a. AMOUNT OF OPEN SPACE REQUIRED. Open space shall be required in the amount of two and one-half (2½) acres per one thousand (1,000) residents expected to reside in the subdivision. Number of residents shall be calculated using the persons per type of dwelling unit determined by the 1990 U.S. Census as follows:
 - i. Persons Per Single Family Detached Unit 2.63.
 - ii. Persons Per Single Family Attached Unit 2.31.
 - iii. Persons Per Mobile Home Unit 2.47.
 - iv. Persons Per Multi-Family Unit 1.91.
 - b. ALTERNATE CALCULATION: Where types of dwelling units to be constructed are not specifically determined, persons per single family detached unit shall be used in calculating number of residents.
 - c. LOCATION OF OPEN SPACE PARCELS: Open space parcels shall be convenient to the dwelling units they are intended to serve. However, because of noise generated by certain recreational activities, they shall be sited with sensitivity to surrounding development.
- C. IMPROVEMENT OF OPEN SPACE PARCELS:

- a. DEVELOPED OPEN SPACE: The Planning Commission may require the installation of recreational facilities, taking into consideration:
 - i. The character of the open space land;
 - ii. The estimated age and the recreation needs of persons likely to reside in the development;
 - iii. Proximity, nature, and excess capacity of existing municipal recreation facilities; and. The cost of the recreational facilities.

Land reserved for developed open space shall be relatively level and dry, and shall have frontage on one (1) or more streets. The Planning Commission shall refer any subdivision proposed to contain developed open space to City Council.

- b. PAYMENT IN LIEU OF OPEN SPACE: In lieu of providing open space within its development, developer may request that the City Council allow the developer to make payment to the City of Watford City, in an amount equal to any required reservation, for development or acquisition of open space at some other mutually agreed upon area. Such funds shall be used by the City of Watford City for the agreed upon purpose only.
 - c. UNDEVELOPED OPEN SPACE: As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, equestrian use or the provision of picnic areas, etc. In addition, the Planning Commission may require a developer to make other improvements, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.
- D. EXCEPTIONS TO THE STANDARDS: The Planning Commission may permit minor deviations from open space standards when it can be determined that: a) the objectives underlying these standards can be met without strict adherence to them; and/or b) because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.
- E. DEED RESTRICTIONS: Any lands reserved for open space purposes shall contain appropriate covenants and deed restrictions approved by the City of Watford City Attorney ensuring that:
- a. The open space area will not be further subdivided in the future;
 - b. The use of the open space will continue in perpetuity for the purpose specified;
 - c. Appropriate provisions will be made for the maintenance of the open space; and Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.
- F. OPEN SPACE OWNERSHIP: The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Planning Commission. Type of ownership may include, but is not necessarily limited to, the following:
- a. The City of Watford City;
 - b. McKenzie County;
 - c. Quasi-public organizations, subject to their acceptance;
 - d. Property-owner, condominium, or cooperative associations or organizations; or
 - e. Shared, undivided interest by all property owners in the subdivision.
- G. PROPERTY-OWNERS ASSOCIATION: If the open space is owned and maintained by a property-owner association or condominium association, the developer shall file a declaration of covenants and restrictions or other suitable document that will govern the association, to be submitted with

the application for the final map approval. The provisions shall include, but are not necessarily limited to, the following:

- a. The property-owners association shall be established before any lots are sold;
 - b. Membership shall be mandatory for each property-owner;
 - c. The open space restrictions shall be permanent, not just for a period of years;
 - d. The association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
 - e. Property owners shall pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the property-owners association; and
- H. MAINTENANCE OF OPEN SPACE AREAS: The person or entity identified as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

(Ord. No. 268, 5-7-2012; Ord. No. 476, 6-6-2018)

SECTION 12. - PUBLIC PROPERTY DEDICATION

- A. GENERAL: Residential subdivisions, other than those simple lot splits meeting the requirements of Section 13 to Article XXX of Chapter XV of these Ordinances, shall be required to provide acreage for the development of school sites, hospitals or other community related development or cash in lieu of dedicated acreage at the request of the City.
- B. MINIMUM REQUIREMENTS:
 - a. AMOUNT OF DEDICATION REQUIRED. Dedication shall be required in the amount one (1) acre per forty (40) acres of residential development. Number of acres shall be calculated using the gross acreage of the development site.
 - b. PAYMENT IN LIEU OF DEDICATION: In lieu of dedicating acreage within its development, developer may request that the City Council allow the developer to make payment to the City of Watford City, in an amount equal to the appraised value of the calculated acreage. Such funds shall be used by the City of Watford City for the agreed upon purpose only.

(Ord. No. 269, 5-7-2012; Ord. No. 476, 6-6-2018)

SECTION 13. ~~— SIMPLE LOT SPLIT~~ MINOR PLATS

A minor plat for the purpose of a simple lot split, boundary line adjustment, or map of reversion shall be allowed when street improvements, water or sewer line improvements or other public improvements are not required. A Simple Lot Split shall create, and no more than four (4) lots are created. A Boundary Line Adjustment shall not create any lot. A Map of Reversion shall revert subdivided property back to acreage.

Specifications for Minor Plats:

The following data regarding identification and description of the minor plat shall be provided:

- a. Proposed name of the plat, which name shall not duplicate or too closely approximate the name of any plat or existing subdivision heretofore recorded in the County.
 - i. Location by section, township and range, or by other legal description.

- ii. Names, phone number, email and addresses of the owners, subdividers, engineer, and developers having control of the lands included in said plat, the designer of the plat, the surveyor and his registration number.
- iii. Graphic scale, not less than one (1) inch to one hundred (100) feet, or other scale as approved by the City Planner.
- iv. North point.
- v. Date of preparation.
- vi. Font size shall be a minimum of 0.1 inches in height. Font type shall be Arial, Calibri, Helvetica, or Verdana.
- vii. Boundary line survey, including measured distances and angles which shall close by latitude and departure with an error of closure not exceeding one (1) foot in ten thousand (10,000) feet.
- viii. Total acreage in said plat computed to one one-hundredth (1/100) of an acre.
- ix. Total square footage of each lot.
- x. Location and names of existing platted streets or other public ways, parks and other public open spaces, buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract at the time of submission of the plat.
- xi. If the proposed minor plat is a rearrangement or replat of any former plat, the lot and block arrangement of the plat of record along with its original name shall be indicated by dotted or dashed lines. Also, any revision or vacated roadway of the original plat of record shall be so indicated.
- xii. Location and size of existing surfaced streets shall be shown, as well as all railroads, sewers, water mains, fire hydrants, gravel pits, culverts, or other underground facilities within and to a distance of one hundred (100) feet beyond the tract.
- xiii. Boundary lines of adjoining platted or unplatted land within one hundred (100) feet beyond the tract.

Approval of Minor Plats:

1. The minor plat and Division of Land Application shall be submitted to the Planning Department in both .PDF format and eleven (11) inches by seventeen (17) inches size paper. Minor Plats and Applications must be submitted on or before the deadline date as set by the Planning Department. Fees charged for the filing of the minor plat shall be paid in full. As determined by the City, a third-party review may be required. It will be the responsibility of the subdivider to pay any additional fees associated with third party reviews for this project. The fee for the submission of a minor plat is set by Resolution of City Council. The City Planning Department shall prepare a report, thereon; setting out whether or not said plat meets the requirements of the City Ordinance, and the City of Watford City Comprehensive Plan. The City Planner or Planning Department shall present said report together with recommendations thereon, to the next meeting of the Planning Commission and City Council, filing as herein set out.
2. After receipt of the application for minor plat approval, the Planning Department shall give notice of a public hearing on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City of Watford City or in the county concerned. The subdivider will furnish the name and address of the owner of the land, or his agent, at the time of application, and the Planning Department shall send to said address by registered mail a notice of the time and place of such public hearing not less than five (5) days before the date fixed for the

hearing. The public hearing may be held at a regular meeting or special meeting of the Planning Commission.

3. Within sixty (60) days after the submission of a plat, the Planning Commission shall make recommendation to approve or disapprove it. If the plat is not recommended for approval or disapproval within such time, it shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand. The applicant, however, may waive the requirement that the commission shall act within the sixty (60) days and consent to an extension of such period. The grounds upon which any plat is disapproved shall be stated upon the records of the commission.
4. Upon the making of its recommendation, the Planning Commission shall embrace the same within a motion, which shall include all conditions it required for approval, or conditions upon which approval will be granted, and shall set forth the reasons for the approval given. All engineering considerations presented in the preliminary plat and concept plan furnished shall be set forth in the proceedings of the Council. A copy of the motion shall be sent forthwith to the subdivider and a copy thereof to the City Council together with the plat if it is approved, conditionally or otherwise.
5. Approval of the minor plat and concept plan shall be effective for a maximum period of twelve (12) months, unless upon application by the developer, an extension is granted. If the plat or portion thereof has not been submitted for recordation within the time limit, a minor plat and application must again be submitted for approval.
6. The City Council shall review the minor plat and the recommendations of the Planning Commission at their next regular meeting following the action of the Planning Commission and shall take action on such plat and recommendations within sixty (60) days. Failing to do so, it shall be considered an approval of the plat and a certificate to that effect shall be issued by the City Council on demand. Procedures for approval, approval with conditions or denial shall be as prescribed by the Planning Commission.
7. Upon approval by the City Council, a Minor Plat of a Simple Lot Split, Boundary Line Adjustment, or Map of Reversion may be recorded. Notwithstanding the foregoing, all lot design standards and zoning requirements are required to be met.

~~Upon approval by the City Council, a simple lot split may be recorded. Notwithstanding the foregoing, all lot design standards and zoning requirements are required to be met.~~

(Ord. No. 270, 5-7-2012; Ord. No. 476, 6-6-2018)

SECTION 14. - EXCEPTIONS TO SUBDIVISION REQUIREMENTS.

Lands transferred to governmental entities such as the City of Watford City, McKenzie County, State of North Dakota, United States government, McKenzie County Water Resource District, Western Area Water Supply Authority, and Watford City Park District; public utilities including power companies, telephone companies, cable companies and railroads may be exempt from these regulations provided the transfers are for the purpose of public roadway and/or utility expansion, and provided the parcels do not to exceed four hundred (400) feet in width. Any and all exceptions from these regulations must have approval from the City Planner or designee prior to the transfer of land. Surveys creating the parcel must include a statement signed by the City Planner or designee that includes the following statement: "This parcel is not subject to the subdivision regulations found in Article XXX of Chapter XV of the Code of Ordinances for the City of Watford City." This exception shall be retroactive and include parcels previously created in violation of said subdivision regulations at such time as the City Planner or designee records an affidavit against the offending parcels that states that they are not subject to the subdivision regulations of the City of Watford City.