

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

AGENDA
September 29, 2015

PLANNING COMMISSION
Heritage Room in City Hall @ **6:00 P.M.**

- **Call to Order Public Hearing**

1. Public Hearing to hear comment on Land Use Application-Variance submitted by Wolf Run Village on property located at 301 3rd St Se Watford City, ND. Application requests a reduction of rear setback from 25' to 12.5' a requested reduction of 50%.
2. Public Hearing to hear comment on Conditional Use Permit Application Annual REVIEW submitted by Warren Hovland, One Way Services & Brad Arntson, Knife River on the following described property: 401 14th St SW, Watford City, McKenzie County, ND Under consideration is Review of Conditional Use Permit allowing concrete batch plant at the above described property
3. Public Hearing to hear comment Conditional Use Permit Application Annual REVIEW originally submitted by Warren Hovland, One Way Services & Brad Arntson of Knife River on property located 401 14th St SW, 36.53 acres, Watford City, McKenzie County, ND. Under consideration is Review of Conditional Use Permit allowing an asphalt batch plant on the above described property.
4. Public Hearing to hear comment on a Conditional Use Permit Application Annual REVIEW originally submitted by Doug Kesler on property located at 1402 South Main St., Watford City, ND. Section 30, T150, R98, IT 805-PT Lots 1 & 2 .92 acres. For the purpose of compliance to city ordinances for RV Park within Commercial Zone.
5. ~~Public Hearing to hear comment on Conditional Use Permit Application Annual REVIEW originally submitted by Rolfson Oil LLC / GT Investments, Inc. on property located in Section 29, T150N, R98W, GTI Subdivision Lot 6, 4.16 acres, Watford City, McKenzie County, ND. The purpose of the conditional use permit application request is for a bulk fuel plant. *Given a 5 year renewal date by CC in 2014 no need to review.*~~

- **Close Public Hearing**

- **Call to Order Regular Meeting**

Approve Minutes: September 3, 2015 Meeting

Old Business:

Colt Floyd-tabled Conditional Use Permit Renewal & Application

- **Final Plat Applications:**
Wolf Run Village 2
- **New Business:**
JL Beers Renaissance Zone
- **Review Permits:** Attached
- **Adjournment**

Mildred Williams

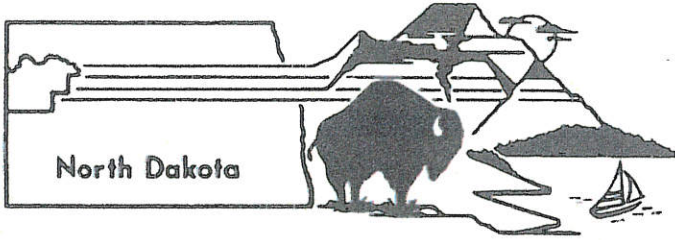
Mildred Williams, Asst. Planner

1.

Variance

Wolf Run Village

301 3rd St SE



North Dakota

LAND USE APPLICATION

City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

V-05-2015

ZONE CHANGE	STAFF:	P&Z:
CONDITIONAL USE	FEE:	ADVERTISE DATE:
VARIANCE	RECEIPT #:	PROPERTY OWNERS NOTIFIED:
STREET NAME	SECTION/TOWNSHIP/RANGE:	

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Wolf Run Village Inc.
 APPLICANT: Jake Walters

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Wolf Run Village Inc.
 ADDRESS: PO Box 2973
 CITY: Watford City STATE: ND ZIP CODE: 58854
 TELEPHONE: 701-484-1976 EMAIL: jake.walters@planning.nd.com
 ASSESSOR'S PARCEL NUMBER(S): TBD
 LEGAL DESCRIPTION: Lot 2, Block 1 Wolf Run Village Subdivision
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 301 3rd St. SE Watford City, ND 58854
 GROSS/NET ACREAGE: 1.068 ac. PRESENT ZONE CLASSIFICATION: R4
 DESIRED ZONE CLASSIFICATION: R4 CURRENT LAST USE: Residential

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

Variance request to reduce rear setback from 25' (R4) to 12.5'; a requested reduction of 50%.

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



LAND USE APPLICATION pg. 2

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the *Watford City Planning Department and its designee*, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

Moen
Property Owner Signature

MW

CUET MOEN
Print of Type Owner Name

NOTARY

State of _____

County of _____

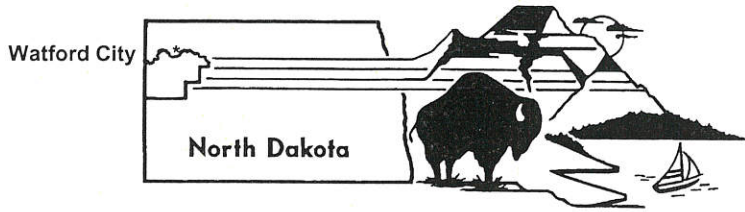
This instrument was acknowledged before me on _____ by _____
Date Name of Person

Signature of Notarial Officer

Required Documents for Land Use Application

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	*.pdf/*.dwg	Supplemental Info.	Application Fees
Conditional Use Permit ❖	1	1	1	1 ⁹	1 ⁸	1 ¹¹	1 ¹²	1	1 ¹⁴	\$525 + publishing costs
Zone Change	1	1	1	1 ⁹	1 ⁸	1 ¹¹	1 ₁₂	1	1 ¹⁴	\$300
Variance	1	1	1		1 ⁸	1 ¹¹		1		\$300
Street Name Change*	1	1	1			1 ¹¹		1		Refer to Fee Schedule

- ❖ Site Development Plan Application is required on all Conditional Use Applications.
- ❖ Only completed applications shall be accepted for filing.
- ❖ Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS HIGHLY SUGGESTED, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- ❖ Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- ❖ A letter indicating Watford City City Council's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- ❖ Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30th calendar day.
- ❖ The Planning Commission and City Council has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.



City of Watford City
213 2nd St., NE
PO Box 494
Watford City, ND 58854
Ph. 701- 444- 2533
Fax 701- 444- 3004
www.mckenziecounty.net

September 22, 2015

STAFF REPORT
V-05-2015 VARIANCE (setback)

Applicant

Jake Walters
P.O. Box 2973
Watford City, ND 58854

Property Owner(s)

Wolf Run Village Inc.

Property Address: 301 3rd St. SE

Variance Requested: Area variance of rear yard setback.

Zone: R-4 (High Density Residential District)

Reference: Watford City Municipal Code Chapter XV – Article XXVII (Variances); Article XIV (High Density Residential District), Sec. VI (3)(a).

Discussion:

The applicant is requesting a variance of the rear minimum setback to build apartment homes. The lot area is 1.068 acres. The requested variance is to reduce the rear yard setback from 25' to 12.5'. The applicant shows in a drawing that apartment balconies will be 12.5' from the rear lot line.

Article XXVII, Section 1 of the Watford City Zoning Ordinance states the requirements that **must be shown** in order to grant a variance.

The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of his specific piece of property at the time of the effective date of this zoning ordinance or where, by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, the strict application of the terms of this zoning ordinance actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.

Article XIV, Section VI 3a of the Watford City Zoning Ordinance (Chapter 15) **defines** the minimum rear setback as 25'.

In granting a variance, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner. The planning Commission shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries. Under no circumstances shall the Planning Commission grant a variance allowing a use within a district not permissible under the terms of this ordinance.

The applicant submitted with the variance application a drawing of his lot, showing location of the development, and the balconies. Two balconies will be less than 25' from the rear lot line, which is on the north side of the lot.

This project is currently underway. The site development plan has been approved based on information received in the plan. The Watford City Planning Department, and the City Engineer, have reviewed the plan and have identified no material issue with granting a rear yard variance from 25' to 12.5', a 50% reduction.

Recommendation:

Planning staff recommends **approving** this zone variance reducing the setback from 25' to 12.5'.

Contact:

Chris York
Assistant City Planner
cyork@nd.gov

SECTION 6. - YARD REGULATIONS:

1. Front Yard:

- a) There shall be a front yard having a depth of not less than twenty-five (25) feet; however, in instances where buildings are taller than forty-five (45) feet, there shall be an additional setback requirement at a ratio of three additional feet of setback for each ten feet of height above forty-five (45) feet.
- b) Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
- c) Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a lot of record, as of the effective date of this ordinance, as defined in the definitions of this ordinance, shall not be reduced to less than twenty-eight (28) feet. No accessory building shall project beyond the front yard line on either street.

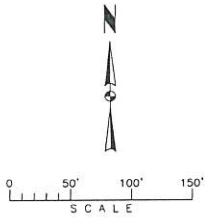
2. Side Yard:

- a) Except as hereinafter provided in the following paragraph and the additional height, area and use regulations of this ordinance, there shall be a side yard having a width of not less than five (5) feet on each side of a building thirty-five (35) feet or less in height, and there shall be a side yard having a width of not less than eight (8) feet on each side of a building in excess of thirty-five (35) feet but not taller than forty-five (45) feet. In instances where buildings are taller than forty-five (45) feet, there shall be an additional setback requirement at a ratio of three additional feet of setback for each ten feet of height above forty-five (45) feet.
- b) Wherever a lot of record, as of the effective date of this ordinance, as defined in the definitions of this ordinance, has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to zero feet providing the height of the building does not exceed fifteen (15) feet.

3. Rear Yard:

- a) Except as otherwise provided in the additional height, area and use regulations, there shall be a rear yard for buildings in this district which shall have a depth of not less than twenty-five (25) feet; however, in instances where buildings are taller than forty-five (45) feet, there shall be an additional setback requirement at a ratio of three additional feet of setback for each ten feet of height above forty-five (45) feet.

(Ord. No. 401, 5-4-2015)



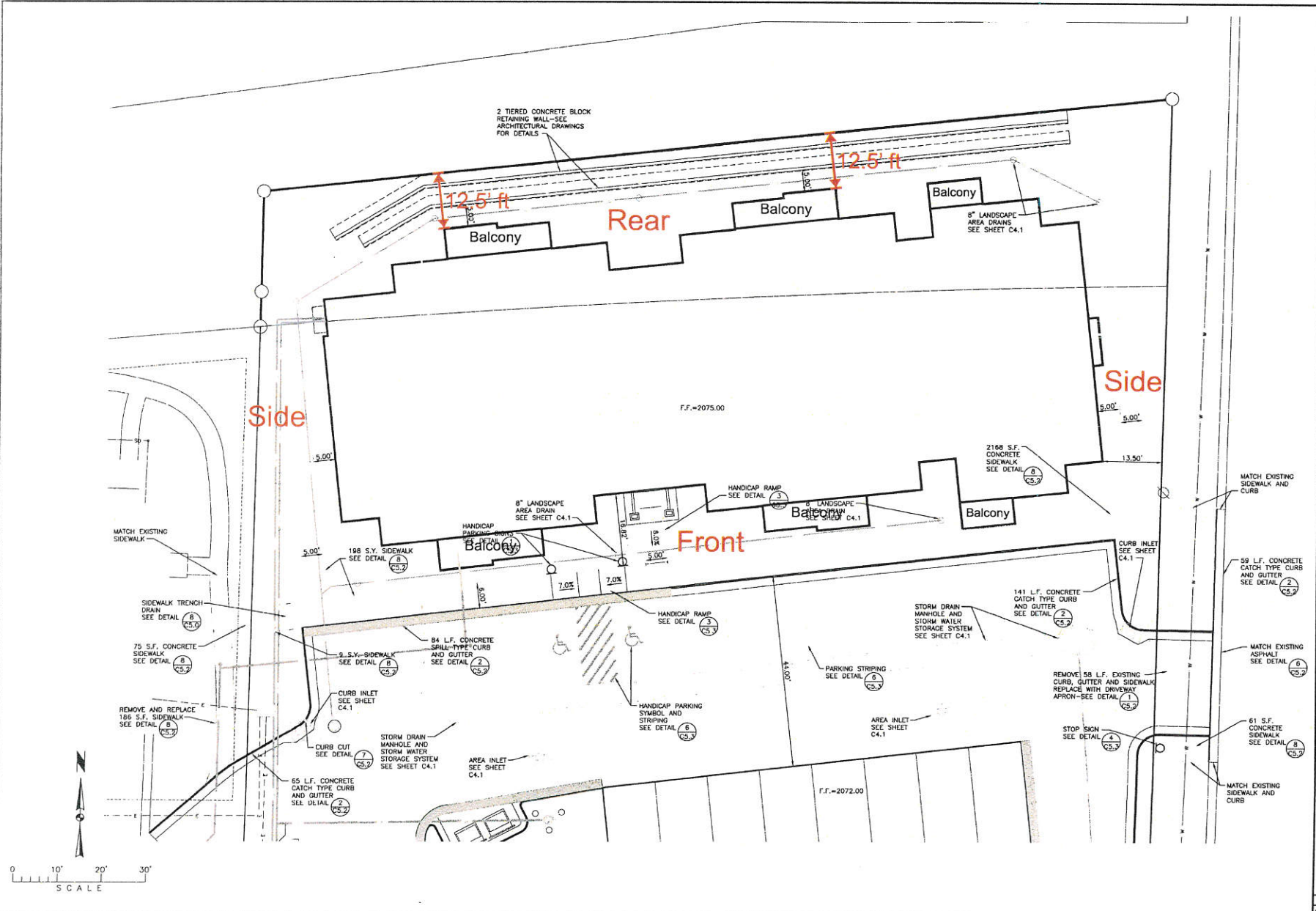
LOCATION MAP



DRAWN BY: TWC
DESIGNED BY: JRB
QUALITY CHECK: MAB
DATE: 5/15/15
JOB NO. W15-013
FIELD BOOK

WOLF RUN VILLAGE - PHASE 2
WATFORD CITY, NORTH DAKOTA

AERIAL SITE PLAN



TD&H Engineering

1000 14th Street SW
 Grand Forks, ND 58201
 (701) 775-1111
 www.tdandh.com

DRAWN BY: TWC DESIGNED BY: JMB QUALITY CHECK: MAB DATE: 5/15/15 JOB NO.: W15-012 FIELDBOOK:	REVISION: _____ DATE: _____ REV: _____
--	--

WOLF RUN VILLAGE - PHASE 2
 WATFORD CITY, NORTH DAKOTA

NORTH LAYOUT PLAN

W15012-C2.0.DWG
SHEET C2.0

2.

Conditional Use Permit ANNUAL REVIEW

Warren Hovland, One Way Services

Brad Arntson, Knife River

Concrete Batch Plant @ 401 14th St SW

COPY

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 - \$330.00 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: 763-286-0700 EMAIL: brad.amrtson@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: Ag

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

Land Use Applications Cannot be Accepted over the Front Counter

Please Call (701) 444-2533 to schedule an appointment

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.



 Property Owner Signature



 Print of Type Owner Name

NOTARY

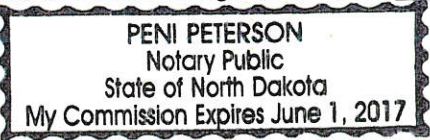
State of North Dakota

County of McKenzie

This instrument was acknowledged before me on 7-10-12

Date

by Warren Howland
 Name of Person





 Signature of Notarial Officer

Documents Required for Submitting Land Use Applications

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Info.	Application Fees
Conditional Use Permit	1	1	4	1 ⁹		1 ¹¹	4 ¹²	1 ¹³	1 ¹⁴	\$350.00
Zone Change	1	1	4	1 ⁹	1 ⁸	1 ¹¹	4 ¹²		1 ¹⁴	\$200.00
Variance	1	1	4			1 ¹¹				\$200.00
Vacation and Abandonment	1		4	1 ⁹	1 ⁸	1 ¹¹				Refer to Fee Schedule
Street Name Change*	1					1 ¹¹				Refer to Fee Schedule

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications

*Plus all sign costs

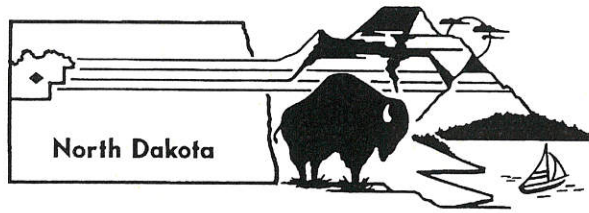
Procedures for Filing Land Use Applications:

- A. After assembling the required materials as outlined above, schedule an appointment by calling the Watford City Planning Department at (701) 444-2533. Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.
- B. Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- D. A letter indicating the Commission's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- E. Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30th calendar day.
- F. The Planning Commission has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.
- G. Site Development Plan Application is required on all Conditional Use Applications.

Watford City Planning Department
 213 2nd St NE

Watford City, ND 58854

Phone: (701)444-2533 Fax: (701)444-3004 Website: www.4eyes.net



City of Watford City
213 2nd St., NE
P.O. Box 494
Watford City, ND 58854
Ph. 701.444.2533
Fax 701.444.3004
watford.mckenziecounty.net

September 22, 2015

STAFF REPORT

CU-15-2015

Conditional Use Permit RENEWAL

Applicant

Brad Arnston
Knife River
5654 134th NW
Williston, ND 58801

Property Owners

Warren Hovland

Property Address: 401 14th St SW

Conditional Use Requested: Concrete Batch Plant

Reference: Watford City Municipal Code Chapter XV – Articles XIX (A) - Industrial District;
XXV - Conditional Uses.

Discussion:

The applicant is requesting a conditional use Renewal in an Industrial District. Concrete batch plants are not a permitted use in this particular zone, but may be an approved conditional use. The property is located at 401 14th St. SW, south of HWY 85. The batch plant site uses 3 acres of a 36.53-acre lot. Existing development on the property is a commercial truck yard. There are no city utilities within the subject property. The site is in the Extra Territorial Area (ETA), and therefore falls within the jurisdiction of the Watford City Planning and Zoning Commission. The intent of the ETA is to regulate growth and development within one mile of the City, but not be restrictive in nature.

The City of Watford City notified adjoining property owners and other stakeholders of the Conditional Use Permitt. None of the noticed property owners contacted the City regarding the application.

The commission should carefully consider all of the possible implications associated with approving this conditional use. An approved Conditional Use Permit is required in the Industrial Zoning District for concrete batch plants.

Surrounding Land Use Inventory:

West:	Zoning -	A-1, McKenzie County
	Use -	Vacant
South:	Zoning -	I/C-1, McKenzie County
	Use -	Commercial
North:	Zoning -	C-1, Watford City
	Uses -	Commercial
East:	Zoning -	A-1/C-1, McKenzie County
	Uses -	Commercial

The ordinance section on conditional uses provides this instruction:

A Conditional Use Permit may be granted following compliance with the procedure set forth in this section if the conditional use is one set forth in the District Regulations, if no application for a conditional use shall be granted unless all of the following conditions are found to be present:

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. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental effects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.

Site Development

Access: The property is accessible from 14th St. SW, which is gravel.

Sewer: There is no city sanitary sewer service to the property. The property is serviced by an individual sewage disposal system.

Water: There is no existing city water service to the property, though a city water main is in place along the property frontage on 14th Street. Either rural water or a private well provides water to the property.

Analysis: Access to the batch plant, which is on the west side of the property, is gained through the existing truck yard.

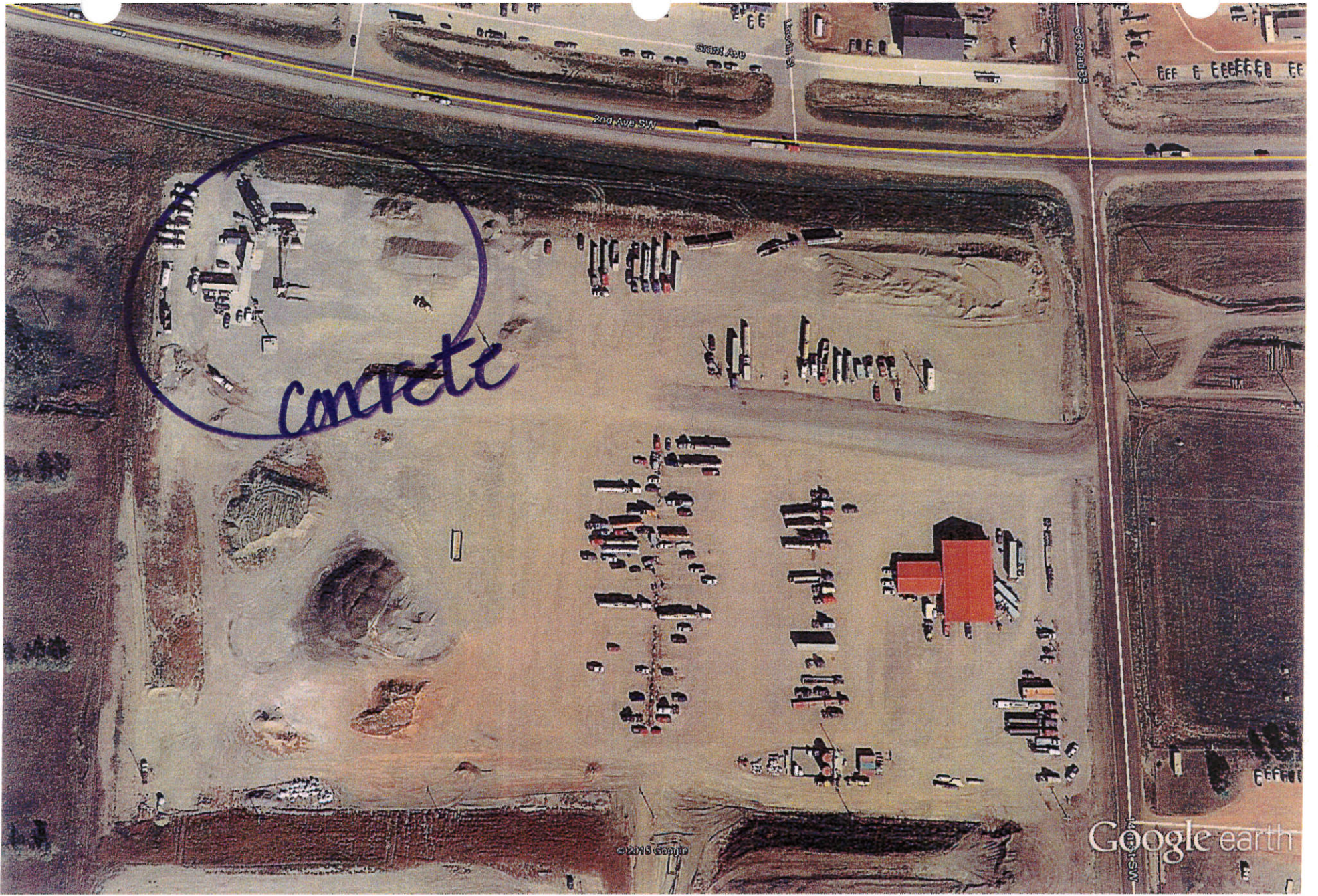
Recommendation:

Staff recommends **approval** of the conditional use permit renewal subject to the following conditions:

1. The Conditional Use Permit shall be reevaluated after 1 year.
2. The site must comply with the City's dust control standards.

Contact:

Chris York
Assistant City Planner
701.444.8421
cyork@nd.gov



concrete

Google earth

feet
meters



3.

Conditional Use Permit ANNUAL REVIEW

Warren Hovland, One Way Services

Brad Arntson, Knife River

Asphalt Batch Plant @ 401 14th St SW

COPY

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

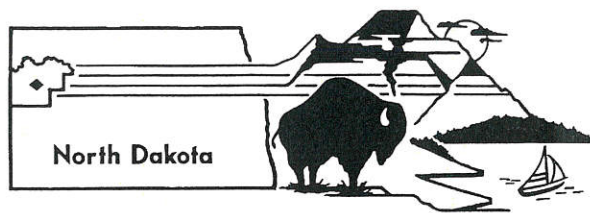
ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

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
watford.mckenziecounty.net

September 22, 2015

STAFF REPORT

CU-16-2015

Conditional Use Permit RENEWAL

Applicant

Brad Arnston
Knife River
5654 134th NW
Williston, ND 58801

Property Owners

Warren Hovland

Property Address: 401 14th St SW

Conditional Use Requested: Asphalt Batch Plant

Reference: Watford City Municipal Code Chapter XV – Articles XIX (A) - Industrial District;
XXV - Conditional Uses.

Discussion:

The applicant is requesting a conditional use Renewal in an Industrial District. Asphalt batch plants are not a permitted use in this particular zone, but may be an approved conditional use. The property is located at 401 14th St. SW, south of HWY 85. The batch plant site is developed on a subarea of a 36.53-acre lot. Existing development on the property is a commercial truck yard. There are no city utilities within the subject property. The site is in the Extra Territorial Area (ETA), and therefore falls within the jurisdiction of the Watford City Planning and Zoning Commission. The intent of the ETA is to regulate growth and development within one mile of the City, but not be restrictive in nature.

The City of Watford City notified adjoining property owners and other stakeholders of the Conditional Use Permit request. None of the noticed property owners contacted the City regarding the application.

The commission should carefully consider all of the possible implications associated with approving this conditional use. An approved Conditional Use Permit is required in the Industrial Zoning District for concrete batch plants.

Surrounding Land Use Inventory:

West:	Zoning -	A-1, McKenzie County
	Use -	Vacant
South:	Zoning -	I/C-1, McKenzie County
	Use -	Commercial
North:	Zoning -	C-1, Watford City
	Uses -	Commercial
East:	Zoning -	A-1/C-1, McKenzie County
	Uses -	Commercial

The ordinance section on conditional uses provides this instruction:

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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. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental effects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.

Site Development

Access: The property is accessible from 14th St. SW, which is gravel.

Sewer: There is no city sanitary sewer service to the property. The property is serviced by an individual sewage disposal system.

Water: There is no existing city water service to the property, though a city water main is in place along the property frontage on 14th Street. Either rural water or a private well provides water to the property.

Analysis: Access to the batch plant, which is on the west side of the property, is gained through the existing truck yard.

Recommendation:

Staff recommends **approval** of the conditional use permit renewal subject to the following conditions:

1. The Conditional Use Permit shall be reevaluated after 1 year.
2. The site must comply with the City's dust control standards.

Contact:

Chris York
Assistant City Planner
701.444.8421
cyork@nd.gov



Asphalt

Google earth



Google earth

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4.

Conditional Use Permit
ANNUAL REVIEW

Doug Kesler
1402 Main St. South

LAND USE APPLICATION

Watford City Planning Department

See Reverse for Submittal Requirements

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: 11/29/12	APPLICATION NUMBER: CU-10-2014
<input type="checkbox"/> ZONE CHANGE - \$200.00 fee	PROCESSES BY: MW	MEETING DATES: P&Z: 12/27 CC: 1/7/13
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT - \$350.00 fee plus publishing cost	FEE: 350.-	ADVERTISE DATE: 12/12/12
<input type="checkbox"/> VARIANCE - \$200.00 fee	RECEIPT #: CW# 7232	PROPERTY OWNERS NOTIFIED:
<input checked="" type="checkbox"/> STREET NAME CHANGE	SECTION/TOWNSHIP/RANGE: Sect 30 T150 R98	
<input type="checkbox"/> VACATION and ABANDONMENT	RELATED CASE NOS: 2034-2012	
<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: Arny Keeler
APPLICANT: Arny Keeler

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Arny Keeler
ADDRESS: 14210 Carmel Pl
CITY: West Fargo STATE: ND ZIP CODE: 58078
TELEPHONE: 701-491-2891 EMAIL: arnykeeler@live.com
ASSESSOR'S PARCEL NUMBER(S): 20-10-20700
LEGAL DESCRIPTION: 1T 805-PT lots 1+2
PROPERTY ADDRESS AND NEAREST CROSS STREETS: 1402 Main St South
GROSS/NET ACREAGE: .92 PRESENT ZONE CLASSIFICATION: A2
DESIRED ZONE CLASSIFICATION: C-1 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)

RV park in C-1 zone.

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

Justification Letter

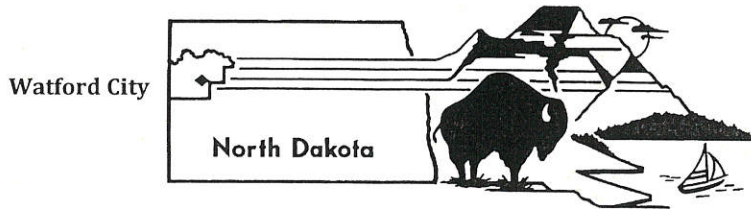
Planning board members,

The property is currently being used by me as a shop for my plumbing business since I purchased it in May 2011.

There were already RV spots being rented here when I took it over and I have continued that use.

In the next year I intend to put a permanent structure and be rid of the RV usage.

Respectfully submitted,
Doug Kesler



City of Watford City
213 2nd St., NE
PO Box 494
Watford City, ND 58854
Ph. 701- 444- 2533
Fax 701- 444- 3004
watford.mckenziecounty.net

September 22, 2015

**STAFF REPORT
CU-17-2015**

Conditional Use Permit RENEWAL

Applicant

Doug Kesler.
4200 Carmell Pl.
West Fargo, ND 58078

Property Owners

Doug Kesler

Property Address: 1402 Main Street South

Conditional Use Requested: RV Park that is within our C-1 General Commercial District

Reference: Watford City Municipal Code Chapter XV: Articles XVII – General Commercial Districts;
XXV - Conditional Uses.

Discussion:

Doug Kesler purchased this property in 2011 for an office and shop for his plumbing business. RV spots were being rented when he acquired the property; he continued renting RV spaces. He was licensed in 2013 by the State of North Dakota to operate an RV park.

Mr. Kesler no longer operates a plumbing business from this property, but still owns the property. The owner leases the shop to a business, but still operates the RV Park. The property is located on IT 805-PT on lots 1 and 2. The subject property contains .92 acres. There are no roads or utilities within the subject property. The site is in the Extra Territorial Area (ETA), falling within the jurisdiction of the Watford City Planning and Zoning Commission. The intent of the ETA is to regulate growth and development within one mile of the City, but not be restrictive in nature.

Planning staff conducted a site visit to this property. Staff noted an abandoned truck, and building materials, wood, and sundry items scattered about the site. The end of the dirt access road is in poor condition after having been rutted out by trucks, making it difficult to use, especially when it gets wet and becomes muddy.

In addition, planning staff checked with the North Dakota Department of Health Division of Food and Lodging, which licenses RV parks, to verify the park was licensed and inquire about any complaints or compliance issues. The RV park was inspected in May of this year, and cited for spacing violations, and also the debris, clutter, and overall poor maintenance of the site. The health department mailed the citation to the owner, informing him of the violations.

This is a Conditional Use Permit to operate an RV Park in a C-1 General Commercial District. The commission should carefully consider all of the possible implications associated with approving this conditional use. An approved Conditional Use Permit is required in the General Commercial District zone for operating an RV Park. .

The City of Watford City notified adjoining property owners and other stakeholders of the Conditional Use Permit request. None of the noticed property owners contacted the City regarding the application.

Surrounding Land Use Inventory:

West:	Zoning -	A-1, McKenzie County
	Use -	RV Park/Temporary Workforce Housing
South:	Zoning -	A-1, McKenzie County
	Use -	Agricultural
North:	Zoning -	A-1, McKenzie County
	Uses -	Residential
East:	Zoning -	A-1, McKenzie County
	Uses -	Agricultural

The ordinance section on conditional uses, Section XXV, provides this instruction:

A Conditional Use Permit may be granted following compliance with the procedure set forth in this section if the conditional use is one set forth in the District Regulations, if no application for a conditional use shall be granted unless all of the following conditions are found to be present:

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. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental effects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.

In granting a conditional use, the Planning Commission must satisfy itself from the evidence heard before it that the granting of the conditional use will not: adversely affect the health, safety, and welfare of the public; detract from the neighborhood; adversely affect future development; or cause traffic congestion. The Planning Commission may impose requirements upon the applicant to ensure that the proposed Conditional Use does not create a nuisance, is harmonious with adjacent development, and does not detract from property values. A Conditional Use Permit is only valid so long as the approved use is operated per the terms of the permit, i.e., if the use were changed from Temporary Workforce Housing to Manufacturing Operation, the permit would no longer be valid. A Conditional Use Permit should be specific as to: days/hours of operation, storage of appurtenant equipment, and provisions for parking, loading, and site improvements, and the type(s) of business(es) that can be operated under the terms of the permit. The Conditional Use Permit should be specific as to length of term. A Conditional Use Permit should be reviewed annually. After the use is established, the term of renewal can be increased or decreased as deemed appropriate.

Site Development:

Access: The property is accessible from Main Street South/Hwy 85.

Sewer: There are existing city sanitary sewer mains within the property, but there is no city sanitary sewer service.

Water: There are existing city water mains within the property. The property is serviced via rural water or private well.

Recommendation:

Staff recommends **approval** of the conditional use permit renewal with the following conditions:

1. The owner resolves the issues identified in the health departments citation, and those identified the planning staff, within 30 days. Specifically, the site needs to be cleaned up: trash, building materials and other scrap removed, remove the abandoned truck, correct spacing issue top comply with the state requirement of then feet from buildings and other campers, and other requests of the health department.
2. If the site is not compliant with Watford City municipal code, and the North Dakota Department of Health, within 30 days, Conditional Use Permit CU-18-2012 will be terminated on that date, and a new CUP for an RV park shall not be issued.
3. The conditional use permit will allow only factory manufactured campers and DOT approved recreational vehicles. Non-factory housing shall not be permitted.
4. The conditional use permit is based on the number of spaces allowed per the lot size and shall not be expanded nor the intensity increased.
5. The conditional use permit shall be specific as to number of parking spaces to be provided. A minimum of two (2) off-street parking spaces per site shall be provided.
6. A dust palliative should be required to be applied to parking areas from May through October.
7. Parking areas shall be surfaced with a minimum of 6" of crushed aggregate, not scoria. Scoria may be used as a base course for the final surfacing.
8. Conditional Use Permit shall be re-evaluated after 1 year.

Contact:

Chris York

Assistant City Planner

cyork@nd.gov

701.444.2533

York, Chris

From: Williams, Mili
Sent: Tuesday, September 22, 2015 3:07 PM
To: York, Chris
Subject: FW: Doug Kesler

News from Julie regarding Doug Kesler RV park

~Mili

Mildred Williams
Assistant City Planner
City of Watford City
PO Box 494 / 213 2nd St NE
Watford City, ND 58854
(701) 444-8406
miwilliams@nd.gov



From: Wagendorf, Julie L.
Sent: Tuesday, September 22, 2015 2:18 PM
To: Williams, Mili <miwilliams@nd.gov>
Subject: RE: Doug Kesler

Hi Mili,

This RV park is named Ms Kitty's RV park and was first licensed in 2013 for 9 RV lots. He has spacing issues cited on 5/11/15 that have not yet been corrected – the RV next to the shop and possibly one RV behind the shop that I wasn't sure was occupied or abandoned/stored. Also, misc. items, building materials, wood, etc. scattered along the grounds of the property. A copy of his inspection conducted in May was mailed to the West Fargo mailing address on file: 4200 CARMELL PLACE, West Fargo, ND 58078.

Since the spacing has not been corrected I'll need to follow up to ensure: **33-33-02-03. Spacing requirements.** No tent, recreational vehicle, or other attachment may be located within ten feet [3.05 meters] of any other tent, recreational vehicle, or part thereof.

Julie Wagendorf
Environmental Health Practitioner II
Division of Food and Lodging

North Dakota Department of Health
600 E Boulevard Ave
Bismarck, ND 58505
phone: 701.328.2523
fax: 701.328.1890
email: jwagendorf@nd.gov

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From: Williams, Mili
Sent: Tuesday, September 22, 2015 12:39 PM
To: Wagendorf, Julie L.
Cc: York, Chris
Subject: Doug Kesler

Good Afternoon Julie,
What do you have for Doug Kesler, 1402 Main St S. Watford City, ND
He has a conditional use permit for an RV Park in Commercial zoned area. What is he licensed for and have you had any issues?

~Mili

Mildred Williams
Assistant City Planner
City of Watford City
PO Box 494 / 213 2nd St NE
Watford City, ND 58854
(701) 444-8406
miwilliams@nd.gov

<< OLE Object: Picture (Device Independent Bitmap) >>



Google earth

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Google earth



Minutes:
September 3, 2015 Meeting

PLANNING & ZONING COMMISSION MEETING MINUTES
September 3, 2015

The regular monthly meeting of the Watford City Planning & Zoning Commission was held on Thursday, September 3, 2015 as the August 31, 2015 did not have a quorum at 6:00 p.m. at City Hall in the Heritage Room. In attendance: Chairman Glen Beard, Commission Members: Rick Holm, Cory Johnson, Jesse Lawrence, and Jason Taylor. Also present: Assistant City Planner Mildred (Mili) Williams, Assistant City Planner Chris York, Building Inspector Steven Williams, and City Attorney Wyatt Voll. Absent: Commission Member Shane Homiston, William Carlson and City Planner Curtis Moen.

With the above mentioned present, the Public Hearing was called to order at 6:01 p.m. by Chairman Glen Beard.

Under consideration were the following:

1. Public Hearing to hear comment on Land Use Application -Zone Change submitted by Lolo Creek Holdings, LLC / Franklin Muth on property located NE ¼ SE ¼ Section 11, T150, R99W, (14th Street North West) 1.0 acres. Application is for consideration of rezoning AG Agricultural District parcel to C1 Commercial District parcel.
MOTION by C. Johnson, SECOND by J. Taylor to recommend Approval to City Council of the Zone Change Application contingent with the following recommendations set forth in the staff report:
 - a. Site Development Plan Application must be approved prior to any further improvements on the lot.
 - b. No Onsite employee housing permitted with this development**Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.**
MOTION Carried.

2. Public Hearing to hear comment on Division of Land Application-Simple Lot Split submitted by Adam Berger for Rosie Glow, LLC. on property located Section 36, T150N, R99W, 132.7 acres. Application is for the purpose of creating 3 lots from one large parcel.
MOTION by J. Lawrence, SECOND by C. Johnson to recommend Approval to City Council of Simple Lot Split Application contingent with the following recommendation set forth in the staff report:
 - a. Lot 3 is bounded by private property to the north, DOT R/W on the west, east and south sides, without access the plat cannot be recorded; the owner will deed Lot 3 consisting of 2.94 acres to the City of Watford City, DOT will grant access to a utility parcel.**Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence & J. Taylor Nays; None.**
MOTION carried.

3. Public Hearing to hear comment on Conditional Use Permit ANNUAL REVIEW for Pilot Travel Centers, Jerrod Heron on property located at 1009 11th Ave SW, 3.5 acres. For the purpose of annual review of CUP for above ground fuel storage tank.
MOTION by J. Lawrence, SECOND by R. Holm to recommend Approval to City Council of Conditional Use Permit Annual Review with the following recommendations set forth in the staff report:
 - a. Conditional Use Permit shall be reevaluated after 1 year.
 - b. The fuel tank, and tank area, must be well maintained, free of weeds, debris, and trash.
 - c. Also, Pilot must comply with City ordinances regulating weeds. A site visit showed weeds 3' to 4' high throughout the property. Pilot's representative for this operation, Jerrod Herron, was informed via telephone of the condition of Pilot's lot in Watford City, and that approval of the CUP is going to be conditional pending weed abatement. Within ten (10) days of renewal of this CUP Pilot will have addressed the weed problem, and have come in to full compliance with the "Noxious Weeds" ordinance (Chapter IV – Public Health, Safety, and Welfare, Article X – Noxious Weeds; Chapter XV – Zoning Ordinance, Article XX – Parking and Loading).**Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.**
MOTION Carried.

4. Public Hearing to hear comment on Amending Watford City Ordinance Chapter II, Article 3, Subsection 2, Street, Avenues and Numbering.
MOTION by J. Taylor, SECOND by R. Holm to recommend Approval to City Council of Amendment to City Ordinance.
Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.
MOTION Carried.
5. Public Hearing to hear comment on Conditional Use Permit ANNUAL REVIEW for Western Area Water Supply, Jaret Wirtz on property located at NW ¼ Section 15, T150N, R98W (Hwy 1806). For annual review of CUP to allow for 80 ft. free standing tower for telemetry.
MOTION by R. Holm, SECOND by J. Taylor to recommend Approval to City Council of Conditional Use Permit Annual Review with change to staff report recommendation for annual review to be moved to 5 years not the standard yearly review. Next review of this CUP will be in 2020.
Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.
MOTION Carried.
6. Public Hearing to hear comment on Conditional Use Permit ANNUAL REVIEW for Western Area Water Supply, Jaret Wirtz on property located 608 4th Ave NW, Section 13, T150N, R99W (water towers). For annual review of CUP to allow for 60 ft. free standing tower for telemetry.
MOTION by C. Johnson, SECOND by J. Taylor to recommend Approval to City Council of Conditional Use Permit Annual Review with change to staff report recommendation for annual review to be moved to 5 years, not the standard yearly review. Next review of this CUP will be in 2020
Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.
MOTION Carried.
- ~~7. Public Hearing to hear comment on Conditional Use Permit ANNUAL REVIEW for Keni Schreiner for home based daycare on property located at 100 6th St SE, Watford City, ND. For annual review of CUP to allow for home occupation of a daycare. No longer in use, review not necessary.~~
8. Public Hearing to hear comment on Conditional Use Permit ANNUAL REVIEW for AWS3, LLC and The Crossing @ Watford City LLC on property located Hwy 23, County Hwy 37 and 26 F St NW. For annual review of CUP for 12" water transmission line to furnish water.
MOTION by J. Lawrence, SECOND by R. Holm to recommend approval to City Council of Conditional Use Permit Annual Review with the conditions set forth in staff report:
 - a. The conditional use permit is appropriate for Transmission Facilities which is defined as a liquid transmission line and associated facilities designed for or capable of transporting water.
 - b. Based on the intent for commercial/industrial sales of the water a conditional use permit is appropriate for this project.
 - c. The Conditional Use Permit shall be reevaluated after 1 year**Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.**
MOTION Carried.
9. Public Hearing to hear comment on Land Use Application-Conditional Use Permit submitted by JMAC Resources on property owned by Hunter's Run LLC located on Lot 135 of Hunter's Run Subdivision, NE ¼ Section 16, T150N, R98W. In consideration of concrete batch plant on industrial zoned parcel with in Hunter's Run Subdivision.
MOTION by R. Holm, SECOND by J. Lawrence to recommend approval to City Council of Conditional Use Permit with the conditions as set forth in staff report:
 - a. Conditional Use Permit shall be reevaluated after 1 year.
 - b. Conditional Use Permit will expire after 6 months if no action is taken.
 - c. Parking areas shall be surfaced with a minimum of 6" of crushed aggregate, not scoria. Scoria may

be used as a base course for the final surfacing.
d. A dust palliative should be required to be applied to parking areas from May through October
e. Site Development Plan must be submitted, reviewed and approved prior to all off site sales.
Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.
MOTION Carried.

10. Public Hearing to hear comment on Land Use Application -Zone Change submitted by Wolf Run Village, Inc. & Watford City Park District by Jake Walters on property located 120-130 4th Ave SE, 3.168 acres. In consideration of rezoning 3.168 acres to R4 High Density Residential.
MOTION by J. Lawrence, SECOND by J. Taylor to recommend approval to City Council of Zone Change Application with the conditions set forth in staff report:

a. If no action is taken within 1 year indicating R-4 high density residential, the zone change is nullified, and the land reverts back to the C-1 General Commercial District zoning.

Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.
MOTION Carried.

11. Public Hearing to hear comment on Division of Land Application-Preliminary Plat submitted by John Phillips of Lutheran Social Services Housing, Inc., for McKenzie County on property located Lots 7-12 and Lot 17 of Block 2, and Lots 3-6 of Block 3 Cherry Creek Second Addition, Watford City, McKenzie County. (1017, 1025 2nd Ave SE and 1008, 1009 4th Ave SE)

MOTION by J. Lawrence, SECOND-failed MOTION died.

MOTION by R. Holm, SECOND by C. Johnson to recommend denial to City Council on Preliminary Plat.

The motion to approve failed as no second to the motion granted. Attorney Wyatt Voll recommend action to be taken whether it be deny or approval so item can move forward to City Council for resolution. Commissioners concern about street abandonment (property frontage only) along with utility access prevented the plat from being approved at Planning Commission level.

Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.
MOTION Carried.

12. Public Hearing to hear comment on Land Use Application-Zone Change submitted by John Phillips of Lutheran Social Services Housing, Inc., for McKenzie County on property located Lots 7-12 and Lot 17 of Block 2, and Lots 3-6 of Block 3 Cherry Creek Second Addition, 3.65 acres, Watford City, McKenzie County. (1017, 1025 2nd Ave SE and 1008, 1009 4th Ave SE). In consideration of rezoning R2M Mobile Home Residential District to R4 High Density Residential.

MOTION by C. Johnson, SECOND by R. Holm to recommend approval to City Council of Zone Change with the conditions as set forth in amended staff report:

a. If no action is taken within 1 year indicating R-4 high density residential development, the zone change is nullified, and the land reverts back to the R-2M Mobile Home, Two-Family Residential District

Roll Call vote: Ayes; G. Beard, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.
MOTION Carried.

• Close Public Hearing @ 6:46 pm

• Call to Order Regular Meeting @ 6:47 pm

• Approve Minutes: July 27, 2015 No discussion from Commission.

MOTION by C. Johnson, SECOND by R. Holm to Approve Minutes as presented.

Roll Call vote: Ayes; G. Beard, W. Carlson, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.
MOTION Carried.

- Final Plat Applications:** Busch Subdivision (Watford 80, Industrial), Hammers Construction
At the time McKenzie Electric developed the parcel south off what is now 23rd St the drive was permitted by McKenzie County Planning as private access with an easement of 33 ft. The issue at hand is the continuation of the private access for commercial access, road width for City Standards, as Busch Subdivision will be required to build the remained of 23rd to a city standard for Industrial Use. This will require 47 additional feet from Busch Subdivision along the frontage of McKenzie Electric property. The question is whether the private access easement continues across adjacent property owners east of McKenzie Electric up to Sorenson driveway. 23rd St. dead ends into Sorenson property. This "road" is a 1/41/4 section line. Asst. City Planner M. Williams will follow up with County Planning Director Jim Talbert in the morning to resolve and or decipher the issue at hand.
MOTION by C. Johnson, SECOND by R. Holm to Approve the Final Plat Application with the following contingency: The discrepancy of the road access, easement definition, length and requirements from County Planning for McKenzie Electric of 23rd St be resolved prior to recordation of final plat.
Roll Call vote: Ayes; G. Beard, W. Carlson, R. Holm, C. Johnson, J. Lawrence, J. Taylor Nays; None.
MOTION Carried.
- Review Permits:** *Permits were reviewed as presented. No discussion from Commission. In Planning Assistant Becky O'Neill's absence no yearly comparisons was available for the month of August.*
- Old Business:**
Chairman Glen Beard raised discussion: Who permitted the Stonework rock at the new Courthouse? Building Inspector Steven Williams mentioned he has seen the work and it was not permitted separately. Steve Williams spoke of informing Public Works Superintendent of the potential issues of the stone rock.
- New Business:**
No new business
- Adjournment at 7:00 PM**
MOTION by R. Holm, SECOND by J. Taylor

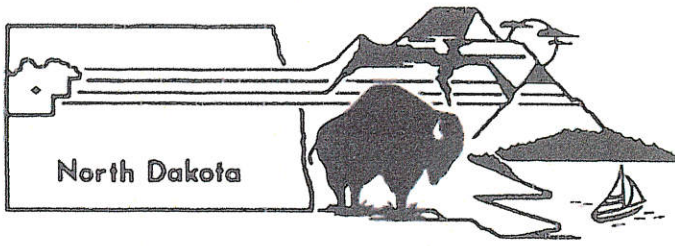
The next regularly scheduled Planning & Zoning Commission Meeting will be held September 28, 2015 at 6:00 p.m.

Glen Beard
 Chairman

Mildred Williams
 Assistant City Planner

Final Plat Application

-Wolf Run Village 2



Division of Land
APPLICATION
City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

Subdivision Preliminary Plat		
Subdivision Final Plat		P&Z: 9-28-15
Amend Final Plat	FEE: <i>waived</i>	CC: 10-5-15
Simple Lot Split	RECEIPT # <i>[Signature]</i>	ADVERTISE DATE: 9-16 + 9-23
Other:	PROPERTY OWNERS NOTIFIED: <i>Y</i>	
SECTION / TOWNSHIP / RANGE:		

FINAL ACTION MEMORANDUM MAILED:
DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Wolf Run Village Inc.
APPLICANT: Jake Walters

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Wolf Run Village Inc.
ADDRESS: Po Box 2973
CITY: Watford City STATE: ND ZIP CODE: 58854
TELEPHONE: 701-484-1976 EMAIL: jake.walters@planningND.com
ASSESSOR'S PARCEL NUMBER(S): TBD
LEGAL DESCRIPTION: LOT 2, BLOCK 1 of the Wolf Run Village Subdivision
PROPERTY ADDRESS AND NEAREST CROSS STREETS: 301 3rd St. SE
GROSS/NET ACREAGE: 1.068 ac. PRESENT ZONE CLASSIFICATION: R4
SOURCE OF Water / Sewer: City Services
WAIVERS OR VARIANCES REQUIRED TO SUPPORT THIS APPLICATION? —

If YES, attach a justification letter describing such waivers or variances. Waivers and Variances should be discussed with Planning Department Staff prior to filing any application

RECEIVED
SEP 09 2015
BY: MW

PROPERTY OWNER

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

[Handwritten Signature]

CURTIS MOEN

Property Owner Signature

Print Owner Name

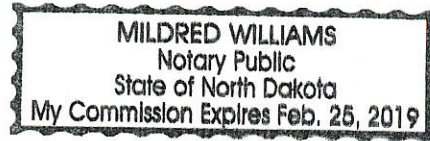
Property Owner Signature

Print Owner Name

NOTARY

State of North Dakota

County of McKenzie



This instrument was acknowledged before me on 23 by Sept. 2015 Curt Moen
Date Name of Person(s)

Mildred Williams
Signature of Notary

SEAL/STAMP

SURVEYOR / ENGINEER

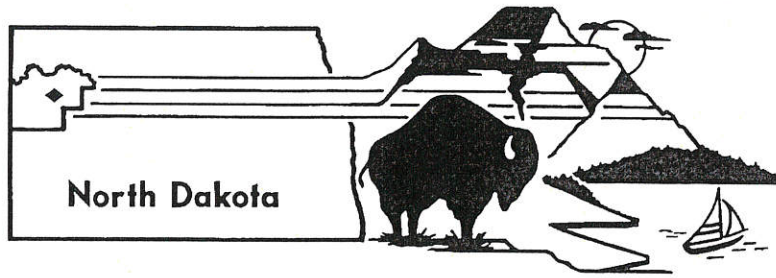
Name: _____ License: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

SEAL



City of Watford City
213 2nd St. NE / P.O. Box 494
Watford City, ND 58854
Ph. 701-444-2533
Fax 701-444-3004
watford.mckenziemounty.net

September 23, 2015

STAFF REPORT
Final Plat – Wolf Run Village

Applicant

Jake Walters
P.O. Box 2973
Watford City, ND 58854

Property Owners

Wolf Run Village, Inc.

Property Address: 301 3rd St. SE

Discussion: Jake Walters filed a final plat map Wolf Run Village, Inc. The property is between 3rd St. SE and 4th Avenue SE in Watford City. The project, including both phases, consists of a 42-unit apartment development on Block 1, Lot 1, and 20-unit apartment building on Block 1, Lot 2, for essential city and county employees. The area of Block 1 - Lot 1 is 2.100 acres, the area of Block 1 - Lot 2 is 1.068 acres. This development is serviced by city water and sanitary sewer service, and access to the development is gained from 3rd Street SE, and from 4th Avenue SE. Montana-Dakota Utility provide electric service. Phase I of the development is complete; a detailed Site Development Plan Application for Phase II has been submitted and approved, and construction is underway.

Surrounding Land Use Inventory:

West: Zoning -	C-1 General Commercial, Watford City
Use -	Vacant
South: Zoning -	CF Community Facility, Watford City
Use -	Daycare Facility
North: Zoning -	CF Community Facility, Watford City
Uses -	City Park Facilities
East: Zoning -	CF Community Facility, Watford City
Uses -	McKenzie County Elementary School

Site Development

Access:	The property is accessed directly from 3 rd Street SE, and from 4 th Avenue SE.
Sewer:	The development has City sanitary sewer service.
Water:	The development has City water service.

Recommendation:

The planning staff recommends that the Watford City Planning Commission *approve* the Final Plat Application submitted by Jake Walters on behalf of Wolf Run Village, Inc.

Contact:

Chris York
Assistant City Planner
cyork@nd.gov

LOTS 1 & 2, BLOCK 1, WOLF RUN VILLAGE SUBDIVISION, LOT 2, BLOCK 1, WOLF RUN VILLAGE FIRST ADDITION, AND LOTS 3 & 4, BLOCK 1, REPLAT OF LOT 1, BLOCK 1, WOLF RUN VILLAGE FIRST ADDITION LOCATED IN THE NW1/4 OF SECTION 19, T150N, R98W, 5TH P.M., WATFORD CITY, MCKENZIE COUNTY, NORTH DAKOTA

LAND OWNER: WOLF RUN VILLAGE INC

DONORS' CERTIFICATE

WE, THE UNDERSIGNED, BEING FIRST OWNERS AND APPROVE HERETO OF THE LAND PLATED HEREIN, DO HEREBY CONSENT TO THE EXECUTION OF THIS PLAT AND AGREE TO NOT WAIVE ANY PORTION OF THIS PLAT WITHOUT THE CONSENT OF THE CITY OF WATFORD CITY.

DATED THIS _____ DAY OF _____ 20__

WOLF RUN VILLAGE INC
PRINTED NAME _____
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

COUNTY OF MCKENZIE)
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

ON THIS _____ DAY OF _____ 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED _____, (NAME OF PERSONS) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA _____ (NOTARIAL SEAL)
MY COMMISSION EXPIRES _____

DATED THIS _____ DAY OF _____ 20__

FIRST INTERNATIONAL BANK
PRINTED NAME _____
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

COUNTY OF MCKENZIE)
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

ON THIS _____ DAY OF _____ 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED _____, (NAME OF PERSONS) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA _____ (NOTARIAL SEAL)
MY COMMISSION EXPIRES _____

DATED THIS _____ DAY OF _____ 20__

REGISTRATION TELEPHONE COMPANY
PRINTED NAME _____
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

COUNTY OF MCKENZIE)
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

ON THIS _____ DAY OF _____ 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED _____, (NAME OF PERSONS) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA _____ (NOTARIAL SEAL)
MY COMMISSION EXPIRES _____

DATED THIS _____ DAY OF _____ 20__

WATFORD CITY APPROVAL
THE CITY OF WATFORD CITY, NORTH DAKOTA, HAS APPROVED THE ATTACHED PLAT AS SHOWN HEREON, AND THE PUBLIC WAYS AND GROUNDS OF THE CITY OF WATFORD CITY, NORTH DAKOTA, ARE NOT AFFECTED BY THE PLAT HEREIN. THE CITY OF WATFORD CITY, NORTH DAKOTA, DOES NOT ACCEPT AT THIS TIME WITH THE OFFER TO REMAIN OPEN.

BRETT SWINBERG, MAYOR DATE _____
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE)

ON THIS _____ DAY OF _____ 20__, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, (NAME OF PERSONS) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC, MCKENZIE COUNTY, NORTH DAKOTA _____
MY COMMISSION EXPIRES _____

DATED THIS _____ DAY OF _____ 20__

PLANNING AND ZONING COMMISSION APPROVAL
THIS PLAT IN THE CITY OF WATFORD CITY IS HEREBY APPROVED THIS _____ DAY OF _____ 20__ IN ACCORDANCE WITH THE PLANNING AND ZONING ORDINANCES OF THE CITY OF WATFORD CITY, NORTH DAKOTA.

GLENN BEARD, CHAIRMAN DATE _____
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

COUNTY OF MCKENZIE)
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

ON THIS _____ DAY OF _____ 20__, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, (NAME OF PERSONS) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC, MCKENZIE COUNTY, NORTH DAKOTA _____
MY COMMISSION EXPIRES _____

DATED THIS _____ DAY OF _____ 20__

ADDITIONAL CERTIFICATE OF TAXES
TAXES, REPAIRS AND MAINTENANCE REQUIRED ON THESE PLATS OR INSTALLMENTS OF PERSON, ASSIGNMENTS OF TAX EXEMPTS FOR THE PROPERTY DESCRIBED ON THESE PLATS OR INSTALLMENTS OF PERSON, ASSIGNMENTS OF PLUS PENALTY AND INTEREST CERTIFIED THIS _____ DAY OF _____ 20__.

LENA SPINER, MCKENZIE COUNTY AUDITOR
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

COUNTY OF MCKENZIE)
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

ON THIS _____ DAY OF _____ 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED _____, (NAME OF PERSONS) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA _____ (NOTARIAL SEAL)
MY COMMISSION EXPIRES _____

DATED THIS _____ DAY OF _____ 20__

REGISTERED PROFESSIONAL ENGINEER
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

COUNTY OF MCKENZIE)
STATE OF NORTH DAKOTA)
COUNTY OF MCKENZIE) SS

ON THIS _____ DAY OF _____ 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED _____, (NAME OF PERSONS) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA _____ (NOTARIAL SEAL)
MY COMMISSION EXPIRES _____

CERTIFICATE OF MCKENZIE COUNTY RECORDER

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS FILED IN THE OFFICE OF THE MCKENZIE COUNTY RECORDER IN THE STATE OF NORTH DAKOTA, A _____ DAY OF _____ 20__.

AND WAS RECORDED AS DOCUMENT NUMBER _____.

ANN M. JOHNSON, MCKENZIE COUNTY RECORDER

TD&H
ENGINEERING

DRAWN BY: _____ DATE: _____
SUPERVISED BY: MAB, JDN NO. 7-115 QUALITY CHECK: MAB
PROJECT NO. 2024-01-01 SHEET NO. 2 OF 2



New Business:

JL Beers Renaissance Zone

WATFORD CITY RENAISSANCE ZONE APPLICATION

Project Information:

Date: 9-8-15

Name(s) Stenichem Development - JL Beers Project

Mailing Address PO Box 607 Watford City Phone Number 701-842-7320

Street Address 101 Main Street N Renaissance Zone Block # 4

Project Description, True & Full Value, Estimated Costs, Completion Date:

Per Building Inspector is this a: Purchase Rehabilitation Lease Purchase with Required Rehabilitation New Construction

Description of Renovations :(use backside if necessary)

Clear lot + build new building to lease to JL Beers

True & Full Value of Property (Building Only): N/A

20% of True & Full Value Required for Residential Rehab:

50% of True & Full Value Required for Commercial Rehab:

Estimated Costs

Purchase: \$90,000 land

Rehabilitation: 2 1/2 million projected building

Purchase with Required Rehabilitation Local Tax Abatement = 100 %

Purchase with Required Rehabilitation Guidelines: 0-10% of the True & Full Value = 50% Local Tax Abatement 20% of the True & Full Value = 75% Local Tax Abatement 30% of the True & Full Value = 100%

Estimated Completion Dates

Purchase: July 14, 2015

Rehabilitation: Dec 31, 2015

Estimated State & Local Tax Benefits:

Estimated local tax abatement is \$ 44,837.50 per year (over 5-years \$ 224,187.50)

Estimated state income tax benefit is \$ 7,600 per year (over 5-years \$ 38,000)

Office Use

Date W. C. Planning Commission approved project as a Renaissance Zone Project:

Date W.C. City Council approved project as a Renaissance Zone Project:

Received letter 'Evidence of Good Standing' from the ND Tax Commissioner 9-23-15

How does this project benefit our community?



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER

Ryan Rauschenberger, Commissioner

September 15, 2015

Ref: L1182962944

STENEHJEM DEVELOPMENT LLP
PO BOX 607
WATFORD CITY ND 58854-0607

RE: Renaissance Zone Certificate Of Good Standing, State Income And Sales Taxes Only

This letter is evidence of good standing as required by the North Dakota Division of Community Services for purposes of obtaining final approval of a renaissance zone project.

As of the date of this letter, the records in the North Dakota Office of State Tax Commissioner do not show probable cause to believe that any income taxes (including income tax withheld from wages) or sales and use taxes are due and owing to the State of North Dakota by the following taxpayer:

Taxpayer's Name: STENEHJEM DEVELOPMENT LLP
SSN or FEIN: 26-0710572

The enclosed copy of this letter must be submitted (as part of the zone project application) to the local zone authority for the renaissance zone in which the proposed zone project will be located. Please keep this original letter for your records.

/s/ Lorie Bowker

Lorie Bowker
Supervisor, Individual Income Tax and Withholding
Phone: (701) 328-1296
Email: lbowker@nd.gov

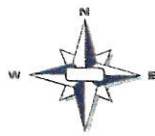
Enc.

WATFORD CITY NORTH DAKOTA

- CORPORATE LIMITS —
- RENAISSANCE ZONE —
- RENAISSANCE BLOCK
- GOVERNMENT OWNED



JL Beers Site



0 500
SCALE 1" = 500'

Amended 11-04-02
December 20, 2001

JL Beers--Renaissance Zone Application



September 23, 2015

Place Names



Watford City Limits



Cherry Creek

Block Number



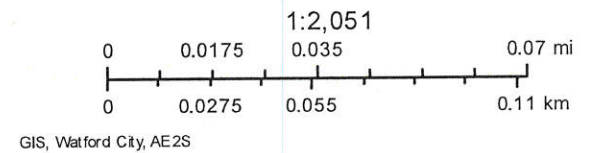
Extra-Territorial Area (ETA)

Parcels Data from McKenzie County

House Numbers



Lot Lines



PERMITS: