



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

**PLANNING AND ZONING COMMISSION
MEETING AGENDA**

Monday, December 18th, 2023

6:00 PM City Hall, Heritage Room

- **CALL TO ORDER REGULAR MEETING**
- **APPROVE AGENDA**
- **APPROVE MINUTES**
November 27, 2023 - Meeting
- **CALL TO ORDER PUBLIC HEARING**

The Public Hearing will be held to hear comments on the following agenda item:

1. Land Use Application for a Conditional Use Permit (CUP) submitted by Knife River – North Central, for property located at 401 14th St SW (PID 82-73-07750), Watford City, North Dakota. An application has been submitted to consider a temporary concrete and asphalt crushing operation within a HI (Heavy Industrial) district lot. Proposed operations would occur between January 1st and April 1st, 2024.
- **CLOSE PUBLIC HEARING**
 - **CONTINUE REGULAR MEETING**
 - **PERMIT RECORDS**
November 2023 - December 2023 Permits
 - **OLD BUSINESS**
 - **NEW BUSINESS**
 - **ADJOURNMENT**

Minutes

November 27th 2023



PLANNING AND ZONING COMMISSION MEETING MINUTES Monday, November 27th, 2023

The Watford City Planning & Zoning Commission meeting was held on Monday, November 27th, 2023, at City Hall in the Heritage Room. In attendance: Chairman Jesse Lawrence and Commission Members: Troy Knutson, Lance Renville, Ross Sundeen, Jacob Jellesed, Marco Pelton, and Sam Huebner. Commission Member Warren Hovland attended via phone. Also in attendance: City Planner Jake Walters, Planning Administrative Assistant Kayla Grace, City Building Inspector Steve Williams, and City Attorney Wyatt Voll.

With the above-mentioned present, the regular meeting hearing was called to order at 6:02 P.M. by Chairman Lawrence.

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

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

MOTION: Pelton SECOND: Jellesed

VOICE VOTE:

AYES: all in favor

NAYS: none

1. Call to approve October 30th, 2023, Meeting Minutes.

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

MOTION: Renville SECOND: Knutson

VOICE VOTE:

AYES: all in favor

NAYS: none

Call to order Public Hearing at 6:03 P.M. by Chairman Lawrence

Under consideration were the following Agenda items:

1. Land Use Application – Change of Zone – 3711 4th Ave NE, submitted by Select Water Solutions

Walters discussed the reason for the application and gave a brief history of the property. Walters explained that the owner is looking to bring the zoning into conformance with its current use. Walters clarified that the uses of the surrounding properties are also industrial in nature and that industrial zoning is more appropriate than A-2 (Agriculture, ETA) in light of the laydown yard elements, heavy trucking use, and on-site storage containers/equipment.

Walters noted that, due to applicant and staff oversight last month, this parcel was left out of the previously reviewed and approved COZ application for the larger, adjacent property owned by the applicant. There was no further discussion.

MOTION: Huebner SECOND: Pelton to recommend Approval of the change of zone request from A-2 to ID.

There are no recommended conditions for this agenda item.

ROLL CALL VOTE:

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

NAYS: none

MOTION: CARRIED

2. Land Use Application – Change of Zone – 2000 2nd Ave SW, submitted by W&H Properties, Inc.

Walters explained that the applicant was seeking a change of zone to bring the property into compliance with their current and past use. In addition, the owner-applicant wishes to place storage container units on the property which requires industrial zoning before seeking the yearly permits.

Walters reviewed the provided “Existing Zoning Exhibit” and pointed out the surrounding industrial uses in the area. There was no further discussion.

MOTION: Pelton SECOND: Jellesed to recommend Approval of the change of zone request from C-1 to ID.

There are no recommended conditions for this agenda item.

ROLL CALL VOTE:

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

NAYS: none

MOTION: CARRIED

3. Land Use Application – Change of Zone – Lots 1 & 2 of Block 6, Stenehjem Commons submitted by Bypass Properties, LLC

Walters reminded the Commissioners that they reviewed and recommended approval of a preliminary plat map for this acreage which will eventually create 36 lots for residential construction. The members were told that the applicant was unable to attend tonight's meeting due to a death in the family but that a representative is available by phone if they should desire or require.

Walters continued; this COZ request is necessary for the applicant to place manufactured homes on the properties but is one of many steps still remaining to finalize the plat map. They are looking to transition from R-4, traditionally used for high density residential units such as apartment buildings, to R-2M. They are not looking to run a mobile home park or provide lots for rent. Per the applicant, this is a residential neighborhood with lots and homes offered up for sale. They intend to put CC&R's as well as an HOA in place, but they would like the option of placing a number of manufactured homes on permanent foundations, affixed to the land, with detached garages as a for-sale product. Their plan is for the rest of the lots to be developed with stick-built units and the R-2M zoning district would allow for this mix.

Originally the lots were developed with an R-1 product in mind and are laid out and of a size conducive for that product and could have remained R-4; simply placing a lesser dense product type within. Subsequently, the developer asked to place two, factory-direct, manufactured homes in the development, one on each current large lot. Setting aside the product type for a moment and overly simplifying the case, the single 3-acre and single 5-acre lots allow for an individual structure each without further subdivision and, it should be noted, the proposed units would be placed with the future lot layout in mind. Occupancy relies on a significant number of factors like development agreements, infrastructure agreements, bonding, roads, utility services (both trunk and laterals), addressing, etc., and the finalized subdivision map is likely 6-8 months out from approval. The applicant is stressing that the manufactured home placement is to show activity and momentum for the project while they work on the outstanding items.

This concluded the staff presentation and questions were invited:

Sundeen – Will staff take into account safety concerns with egress and ingress to the neighborhood, especially onto Highway 23/Bypass?

- a. (Walters) The subdivision will not access Highway 23/Bypass directly. No additional access points are under consideration at this time, but additional right of way was accounted for at the north end of the project should the City or NDDOT wish to put in a road in the future. Local roads would exit onto 4th St SE then utilize previously approved and appropriately sized points of access on Main or the highway. In addition, the existing roadways/access points were designed with R-4 apartments and large, commercial/industrial traffic in mind,*

so the R-2M traffic type and counts would be a considerable reduction.

Knutson – Do the manufactured homes fall under the same guidelines for building standards as a traditionally-built home?

- a. (Williams and Walters) R-2M doesn't fall under the minimum requirements for single-family dwellings in zones R-1, R-2, R-3, and R-4. However, the house plans reviewed to date show overhangs, permanent piers/tie-downs as required, and will be installed by contractors licensed by the state. They are factory-delivered units.*
- b. (Voll) The manufactured units staff has seen to date are new, however the R-2M district would allow any trailer newer than June 15th, 1976 and having a HUD sticker, to be placed. (Walters) Staff would rely heavily on the CC&Rs and HOA agreements and, it should be noted, the infrastructure required for the subdivision is substantial and the lots are significantly larger than what would be proposed for "trailer lots". It is correct that R-2M would allow for older trailers, but the developer has expressed their plan to stick-build units, which would likely be a harder sell in a neighborhood of second-hand trailers. R-2M would not allow for lot rentals though, like a mobile home park. The homes and lots would be sold or rented as one.*

Lawrence – Do you know if the corridor overlay district would apply to this development?

- a. (Walters) The City hasn't actively applied the corridor overlay district much in the past and, admittedly, staff isn't familiar enough to speak to the extent the overlay would/could be applied.*
- b. **Subsequent research answer:** Although a bit vague and in need of rewording in our upcoming zoning ordinance overhaul, the intent of the overlay district was to address commercial, industrial, or multi-family uses rather than single-family or farm structures. Staff feels that any concerns are better addressed through development standards inserted into the development agreement and/or handled through the CC&R and HOA agreements.*

Walters again offered up calling the applicant's representative to directly answer questions or concerns. Members felt the discussion points didn't warrant the call.

Pelton – Are we handicapping ourselves in the future allowing for R-2M across from C-1? Not opposed to the proposed project change, but it feels counter to the whole commercial/industrial concept for the area.

- a. (Walters) Keep in mind the existing zoning is R-4, so residential elements were always a proposed component for the original masterplan. However, staff has been clear with the applicant that the single-family dwelling units may impact future commercial development, requiring greater landscaping or fencing elements for the C-1 lots. The applicant is the owner of the surrounding lots, including on the other side of the bypass, so any impacts are self-inflicted. The existing R-2M units on the south side of 4th Ave SE, mixing stick-built homes, with manufactured homes, adjacent to commercial or higher-density units, are*

a good example of precedent. Future development would have to take into account the homes and homeowners.

Jellesed – So the developer plan now is to put in some of their own homes then sell off the rest of the lots to others?

- a. (Walters) From what they have told staff so far, they are planning on placing the two manufactured homes then sell one and make the other a sales office. They want to self-perform on the 36 lots in order to control production and get things underway and to market quickly. Occupancy will be next Fall at best and they have millions of dollars of work to execute before that happens.*

No further discussion.

MOTION: Pelton SECOND: Renville to recommend Approval of the change of zone request from R-4 to R-2M.

There are no recommended conditions for this agenda item.

ROLL CALL VOTE:

AYES: Renville, Pelton, Lawrence

NAYS: Huebner, Jellesed, Knutson, Sundeen, Hovland

MOTION: FAILED

Further discussion:

Members previously voting ‘nay’ elaborated on their concerns. Some commissioners expressed worries that R-2M was too loosely regulated for the type of neighborhood the developer was ostensibly proposing. The reasoning behind a recommended denial focused mainly on worries that some of the permitted uses in the R-2M District would detract from the traditionally-built homes proposed in later phases, causing the developer to abandon the build-out for direct lot sales to fail altogether. The resulting lot sales, rather than developer-controlled housing construction, would allow for the less desirable permitted uses of an R-2M District, creating too easy of a potential for what the members perceived as an inappropriate entrance to the city. In addition, R-2M isn’t included in the listed zones (R-1, R-2, R-3, and R-4) where city staff has more control over design and construction standards.

- a. (Walters, Williams, Voll) Staff answered concerns in the following:*

While it’s true that the City has limited assurances at this time as to the quality and quantity of dwelling units built in the proposed subdivision, there are numerous future mechanisms to safeguard the public’s interest.

- i. Manufactured homes are deemed legal, single-family dwellings. In addition to Steve Williams’ involvement, the manufactured units proposed will be*

inspected and placed by state-licensed contractors, conforming with all requirements for a habitable dwelling.

- ii. The developer has a vested interest in building out the entire subdivision successfully. The required infrastructure is not insignificant or inexpensive. If the current effort were to stop prematurely, the city would have sizable, serviced lots, along completed City roadways.*
- iii. The developer is working on HOA and CC&Rs for the project. While not city-controlled, these added protections will help greatly in assuring the quality of the homes built/placed.*
- iv. The developer will be entering into a Development Agreement with the City. This document could include language outlining the design standards applied to the properties.*

There was further general discussion on the current permitted uses and what the proposed permitted uses could be, and how those weigh against each other. Generally, the consensus of those who voted against the zone change was the preference to have more control over design and construction standards.

MOTION: Jellesed SECOND: Huebner for the reasons stated above to recommend Denial of the change of zone request from R-4 to R-2M.

ROLL CALL VOTE:

AYES: Sundeen, Knutson, Huebner, Jellesed, Hovland

NAYS: Pelton, Renville, Lawrence

MOTION: CARRIED

CLOSE PUBLIC HEARING: 6:40 P.M. by Chairman Lawrence

CONTINUATION OF REGULAR MEETING:

PERMIT RECORDS:

Reviewed permit records as presented. Building Inspector Steve Williams gave a brief update on some of the more significant projects in the area.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Walters let the Commission know that Kayla Grace was departing the City.

ADJOURNMENT: 6:44 P.M. **MOTION:** Pelton

The next regularly scheduled Planning and Zoning Commission Meeting will be held on
Monday, December 18th, 2023, at 6:00 PM

Jesse Lawrence, Chairman

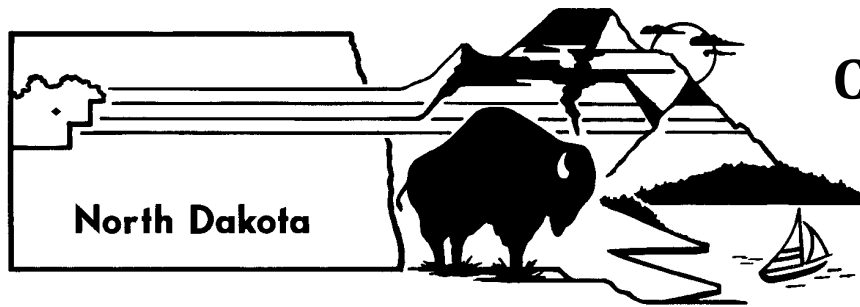
Jake Walters, City Planner

1.

Land Use Application

Conditional Use Permit

Knife River / Hovland



City of Watford City

213 2nd St. NE / PO Box 494

Watford City, ND 58854

Ph. 701-444-2533

Fax 701-444-3004

Celebrating 100 Years - 2014

cityofwatfordcity.com

December 18th, 2023

STAFF REPORT

Land Use Application: Conditional Use Permit

PROPERTY OWNER:

Warren Hovland

909 12th St SE

Watford City, ND 58854

APPLICANT:

Knife River- North Central

3303 Rock Island Place

Bismarck, ND 58504

PROPERTY LOCATION(S):

401 14th St SW, Watford City, ND (PID 82-73-07750)

REQUEST:

A Land Use Application: Conditional Use Permit, approximately three weeks of crushing asphalt and/or concrete rubble between 1/1/2024 and 4/1/2024.

CURRENT ZONING:

HI (Heavy Industrial)

CURRENT USE:

One Way Service Inc yard and Knife River concrete batch plant

SITE DEVELOPMENT:

Access: *The property is accessible from 14th St SW.*

Sewer: *The property does not have City sanitary sewer service.*

Water: *The property does not have City water service.*

SURROUNDING LAND USE:

North: Zoning – C-1 (General Commercial District)

Use – Mixed commercial spaces

East: Zoning – A-2 (Agricultural District, ETA)

Use – Reservation Telephone Cooperative and vacant land

South: Zoning – C-1 (General Commercial District)

Use – Reservation Telephone Cooperative and Living Faith CLBA

West: Zoning – A-2 (Agricultural District, ETA)

Use – Vacant

REFERENCES:

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances, Article XXV, Conditional Uses, Section 1 - Requirements for Conditional Uses

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, provided that 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.

Chapter XV Zoning Ordinance, Article XIX(A), Heavy Industrial District
SECTION 1. – INTENT AND PURPOSE OF DISTRICT:

1.The HI Heavy Industrial District is intended to provide for more intense industrial uses engaged in basic processing or manufacturing of products from raw materials and with tolerable levels of noise, dust, odor, vibration or smoke and to preclude encroachment of land uses such as residential uses that could conflict with the industrial and manufacturing environment. The HI Heavy Industrial Zone is appropriate in locations, which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities.

SECTION 3. - CONDITIONAL USES:

...

22. Rock crushing and stripping

...

DISCUSSION:

Knife River has operated a concrete batch plant within the larger Heavy Industrial area for years and periodically asked for a Conditional Use permit for crushing stockpiled materials. City staff is prepared to enforce all rules and regulations during the operating window.

Staff mailed adjacent property owners a notice regarding the change of zone request. At the time of this report, no property owners have contacted staff regarding this application.

RECOMMENDATION:

It is the recommendation of City Planning Department staff to **APPROVE** the Land Use Application for Conditional Use Permit for asphalt and/or concrete crushing.

Approval will be contingent upon the following items:

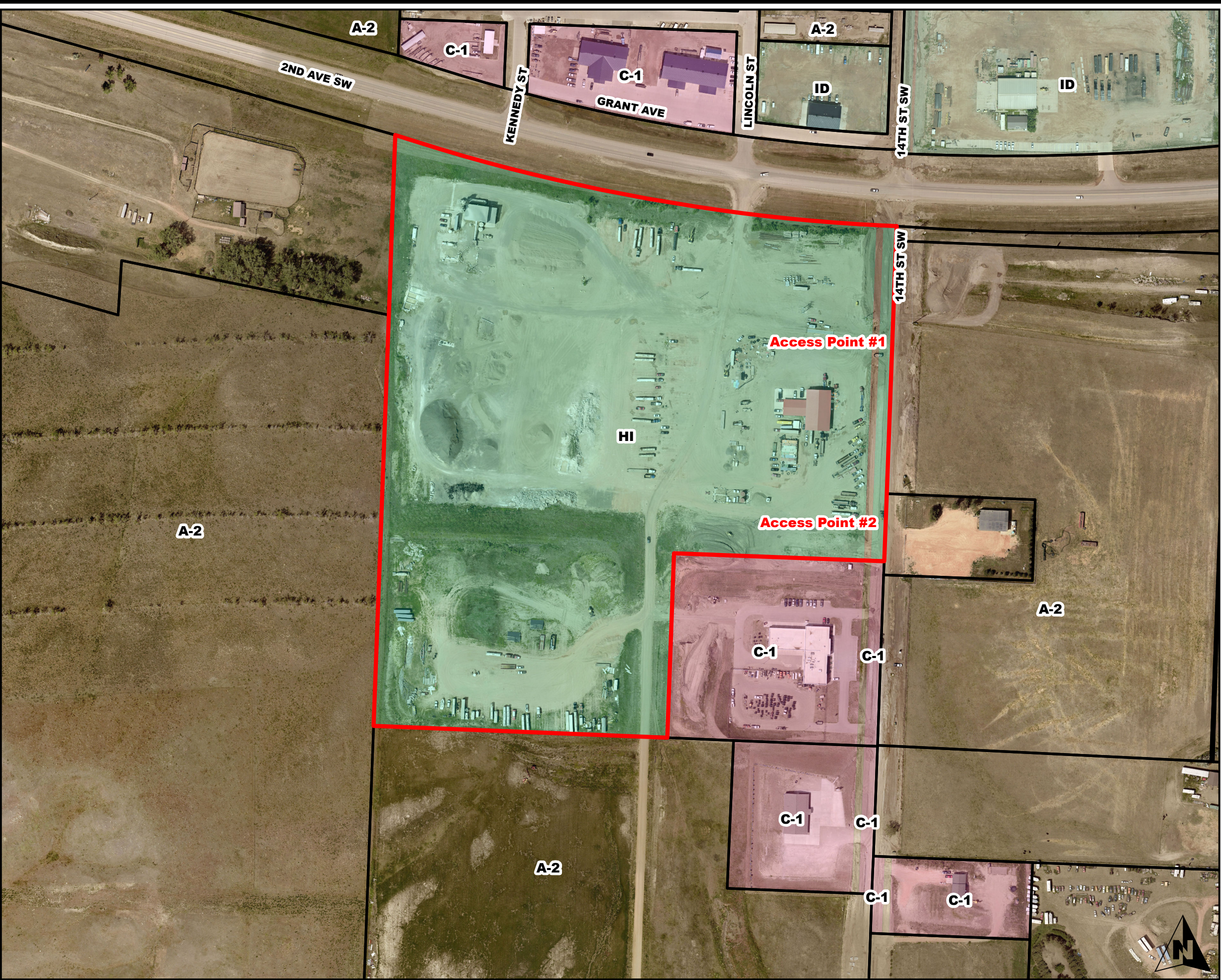
1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare of community.
2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;
3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;

5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets;
6. The conditional use shall conform to all special provisions of the district in which it is located;
7. No violations of City ordinances occur, including those related to noise, fugitive dust, and track-out of materials; and
8. The Conditional Use Permit shall be approved for a period of no more than three (3) months running from January 1st, 2024, through April 1st, 2024.

PLANNING DEPARTMENT STAFF CONTACTS:

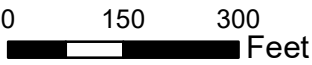
Jake Walters
jwalters@nd.gov
(701) 444-8402

Chelsa Bixby
cbixby@nd.gov
(701) 444-8406



Legend

- Project Parcel
- General Parcel
- C-1
- HI
- ID
- M-H



Planning Department - GIS
Watford City, North Dakota

Discussion Exhibit
Knife River

DRAFTED
Jake Walters
DATE
12/13/2023

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.

KRC Watford City

2024 Rubble Crushing Layout

Legend



Google Earth

Permit Records

November-December

5641	RESIDENTIAL BUILDING	11/28/2023	Denise Heiser	New Skyline Construction LLC	404 2nd St NW	Lot 5	North Watford	82-50-02000	new windows and siding	\$ 14,500.00	\$ 120.00	5993
5642	RESIDENTIAL BUILDING	11/28/2023	Manuel Gomez Alonso	Self	204 3rd Ave NW	Lot 7, Blk 4	Original Townsite of Watford	82-01-06800	frame and drywall existing basement	\$ 4,000.00	\$ 46.50	5994
5643	EXCAVATION	6/15/2023	McKenzie County School District #1	Cordova Construction	100 3rd St NE		4th Addition	82-05-01700	6" fire line into middle school	waived	waived	N/A
5644	MOVING	12/4/2023	Prairie Home Service LLC	Steve Dube Construction	120 Reagan St	Lot 1, Block 4	WC Courtyard Addition	82-76-17400	Move 16x76 trailer onto lot and set up	N/A	\$ 150.00	6004
5645	DEMOLITION	12/4/2023	Jose Urbina	Self	3101 11th St NE	N/A	IT#1183	20-00-03600	Taking out old carpet, fixing damaged drywall, removing a wall close to stairs	N/A	\$ 25.00	6005
5646	RESIDENTIAL BUILDING	12/4/2023	Bob Coleman	Trayce Burwell Construction	325 6th St NE	Lot 3, Block 6	Wold's Addition to Watford City	82-77-03000	Remove and replace shingles	\$ 9,005.00	\$ 84.04	6006
5647	RESIDENTIAL BUILDING	12/6/2023	Marco Pelton	Trayce Burwell Construction	13 Poplar St	Lot 2, Blk 1	Stevens Addition to Watford City	82-71-01200	Remove and replace shingles for tin	\$ 8,000.00	\$ 74.50	6007
5648	COMMERCIAL BUILDING	12/11/2023	Watford Center, LLC	Uppa Creek Construction	1005 Main St S Suite 101A			82-7309200	Flooring replacement (VCT) painting, wall patches	\$ 9,000.00	\$ 117.60	6016

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

2022 TOTAL	267
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2023		
Month	# of Permits Issued	Comparison
January	16	229%
February	8	89%
March	18	129%
April	14	42%
May	34	117%
June	26	62%
July	19	83%
August	14	38%
September	17	71%
October	14	47%
November	13	100%
December	8	133%

2023 YTD	201	75%
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2022	
Month	Value
January	\$ 379,000.00
February	\$ 42,500.00
March	\$ 505,002.10
April	\$ 1,912,410.00
May	\$ 199,639.62
June	\$ 746,840.00
July	\$ 607,158.74
August	\$ 604,697.89
September	\$ 260,173.25
October	\$ 2,871,987.42
November	\$ 927,538.60
December	\$ 1,038,802.55

2022 TOTAL	\$ 10,095,750.17
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2023		
Month	Value	Comparison
January	\$ 491,582.95	130%
February	\$ 11,338,344.00	26678%
March	\$ 14,254,248.00	2823%
April	\$ 249,348.22	13%
May	\$ 385,659.00	193%
June	\$ 195,460.00	26%
July	\$ 500,810.00	82%
August	\$ 4,869,914.89	805%
September	\$ 1,213,964.94	467%
October	\$ 1,933,896.00	67%
November	\$ 716,950.00	77%
December	\$ 44,505.00	4%

2023 YTD	\$ 36,194,683.00	359%
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2022 Residential Permits			
Type	# of Units	# of Buildings	Value
Single Family Home	6	6	\$ 2,292,630.00
Duplex	4	2	\$ 608,000.00
Apartment 3-4 Units	0	0	\$ -
Apartment 5+ Units	0	0	\$ -
2022 TOTAL	10	8	\$ 2,900,630.00

2023 Residential Permits				
Type	# of Units	# of Buildings	Value	Comparison
Single Family Home	3	3	1,470,000	64%
Duplex	0	0	0	0%
Apartment 3-4 Units	0	0	0	0%
Apartment 5+ Units	0	0	0	0%
2023 TOTAL YTD	3	3	\$ 1,470,000.00	51%