



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
MONDAY, MARCH 23, 2020

Roll Call, Reading and Approval of the February 24, 2020 minutes.

PUBLIC HEARINGS

1. A request from Dr. Eric Belanger for reconsideration of approval of an amendment to the City of Mandan's Land Use and Transportation Plan that serves as the City's Comprehensive Plan. Said property is in part of Sections 8, 9, 16 & 17, in Township 139N; Range 81W.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommended Motion: To approve the amendment to the comprehensive plan as presented in Exhibits 1 and 2 with an adjustment of the area west of the Parks District property from medium density residential to low density residential.

2. Consider recommending an ordinance to amend and re-enact portions of Subpart B – Land Development and Public Services of the Mandan Municipal Code related to Telecommunications Facilities (Small Cells).

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommended Motion: To recommend approval of Ordinance 1300 as presented in Exhibit 1.

3. Consider recommending approval of an ordinance amending Section 101-1-3 and 105-1-5 (k), of the Mandan Municipal Code related to Multi-Use Shops.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommended Motion: I recommend approval of the ordinance as presented in Exhibit 1.

ADJOURN

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
February 24, 2020

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on February 24, 2020, at 5:30 p.m. CDT.

ROLL CALL

Commissioners Present: Boehm, Klemisch, Knoll, Liepitz, Renner, Frank, Camisa, Vayda, Robinson

Commissioners Absent: Klein, Helbling, Leingang

Commissioner Vayda requests a correction to the spelling of Vayda in the January 27, 2020 minutes.

Commissioner Camisa motions to approve the January 27, 2020 minutes with the correction. Commissioner Vayda seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. A request from Central Dakota Humane Society and Elmer & Alvina Madler for consideration of approval of an amendment to the City of Mandan’s Land Use and Transportation Plan that serves as the City’s Comprehensive Plan; a preliminary plat and zone change from A (Agricultural) and R7 (Single-Family Residential) to CB (Commercial) and A (Agricultural). Said property is all of Auditor’s Lot A of the NE ¼ of Section 9 and Longhorn 1st Addition Replat (including Entzel Drive) of the NW ¼ of Section 10, Township 139N, Range 81W of Morton County, North Dakota.

A. Staff report

John Van Dyke, City Planner, presents.

The applicants seek to amend the land use and transportation plan of the City, rezone their property, and obtain approval for the preliminary plat of Longhorn 2nd Add.

Land Use and Transportation Amendment

The land use designation is currently rural residential. The applicant would like to amend the land use and transportation plan to accommodate the existing use of commercial and expand that to apply to adjoining property owned by Mr. and Mrs. Alvina which is presently a platted residential subdivision – Longhorn 1st Add. Replat (See Exhibit 2).

No roads were constructed to serve the platted subdivision and many of the lots created are encumbered by transmission line easements that would likely prohibit any future residential construction as it is platted currently.

The proposed land use amendment would keep the rural residential designation for any lands adjacent to the property subject to this application. Central Dakota Humane Society plans to

expand their operations in the coming years and this would allow them to grow in-place rather than move from the existing location.

There are presently industrial uses across 37th St. to the north. This land is located outside the extra-territorial area of the City. The applicants have consulted with P&Z Director Natalie Pierce who has informed the Morton County P&Z Commission of this application.

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The proposed land use amendment would keep the rural residential designation for any lands adjacent to the property subject to this application. Central Dakota Humane Society plans to expand their operations in the coming years and this would allow them to grow in-place rather than move from the existing location.

There are presently industrial uses across 37th St. to the north. This land is located outside the extra-territorial area of the City. The applicants have consulted with P&Z Director Natalie Pierce who has informed the Morton County P&Z Commission of this application.

The proposed land use aligns with the existing use in the area to the north and on part of the subject property.

Staff is recommending approval due to the existing character of area near the intersection of 37th St. and 1806 N., to establish a commercial node accessible by neighboring residents, and its adjacency along a future minor arterial. (A commercial node at this location would be similarly spaced as those planned for in other areas of the City/ETA). The rationale for the land use amendment is summarized in Exhibit 5.

Zone Change

The applicants seek to change the zoning from A-Agriculture and R-7 Residential to CB-Commercial and A-Agriculture (See Exhibit 3). The CB-Commercial zoning designation would accommodate the existing use of kennel and allow for the expansion onto adjoining land in the future. The CB-Commercial zoning district would apply to the same area that is being proposed through the amendment to the land use and transportation plan. The A-Agriculture zone would apply to the remainder of property and align with the neighboring land to the south. The applicant would like to preserve this land as A-agriculture at this time to ensure the ability to farm.

Staff is recommending approval of the rezone with RESTRICTIONS as follows:

CB-Commercial:

- Kennel

A-Agricultural:

- Field crop farming;
- Commercial flower growing;
- Fruit growing;
- Tree, shrub or plant nursery; and
- Livestock raising or feeding

Preliminary Plat

The preliminary plat shows two lots (See Exhibit 4). One lot will be served by a 40' access easement. No access lines have been required along 1806 N. and along 37th St. to ensure the same access point is utilized for both proposed lots.

Staff recommends approval of the preliminary plat as proposed in Exhibit 4 with the following requirements:

37th St. right-of-way will dedicate additional right-of-way as needed to meet arterial road width as planned for 37th St. in the future.

Ellen Huber, Communications and Business Development Director supports this request by the applicant.

Natalie Pierce, Morton County Planning and Zoning Director supports this request by the applicant.

The restriction on CB-Commercial is due to the amount of traffic that is currently and potentially generated as Central Dakota Humane Society expands. Other uses could trigger substantial traffic impacts to that intersection. Any rezone to remove the restrictions in the future could require a traffic impact study to determine the effects on the intersection of 37th and 1806 N. This restriction is necessary at this time. The restriction for A-Agriculture is to ensure that some of the uses that are allowed in the A-Agricultural zone are not conducted in close proximity to the R-7 Residential development across 1806 N. and agriculturally zoned, but rural residentially used properties to the south.

The Engineering and Planning Department recommend approval of the amendment to the land use and transportation plan as outlined in Exhibit 5, recommend approval to the change in zoning as outlined in Exhibit 6, and approve the preliminary plat presented in Exhibit 4 subject to the necessary dedication of right-of-way for the planned future arterial along 37th St.

Commissioner Renner wants to make sure no fireworks stands are allowed.

Commissioner Frank asks if vet services or boarding would be allowed. She would like to see it included.

B. Open public hearing

Terry Kenneth, President of the Central Dakota Humane Society. At one point they were going to move to Bismarck. Because this land became available they want to stay in Mandan. They have been here for sixty years. They want to use the land for walking trails for the animals they have and for the public if they want to bring their pets out for a walk. Someday, depending on donations, they would like to expand their facilities to house more animals. It would be nice to someday have a vet on the staff to do spays and neuters.

Commissioner Camisa asks if vet services can be allowed now to avoid them having to come back in the future.

C. Close public hearing

D. Commission action.

Commissioner Frank motions to recommend approval of the amendment to the City of Mandan's Land Use and Transportation Plan outlined in Exhibit 5 that serves as the City's Comprehensive Plan; a preliminary plat as presented in Exhibit 4 subject to the dedication of right-of-way; and zone change from A (Agricultural) and R7 (Single-Family Residential) to CB (Commercial) and A (Agricultural); as outlined in Exhibit 6. Adding vet and boarding services as an allowed use. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

2. A request from VE Land Company, LLC, for consideration of approval of a preliminary plat. Said property is Lot 1, Block 4, Lakewood 9th Addition of Section 1, Township 138N; Range 81W, City of Mandan, Morton County, North Dakota. The property is located at 3901 21st St. SE.

A. Staff report

John Van Dyke, City Planner, presents.

Art Goldhammer, on behalf of the VE Land Company, seeks approval for a preliminary plat of Lot 1, Block 4, Lakewood 9th Add.

The property is currently a stormwater retention pond that was over built as the surrounding developments utilized the dirt from this lot to fill and elevate out of the floodplain. Due to the stormwater pond being developed over capacity, there is potential for the lot to be partially filled and elevated thereby creating four new lots (See Exhibit 2). Three of the lots will have street frontage along 21st St. SE. The lot in the rear will continue to function to facilitate stormwater flows and be held in common ownership by the three street-fronting lots proposed.

The property is zoned PUD, where these lots will continue to be restricted to limited uses in the CB-Commercial District.

Staff received two calls from neighboring property owners. One neighbor indicated that he was happy to hear that the lot abutting their property would still function as a stormwater pond and provide a buffer to the development near 21st. The other property owner was just curious what was being proposed.

Staff is recommending approval of the preliminary plat subject to a few conditions already shared with the applicant (See Exhibit 3). The applicant indicated they were amenable to the conditions.

Natalie Pierce, Morton County Planning and Zoning Director indicated concerns about the size and maintenance of the stormwater facility moving forward.

Comments/Concerns are included in the “Conditions of Approval” contained in Exhibit 3.

Engineering and Planning recommend approval of the preliminary plat as presented in Exhibit 2 subject to the conditions of approval contained in Exhibit 3.

B. Open public hearing

Art Goldhammer, Developer, says the intended use right now is for Furry Friends on Lot 1. There are no plans for the other lots at this time.

Richard Lang, 3818 Gale Circle, asks if there are any plans to have trees planted around these buildings or plans to keep the shoreline up to date. John says we expect property owners to take care of their property.

C. Close public hearing

Commissioner Camisa asks where the 40’ access easement connect to. How does Lot 1A get legal access? Art says if the commission wants an access he can that on the next version. The 40’ is for the abutting lots access to maintain their property all the way down to the water.

D. Commission action.

Commissioner Liepitz motions to recommend approval of the preliminary plat as presented in Exhibit 2 subject to the approval of the conditions contained in Exhibit 3. Commissioner Klemisch seconds. Upon vote, the motion passes unanimously.

3. A request from Cloverdale Foods Co. to consider approval of a preliminary plat, final plat, setback variance and variance to non-zoning/non-subdivision regulations (number of approaches). Said property is a replat of Lots 1 & 2, Block 1, Mandan Industrial Park of the SE ¼ of Section 17, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota. The property is located at 3015 & 3017 34th Street NW.

A. Staff report

John Van Dyke, City Planner, presents.

Preliminary/Final Plat

The applicant is seeking to combine two industrial lots into one for the purposes of building expansion (See Exhibit 1). Generally, we require a subdivision grading/storm water plan to be submitted in tandem prior to the final plat approval. However, these plans will be required for any commercial/industrial building permits and therefore will be addressed at the building permit phase of the applicant's development. In addition, this plat is more simple than others, as it seeks to dissolve the property line that exists between the two lots to create one, large industrial lot.

Staff is recommending approval of the preliminary and final plats as presented in Exhibits 2 and 3.

Variance

The applicant is also seeking a variance to the Gateway Overlay District setback to I-94 from forty-five (45) feet to twenty (20) feet for the existing structure and from forty-five (45) feet to forty (40) feet for the building expansion.

Below are the requirements under the Mandan Code of Ordinances in granting a variance.

Variance may be granted under the following circumstances (See Sec. 105-1-12):

1. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;

The existing building was constructed long before the establishment of the 45' Gateway Overlay setback requirement. The building currently encroaches 25' into the setback (See Exhibit X). The proposed addition is seeking to encroach 5' into this setback. Building expansion options are limited due to the existing building's placement and functionality. Adding square footage to another portion of the building would provide the space but not where the space is needed to work with the layout of the existing facility.

If this was an entirely new building then it would be easier to design and construct without encroachment into the setback.

The existing building creates circumstances that are peculiar to any building addition.

2. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;

The findings for granting a variance are as follows:

- The existing building was constructed prior to the establishment of the forty-five (45) foot Gateway Overlay District setback requirements.

- The existing structure already encroaches into the setback by twenty-five (25) feet.
- The proposed addition would encroach into the setback by five (5) feet.
- Applying the strict application of the setback requirements would deprive the applicant of the ability to expand the structure as needed to function seamlessly with the existing structure.
- The applicant has designed the facility expansion so as to minimize encroachment into the setback.

3. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The granting of the variance will be in harmony with the general purposes and intent of this chapter and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Improvement District should be looked at due to additional approaches and impact on already poor roadway condition as trucks back up into Cloverdale property. Note – discussions are underway and an improvement district is being evaluated.

Engineering and Planning recommend to approve the preliminary plat as presented in Exhibit 2, the final plat in Exhibit 3, and the variance to the Gateway Overlay District I-94 Setback as presented in Exhibit 4 based on the findings in Exhibit 5.

B. Open public hearing

Abe Ulmer, Toman Engineering, is working with Cloverdale. Their representatives could not make it.

John says the number of approaches are not being considered tonight. The gateway overlay district setback requirement is for landscaping/aesthetics probably. He thinks there are possibly more encroachments along this gateway.

C. Close public hearing

D. Commission action.

Commissioner Camisa motions to recommend approval of the preliminary plat as presented in Exhibit 2, the final plat as presented in Exhibit 3, and variance to the gateway overlay district I94 setback as presented in Exhibit 4 based on the findings in Exhibit 5.

Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

4. A request from Dr. Eric Belanger for approval of a preliminary plat and zone change from A (Agricultural) to RM (Multi-Family Residential). Said property is part of the north half of the SE ¼ of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota.

A. Staff report

John Van Dyke, City Planner, presents.

Dr. Belanger requests a zone change from A-Agricultural to RM-Multi-family and a preliminary plat as presented in Exhibit 2.

Staff is supportive of the zone change and preliminary plat as presented. However, new information surrounding the easement labeled “40’ WBI Pipeline Easement” on the preliminary plat in Exhibit 2 has been provided by Marathon Petroleum on February 18, 2020. The information indicates the easement is a blanket easement that covers the entirety of the subject property (See Exhibit 3).

In addition, the applicant has indicated potential interest in phasing this plat, which would require a masterplan and a revised preliminary plat to include the first phase.

At the time of writing this staff report, staff did not have any documentation to dispute this easement and is therefore recommending tabling this item until the issue is resolved and a revised, corrected preliminary plat can be evaluated by City departments and external agencies. This will also give the applicant time to determine a phasing plan, if one is desired.

Natalie Pierce, Morton County Planning Director has indicated concern over the use of private infrastructure.

Engineering/Planning comments are contained within this staff report. Principal Planner John Van Dyke shares Natalie Pierce’s concerns with the use of private infrastructure but understands there is no policy on the use of private infrastructure at this time. This should be evaluated independently in the short-term apart from this application.

Engineering and Planning recommend tabling the item until the easement issue is resolved and the applicant determines whether or not phasing is desired.

Tabling the item will give the applicant to work with Marathon and develop a phasing plan. The client has indicated they may want to phase this development so as not to flood the market or install substantial infrastructure.

Chair Robinson asks if the applicant is ok with the recommendation. Dr. Belanger, Developer, says they are surprised Marathon Petroleum has requested a 100’ easement, while pretty much everywhere along the pipeline there are already houses with a 25’ easement. He provides a document signed in 1953 that does not say 100’ easement.

B. Open public hearing

C. Close public hearing

D. Commission action.

Commissioner Frank motions to recommend tabling the item until the issue is resolved. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

Commissioner Frank excuses herself and leaves the meeting at 6:35.

5. Presentation by the Bismarck-Mandan MPO for consideration and potential approval of Arrive 2045, Metropolitan Transportation Plan.

A. Staff report

Rachel Drewlow, MPO.

Arrive2045 is the Metropolitan Transportation Plan (MTP) for the Bismarck-Mandan Metropolitan Planning Organization (BMMPO), which encompasses the City of Bismarck, City of Mandan, City of Lincoln, and portions of Burleigh County and Morton County. The MPT is a long-range transportation planning tool and covers a planning horizon for the future 25 years. As a master document, it will help shape federal transportation spending for the next 5 years. Likewise, it must be presented to the governing boards of all BMMPO jurisdictions for their review and approval.

The Bis-Man MPO, and their consultant KLJ, request a public hearing and the opportunity to present the final Arrive 2045 MTP to the Mandan Planning and Zoning Commission at their February 24, 2020 meeting. Wade Kline, of KLJ, will provide the presentation by phone, and Rachel Drewlow, of the BMMPO, will attend in person to assist. The presentation will last approximately 15-20 minutes followed by a time for questions.

City of Mandan staff have been involved with the Arrive 2045 effort throughout its development, from its beginning RFP to the final document review. The process included multiple steering committee meetings, three public meetings, a study website, input/review by local, state and federal partners, and monthly progress updates to the BMMPO Technical Advisory Committee and Policy Boards. Please see the cover letter and executive summary provided by the Bis-Man MPO for more details.

Wade Kline, KLJ, gives the presentation.

This is the first MTP plan that is performance based. It takes a look at how things have performed in the past, current, and what we want it to look like in the future. A lot of the heavy lifting for this plan was done with the NDDOT. The NDDOT and USDOT do a lot of performance based planning measuring system success or areas of improvement for bridges and infrastructure conditions, safety, congestion reduction, alternative transportation, etc.

There were 3 rounds of public involvement. The public was helpful in identifying where they thought improvements could be made. The desired plans were then integrated with plans that are in place and matched with what was already being implemented. The study then delved into smart cities and traffic technology.

One example of the study is a cost benefit analysis of a future north bridge vs. a south bridge. A north bridge corridor is not affordable in this current plan, but it still provides a reasonable cost benefit. The south bridge comparison with the extension of McKenzie Dr. to 1806 and possibly someday ND6 had a high cost benefit to the overall transportation system.

The public helped them evaluate projects based on what they thought was important. That and technical analysis formed a list of projects.

Short-range and long-range interstate improvements were looked at as well.

A project prioritization plan and financial plan was developed. This helps staff in the short range to know which projects to go for in finding funding.

Commissioner Camisa asks how the steering committee was selected. Rachel says the steering committee was comprised of representatives from all 5 of their jurisdictions, as well as community members they work with throughout the MPO planning process. Invitations are extended to Police and Fire, and it just depends on whether they have a person on staff who would be a good fit for that role. The planning process lasts almost 2 years, so it can be a long range commitment. The core steering committee focuses on project specific elements and is comprised of jurisdiction representatives.

B. Open public hearing

C. Close public hearing

D. Commission action.

Commissioner Liepitz motions to recommend approval of the Arrive 2045 MTP. Commissioner Klemisch seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

Commissioner Liepitz says the commission voted on an item at the last meeting, and that item was short on votes. The applicant is here.

John says the ND Century Code requires 2/3 of the entire Planning & Zoning Commission to approve land use masterplan amendments. At that meeting, six were in favor and two were opposed. Of those eight, all were needed in favor to approve the item. The meeting ended thinking it was approved, and usually all other applications that would have been the case, but in this case it was not. John asks the two that were opposed if they would reconsider.

Malcolm Brown, City Attorney, says Commissioner Liepitz or Vayda (the two opposing commissioners) would have to reconsider an amendment and it would require another public hearing. If they want to approve it as it was submitted, they can do that, but if any changes were made, it would have to go to another public hearing.

Commissioner Liepitz does not plan on changing his vote. If the land use amendment was changed, he would reconsider. Attorney Brown says it would be up to the applicant to make amendments to his plan.

Commissioner Vayda says she would like to see a change to the triangle parcel from medium density residential to low density residential. Commissioner Liepitz would also like to see that change.

Dr. Belanger says it is not a problem to rezone that.

Commissioner Liepitz motions to reconsider Sunset Ave New land use amendment with revisions to said parcel to low density residential and any other revisions the applicant wants

to make, and to be presented at the next public hearing. Commissioner Klemisch seconds. Upon vote, the motion passes unanimously.

Commissioner Boehm motions to adjourn. Commissioner Knoll seconds. Motion passes unanimously.

Meeting adjourns at 7:02 p.m.

PUBLIC HEARING # 1

PUBLIC HEARING # 1

Mandan Planning and Zoning Commission Agenda Item PH1
 For Meeting on March 23, 2020
 Mandan Engineering and Planning Office Report
Sunset AveNew Comprehensive Plan Amendment
 Requested Action
Amendment to the City's Comprehensive Plan
(Mandan Land Use and Transportation Plan)

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Eric Bellanger/Wendy McNicols	EBCMGL 16 LLLP (Eric Bellanger)	Sunset AveNew Amendment to the Comprehensive Plan	See Page 3 of Exhibit 6 for Legal Description of Area	
Location		Proposed Land Use	Parcel Size	Number of Lots
Area North of Mandan Middle School (North Mandan)		Residential, Commercial, Public Use	550+ acres total	N/a
Existing Land Use	Adjacent Land Uses	Current Zoning	Proposed Zoning	Adjacent Zoning
Bare Land	Bare Land/Single-family/Multi-family/Public (School)	Agriculture	N/a	R7/RM Residential
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published	
No Charge	N/a	N/a	March 13, 2020 and March 20, 2020	

Project Description

The application was originally denied by lack of necessary support of eight members of Planning and Zoning Commission at the January 27 meeting. This application is being reheard by request of the Planning and Zoning Commission at the February 24 meeting.

As discussed at the February 24 meeting, the primary concern was an area on the west of the Parks property (See Exhibit 1). Public comment and P&Z shared concern that the area would create conflicting land uses between the low density development along the ridge and the medium density originally proposed. The applicant has amended the plan to show low density residential of the area of concern.

Staff is recommending approval of the land use and transportation plan amendment per the originally proposed plan that was evaluated by agencies and City staff at the January 27 P&Z meeting with the only change being the adjustment of the area west of Parks from medium density to low density residential. This area is denoted as the red hatched area in Exhibit 3.

The applicant made additional changes in their proposed amendment that were not brought to staff's attention, leading staff to identify them mid-last week (See Exhibit 3). Therefore, staff does not support these other adjustments. The applicant may always reapply for these changes, if desired, or P&Z may table the application until April to give staff a chance to evaluate these additional proposed changes.

Staff Report Provided at January 27, 2020 meeting (below).

Eric Belanger and Wendy McNichols have submitted an application for an amendment to the comprehensive plan for approximately 550 acres in north Mandan.

City staff from multiple departments met with the applicant or the applicant's representatives Steve Iverson and Jerod Klabunde on a number of occasions to address concerns or issues that needed to be addressed in order to provide a recommendation of approval to this Commission.

Exhibits 1 and 2 highlight the land use and transportation changes overlaid on one another for ease of review of the proposed changes. Exhibits 3 and 4 include the broader plan document providing analysis and evaluation related to the provision of utilities, such as water, waste water, and storm sewer.

One of the primary changes is a proposed school site at the intersection of 38th and Sunset Dr. This site will be used as the anchor for other surrounding residential and commercial development in the vicinity. Other changes, include adjustments to the alignment of an extension of Jude Ln. (collector) and to the alignment of Sunset Dr. (arterial). Another change is the removal of some high and low density designations and replaced with medium density.

If approved, this amendment to the comprehensive plan would replace the future land uses and preliminary road layout presently planned for the area.

Staff is recommending approval of the amendment to the land use and transportation plan.

Agency & Other Department Comments

Parks comments can be found in Exhibit 7.

Metropolitan Planning Organization (MPO) - The MPO has concerns regarding the spacing of intersections on 38th, which is to be a bypass in the future. Also a concern was having the school site located along the intersection of two major roadways.

Engineering & Planning Staff Comments

Staff asks the Planning and Zoning Commission to focus on the uses which may be inherent in each of these proposed designations and their spatial relationship to one-another and determine if this plan is superior than the one presently adopted by this Commission for this area.

Engineering & Planning Recommendation

Engineering and Planning is recommending approval of the land use and transportation plan amendment per the originally proposed amendment that was evaluated by agencies and City staff and presented at the January 27 P&Z meeting (Exhibits 1 & 2) with the only change being the adjustment of the area west of Parks from medium density to low density residential. This area is denoted as the red hatched area in Exhibit 3.

Proposed Motion

I move to approve the amendment to the comprehensive plan as presented in Exhibits 1 and 2 with an adjustment of the area west of the Parks District property from medium density residential to low density residential.

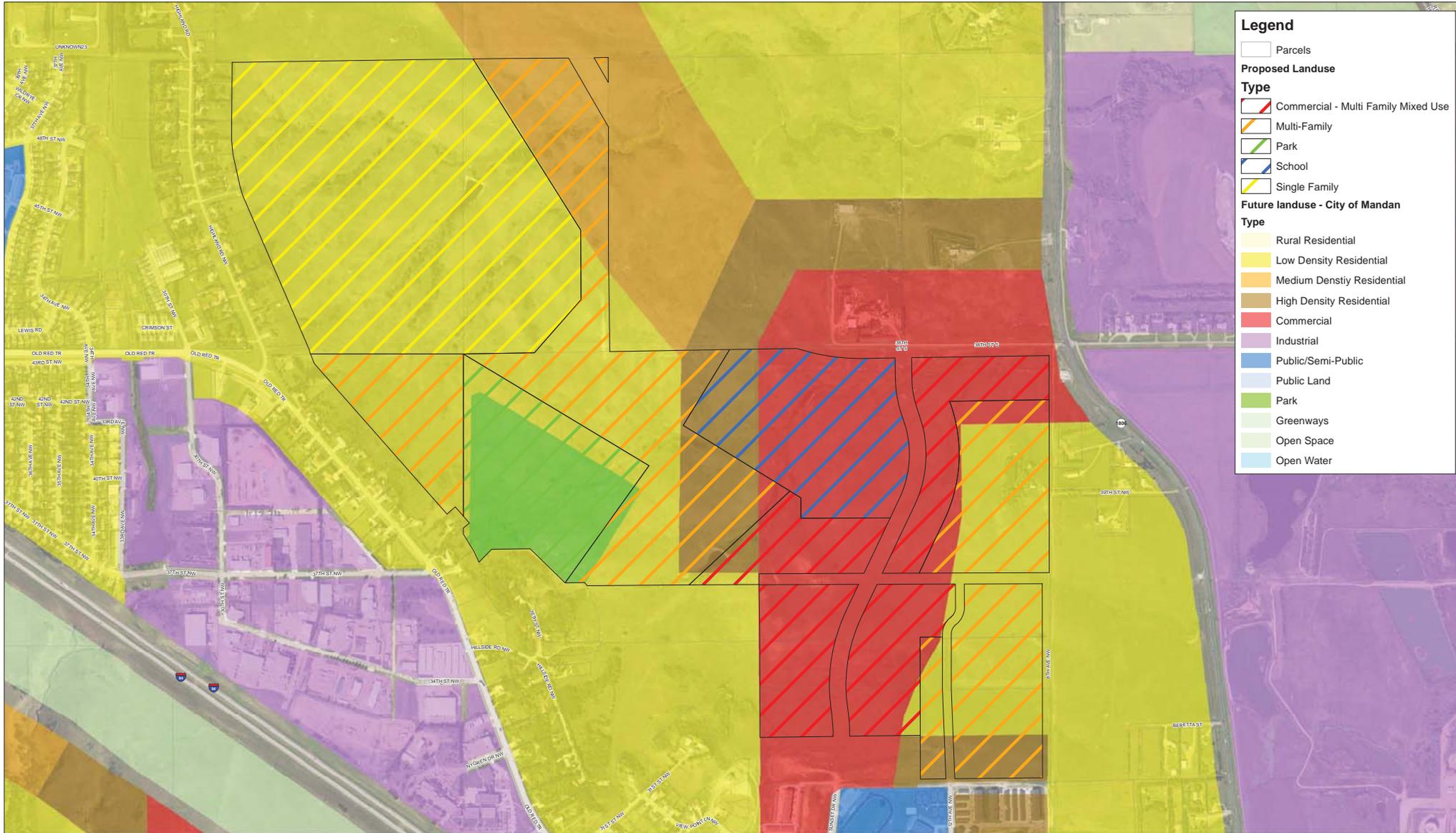
List of Exhibits:

- Exhibit 1 – Proposed Land Use Comparison – January 27 meeting
- Exhibit 2 – Proposed Transportation Comparison – January 27 meeting
- Exhibit 3 – Proposed Land Use and Transportation Plan Amendment REVISED
- Exhibit 4 – Sunset AveNew Plan Document
- Exhibit 5 – Sunset AveNew Plan Figures

Exhibit 6 – Resolution Amending Mandan Land Use and Transportation Plan

Exhibit 7 – Comments Received from Parks

EXHIBIT 1



Legend

- Parcels
- Proposed Landuse Type**
 - Commercial - Multi Family Mixed Use
 - Multi-Family
 - Park
 - School
 - Single Family
- Future landuse - City of Mandan Type**
 - Rural Residential
 - Low Density Residential
 - Medium Denstiy Residential
 - High Density Residential
 - Commercial
 - Industrial
 - Public/Semi-Public
 - Public Land
 - Park
 - Greenways
 - Open Space
 - Open Water

**PROPOSED LAND USE MAP
SUNSET AVE VICINITY
MANDAN, NORTH DAKOTA**

Created By: TJS Date Created: 12/26/19 Date Saved: 01/06/20 Date Plotted: NEVER Date Exported: 01/06/20
 Plotted By: isabell schmidt Parcel Date: N/A Aerial Image: 2018 County NAIP SIDS Elevation Data: Lidar
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
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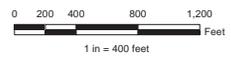
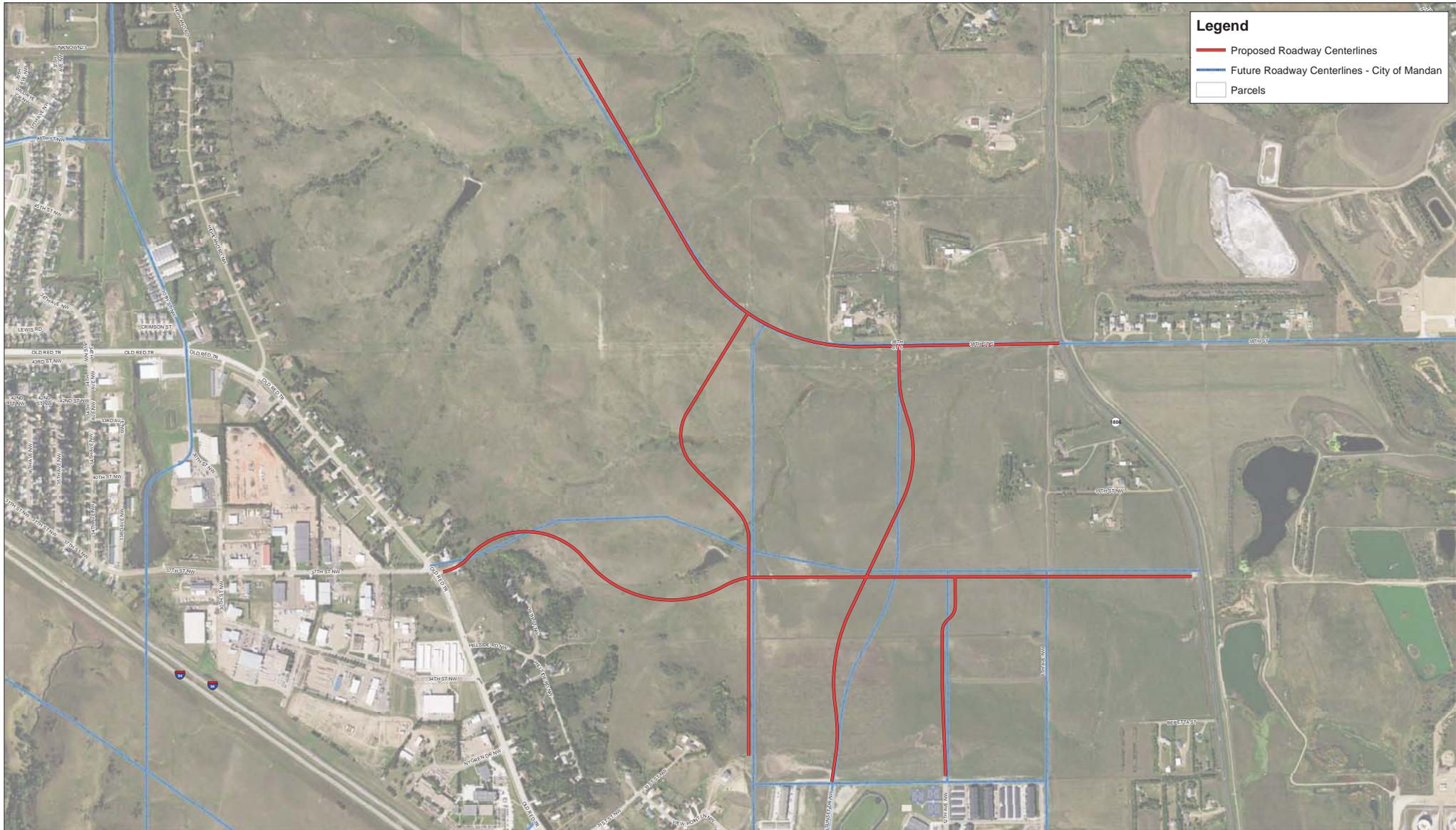


EXHIBIT 2



**PROPOSED LAND USE MAP
SUNSET AVE VICINITY
MANDAN, NORTH DAKOTA**

Created By: TJS Date Created: 12/26/19 Date Saved: 01/03/20 Date Plotted: NEVER Date Exported: 01/03/20
 Plotted By: isabernschmidt Parcel Date: N/A Aerial Image: 2018 County NAIP SIDS Elevation Data: Lidar
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
 T:\Projects\207000\207070\20707_Proposed_Transportation.mxd

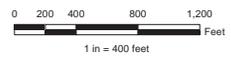


EXHIBIT 3

FILE LOCATION: R:\Civil_3D\Projects\2017\DRAWINGS\PRESENTATION\2017\EXHIBIT-SunsetAve\New.dwg

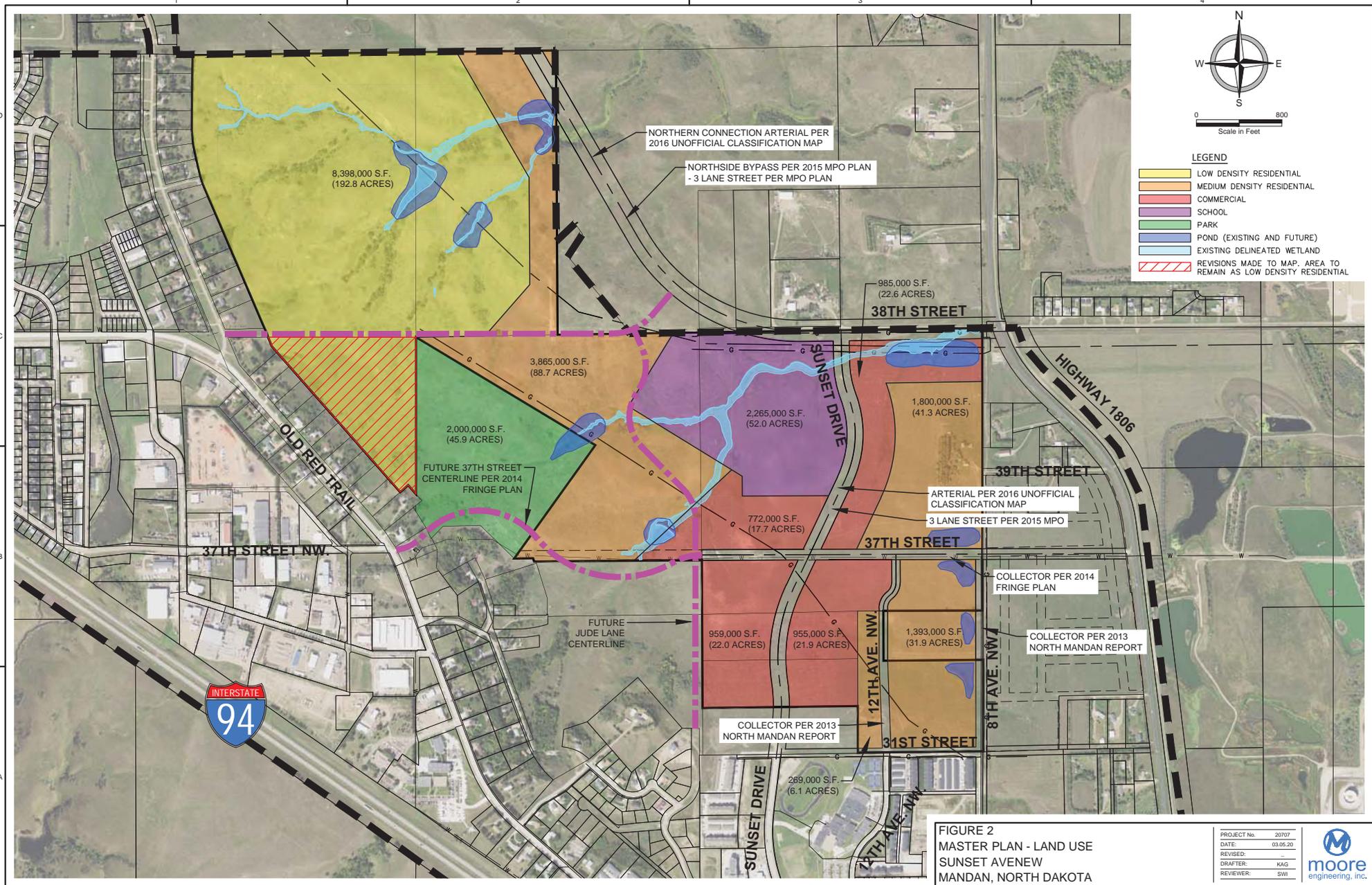




EXHIBIT 4

2911 N 14th Street
Suite 301
Bismarck, ND 58503

P: 701.282.4692
F: 701.282.4530



December 17, 2019

Mandan City Engineering and Planning Department
205 Second Avenue NW
Mandan, ND 58554

RE: Memorandum
Sunset AveNew
Project No. 20707

This memorandum provides an assessment of the following issues related to the development of the Belanger properties in Mandan, North Dakota to be known as Sunset AveNew:

1. Summary of direction from applicable planning documents, related policies and land use restrictions
2. Development phasing
3. Stakeholder coordination
4. Transportation assessment
5. Utility needs assessment
6. Storm water approach

This information is based on the preferred master plan (See figure 2) under consideration as of the date of this memorandum.

Applicable Planning Documents, Policies, and Restrictions

Mandan Land Use and Transportation Plan (2015)

The Planned Future Land Use Map designates the subject property a mix of all land use designations with the exception of Industrial. The southern end of the property that abuts existing development will be primarily mixed use retail/office/residential along Sunset Drive to the future 38th Street, and the extension of 12th Avenue to 37th Street will be primarily medium-high density residential. The development's core is a 50+/- acre site set aside for the new Mandan High School. South of the school provides areas for mixed use/recreational type uses along with medium-high density residential west and southwest of the school site. Single family residential is anticipated in the northwestern part of the master plan.

The master plan is consistent with the uses shown and the intent of the Planned Future Land Use Map

The Mandan Land Use and Transportation Plan identifies the extension of Sunset Drive to the future arterial/north side bypass that will be 38th Street.

- The master plan follows the future classification system provided in the City Plan.

Fringe Area Road Master Plan (Morton County-Mandan, 2014)

The MPO's Fringe Area Road Master Plan (FARMP) identifies future corridors for arterial and collector roadways across the property. These corridor alignments are similar to what is provided in the Mandan Land Use and Transportation Plan's Future Transportation Classification Map. The exception is that the alignment (8th Avenue NW) that runs north/south along the east edge of property is a collector in the FARMP, rather than an arterial as shown in the City's Plan.

- The master plan follows the future classification system provided in the FARMP.

I-94 Corridor Study

This MPO study identified needed improvements to the Sunset Drive Interchange (south of the property) and identified a future I-94 grade separation to access Old Red Trail 1 mile west of the property.

- The buildout of the master plan is NOT dependent upon the completion of the grade separation.

North Mandan Subarea Transportation Study and Arrive 2045

The North Mandan Subarea Transportation Study and the (2013) and Arrive 2045 (in process) are two relevant studies applicable to the area created by the Bismarck Mandan MPO. These MPO documents mirror the City's Land Use and Transportation Plan Future Transportation

Classification System. Shared-use path alignments are also shown to extend into the site, following the future minor arterial corridors.

- The master plan follows the North Mandan Subarea Transportation Study direction provided for the property's future arterial and collector roadways, as well the need to extend pedestrian and bicycle access to the property with shared-use paths.

Mandan Zoning Classifications

Figure 1 depicts existing land uses for areas adjacent to the master plan. The proposed land uses in the master plan are shown with corresponding city zoning classifications to be considered upon future subdivision.

North Dakota Main Street Initiative

The City of Mandan has been making great strides in recent years to follow the Main Street Initiative, for example by focusing planning and infrastructure investments in the downtown area. Understanding the City's desire to follow the Initiative on a community-wide basis, noted below are the main goals (referred to as "pillars") of the Initiative and how the master plan intends to follow each.

1. Healthy, vibrant communities

Recreation. A central focus of the Sunset AveNew Master Plan is the open space afforded by the site's unique terrain and existing parkland dedication. In conjunction with over 45 acres of open space available onsite, recreation will be a key component of the project, not to mention an attraction for the whole City. The open space corridors in the master plan are envisioned to provide trail corridors for hiking, biking, and other passive recreational opportunities in mixed prairie, woodland, and riparian habitat.

Mixed use neighborhood center. Just to the south of the future high school site will be a large area of mixed use office, retail, and residential uses. The developer envisions a large mixed use complex similar to Three Forks in Winnipeg, MB with a variety of small retail service outlets, office, and residential all incorporated into an indoor/year round entertainment facility.

Support to Downtown Mandan. At buildout, the master plan will accommodate an estimated additional 5,700 residents in the City of Mandan. This will help to increase activity downtown and lead to greater success downtown. The master plan is not intended to compete with Downtown by offering different housing options in a different setting than the unique experience only a downtown can offer. In addition, the mixed use neighborhood center is intended to support the local neighborhood needs of the master plan area, not targeted to the community as a whole. There is a national indoor entertainment franchise tentatively looking at the south end of the project that would provide the City/metro and regional draw.

2. 21st Century workforce

Education. Schools are a critical component of creating a 21st century workforce. The master plan accommodates a future high school site (replacement of Mandan's existing high school—see further detail under the stakeholder coordination section). Schools also serve as centers of community gathering and activity. Based on Mandan School District needs as part of later phases of the development, the master plan is flexible to accommodate any possible elementary school needs.

Jobs. The master plan focuses on creating jobs with wages that can support a family. The retail/commercial and mixed-use areas are intended to provide limited retail, office, entertainment, and professional/personal service opportunities. As a result, capacity is available for an estimated 2,000 family-wage jobs.

3. Smart, efficient infrastructure

The development of infrastructure to support the master plan will depend on a strong public private partnership. This includes Dr. Eric Belanger and his holdings, City of Mandan, State Department of Transportation, School District, Park District, and adjacent property owners. At this initial, conceptual stage of the development these partnerships are still being formed. More information pertaining to coordination with these entities can be found under the Stakeholder Coordination section of this document.

Development Phasing

Given the significant size of the proposed master plan (over 550 acres), a phasing plan has been developed. Four phases are identified, with the first phase to be developed in the southeast corner of the master plan. Refer to figure 3 for the phasing plan.

Stakeholder Coordination

Mandan Public Schools

Development of the master plan has involved close coordination with the Mandan School District. The District is currently looking at multiple sites to relocate the existing high school. The master plan looks to help the District solve the need for a new high school site and identifies the central core of the master plan for the future high school. Discussion is ongoing with the District.

Mandan Park District

Coordination has also taken place with the Park District. At this time, discussion has involved future shared use paths on the property (and connecting the property to the developed portion of the City). Coordination will continue into the future regarding park space needs, use of open space within the master plan, and parks and recreation funding.

JAMS Properties LLP

JAMS Properties LLP, a development company, owns property between the master plan area and the developed portion of the City along Sunset Drive. The owner is open to the use of the property to provide ingress/egress across the property in the form of transportation and sewer improvements. This property is planned for a mix of residential and commercial development in the City's Comprehensive Plan. It is anticipated that infrastructure connections built on the property will help initiate development of the property. Discussion with the development company is ongoing and positive.

Transportation Assessment

Traffic Operations

The purpose of this section is to provide an overview of the preliminary transportation assessment approach, findings, and key considerations. Significant information includes a summary of land uses associated with four development phases, access management, and phasing/implementation considerations. Additional detail with respect to specific traffic controls and turn lanes are expected to be evaluated at a future time.

A key component to evaluating the Sunset AveNew's site transportation system was to review previous Bismarck Mandan Metropolitan Planning Organization (MPO) and City of Mandan planning documents (i.e. Mandan Land Use and Transportation Plan (2015), the Fringe Area Road Master Plan (Morton County-Mandan, 2014), the I-94 Corridor Study, and Envision 2040). These resources have identified key corridors to enhance short-term and long-term vehicular and pedestrian/bicycle connectivity.

Land Use & Traffic Generation

Land uses proposed for each development phase were evaluated to determine associated estimated trip generation per cumulative phases. A summary of the land uses and equivalent average daily traffic volumes for each phase are illustrated in Table 1.

Table 1. Proposed Development Phases Trip Generation Summary

Phases 1 and 2		
Master Plan Land Use Type (ITE Code)	Approximate Size	Daily Trips
Low-Rise Multi-Family Housing (220)	730 DU (10 UPA)	6,205
High School (530)	1,400 Students	2,842
Mixed use office, retail, residential users	3.3 MM SF	6,600
Phases 1 and 2 Subtotal		15,750

Phase 3		
Master Plan Land Use Type (ITE Code)	Approximate Size	Daily Trips
Single Family Housing (210)	75 DU (3 UPA)	725
Low-Rise Multi-Family Housing (220)	800 DU	6,800
Park (411)	45 acres	90
Phase 3 Subtotal		7,625

Phase 4		
Master Plan Land Use Type (ITE Code)	Approximate Size	Daily Trips
Single Family Housing (210)	450 DU	4,275
Low Rise Multi-/Family Housing (220)	200 DU	1,900
Phase 4 subtotal		6,175
Phases 1 - 4 / Full Build - Out, Total Site Trips		28,000

Roadway Connections

Potential future connections are identified in Figure 5. This graphic's focus is on the primary roadways (i.e. arterials and collectors) within the site for all four phases. However, as development occurs, several internal public/private roadways are expected to be included to help circulation and access within the area, reducing dependence on the primary roadways within the site.

A key connection within the development is at the existing terminus of Sunset Drive and also 11th Ave NE. Both thoroughfares will funnel the higher density/intensity uses envisioned for the southerly portion of the development south under the interstate at Sunset Drive or to Old Trail NW and ultimately under/to the interstate at 1806.

An essential component to the property's transportation network is the proposed major north side bypass and bridge crossing at 38th Street which the MPO has studied since 2005. This centrally located roadway provides an additional option to access future northerly growth of Mandan and easy direct access to north Bismarck.

Two collectors have been identified by past studies and reports to bisect and serve the site. The first collector proposed is 31st Street NW, which would connect Sunset Drive to 1806, as would the second collector 37th Street NW. 37th Street NW in concept connects Old Red Trail over to 1806.

Note this master plan DOES NOT require any additional interstate access or over/underpass improvements to service it. As development occurs and traffic counts rise, there will invariably be some level of improvements to intersections along Sunset Drive and 1806, but those can be addressed as time passes and development warrants it during the platting and dedication phase.

Preliminary Trip Distribution

Figure 5 shows anticipated trips generated for Phases 1-4 of the development and buildout. Note that the trip distribution analysis was qualitative and not based from the regional travel demand model. The travel demand model would and will produce a more accurate projection of possible trip distribution from the development as the development advances. Note the heavy share of total trips projected to use Sunset Drive and 12th Avenue NW in Phase I and continuing to grow through buildout. Development of the Seven Winds property to the east will alleviate some of the burden with a future connection to 1806 at 37th Street NW.

Transportation Network Phase Implementation

Results of the proposed transportation network indicates that the roadways illustrated in Figure 5 are expected to provide sufficient capacity to accommodate Phase 1 and most of 2 development conditions. Subsequent phases will likely require additional “ways in and out” to satiate EMS needs and requirements. In this instance, either a connection to 1806 through the Seven Winds land, or a segment of the north side bypass to connect 38th Street NW from Sunset Drive to 1806 would satisfy those requirements.

Access Control

As development occurs and the roadway network is developed, adherence to the Fringe Road Design Criteria – Access Location recommendations (see Table 2 below) should occur.

Table 2. Relationship between Functional Classification and Design Characteristics

Functional Classification	Distance Served (and Length of Route)	Intersection Spacing/Access Points	Direct Land Access?
Other Principal Arterial	Multiple miles to across the region	5 per mile (1/880')	No
Major Collector	Multiple miles	9 per mile (1/600')	No
Minor Collector	1 to 2 miles	Could provide direct land access	Allowed

source: Fringe Road Area Master Plan, September 2014

Traffic Controls

Once the internal roadway network has been identified and confirmed with specific and objectively defined end users/trip generation, additional analysis is expected to occur to refine specific traffic control and turn lane needs, as well as the approximate implementation timeframe. This too will occur in conjunction with future platting/dedication activities.

Pedestrian and Bicycle Connections

Discussion with Cole Higlin, Park District Director, confirmed the District's desire to extend existing shared-use paths as contemplated in the Mandan Land Use and Transportation Plan, as well as in Envision 2040.

The developers of Sunset AveNew envision a comprehensive path network throughout the development, creating a walkable/healthy community. Paths will be incorporated with major collector roadway projects, and extended/connected into each subsequent phase of the project as specific projects are developed.

Utility Needs Assessment

There are a number of existing easements and pipelines that cross the development property that need to be incorporated into the master plan. Among them are:

- City of Mandan has an existing water distribution easement and transmission line running east-west across the site. Information provided by the developer's team is currently being coordinated between the City and their consultant.
- Marathon Oil has an existing easement and transmission line running northwest – southeast across the site. The developer has been in contact with their representatives to coordinate future easement widths and access allowances.

A full copy of the easements has been described in the attorney's title opinion, which has been provided to the developer and City. While these easements create obstacles, they are generally conveying below-ground piping which gives the opportunity for green space and multi-use pedestrian trail corridors throughout the development. Although a constraint and consideration, they potentially set the table to create the walkable-community setting that the developers are intending for this neighborhood. The master plan has been designed to avoid conflicts with and considers these utility corridors.

Today, the areas are not yet served with water distribution and sewer collection facilities. High-level, conceptual water and sanitary sewer system extension concepts, based on the City's master plans, have been further developed for the master plan. These conceptual plans are figures 6 & 7 of the master plan.

Mandan Sewer Master Plan

Buildout will require significant extensions to the City’s sanitary sewer system, but land use is generally in line with the intention of the Growth Area a masterplan for the community. The City of Mandan’s comprehensive Wastewater and Collection System Master Plan (2012) analyzed the expansion of the community’s sanitary sewer system and put significant planning into the sizes and locations of future sewer main pipes and lift stations. The study anticipated significant growth for the development area being planned, and refers to this as Growth Area A for the community. A critical 21” trunk sewer main is planned to be installed to accommodate the entire Growth Area A and is planned to be installed under a 2021 NDDOT project, shown in Figure 1. Major development (more than 10-15%) of this area will need to be restricted until the completion of the critical sewer infrastructure in 2021.



Figure 1: 2021 Trunk Sewer Main Extension

The 550+ acres of development property included within this master plan spreads across Growth Area A, more specifically sub-areas A2, A3, A4 and A5. The timing and order of development will require modifications to the phasing and layout of the Master Plan for Growth Area A. Two Amendments to Growth Area A have been submitted to the City for review and approval separate from this Master Plan.

Amendment #1 to Growth Area A proposes that Sunset AveNew Phase 1 sewage flows be diverted to the Terra Vallee lift station. Amendment #1 is included in the Appendix to this report.

Amendment #2 to Growth Area A proposes that the lift stations for Growth Areas A2, A4, and A5 be combined into one lift station located within A5. Amendment #2 is included in the Appendix to this report.

It is important to first note that three separate utility lines currently cross the master plan area. These are shown in Figure 2 (Master Plan graphic) and include the following:

- Gas transmission line running east/west across the center of the site parallel 38th Street NW.
- Oil transmission line running SE/NW bisecting the site.
- Water transmission line running east/west across the southern 1/3 of the site.



Figure 2: Growth Area a Master Plan

Mandan Water System Master Plan (Amended 2013)

There is a 30" water transmission line bisecting the master plan from east to west that is scheduled to be replaced and relocated in 2020.

Stormwater Approach

Existing Condition

The existing land use of the proposed 550+ acre development site consists of pasture land for cattle. Topography is steep, generally sloping toward the northeast towards the Missouri River with a series of coulees that accumulate flow to 3 distinct discharge points from the site. It appears that 3 stock ponds for watering cattle were built with earthen berms through the bottoms of the coulees. These ponds do provide some storm water benefit by reducing peak discharge rates.

Proposed Condition

The proposed 550+ acre development includes the addition of commercial and residential areas, adding roughly 360 acres of new impervious surface. Due to the steep terrain it is assumed that flow patterns will match the existing conditions. The new roadways will have curb and gutter, allowing for roadway and development drainage to be picked up in storm sewer and directed towards the storm water ponds located at the downstream ends of the existing coulees. It is not anticipated that any storm sewer pumping stations will be required.

Regulatory Environment

The project site is located within the City of Mandan City Limits but downstream drainage areas are outside the city limits and fall within the jurisdiction of the Morton County Water Resource District. The City is the local government unit for water resources-related permitting within the District, and the project will have to be designed to meet their requirements.

A wetland field delineation was completed in November 2019 by Wenck Associates in Mandan. They are currently preparing the wetland delineation report that will be used to complete a jurisdictional request with the U.S. Army Corps of Engineers (USACE). The preliminary wetland delineation findings indicate wetlands occur along the creek and ravines on the project site and that these wetlands will likely be considered jurisdictional by the USACE due to the downstream connectivity of the wetlands to the Missouri River. Impacts to jurisdictional wetlands will require permitting and mitigation under Section 404 of the Clean Water Act (CWA), and therefore, the Master Plan will be designed to avoid and minimize potential impacts to wetlands by considering placement of buildings and crossings. These design consideration will be completed with the intent of more efficiently completing permitting and minimizing any potentially required wetland mitigation.

Water Quantity and Volume Control

Storm water generated from the project areas flows into the coulees and exits the site to the northeast. Storm water rules required discharge rates for the 2-year, 10-year and 100-year storm events to be less than or equal to existing peak discharge rates using the Intensity-Duration-Frequency curve. In addition, City rules state that detention basins should provide a minimum of one foot of freeboard above the 100-year surface elevation.

Water Quality

Facilities will be designed to enhance the quality of storm water runoff. For planning level purposes, it is assumed that the storm water detention basins will be sized to provide minimum dead storage volume for water quality treatment.

Pond Design

Preliminary locations are shown for future detention ponds. These ponds will be designed in detail with the development and the appropriate phases.

A HydroCAD hydrologic/hydraulic model was developed to analyze runoff volume and peak flow rates from the site. The model utilizes Atlas-14 precipitation depths as seen below in the table below:

Rainfall Duration	2-Year	10-Year	100-Year
24-Hour	2.06	3.10	5.24

Rainfall distribution was modeled utilizing the SCS Type II 24-hour distribution. Time of Concentration (T_c) was calculated within HydroCAD utilizing tools based on Part 630, Chapter 15 of the National Engineering Handbook. Curve numbers for the site were developed from the Hydrologic Soil Groups (B=15%, C=27%, D=58%) found from the NRCS soil map.

The drainage basin outlet rates were preliminarily established as shown in the table below. As previously stated, the exact location and sizes of each detention pond will be provided at a future date. Note this table does include parts of drainage areas outside of the master planned area (approximately 267 acres not in the master plan).

Basin	Drainage Area (Acres)	2-Year (CFS)	10-Year (CFS)	100-Year (CFS)
North Rock Haven	230	36	98	255
Rock Haven	417	70	163	304
North Terra Vallee	225	40	110	286

Wastewater & Collection System Master Plan (2012)

Amendment #1: Update to Growth Area A (2019)

Prepared for:
City of Mandan – Engineering Department



December 23, 2019

Prepared by
Erik Gilbertson, PE

QC Review:
Jerod Klabunde, PE



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I. Project Background

Advanced Engineering & Environmental Services (AE2S), under the direction of the City of Mandan, prepared a Wastewater and Collection System Master Plan in 2012. This Master Plan provided an analysis of the existing wastewater facilities within the City of Mandan and also provided recommendations for growth inside and outside the current City limits. At the time of the study, the City's existing sanitary sewer system was as shown in Exhibit A. Since the study was finalized, there have been modifications to the City's wastewater collection system and additional improvements are planned in the near future.

The focus of this amendment will be to discuss updates to the planned expansion of the sanitary sewer system on the north side of the community referred to as Growth Area A. Growth Area A is situated in close proximity to the I-94 corridor and has the potential to be an area of great expansion for the community. Complicating things and restricting growth has been the steep terrain, coordinating multiple land owners with varying interest, city limit boundaries, and the extremely high cost to develop.

Within the original study, Growth Area A was divided up into 9 sub areas (Sub Area A1, A2, A3, etc.) which would eventually be served by 6 separate lift stations (see Exhibit B). The original study predicted that sub-areas A1, A2 and A3 would be the first and quickest to develop, but growth trends could happen in a differing order. Ultimately, regardless of which sub area grows first, a trunk sewer main and regional lift station(s) are considered essential infrastructure to serve the entire Growth Area A.

As shown in Exhibit C, the City is currently planning to extend the large diameter gravity trunk sewer main to serve the entire Growth Area A with the work scheduled to be constructed under a NDDOT project during the 2021 construction season. This trunk sewer main is one piece of the essential infrastructure needed to accommodate the overall Growth Area A, regardless of the order in which the sub areas develop.

Today, the sub area identified as A3 is 100% developed and is served by an existing lift station locally referred to as Lift Station #10 or the Terra Vallee Lift Station. Eventually, it is the intention of the community's masterplan to retire the Terra Vallee Lift Station and to serve a much larger area with the future, regional lift station (A2 or other).

II. Potential Growth Being Planned

Driving the need for this Amendment is that the City is reviewing the Master Plan of a 500+ acre development referred to as The Sunset AveNew development which is located within portions of Growth Areas A2, A4, and A5 (see Figure 1).

Primarily pasture land, Growth Areas A2, A4, and A5 require the installation of a new wastewater collection system, including gravity sewer mains, lift stations, and sewage force mains. These Growth Areas will converge in a new collection system to be constructed along the Old Red Trail, and ultimately pumped to the trunk sewer being installed in the 2021 NDDOT project.

Phase 1 of the Sunset AveNew development is located in the southwest portion of Area A2, just north of Area A3.

This report will examine the possibility of modifying the boundaries between the proposed A2 and A3 sub areas because of the order of development being planned. Developers are willing to invest and develop in the western portion of the A2 sub area. The primary issue is that the A2 lift station needs to be built along the far east end of the A2 sub area and is not anticipated to be constructed in the near future.

In order to facilitate this short term growth in the area north of A3, the Terra Vallee lift station could be used in the interim. By adding this portion of A2 to the Terra Vallee lift station, an additional ± 60 acres of land could be developed utilizing infrastructure in place today. Short term, the Terra Vallee lift station would be utilized; however, long term it is understood that when the Terra Vallee lift station is retired, this portion of A2 would be connected to the rest of the A2 sub area and utilize the future regional lift station. In the end, all of the sub areas within Growth Area A would eventually end up in the same location, the trunk sewer main being installed under the planned 2021 project.

This report is needed to analyze the existing capacity of the Terra Vallee lift station, the exact area that could be added (confirm elevations to ensure gravity flow) and that the lift station can sufficiently handle the additional wastewater generated by the growth area.

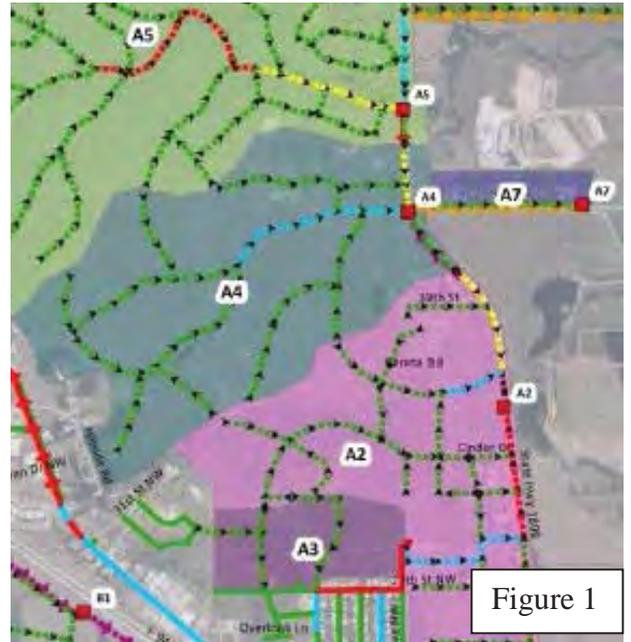


Figure 1

Sunset AveNew – Phase 1 of the Sunset AveNew Development will be located directly north of the termination point of Sunset Avenue. The Phase 1 development will include approximately 50.6 acres of developable land, but for the purposes of this analysis an additional 13.1 acres of adjacent land owned by others is included. Figure 2 shows the approximate 64 acres of future development land to be included in the Terra Vallee lift station. Exhibit D shows the preliminary rim and invert elevations for the gravity flow sewer system that would serve the area.



The flows for the 64 acres were calculated using the methodology utilized in the Mandan Wastewater Collection System Master Plan. The master plan provided typical flow rates to apply to undeveloped land. These flowrates were developed from existing water usage records within the City.

Land Use	Area	Average Day Flow*	Equivalent Population	Flow gpd	Flow gpm
School	3.3	0.36	17	1,711	1.19
Mixed Use Commercial / Multi Family	30.8	0.36	160	15,967	11.1
Multi Family	16.6	0.50	120	11,952	8.3
Unknown Use (by Others)	13.1	0.50	94	9,432	6.6
	63.8		391	39,061.4	27.1
Peaking Factor		4.03			
Peak Flowrate (gpm)		109			

* Average Day Flow taken from Table 2-6 of the Mandan Wastewater Collection System Master Plan

As shown in the table above, the proposed increase of 64 acres of land being added to the service area of the Terra Vallee lift station will result in an increase of approximately 39,000 gallons per day.

III. Terra Vallee Lift Station Evaluation

The Terra Vallee lift station was constructed in 1997 and consists of a two pump dry well station. The pump capacity of the lift station is measured at 350 gallons per minute.

The run times of the lift station were analyzed over the last 5 years. As shown in Figure 3, there has been a steady increase over that time period, but over the last two years, the flows have averaged approximately 200

minutes per day or about 3.3 hours, which equates to 70,000 gallons per day at a pump flow rate of 350 gallons per day(as shown in the master plan).

Lift stations can reasonably be considered at capacity when at 8 hours/day run time on average, which yields a maximum average day capacity of the Terra Vallee lift station equivalent to 168,000 gal/day.

The Mandan Wastewater Collection System Master Plan identified a 72.7 acre service area for Growth Area A3 which also includes offsite flows from existing areas to the west. The Master Plan calculated a flowrate of 46 gallons per minute (peak of 156 gallons per minute) or 66,240 gallons per day for the Terra Valle lift station. The current flow of approximately 70,000 gpd exceed the estimate from the Master Plan, but is within 10%, which is reasonable.

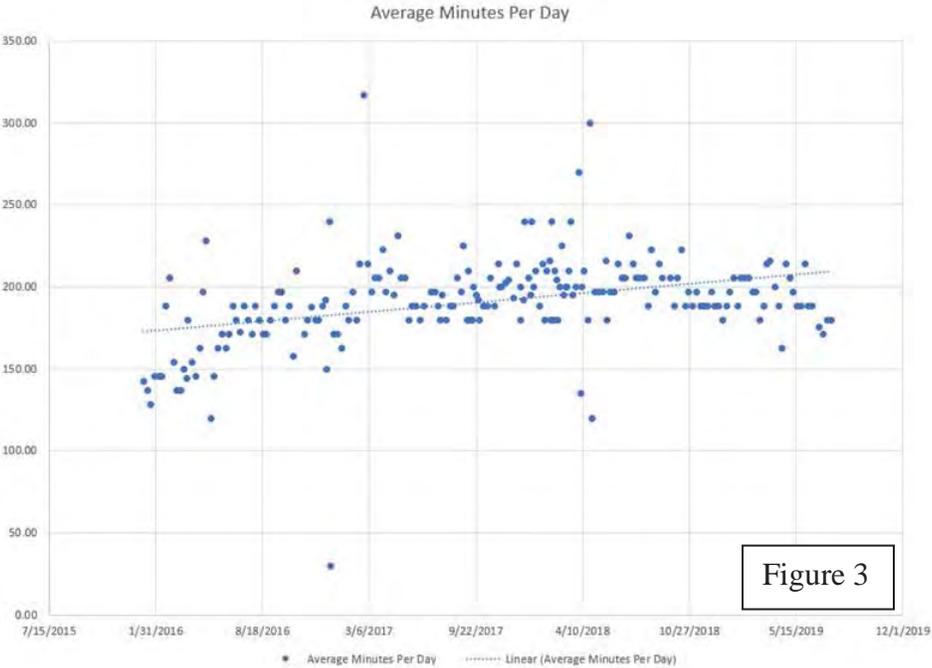


Figure 3

IV. Recommendations

As discussed in the analysis of the Terra Valle lift station, the current daily flows exceed those indicated in the Mandan Wastewater Collection System Master Plan. The table below summarizes the impact to the lift station if Phase 1 of Sunset AveNew is added to the service area (using the existing flows Terra Vallee flows).

	Existing Terra Vallee (A3)*	Sunset AveNew	Total System
Population	523	391	914
Flowrate (gpm)	46	27	73
Peak Flow (gpm)	156	109	265
Total Daily Flow (gpd)	70,000	39,061	109,061

* Higher of Average Day Flow taken from Table 2-6 of the Mandan Wastewater Collection System Master Plan and actual runtime data from Terra Vallee lift station.

As shown in the table, the total daily flow after adding Phase 1 of Sunset AveNew is approximately 109,061 gallons per day, which brings the Terra Valley lift station to 65% of the 168,000 gallons per day capacity discussed above.

Given the data represented in the Mandan Wastewater Collection System Master Plan and the information provided by the City for pump run times, there is capacity to add Phase 1 of Sunset AveNew to the Terra Vallee lift station service area. As previously noted, the Terra Vallee lift station will be decommissioned when Growth Area A2 develops in the future.

We recommend that City Public Works staff provide an inspection of the Terra Vallee lift station to verify the performance, wear, and potential maintenance needs of the lift station before the Master Plan Amendment is approved.

Exhibit A (Exhibit 6-2 of Mandan Wastewater Collection System Master Plan)

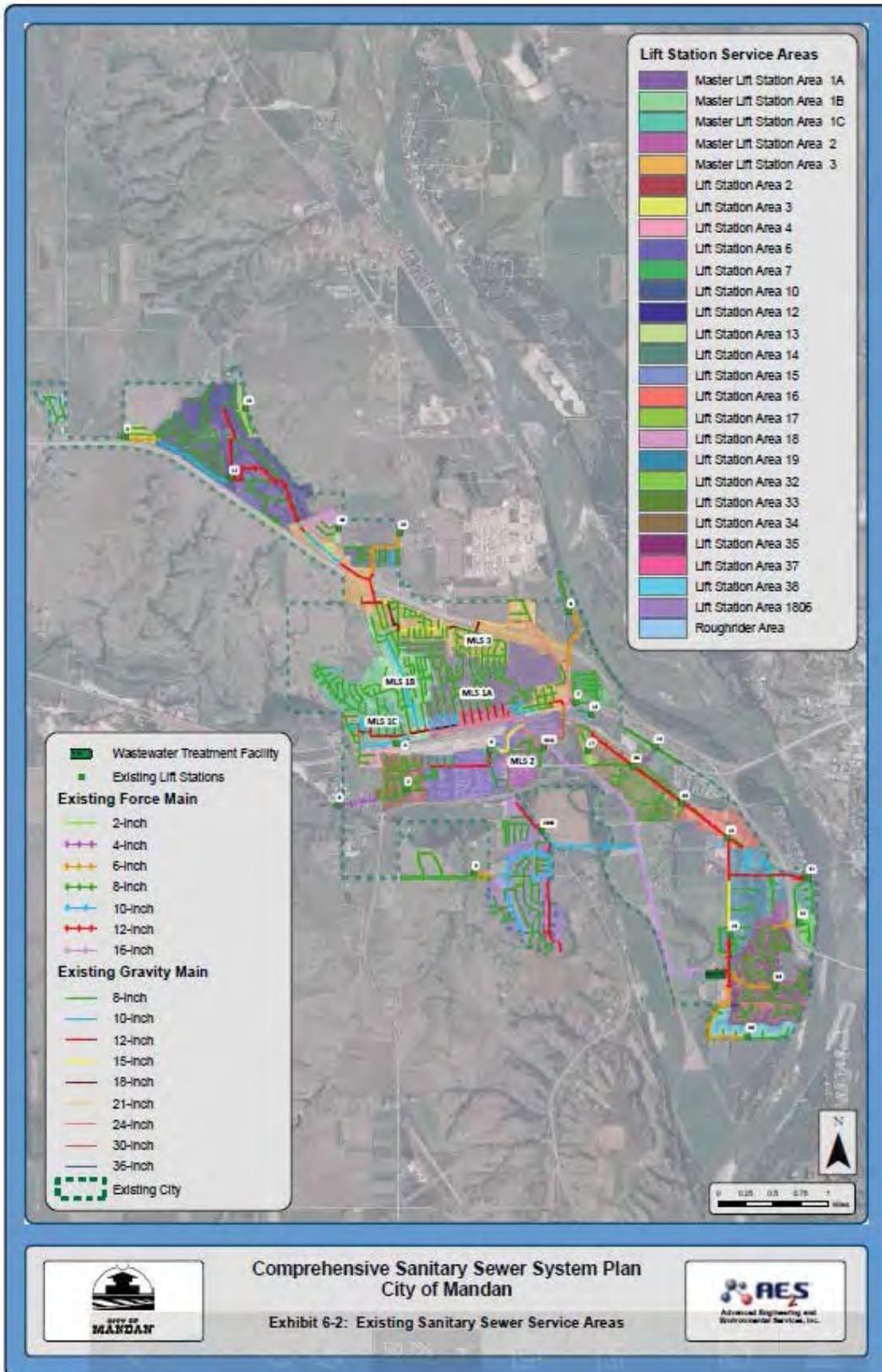


Exhibit B (Exhibit 6-21 of Mandan Wastewater Collection System Master Plan)

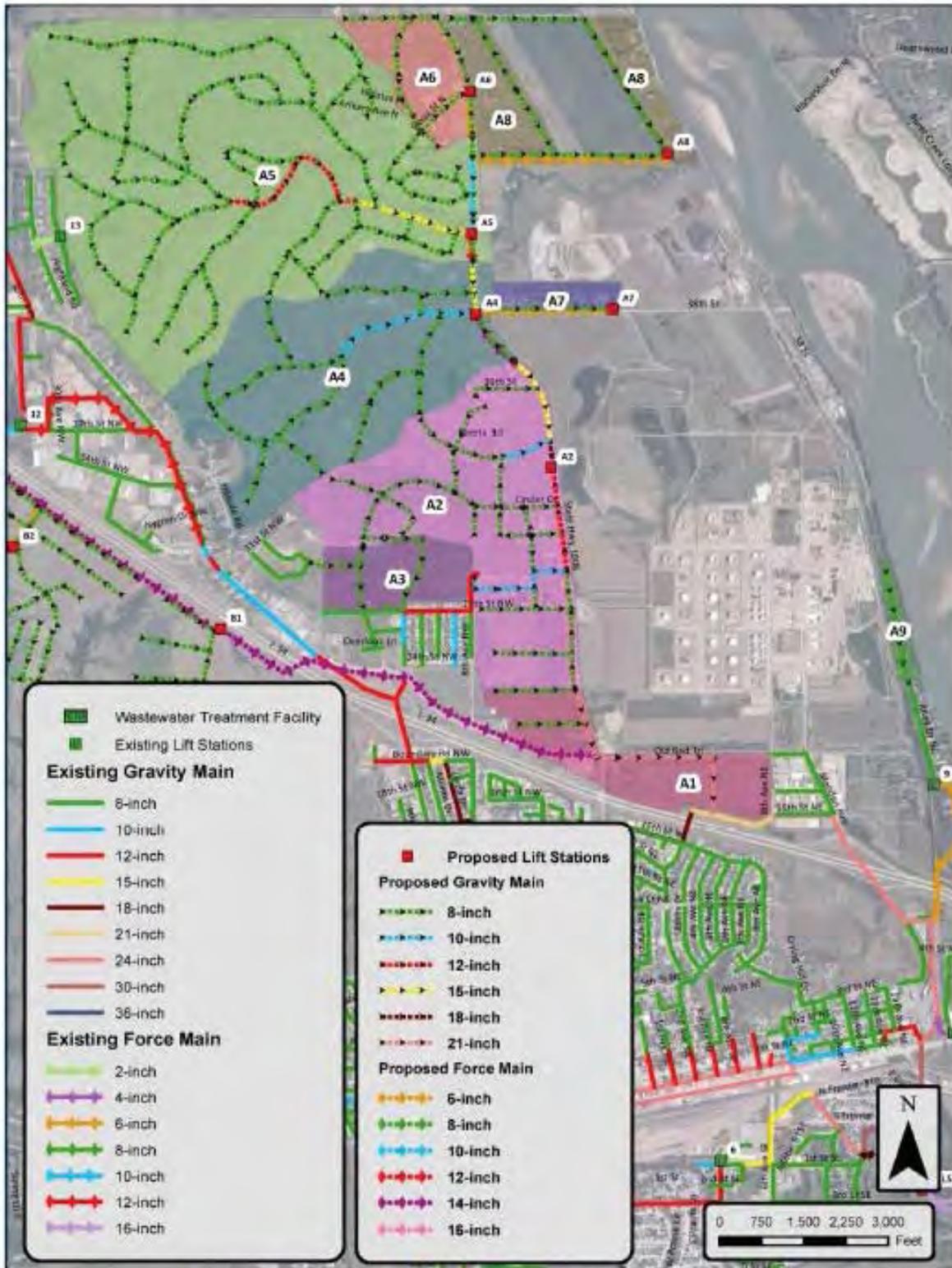
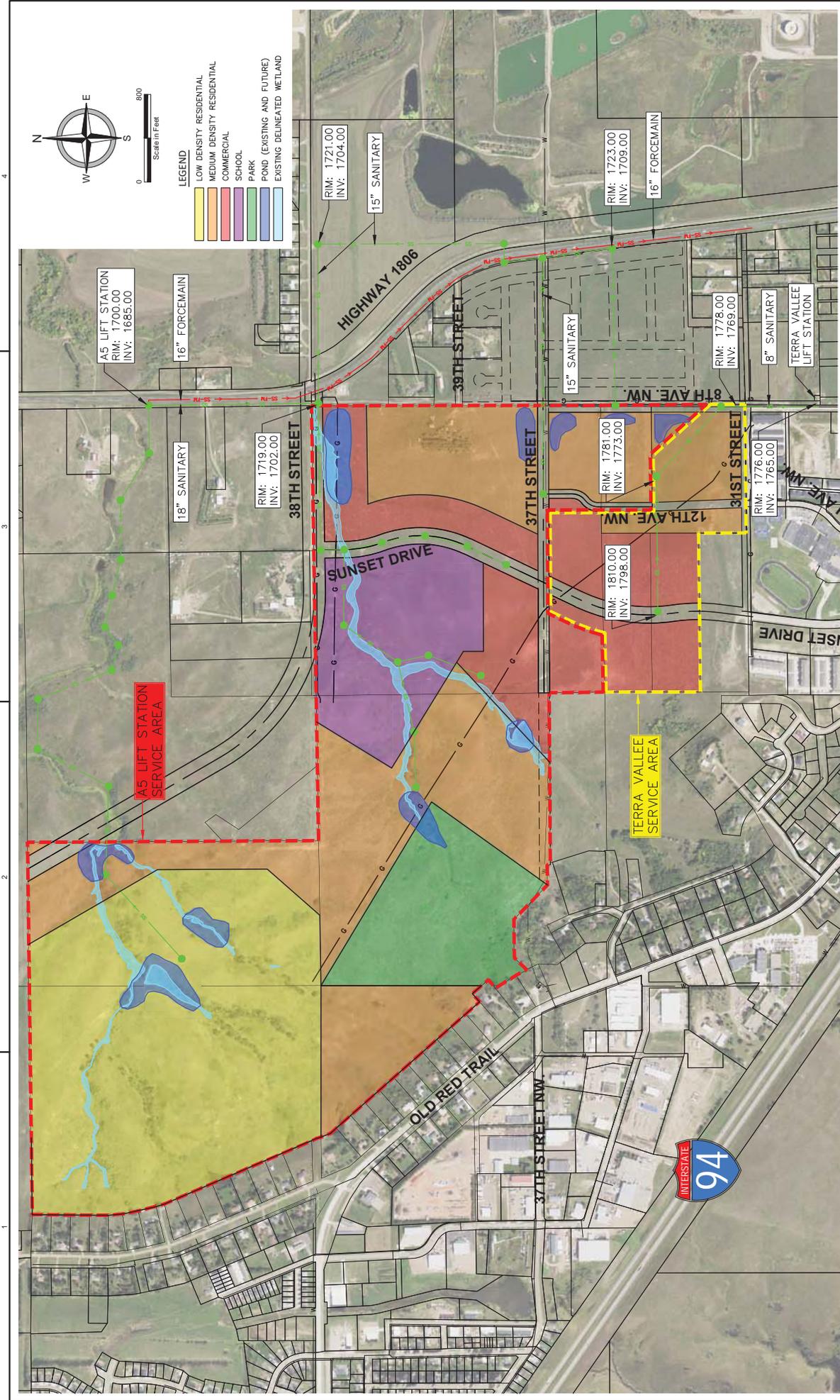


Exhibit 6-21: Conceptual Layout of Growth Area A

Exhibit C (Old Red Trail Sewer Trunk Main)



Exhibit D (Growth Area A)



PROJECT No.	20707
DATE	01/22/21
DRAWN BY	KAS
REVIEWER	EAS

WASTEWATER COLLECTION SYSTEM
 AMENDMENT #1 & #2 - GROWTH AREA A
 SUNSET AVENUE
 MANDAN, NORTH DAKOTA



Wastewater & Collection System Master Plan (2012)

Amendment #2: Update to Growth Area A (2019) Sunset Ave New Master Plan

Prepared for:
City of Mandan – Engineering Department



December 23, 2019

Prepared by
Erik Gilbertson, PE

QC Review:
Jerod Klabunde, PE



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I. Project Background

Advanced Engineering & Environmental Services (AE2S), under the direction of the City of Mandan, prepared a Wastewater and Collection System Master Plan in 2012. This Master Plan provided an analysis of the existing wastewater facilities within the City of Mandan and also provided recommendations for growth inside and outside the current City limits. At the time of the study, the City's existing sanitary sewer system was as shown in Exhibit A. Since the study was finalized, there have been modifications to the City's wastewater collection system and additional improvements are planned in the near future.

The focus of this amendment will be to discuss updates to the planned expansion of the sanitary sewer system on the north side of the community referred to as Growth Area A. Growth Area A is situated in close proximity to the I-94 corridor and has the potential to be an area of great expansion for the community. Complicating things and restricting growth has been the steep terrain, coordinating multiple land owners with varying interest, city limit boundaries, and the extremely high cost to develop.

Within the original study, Growth Area A was divided up into 9 sub areas (Sub Area A1, A2, A3, etc.) which would eventually be served by 6 separate lift stations (see Exhibit B). The original study predicted that sub-areas A1, A2 and A3 would be the first and quickest to develop, but growth trends could happen in a differing order. Ultimately, regardless of which sub area grows first, a trunk sewer main and regional lift station(s) are considered essential infrastructure to serve the entire Growth Area A.

As shown in Exhibit C, the City is currently planning to extend the large diameter gravity trunk sewer main to serve the entire Growth Area A with the work scheduled to be constructed under a NDDOT project during the 2021 construction season. This trunk sewer main is one piece of the essential infrastructure needed to accommodate the overall Growth Area A, regardless of the order in which the sub areas develop.

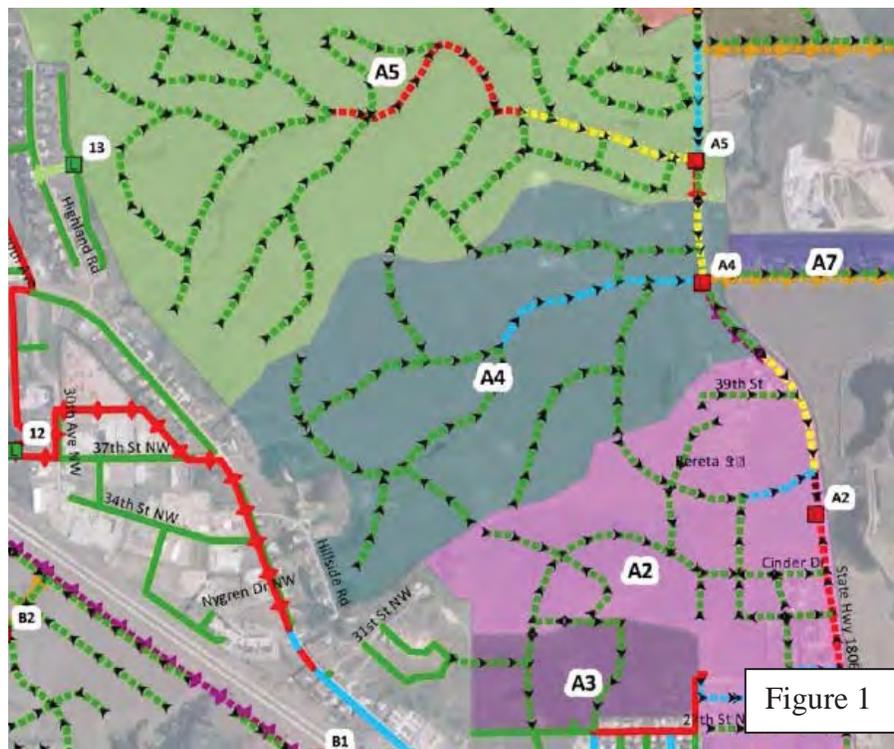
No development has taken place within the Sunset Ave New Master Plan area (Growth Areas A2, A4, and A5).

II. Potential Growth Being Planned

Driving the need for this Amendment is that the City is reviewing the Master Plan of a 500+ acre development referred to as The Sunset AveNew development which is located within portions of Growth Areas A2, A4, and A5 (see Figure 1). The Master Plan and first Addition will be considered by the City of Mandan in the winter of 2019/2020. If the proposed plans are approved construction could take place in 2020. The work that could take place in 2020 will be dependent upon the decisions discussed within this report.

Primarily pasture land, Growth Areas A2, A4, and A5 require the installation of a new wastewater collection system, including gravity sewer mains, lift stations, and sewage force mains. These Growth Areas will converge in a new collection system to be constructed along the Old Red Trail, and ultimately pumped to the trunk sewer being installed in the 2021 NDDOT project.

The original Wastewater & Collection System Master Plan for the City of Mandan depicted a series of lift stations for conveying the wastewater south along Highway 1806. The Sunset AveNew area includes three of these lift stations. Per the Plan, Growth Area A5 will include a lift station that will pump the sewage to a gravity system which will flow to a lift station in Growth Area A4. The lift station in Area A4 will pump the sewage to a gravity system which will flow to a lift station in Growth Area A2. The lift station in Area A2 will pump the sewage to the gravity system proposed on the southern end of Highway 1806 to the system along the Old Red Trail.



III. Collection System Summary

This report is proposing that the three lift stations (A2, A4, and A5), within the Sunset AveNew areas be combined into one lift station. This will include the construction of gravity sewer from the proposed A2 location north to the proposed A4 location, then north from A4 to the proposed A5 location. The gravity sewer will include excavations of approximately 25-28 feet for portions of the route (see Figure 2 and Exhibit D).

The route will cross properties not owned by the developer and will require obtaining easements across those properties. At the time of preparation of this report, the easements are not in place.

The proposed lift station within Growth Area A5 will pump the sewage within a force main that will be constructed south along Highway 1804 to the proposed gravity system on the southern end of the Highway near the Old Red Trail.

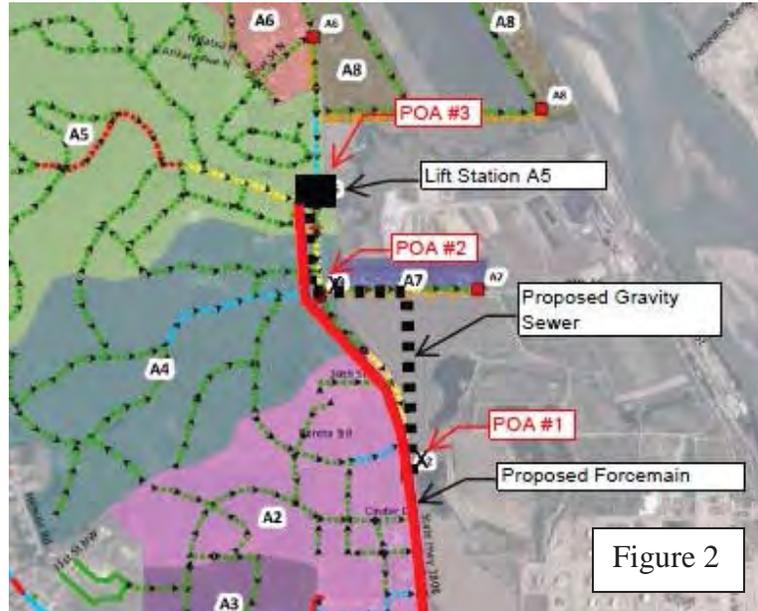


Figure 2

The total service area for the lift station in Growth Area A5 will match that of the total service area of Growth Area A2 in the original Master Plan, yielding a peak flowrate of approximately 2,500 gpm. Table 6-5 of the Master Plan was recreated to account for the lift station service areas. The original table included Areas A1 and A9 which are located outside of this Amendment area and are excluded from the table below.

Area A Characteristics

	Land Area (Acres)				Average Daily Flow (GPM)	Contributing Area Flows (GPM)								Total Average Daily Flow (gpm)	Peak Flow (gpm)		
	Residential (Rural)	Residential (Urban)	Mixed Use	Commercial / Industrial		LS10	LS18	A2	A3	A4	A5	A6	A7			A8	
A2		292	30.6	6.2	159	14	1.4		36							211	759
A3		72.7			36	14	1.4									52	207
A4		243.5	59	71.2	167	14	1.4	159	36				9			387	1,315
A5	16.7	752.4	32.2	12.1	396	14	1.4	159	36	167		23	9	24		830	2,572
A6	58.8	16.3			23											23	91
A7				25.7	9											9	35
A8	95.2				24											24	95
	170.7	1376.9	121.8	115.2	814.1												

The reconfigured alignment and pumping scenario will require modifications to the sizes of the collection system. The collection system was analyzed at three Points of Analysis (POA) as

shown in Figure 2. The location, peak flowrate, and preliminary downstream pipe size is summarized in the table below.

Point of Analysis Summary Table

	POA #1	POA #2	POA #3
Peak Flowrate (GPM)	760	1,320	2,570
Minimum Pipe Size	12"	18"	FM

IV. Proposed Growth Area A5 Lift Station

As previously mention, the proposed service area for Growth Area A5 will match that of Growth Area A2 from the Master Plan, although the pumping conditions will be increased. The peak flowrate of 2,500 GPM is still valid for preliminary sizing. Prior to designing the lift station, the land uses within the final Sunset AveNew Master Plan need to be compared to the assumptions from the Wastewater and Collection System Master Plan.

Attached in the appendix is minimum sizing information for the proposed A5 lift station. The proposed lift station will consist of a typical wet well and valve vault layout with submersible pumps. In reviewing the preliminary sizing information, it was determined that going with a three (3) pump configuration, instead of a typical duplex system, would provide benefits to the power loading (horsepower) of the system. Preliminary pump sizing is included in the appendix for the three (3) pump system. Estimates for constructing the lift station, gravity system from the proposed school to the lift station, and force main to the existing gravity system are included in the Appendix. The cost for this work is estimated at \$2.45 million.

V. Recommendations

The proposed modifications to the layout of Growth Area A provide benefits to the developer and the City. There is an opportunity to reduce the overall capital costs and provide lower operations & maintenance (O&M) costs by reducing the total number of lift stations to be maintained within the system.

Potential development of a school in the northern portions of Growth Area A4 also lends to the modified lift station layout. The original master plan relied on an orderly south to north development schedule. With the multiple property owners involved within this stretch, that sequencing may not take place, especially if the school does develop in the northern region.

As previously stated, the assumptions in this report will need to be validated as development takes place to ensure that the capacity constraints are not exceeded.

Exhibit A (Exhibit 6-2 of Mandan Wastewater Collection System Master Plan)

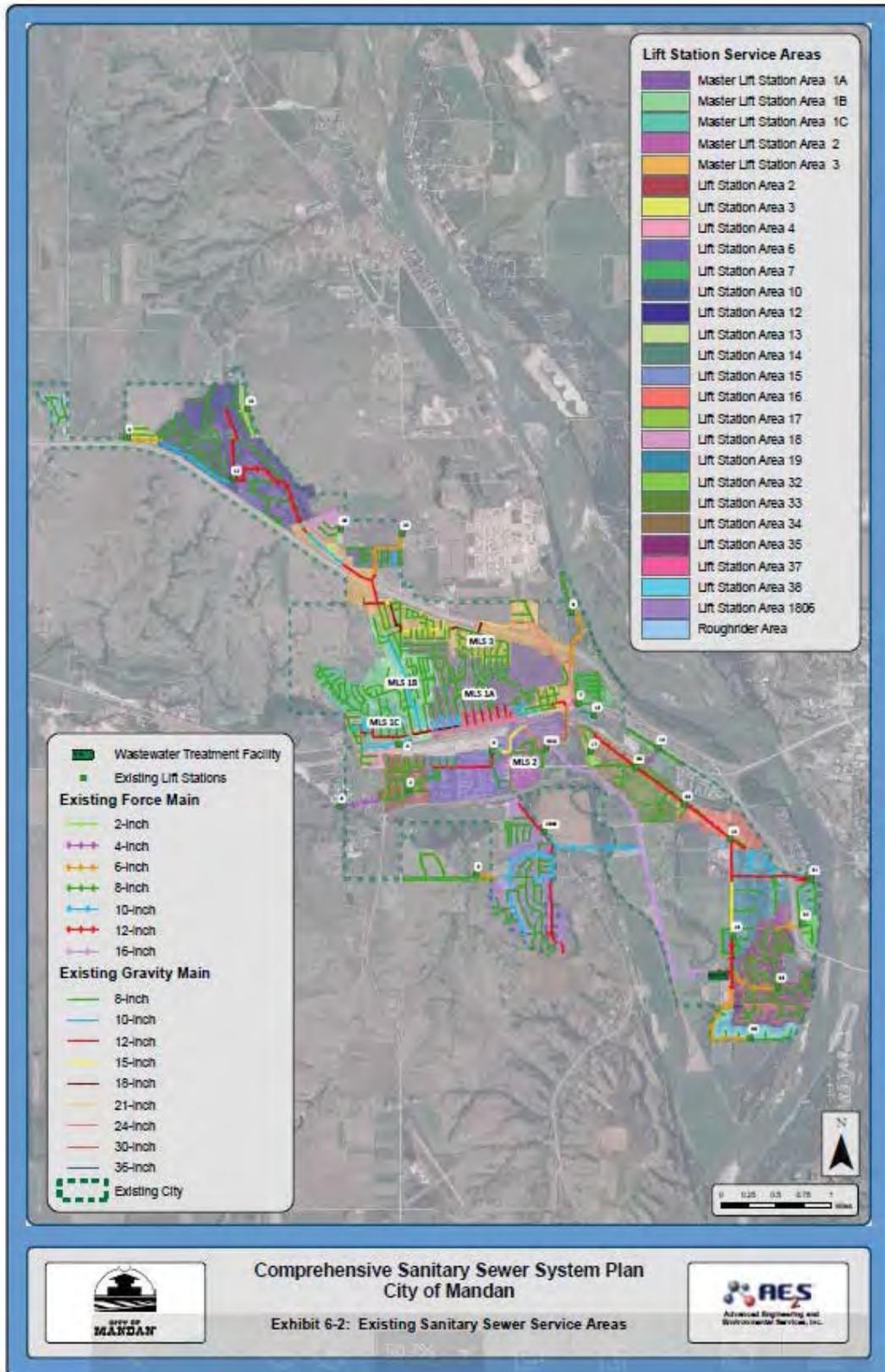


Exhibit B (Exhibit 6-21 of Mandan Wastewater Collection System Master Plan)

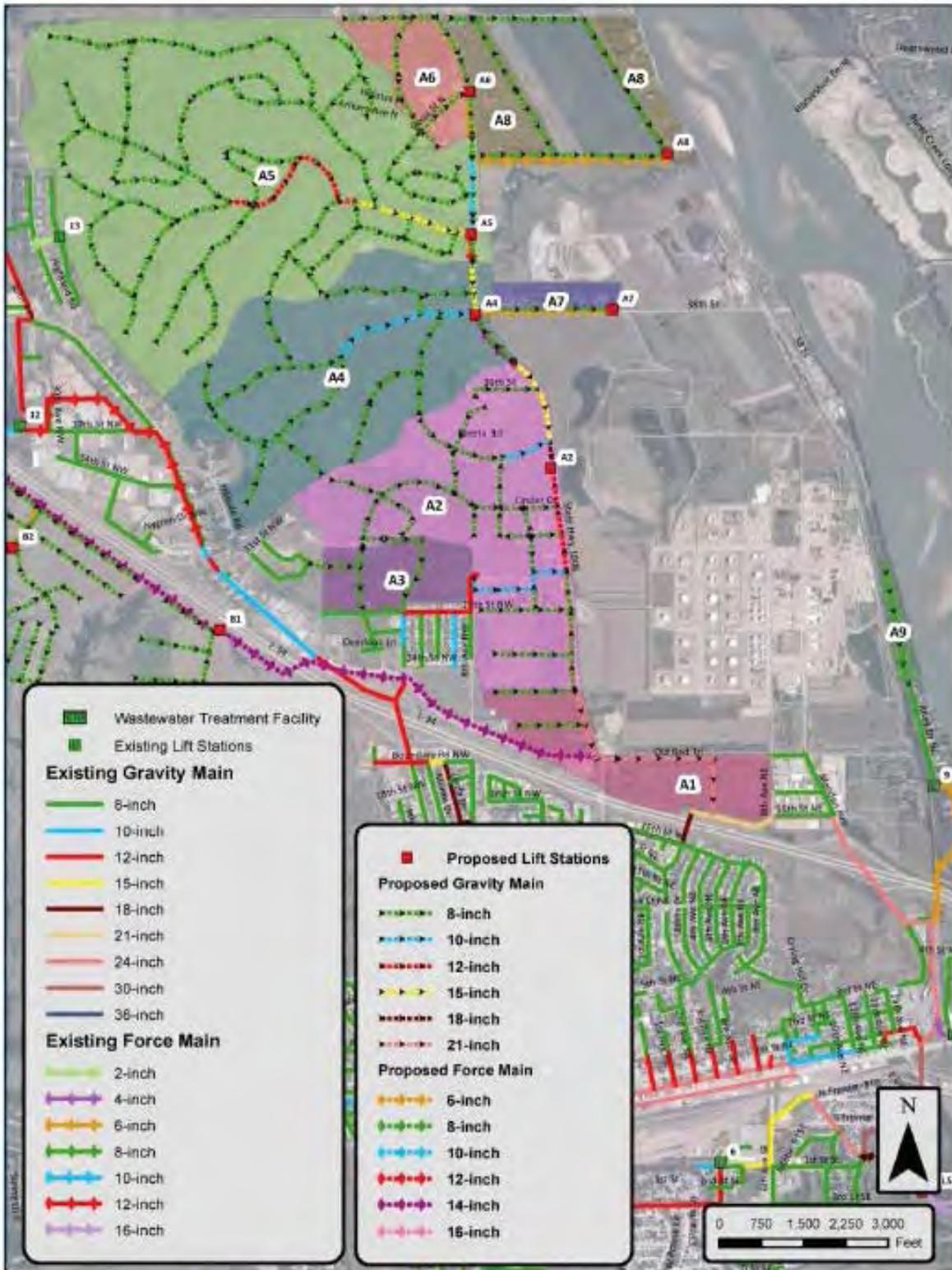
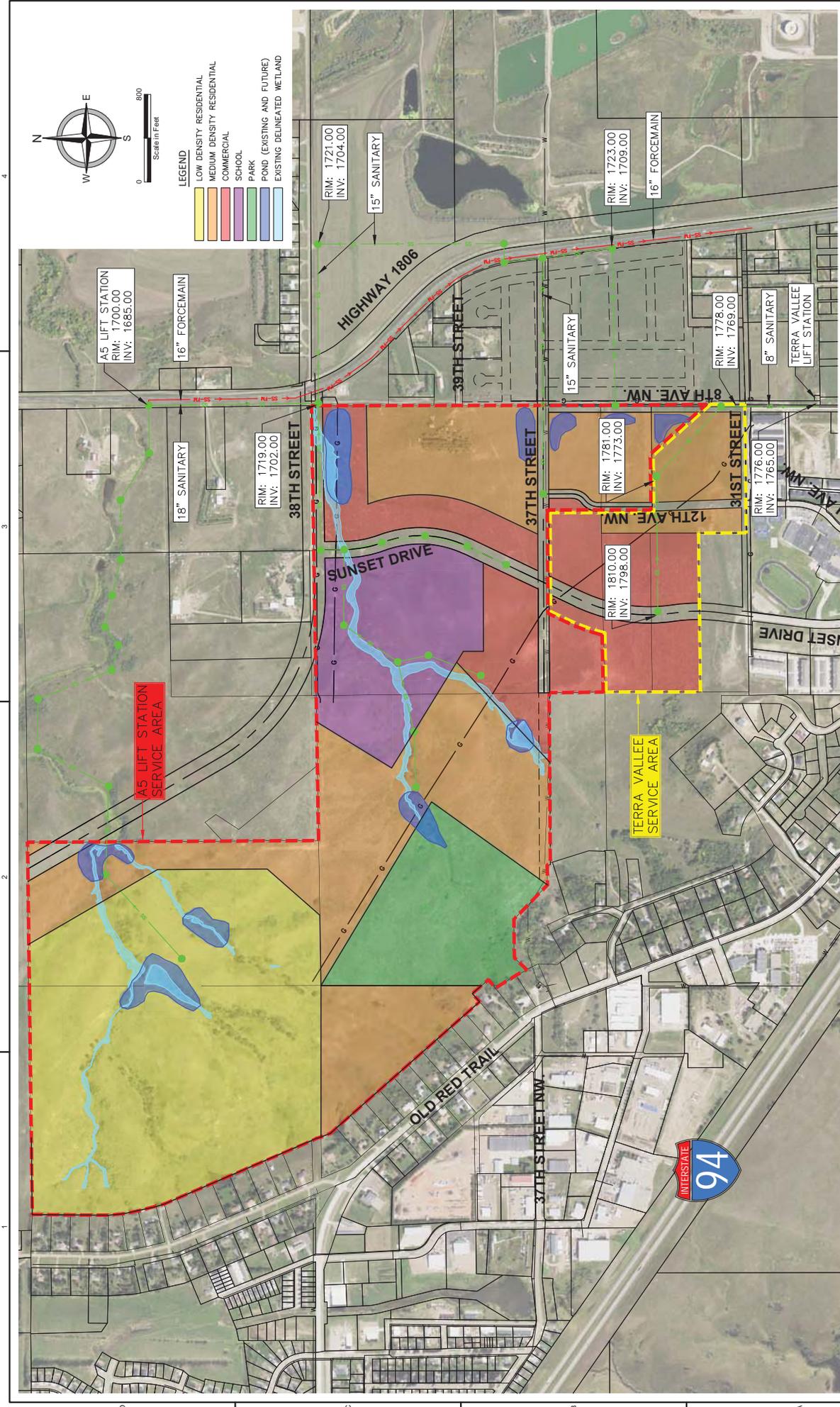


Exhibit 6-21: Conceptual Layout of Growth Area A

Exhibit C (Old Red Trail Sewer Trunk Main)



Exhibit D (Growth Area A)



PROJECT No.	20707
DATE	01/22/21
DRAWN BY	KAS
REVIEWER	EAS

WASTEWATER COLLECTION SYSTEM
 AMENDMENT #1 & #2 - GROWTH AREA A
 SUNSET AVENUE
 MANDAN, NORTH DAKOTA



Appendix
Lift Station A5 Sizing Information

Mandan Lift Options
Approximate Pump Sizing

	<u>Unit</u>	<u>A5 Force</u>
Flow Rate - Design Point	gpm	2,500
Pipeline Velocity	ft/sec	3.99
Nominal Diameter		16"
Pipe Material		DI
Type/Class		
Actual Pipe Inside Diameter	inches	16.00
Hydraulic Flow Area	ft ²	1.40
Equivalent Roughness (e)	ft	0.0015
Temperature Fluid Assumed	°F	50
Kinematic Viscosity Fluid	ft ² /s	1.41E-05
Specific Weight of Liquid	lb/ft ³	62.40
Reynold's Number		3.77E+05
Calculated Friction Factor (f)		0.021

Pipe Friction Headloss

Length of Pipe (ft)	ft	8,870
Equivalent C Factor		121
Velocity per Hazen-Williams		3.99
h _f per 100 feet		0.39
Total h_f (ft)	ft	34.6

Valve Head Losses

	Qty	Cv	Flow
16" Plug Valve		7,300	0.3
10" Plug Valve			
10" Check Valve			

Total Valve Losses	ft	0.3
---------------------------	-----------	------------

Minor Losses

Pipe Entrance		1.0
Bends		0.6

Minor Losses Total K		1.6
-----------------------------	--	------------

Total Minor Losses	ft	0.4
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Static Head

Pump Station Water Level	ft	1700.00
Discharge Elevation	ft	1795.00
Static Head	ft	95.0

Segment Dynamic Head	ft	130.3
Total Dynamic Head	ft	130.3

Pump Sizing

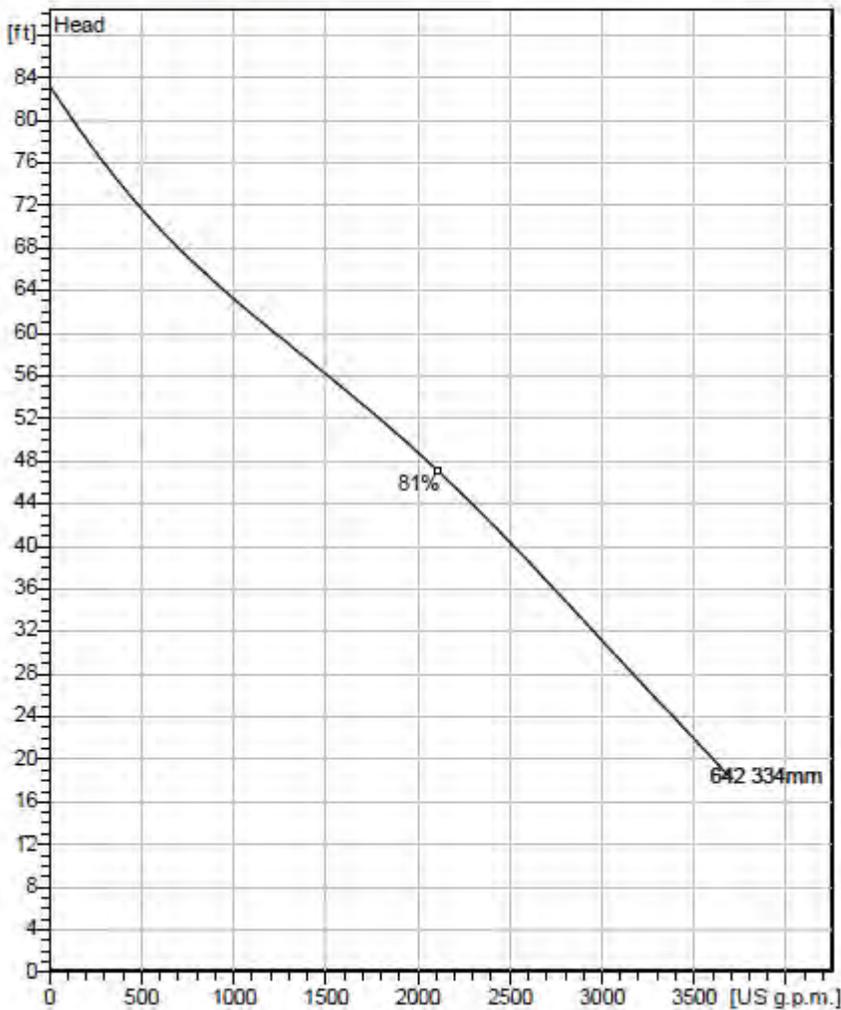
Impeller Efficiency
Total Horsepower Required

Volume and Exchange

Volume in Pipe gal

NT 3202 MT 3~ 642

Technical specification



NP 3202 HT 3~ 456

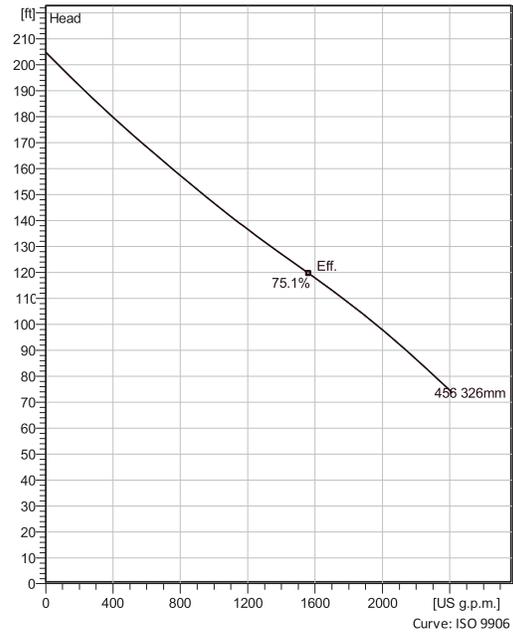
Patented self cleaning semi-open channel impeller, ideal for pumping in waste water applications. Possible to be upgraded with Guide-pin® for even better clogging resistance. Modular based design with high adaptation grade.



Technical specification



Curves according to: Water, pure [100%], 39.2 °F, 62.42 lb/ft³, 1.69E-5 ft²/s



Configuration

Motor number N3202.180 30-29-4AA-W 70hp	Installation type P - Semi permanent, Wet
Impeller diameter 326 mm	Discharge diameter 5 7/8 inch

Pump information

Impeller diameter 326 mm
Discharge diameter 5 7/8 inch
Inlet diameter 200 mm
Maximum operating speed 1775 rpm
Number of blades 2

Materials

Impeller Grey cast iron

Project Block	Created by Created on 8/7/2019	Last update
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NP 3202 HT 3~ 456

Technical specification



Motor - General

Motor number N3202.180 30-29-4AA-W 70hp	Phases 3~	Rated speed 1775 rpm	Rated power 70 hp
Approval No	Number of poles 4	Rated current 79 A	Stator variant 1
Frequency 60 Hz	Rated voltage 460 V	Insulation class H	Type of Duty S1

Motor - Technical

Power factor - 1/1 Load 0.90	Motor efficiency - 1/1 Load 92.5 %	Total moment of inertia 10.6 lb ft ²	Starts per hour max. 30
Power factor - 3/4 Load 0.87	Motor efficiency - 3/4 Load 93.0 %	Starting current, direct starting 550 A	
Power factor - 1/2 Load 0.80	Motor efficiency - 1/2 Load 93.0 %	Starting current, star-delta 183 A	

Project
Block

Created by
Created on 8/7/2019

Last update

NP 3202 HT 3~ 456

Performance curve

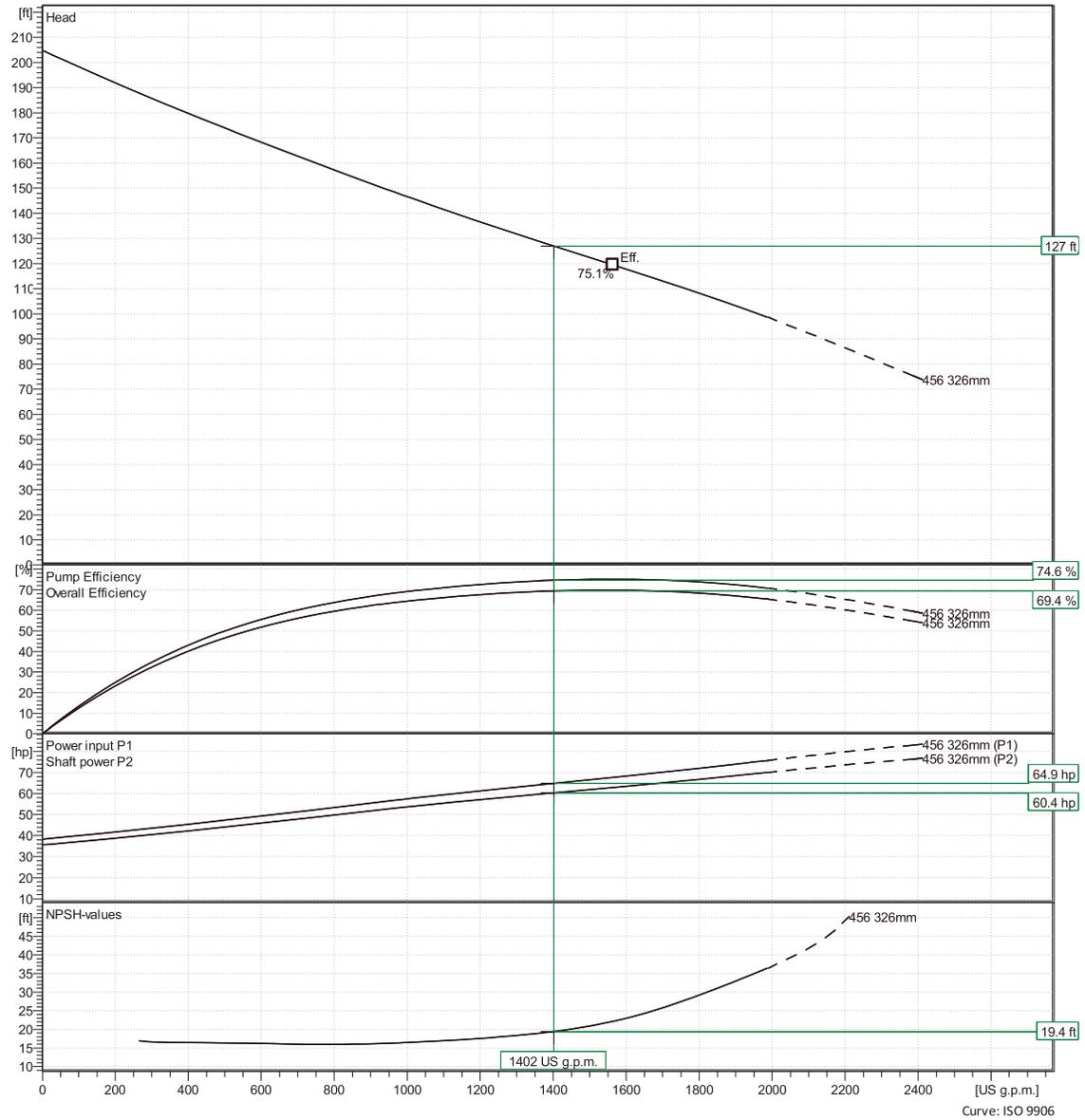


Duty point

Flow
1400 US g.p.m.

Head
127 ft

Curves according to: Water, pure [100%], 39.2 °F, 62.42 lb/ft³, 1.69E-5 ft²/s



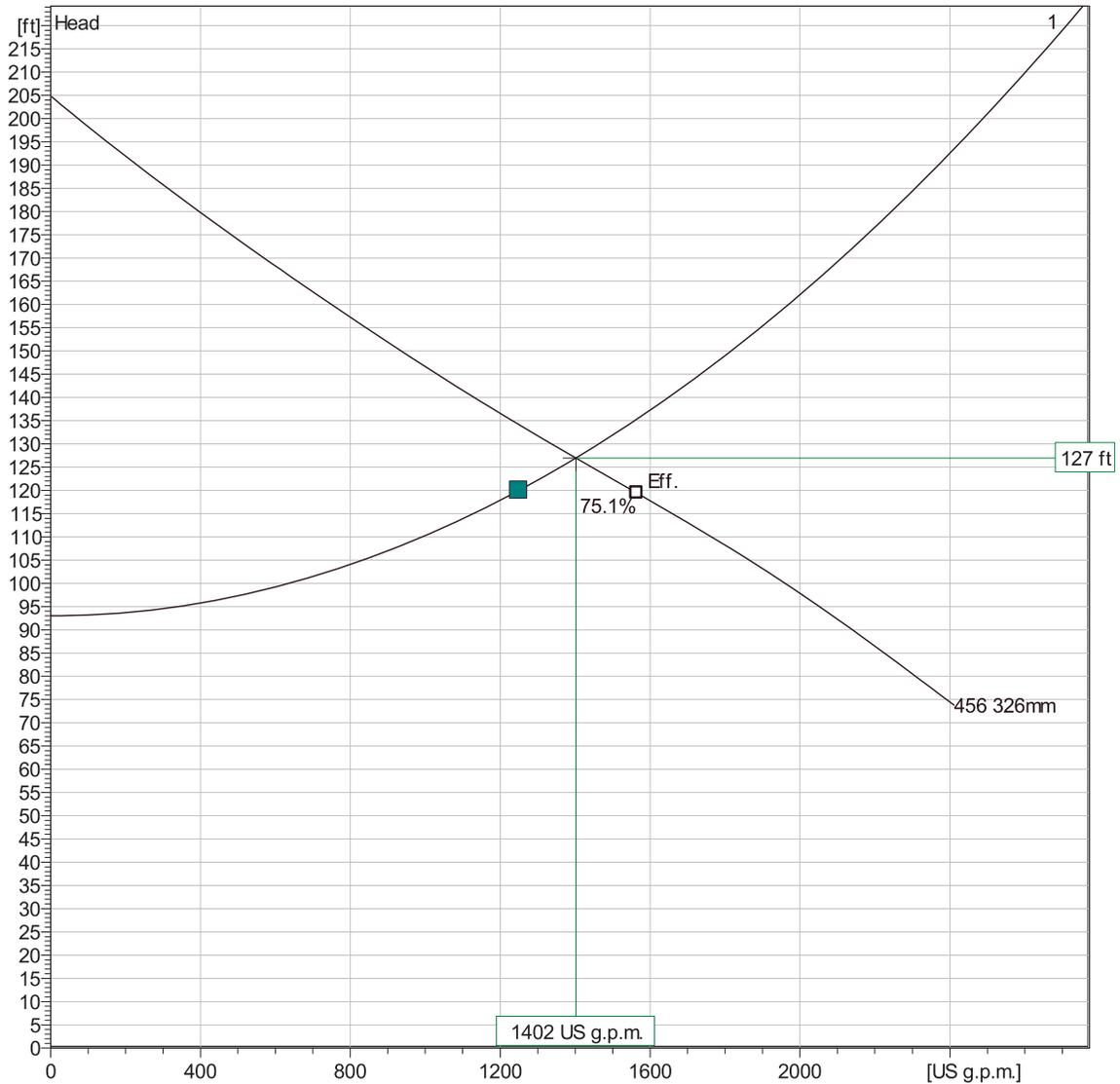
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NP 3202 HT 3~456

Duty Analysis



Curves according to: Water, pure [100%], 39.2 °F, 62.42 lb/ft³, 1.69E-5 ft²/s



Curve: ISO 9906

Operating characteristics

Pumps/Systems	Flow	Head	Shaft power	Flow	Head	Shaft power	Hydr.eff.	Specific energy	NPSHr
1	1400 US g.p.m.	127 ft	60.4 hp	1400 US g.p.m.	127 ft	60.4 hp	74.6 %	575 kWh/US Mc	19.4 ft

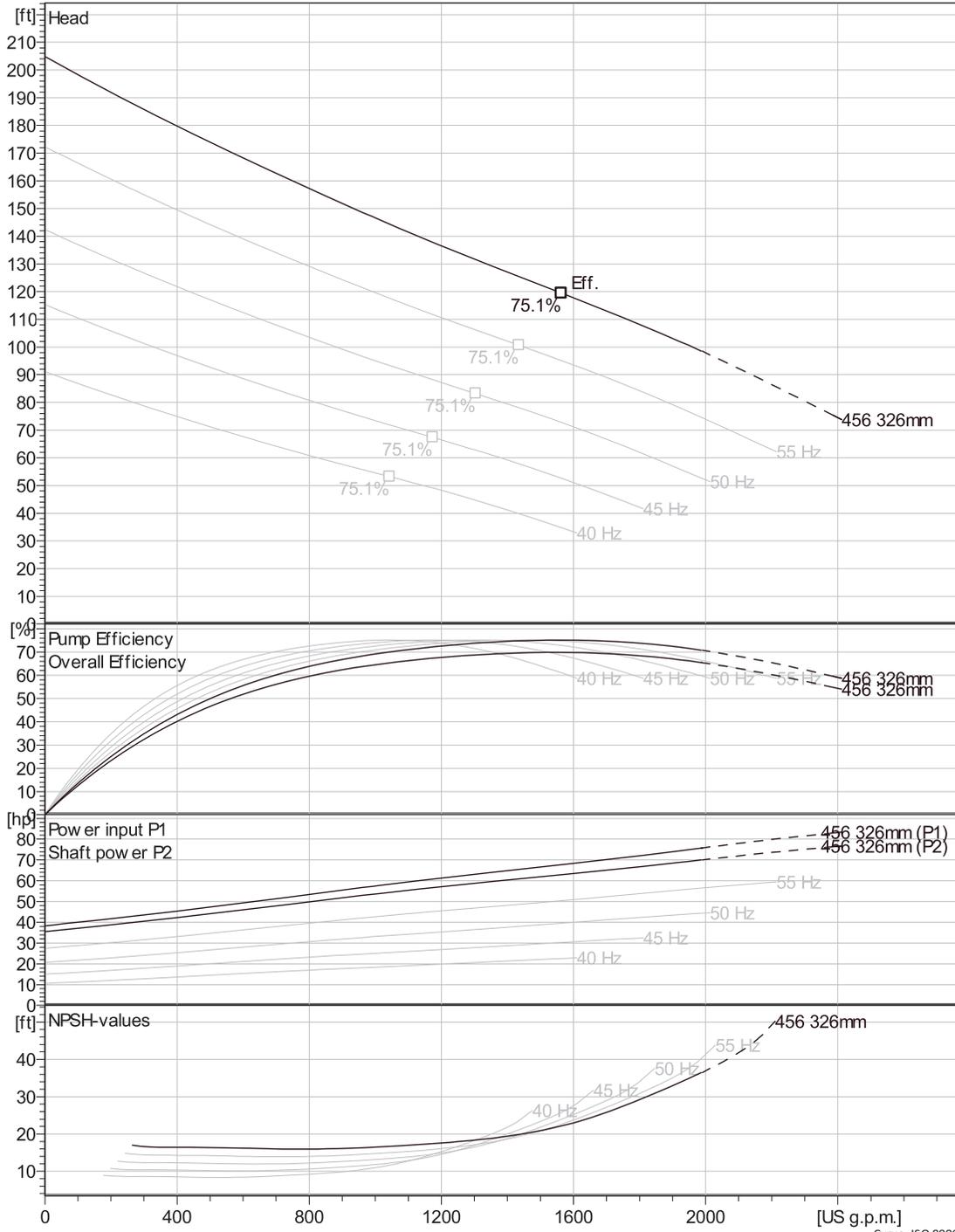
Project	Created by	Last update
Block	Created on 8/7/2019	

NP 3202 HT 3~ 456

VFD Curve



Curves according to: Water, pure [100%], 39.2 °F, 62.42 lb/ft³, 1.69E-5 ft²/s

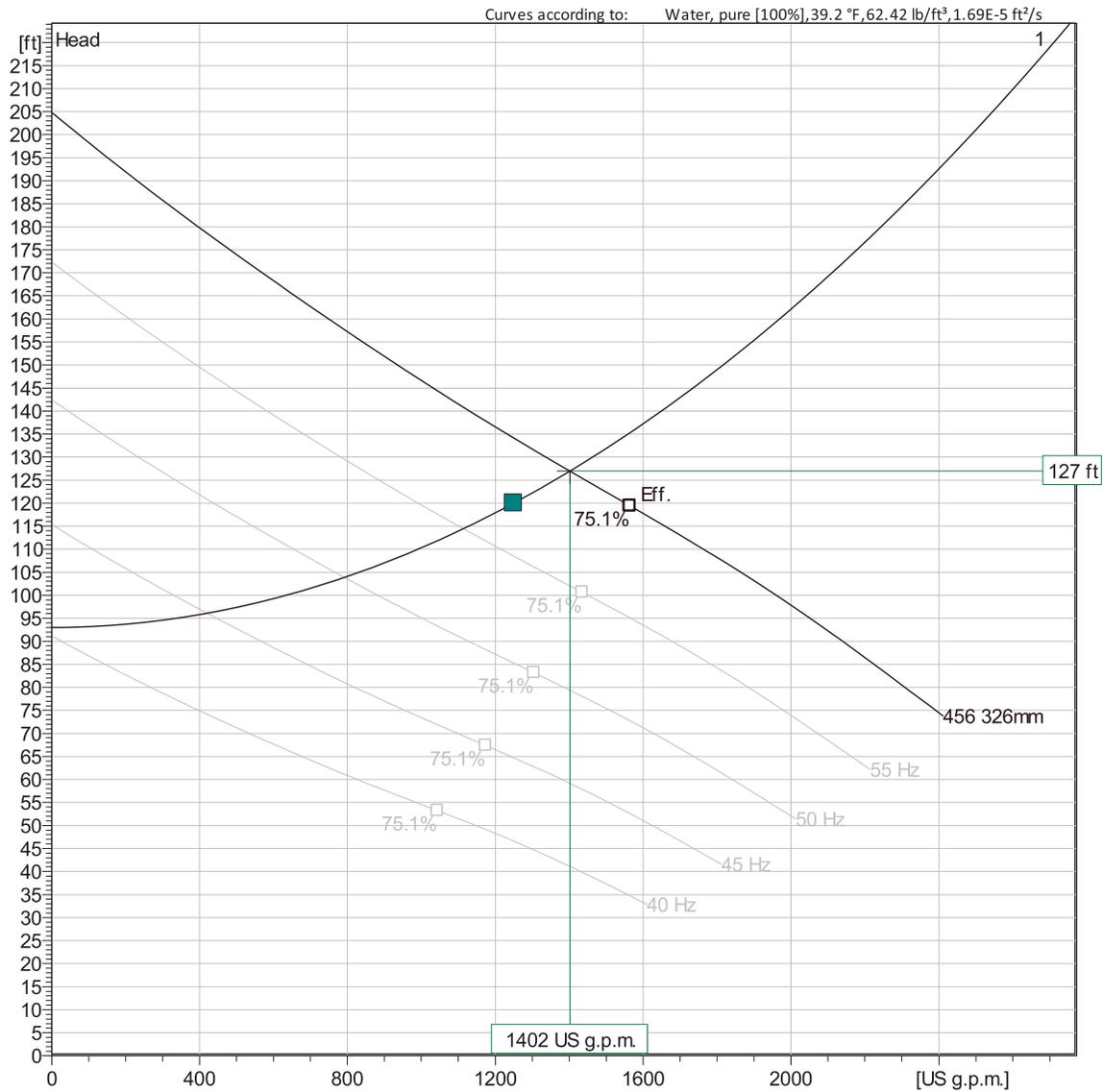


Curve: ISO 9906

Project	Created by	Last update
Block	Created on 8/7/2019	

NP 3202 HT 3~ 456

VFD Analysis



Curve: ISO 9906

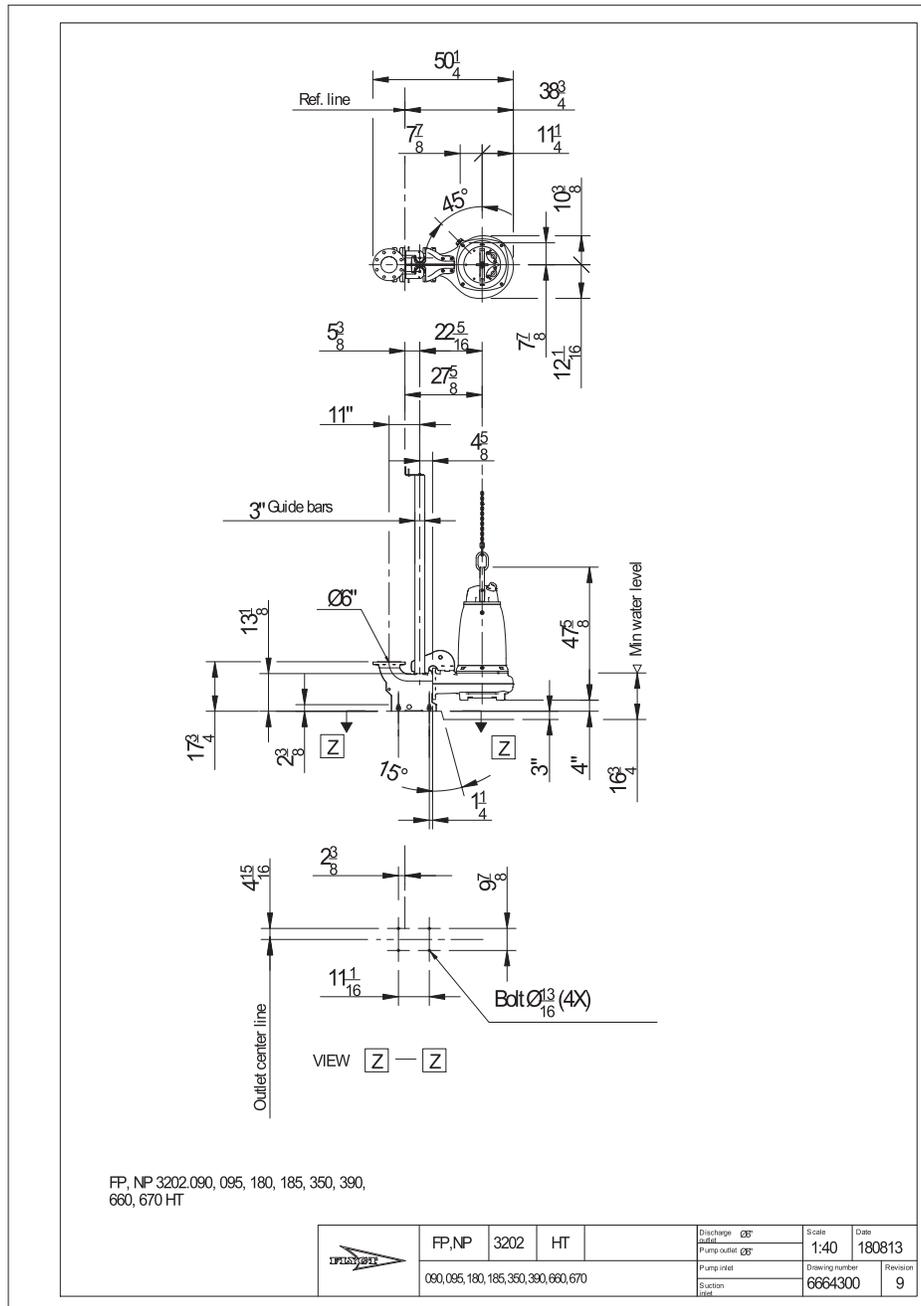
Operating Characteristics

Pumps/Systems	Frequency	Flow	Head	Shaft power	Flow	Head	Shaft power	Hydr.eff.	Specific energy	NPSHr
1	60 Hz	1400 US g.p.m.	127 ft	60.4 hp	1400 US g.p.m.	127 ft	60.4 hp	74.6 %	575 kWh/US M	19.4 ft
1	55 Hz	1110 US g.p.m.	114 ft	44.3 hp	1110 US g.p.m.	114 ft	44.3 hp	72.7 %	531 kWh/US M	15.4 ft
1	50 Hz	792 US g.p.m.	104 ft	30.6 hp	792 US g.p.m.	104 ft	30.6 hp	68 %	518 kWh/US M	12.2 ft
1	45 Hz	421 US g.p.m.	96.1 ft	19.1 hp	421 US g.p.m.	96.1 ft	19.1 hp	53.5 %	620 kWh/US M	10.3 ft
1	40 Hz									

Project	Created by	Last update
Block	Created on 8/7/2019	

NP 3202 HT 3~ 456

Dimensional drawing



Project	Created by	Last update
Block	Created on 8/7/2019	

Sunset AveNew
Amendment #2: Update to Growth Area A (2019)
Sanitary Sewer Improvements
Mandan, ND

Engineer's Preliminary Opinion of Probable Cost

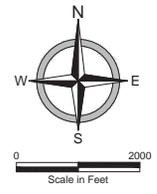
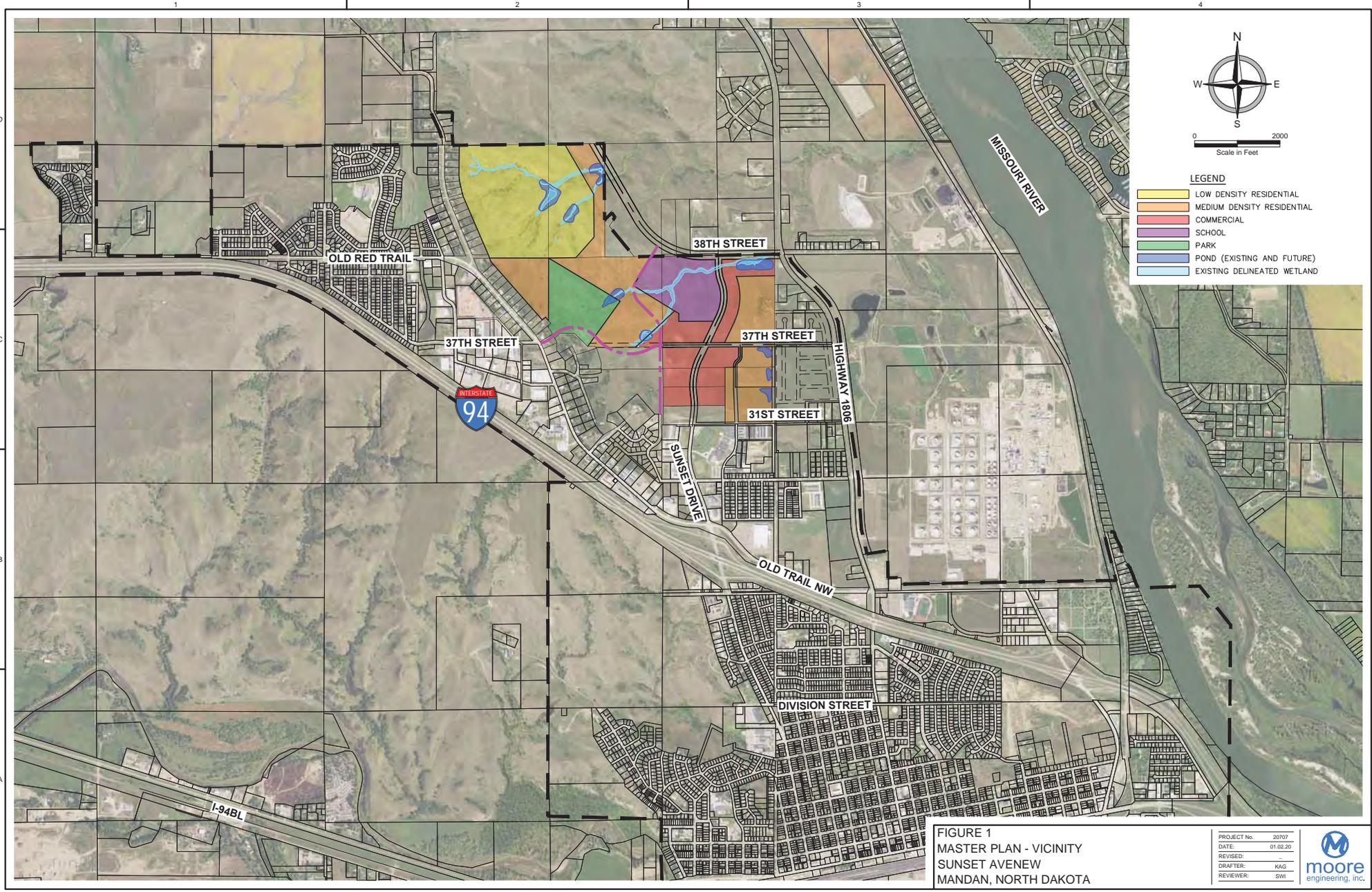
<i>BID ITEM NO. & DESCRIPTION</i>	<i>UNIT</i>	<i>QUANTITY</i>	<i>UNIT PRICE</i>	<i>TOTAL</i>
1. 702.0100 Mobilization	L SUM	1	\$180,000.00	\$180,000.00
2. 330561 Sanitary Sewer Manhole	EA	8	\$9,000.00	\$72,000.00
3. 333111 Sanitary Sewer - 10"	LF	1,400	\$70.00	\$98,000.00
4. 333111 Sanitary Sewer - 18"	LF	600	\$120.00	\$72,000.00
5. 333112 Sanitary Sewer - 18" (Deep Excavation)	LF	1,000	\$200.00	\$200,000.00
6. 333123 Sanitary Sewer Force Main - 16"	LF	8,800	\$75.00	\$660,000.00
7. 333211 Sanitary Sewer Lift Station A5	L SUM	1	\$600,000.00	\$600,000.00
8. 302.0120 Aggregate Base Course CI 5	TON	20	\$25.00	\$500.00
9. 251.0350 Seeding Class III	ACRE	5	\$1,500.00	\$7,350.00
10. 253.0201 Hydraulic Mulch	ACRE	5	\$2,000.00	\$9,800.00
11. 704.1100 Traffic Control	L SUM	1	\$5,000.00	\$4,000.00
12. 000.000 Construction Contingencies (10%)	L SUM	1	\$200,000.00	\$200,000.00
Construction Subtotal				\$2,104,000.00
Topographical Survey & Design Engineering				\$170,000.00
Soil Borings & Geotechnical Services				\$10,000.00
Construction Staking				\$10,000.00
Construction Engineering (Contract Admin, Contracts, Shops, Management)				\$50,000.00
Resident Project Representative - Full Time				\$110,000.00
TOTAL PROJECT COST				\$2,454,000.00

List of Assumptions

1. Assume typical sewer depths of less than 15', except as noted
2. Gravity sewer installed from 38th Street north to A5. No other gravity pipe included in the estimate.
3. Force main to be installed from A5 lift to the proposed new gravity (city project).
4. Assume 18 week construction schedule, 5 staking requests from contractor.
5. Assume project is privately constructed; no city bonding expenses.
6. No street, water, or storm sewer infrastructure included in costs.
7. Assume soil borings and recommendations for 1 lift stations
8. Topo, Design, and plan prep. Will be completed in Civil 3D and based on City standards (no NDDOT).
9. Engineering costs are assumed costs only. No agreement in place.
10. Construction staking, RPR and Construction engineering is dependent on contractor's schedule. Full time RPR assumed.

EXHIBIT 5

FILE LOCATION: R:\Civil 3D Projects\2017\DRAWINGS\PRESENTATION\2017\EXHIBIT - SunsetAve\New.dwg



- LEGEND**
- LOW DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - COMMERCIAL
 - SCHOOL
 - PARK
 - POND (EXISTING AND FUTURE)
 - EXISTING DELINEATED WETLAND

FIGURE 1
MASTER PLAN - VICINITY
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No.	20707
DATE	01.02.20
REVISED:	
DRAFTER:	KAG
REVIEWER:	SWI



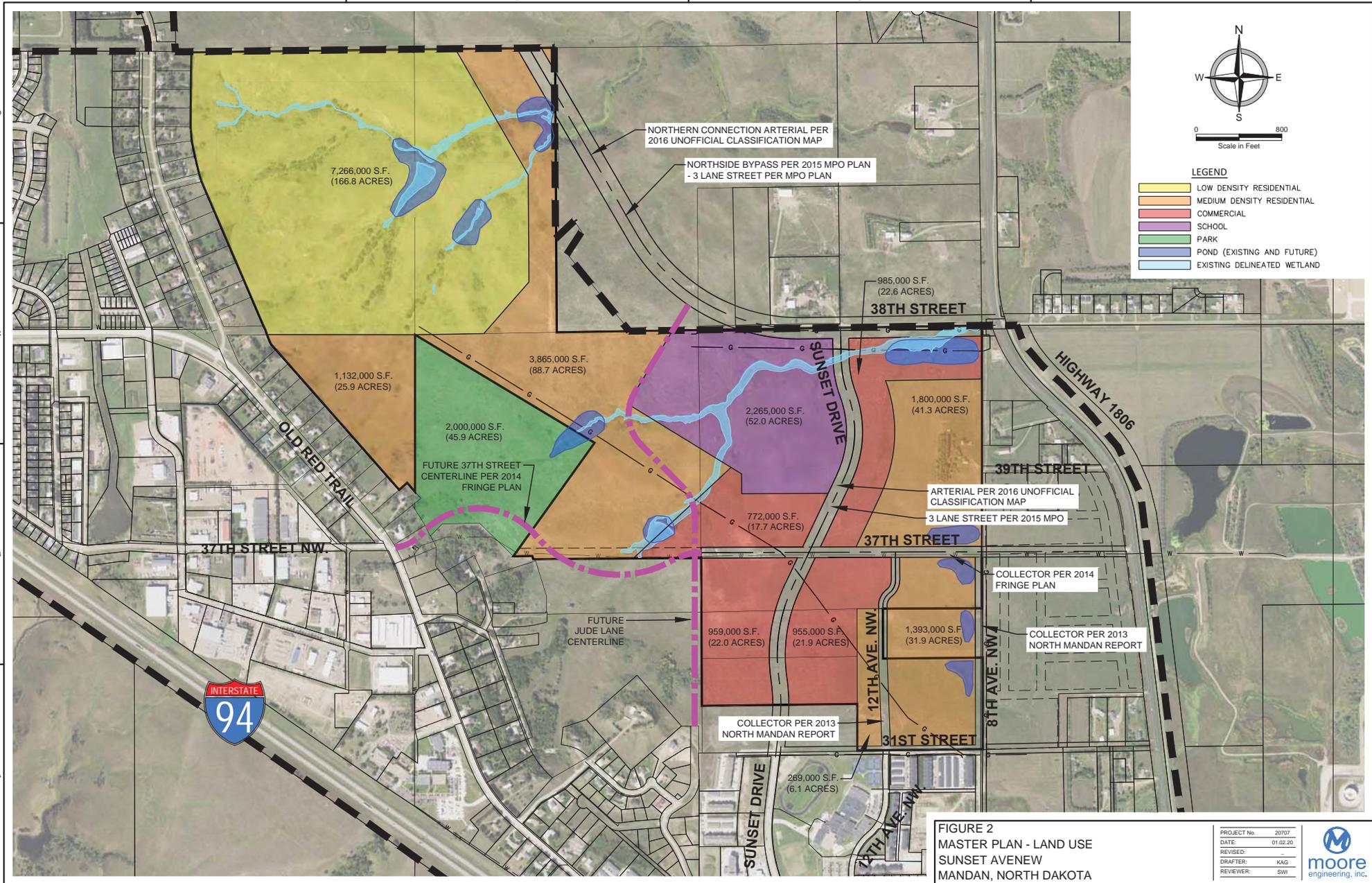
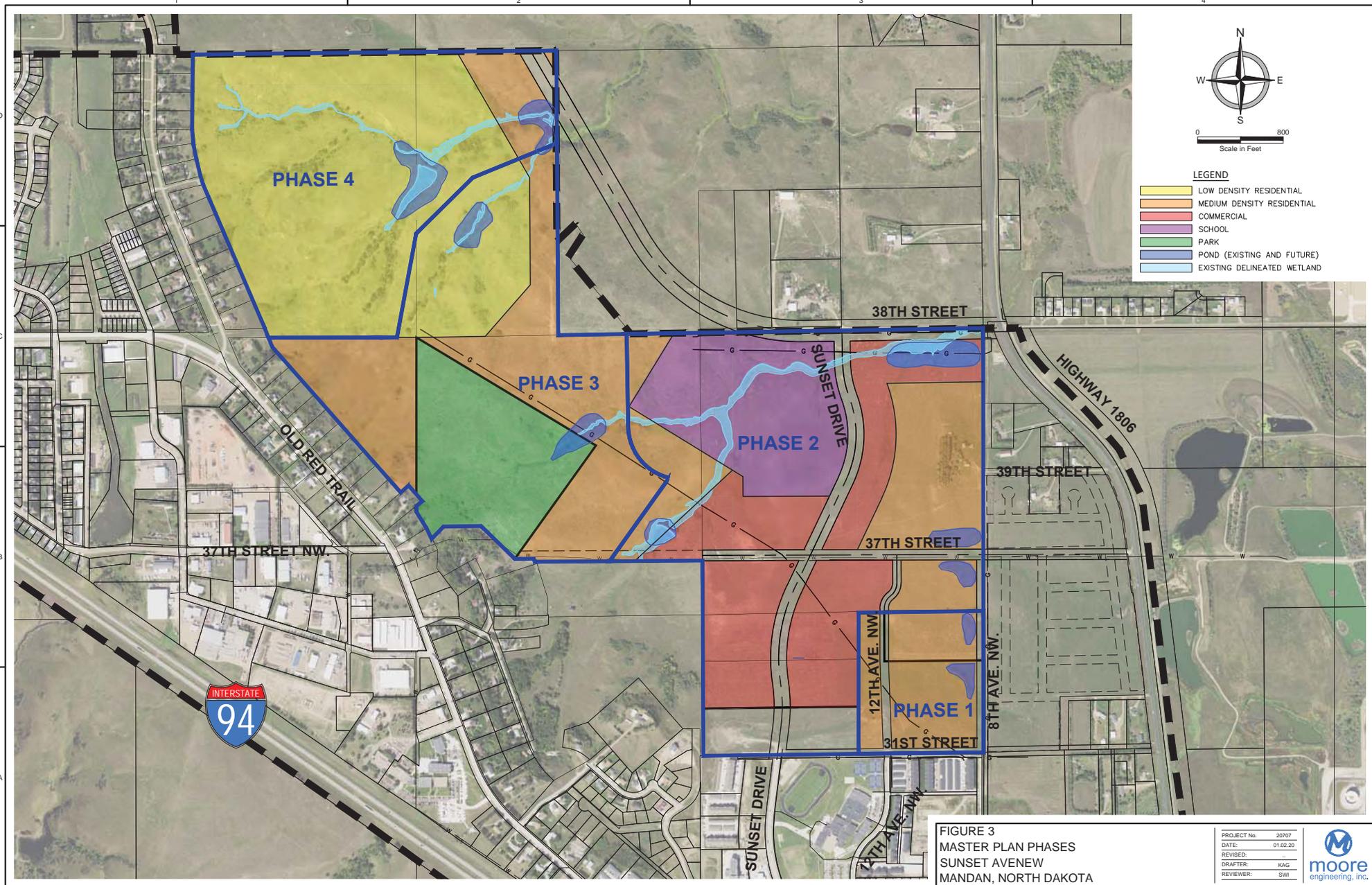


FIGURE 2
MASTER PLAN - LAND USE
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No. 20707
 DATE: 01.02.20
 REVISED:
 DRAFTER: KAG
 REVIEWER: SWI





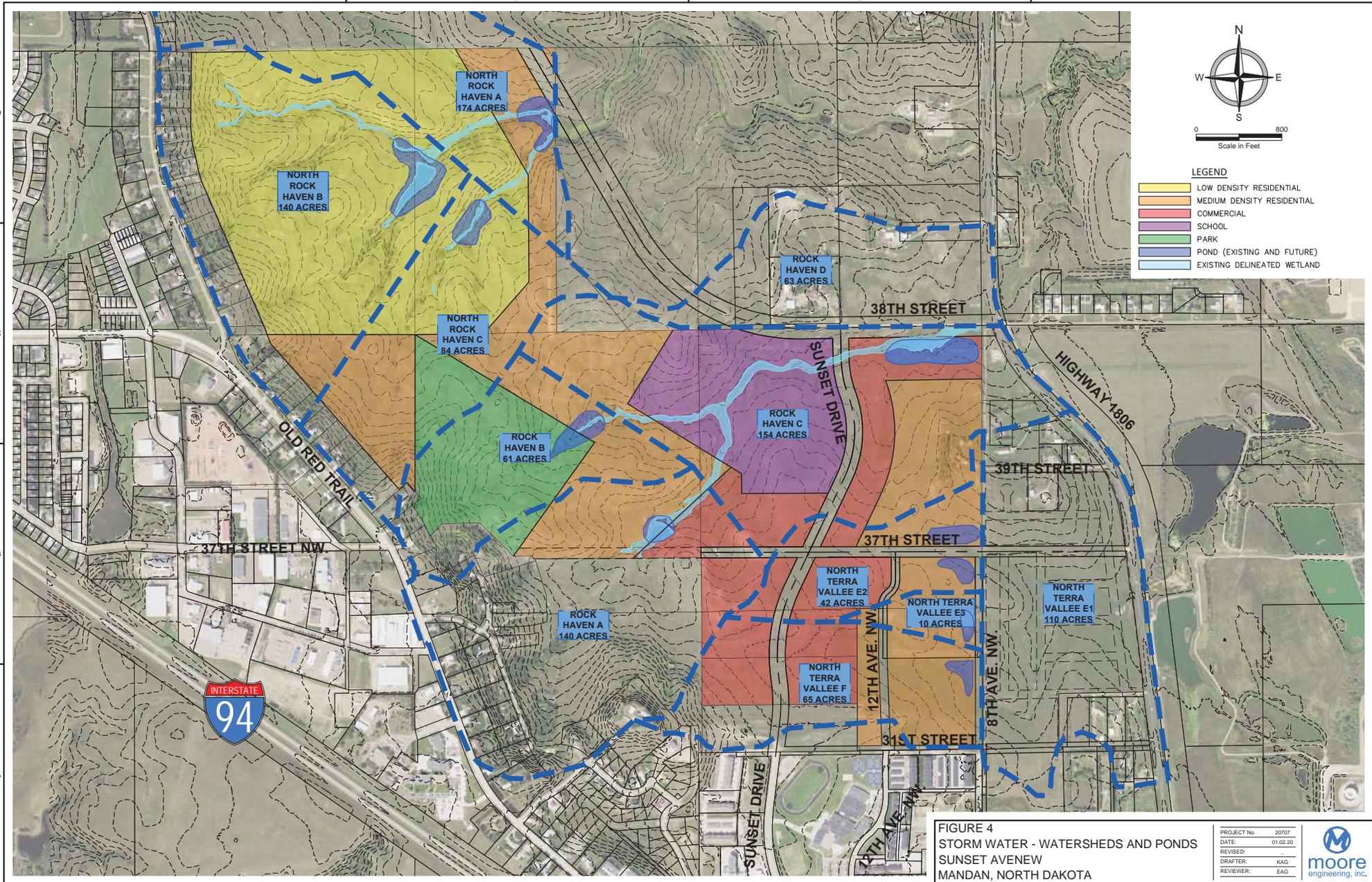


FIGURE 4
STORM WATER - WATERSHEDS AND PONDS
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No.	20707
DATE	01.02.20
REVISED:	
DRAFTER:	KAG
REVIEWER:	EAG



FILE LOCATION: R:\Civil 3D Projects\2017\DRAWINGS\PRESENTATION\2017-EXHIBIT-SunsetAve\New.dwg

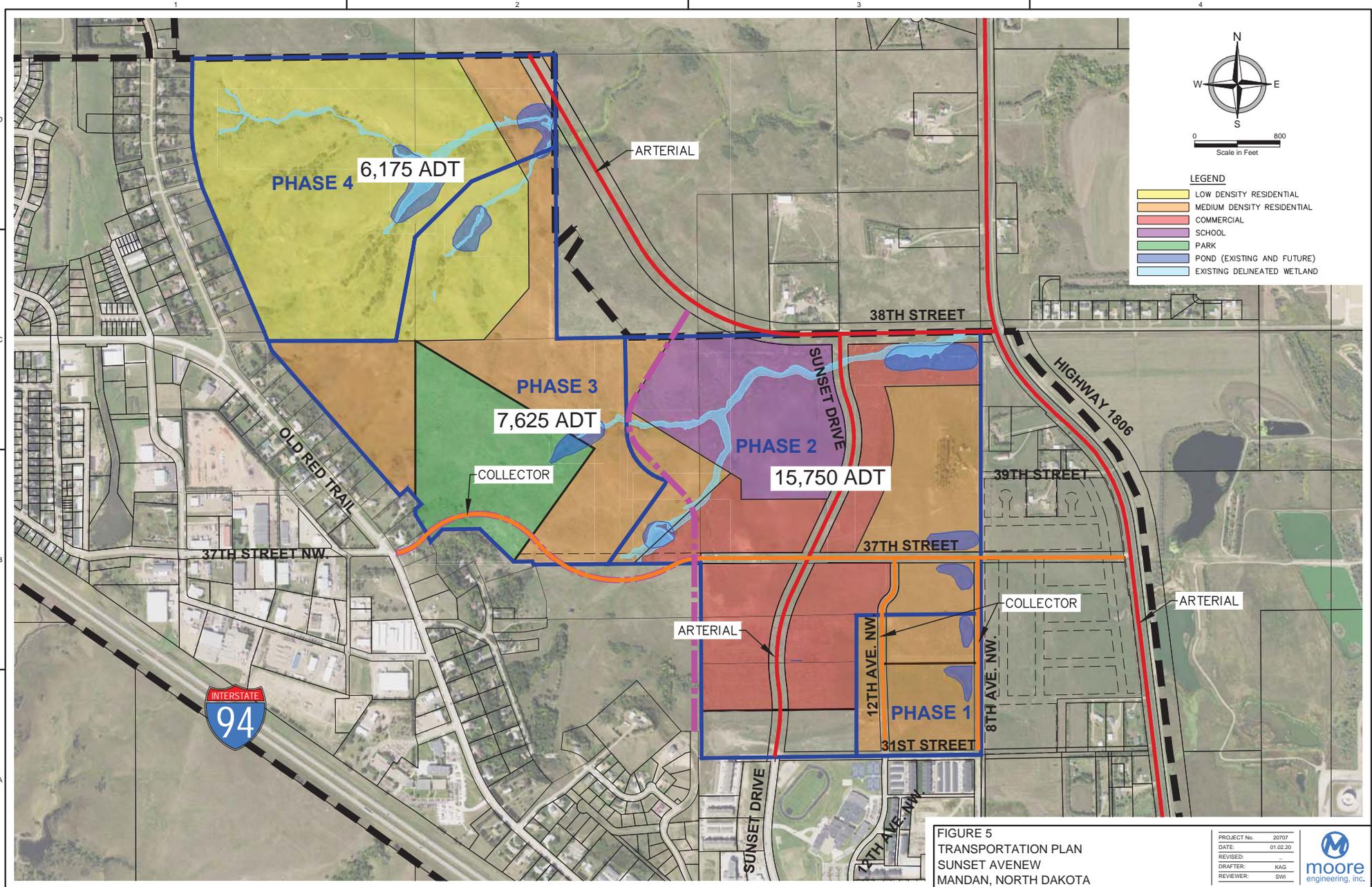
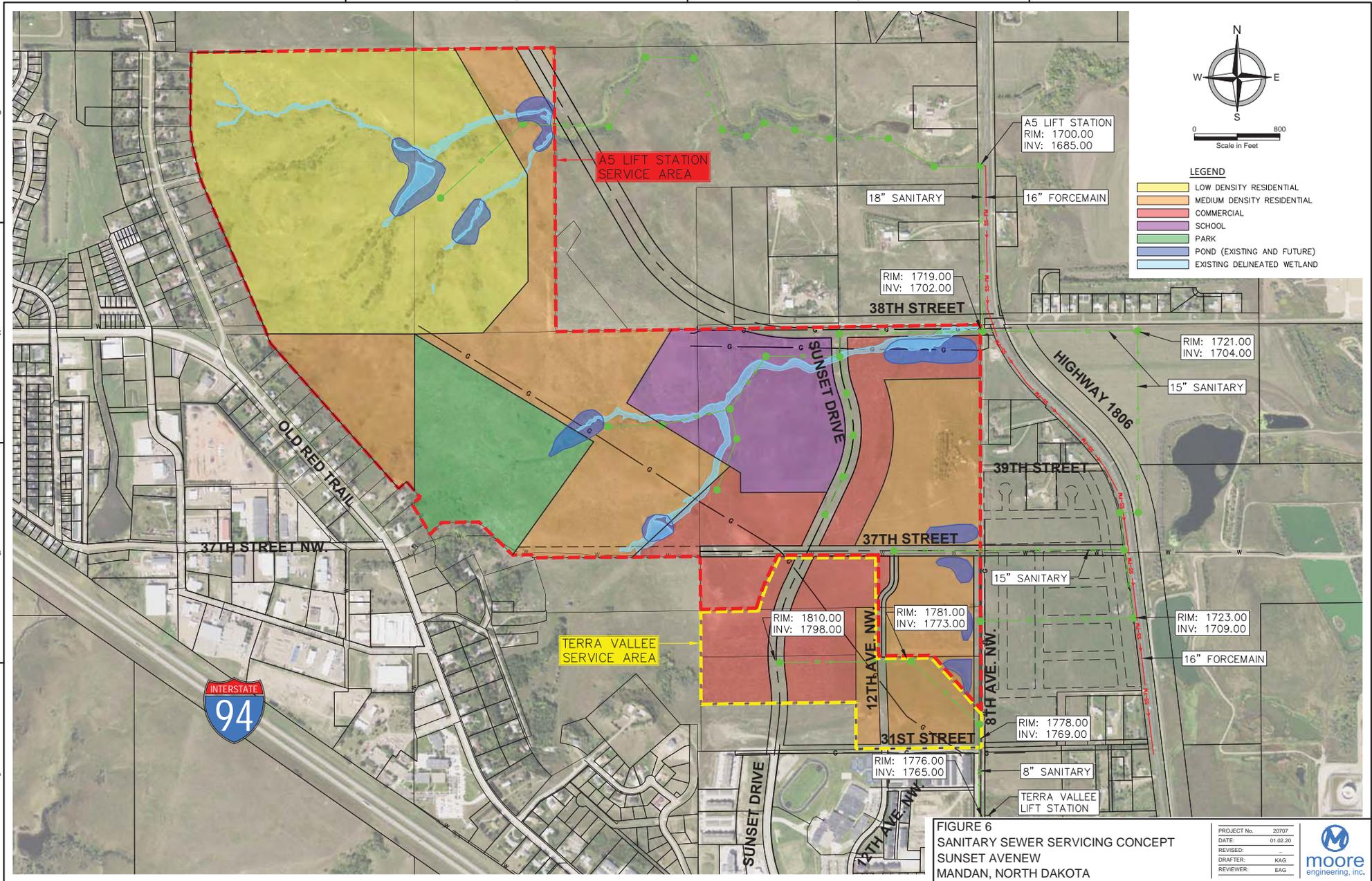


FIGURE 5
TRANSPORTATION PLAN
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No.	20707
DATE	01.02.20
REVISED:	
DRAFTER:	KAG
REVIEWER:	SWI





PROJECT No. 20707
 DATE: 01.02.20
 REVISED:
 DRAFTER: KAG
 REVIEWER: EAG



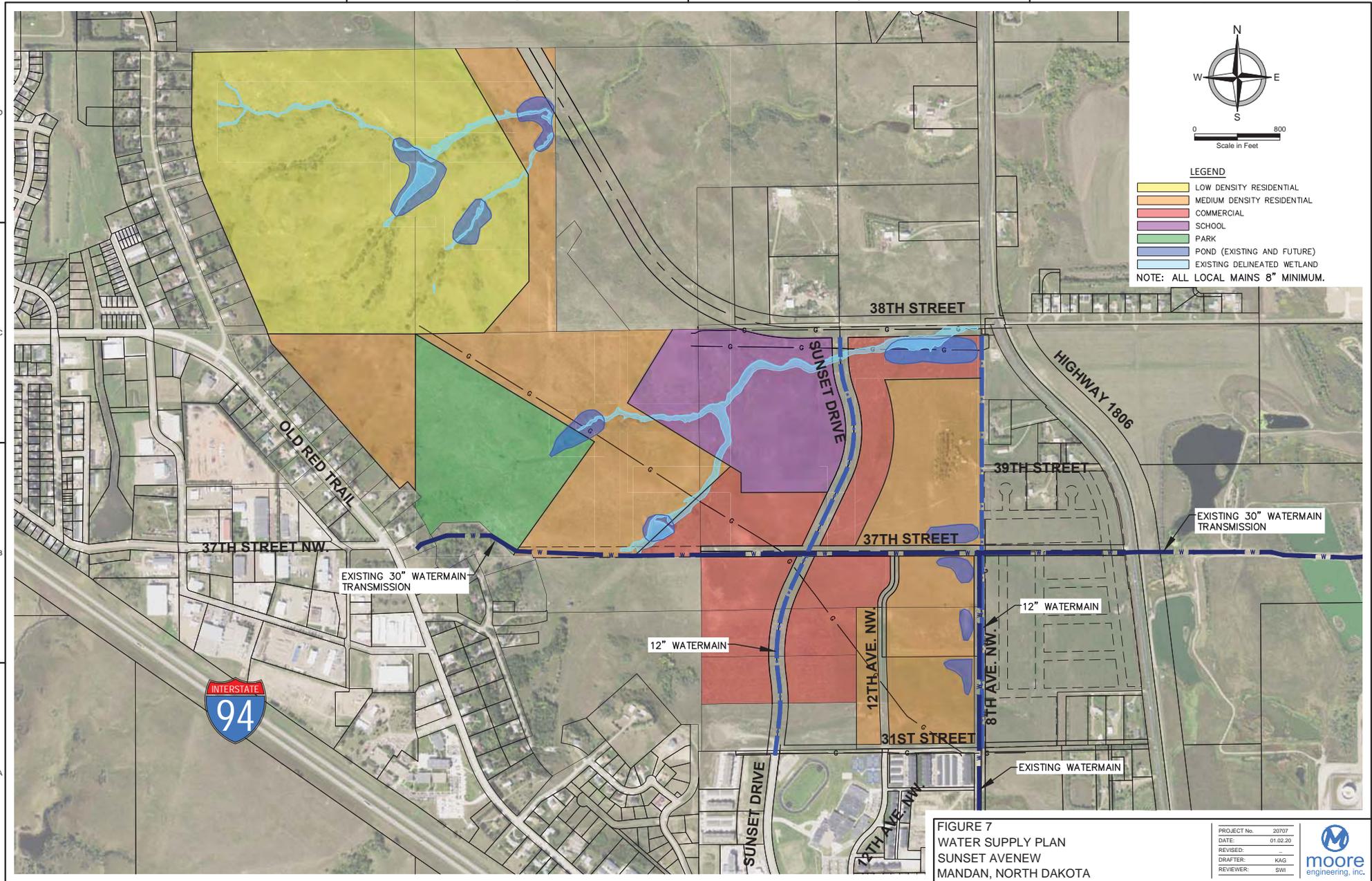
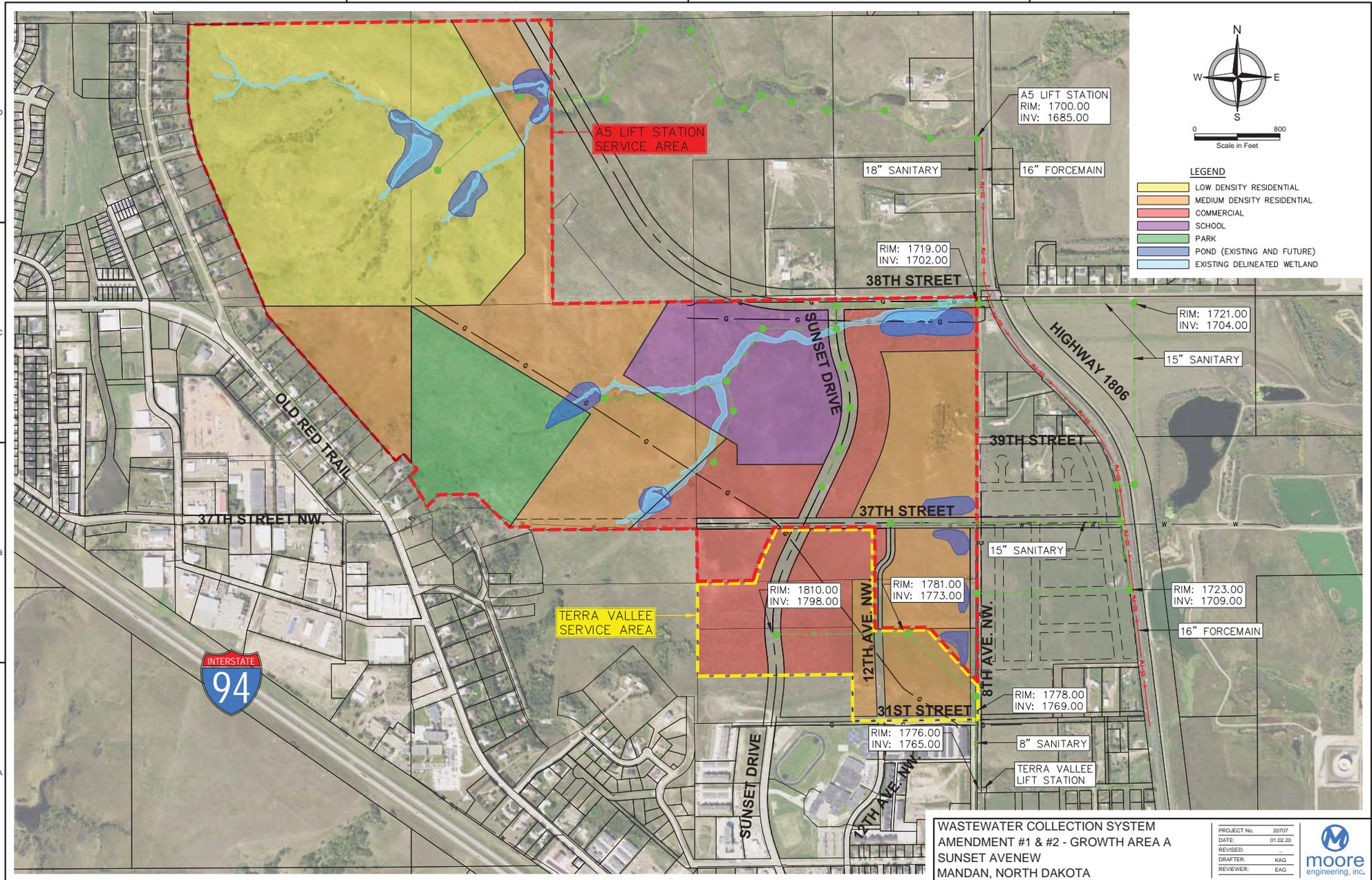


FIGURE 7
WATER SUPPLY PLAN
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No. 20707
 DATE: 01.02.20
 REVISED:
 DRAFTER: KAG
 REVIEWER: SWI



FILE LOCATION: R:\Civil 3D\Projects\2017\DRAWINGS\PRESENTATION\2017-EXHIBIT-SunsetAve\New.dwg



WASTEWATER COLLECTION SYSTEM
AMENDMENT #1 & #2 - GROWTH AREA A
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No. 20707
 DATE: 01.02.20
 REVISION:
 DRAFTER: KAG
 REVIEWER: EAG



EXHIBIT 6

RESOLUTION AMENDING THE COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF THE CITY OF MANDAN, NORTH DAKOTA Planning and Zoning Commission City of Mandan, North Dakota

WHEREAS, North Dakota Century Code Section 40-48-08 requires that the planning commission make and adopt a master plan for the physical development of the municipality and of any land outside its boundaries which, in the commission's judgement, bears a relation to the planning of the municipality; and

WHEREAS, North Dakota Century Code Section 40-48-09 requires that the planning commission make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relation to neighboring territory; and

WHEREAS, North Dakota Century Code Section 40-48-10 requires that before adopting the master plan or any part of it or any substantial amendment thereof, the planning commission hold at least one public hearing thereon; and

WHEREAS, The property owner, in consultation with Moore Engineering, Inc., have conducted an in-depth evaluation of the subject area named "Sunset AveNew", as included in Exhibit A; and

WHEREAS, The amendment is greatly informed by other plans, including the Mandan Land Use and Transportation Plan, Fringe Area Road Master Plan, I-94 Corridor Study, and Envision 2040; and

WHEREAS, The amended configuration of roads and land uses are found to be superior to those previously adopted; and

WHEREAS, City staff met with the applicant and their consultant numerous times to adjust the layout that would solicit staff recommendation of approval and align with the desires of the applicant; and

WHEREAS, Nothing in this amendment is a guarantee of City financial assistance or assurance of support of any development application that is deemed too premature in its timing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA, THAT:

1. The Future Land Use Map of the Comprehensive Plan is hereby amended; and
2. If any goal, objective, or policy of the originally adopted Comprehensive Plan shall be found to be in conflict with the amendment, the originally adopted Comprehensive Plan shall prevail; and
3. The Comprehensive Plan shall be presented to the City Commission for approval as required by North Dakota Century Code Section 40-48-11; and
4. Upon approval by the City Commission, staff is instructed to publish and distribute the plan; and

5. Staff in instructed to report back to the Planning and Zoning Commission at least annually regarding implementation of the plan.

Dated this 23rd day of March 2020

President, Planning and Zoning Commision

ATTEST:

Planning and Zoning Secretary

EXHIBIT 'A'
"SUNSET AVENUE"

All of the Northeast Quarter of Section 16, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota.

AND

The north half of the Southeast Quarter of said Section 16, LESS the south one third of the west 1481.78 feet of the north half of the Southeast Quarter of said Section 16.

AND

All of Tract 16A in the Northwest Quarter of said Section 16, according to Document No. 437329 on file and of record in the office of the recorder, said Morton County.

AND

All of Tract 17A in the Northeast Quarter of Section 17, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota, according to Document No. 437330 on file and of record in the office of said recorder.

AND

All of Tract 8A in the Southeast Quarter of Section 8, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota, according to Document No. 437327 on file and of record in the office of said recorder.

AND

All of the Southwest Quarter of Section 9, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota.

AND

The Northwest Quarter of the Southeast Quarter of Section 9, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota.

EXHIBIT 7

John W. Van Dyke

From: Cole Higlin <CHiglin@mandanparks.com>
Sent: Thursday, January 09, 2020 2:31 PM
To: John W. Van Dyke
Subject: Sunset Master Plan- Dr. B

John-

The Mandan Park District has no issues with Dr. B proposal for as presented for medium density surrounding our 45.9 acres.

I do support a regional detention pond that we discussed with Steve Iverson and the park district is willing to discuss this matter further while developing a “developers agreement” detailing all parties responsibilities. I do not support having multiple storm water detention ponds throughout this area, unless we cannot agree on cost allocation vs benefits of adjacent property owners.

As far as the road going through park property, I support the new “S” curve route and I am curious how this will be handled. The Park District isn’t willing to give land/right of way for free to construct a road. We will need to discuss potential land swap or special assessment allocations to offset loss of land.

I would like to see a 10’ wide multi-purpose trail placed along the future 37th Street from Old Red Trail east and tie into Highway 1806. In addition a 10’ multi-purpose trail from Hwy 1806 along 38th Street running west connecting to Highland Road.

As part of the road project, the park district would be willing to be special assessed for a small parking area for citizens to access our park along 37th street.

If you have any questions or need some clarifications, give me a call. Cole

COLE HIGLIN

Mandan Park District | Director

Office 701-751-6161 Direct 701-751-6163 Cell 701-220-1474

www.mandanparks.com | 2600 46th Ave, SE, Mandan, ND 58554

PUBLIC HEARING #2

PUBLIC HEARING #2

Mandan Planning and Zoning Commission Agenda Item PH2
 For Meeting on March 23, 2020
 Mandan Engineering and Planning Office Report
City of Mandan – Wireless Communications Facilities
 Requested Action
Ordinance Text Amendment

Application Details				
Applicant N/a	Owner N/a	Subdivision N/a	Legal Description City of Mandan	
Location City of Mandan		Proposed Land Use N/a	Parcel Size N/a	Number of Lots N/a
Existing Land Use Mixed	Adjacent Land Uses N/a	Current Zoning N/a	Proposed Zoning N/a	Adjacent Zoning N/a
Fees N/a	Date Paid N/a	Adjacent Property Notification Sent N/a	Legal Notices Published 3/13/20 & 3/20/20	

Project Description

Ordinance 1300 includes changes to accommodate wireless facilities located within the public right-of-way, specifying which districts require a special/conditional use permit and which ones require only administrative approval. Further, the proposed ordinance change establishes the requirement for a special use permit for telecommunications towers that are one-hundred-twenty (120) feet tall or greater in any district. Finally, the ordinance attempts to consolidate the numerous definitions and uses of terminology related to communications towers.

The City of Mandan was approached in 2018 with regard to placement of infrastructure necessary to provide customers with 5G wireless service. The infrastructure is known as “small cell” technology, which is much smaller than a traditional cellular tower. They are small enough to be attached to other infrastructure that is typically located within the public right-of-way, such as street or traffic light poles, larger street signs, etc. They service a much smaller geography and therefore require a higher concentration than a standard tower.

This ordinance outlines the requirements that must be met in order for a small cell to be placed within the public right-of-way, as well as within each zoning district. The ordinance provides standards for small cells attached to existing poles within the right-of-way, city-owned buildings, and privately owned buildings. Fees and process are established by reference to the Wireless Facilities Guidelines.

Staff, including Principal Planner John Van Dyke, Engineering and Planning Director Justin Froseth, Public Works Director Mitch Bitz, City Administrator Jim Neubauer, and City Attorney Brown met to discuss the creation of the ordinance and associated guidelines. Several cities including Grand Forks, Minot, Fargo, and Bismarck have adopted a close variant of the proposed ordinance. This has established consistency between cities.

The ordinance was sent to Verizon, T-Mobile/Sprint, and AT&T for comment. Most comments were taken into consideration by Verizon and T-Mobile/Sprint. AT&T has indicated several issues with the proposed ordinance. Attorney Brown’s recommendation is to move forward with the proposed ordinance as presented with no known issues occurring in other cities in ND that have adopted a similar ordinance.

Other telecommunication:

While working through the ordinance changes related to telecommunications, limitations to the height of telecommunication transmissions towers has also been added. Presently, telecommunications transmission towers are exempt from height limitations and in some districts do not require a conditional use permit. This opens the door to the erection of these structures adjacent to residential development with limitless height. The proposed changes would require towers exceeding one-hundred-twenty (120) feet to obtain a conditional use permit. The height of one-hundred-twenty feet was determined based on those in Mandan today.

Agency & Other Department Comments

As noted above, Public Works, Administrator Neubauer, and Attorney Brown are in favor with the proposed changes.

Engineering & Planning Staff Comments

As noted above, Engineering and Planning are in favor with the proposed changes.

Engineering & Planning Recommendation

Engineering and Planning recommend approval of the zoning amendment as presented in Exhibit 1.

Proposed Motion

I move to recommend approval of Ordinance 1300 as presented in Exhibit 1.

List of Exhibits:

Exhibit 1 – Ordinance 1300 – Wireless Communications Facilities

Exhibit 2 – Wireless Facilities Guidelines

Exhibit 3 – Pictures of Small Cells Wireless Infrastructure

ORDINANCE NO. 1300

An Ordinance to Amend and Re-enact portions of Subpart B – Land Development and Public Services of the Mandan Municipal Code related to communications facilities within the right-of-way and telecommunication transmission tower height limitations without first securing a conditional use permit

WHEREAS, The City of Mandan is committed to facilitating the provision for residents’ wireless service needs

WHEREAS, Infrastructure necessary to provide for future services may require placement within publicly owned right-of-way

WHEREAS, Care must be taken in order to preserve the integrity of the variety of services supplied through the public right-of-way

NOW, THEREFORE, BE IT ORDAINED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

Section 1 renames the chapter to reflect the right-of-way, as the street is one possible piece of infrastructure contained in a right-of-way.

Section 1. Chapter 115 is hereby renamed as follows:

Chapter 115 – RIGHT-OF-WAY

Section 2 establishes the reasoning behind the ordinance

Section 2. Enacted. Section 115-10-1 relating to Purpose is hereby enacted to read as follows:

115-10-1 Purpose

To ensure that residents, businesses and public safety operations in the city have reliable access to wireless telecommunications network technology and state of the art mobile broadband communications services, the city desires to accommodate the deployment of wireless communications facilities and services within the public right-of-way. The city also desires to minimize potential negative impacts of wireless facility placement within the public right-of-way. This article applies only to installation in the public right-of-way. All other installations are governed by Chapter 105 of this ordinance, and all other applicable laws and regulations. The impact of wireless facilities can be reduced by maintaining standards and objectives for location, visual impact, structural integrity, compatibility, colocation, and the like, which do not unreasonably discriminate among similar users.

Nothing in this chapter affects the city's right to regulate users of the public right-of-way in a neutral and nondiscriminatory manner. The city intends to exercise its authority with respect to the regulation, placement, construction and modification of wireless facilities in the public right-of-way to the fullest extent permitted by applicable law.

Section 3 provides the definitions to refer to throughout the ordinance.

Section 3. Enacted. Section 115-10-2 relating to Definitions is hereby enacted to read as follows:

115-10-2 Definitions

For purposes of this article, the following definitions apply. References to "sections" are, unless otherwise specified, references to sections in this article.

Antenna means a device used to transmit and/or receive radio or electromagnetic waves for the provision of communication services including, but not limited to, cellular, paging, personal communications services and microwave communications. Such devices include, but are not limited to small wireless facility antennas, small cell antennas, remote radio heads, directional antennae, such as panel antennas, GPS antennas, microwave dishes, and satellite dishes; omnidirectional antennae; and wireless access points (Wi-Fi), including strand-mounted wireless access points.

Applicant means any person who applies for a permit under this article.

Attachment includes any wireless communication facility affixed to, contained in, or placed on or in a structure within the city's public right-of-way.

City means the City of Mandan.

City Engineer means the Mandan City Engineer or his or her designee.

City-Owned Structure means an existing structure owned by the city that is located in the city's public right-of-way. It does not mean State, County or other government entity owned infrastructure within the public right-of-way. It does not mean infrastructure owned by a public utility. It does not mean infrastructure located outside of the public right-of-way or on right-of-way which the city does not control.

Colocation means the mounting or installation of new wireless communication facilities on or within an existing wireless support structure.

Construction Plan means a written plan, and a collection of documents, for construction that:

- (a) demonstrates substantial conformity with adjacent like-structure height, girth, color, material, spacing, and function, where applicable.
- (b) includes the identity and qualifications of each person directly responsible for the design and construction;
- (c) includes signed and sealed documentation to proportional scale from a professional engineer licensed in North Dakota describing the proposed wireless communication facilities in detail, including
 - (1) the proposed location of the wireless support structure and all easements, property boundaries, and existing structures within on the same side of the roadway and within fifty (50) feet of such wireless facility or wireless support structure unless a different distance is specified by the city engineer;
 - (2) a structural, loading, and wind-speed analysis for existing, proposed, and reserved loading, and
 - (3) a schematic describing the communications properties of the facility, including EMF and RF propagation and off-site data connections; and
 - (4) includes such other information as the city engineer may require.

EMF means electromagnetic frequency.

Equipment means accessory equipment serving or being used in conjunction with an antenna or wireless communication facility. Equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables and conduit, equipment buildings, cabinets, storage sheds, shelters, and vaults.

Existing Height means the height of a structure, including wireless communications facilities, as originally approved or as of the most recent approved modification. Height shall be measured from natural grade to the top of all appurtenances.

Existing structure means a structure located in the public right-of-way and capable of supporting wireless communication facilities, erected prior to the application for colocation or substantial modification under this article. An existing structure includes a replacement of an existing structure that is proposed to accommodate the colocation of a wireless communication facility, as long as the replacement structure is substantially similar in appearance to the existing structure and no more than 10% taller than the existing height of the structure to be replaced.

Ground-Mounted Equipment means any equipment that is affixed to the ground and extends above the natural grade.

GPS means Global Positioning System.

Guidelines or Wireless Facility Guidelines means any procedure or description from the city engineer, which may be modified and amended from time to time, concerning wireless facility application process and siting requirements. Any such Wireless Facilities Guidelines shall be consistent with this article.

Interference means any material and harmful impairment, physically or electronically of the operation, views, signals or functions of city property or third party property.

Laws means any and all applicable federal and state laws and applicable local ordinances, resolutions, regulations, administrative orders or other legal requirements.

Land Development Code means the Subpart B – Land Development and Public Services of the Code of Ordinances of the City of Mandan, North Dakota.

MAA means a master attachment agreement between the city and a lessee that defines the general terms and conditions which govern their relationship with respect to particular sites at which the city agrees to permit lessee to install, maintain, and operate communications equipment on existing or new city owned infrastructure.

Installation Permit Holder means any person that has obtained permission through the issuance of an installation permit from the city under this article to locate, install or place wireless facilities in the public right-of-way.

Person means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, cart way, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

RF means radio frequency.

Site or Premises means the area occupied by the wireless support structure, the wireless communications facility, accessory equipment, ground-mounted equipment, and the path of the wire or conduit connecting to an off-site network.

Wireless Communication Facility means any fixed tangible asset usable for the purpose of providing wireless transmission of voice, data, images or other signals or information including, but not limited to, telecommunications, cellular telephone service, personal communications service and paging service. A wireless communications facility includes antennas and accessory equipment. A wireless communications facility does not include an underlying wireless support structure.

Wireless Support Structure means any fixed, above-grade structure in the public right-of-way used to house or support wireless communications facilities and equipment.

Section 4 notes that existing poles and structures will be the priority and that an MAA and permit is required.

Section 4. Enacted. Section 115-10-3 relating to Locating Wireless Communication Facilities is hereby enacted to read as follows:

115-10-3 Locating Wireless Communication Facilities

The location of any new wireless communication facility in the public right-of-way shall be prioritized to locate on existing structures, such as utility poles through agreement with the pole owner, or street lights, or the replacement of an existing structure as provided herein, when said existing structures are present within one-hundred feet of the desired location. Installation of wireless support structures for the purpose of supporting a wireless communication facility within the public right-of-way will be permitted only as deemed appropriate by the city engineer and the applicant must have a franchise agreement with the city for the use of the public right-of-way, MAA, or an encroachment agreement for that specific location and an installation permit.

Section 5 provides four different means by which a wireless facility may be placed in the right-of-way. This section also outlines the necessary additional submittals that must be included with an application for placement of these facilities. This includes an application fee as outlined in the Wireless Facility Guidelines and allows for engineering to subcontract the evaluation similar to what is currently done for stormwater reviews for plats in some instances. This section also encourages colocation and requires the facilities to be installed within 12 months of permit issuance.

Section 5. Enacted. Section 115-10-4 relating to Installation Permit Required is hereby enacted to read as follows:

115-10-4 Installation Permit Required

- (a) No person may construct, install or modify a wireless communication facility within the public right-of-way without having first done one of the following:
- (1) Having entered into an MAA with the city, if the wireless communication facility will be installed on city owned existing or new infrastructure.
 - (2) Having obtained a franchise from the city allowing use of the public right-of-way.
 - (3) Having obtained an encroachment agreement allowing the specific occupation of the public right-of-way.
 - (4) Having entered into an agreement to co-locate with an entity with infrastructure in the right-of-way pursuant to a current franchise. In each case, the person must also obtain an installation permit from the city engineer as set forth in this chapter.
- (b) Installation Permit Issuance. Before a Site License, if applicable, is agreed upon and an installation permit is issued, a written application for each site must be filed with the city engineer containing such information as may be required by the city engineer. The application shall include the following:
- (1) Information required to be provided by a registrant for public right-of-way use and occupancy under this chapter.
 - (2) The name and address of any retail communications service provider for which the facilities are intended to be used, if this is different than the applicant.
 - (3) Evidence that the applicant has obtained all state permits and other licenses, as well as insurance, performance and payment bonds as may be required by the city engineer.

(4) A detailed map, including a digital shapefile, of the location of all proposed facilities for which the permit is sought.

(5) A construction plan and profile, if requested.

(6) Other information required by this article.

(c) Fees. The city may require payment of a nonrefundable installation permit application fee at the time an installation permit application is submitted, as approved by the Board of City Commission and adopted in the Wireless Facilities Guidelines. Such fees shall be set to recoup some or all of the cost of permit review, processing and issuance, and will be in addition to any other applicable fee or any separate payments that may be required in the event an installation permit is granted for use of the public right-of-way or the use of city-owned structures. The city reserves the right to charge applicants for installation permits and a fee for their use of the public right-of-way to the extent that such charges are allowed under state and federal law. All such fees shall be described in the Wireless Facility Guidelines and may be in addition to any fee charged for or cost associated with attachment to city-owned structures.

(d) Where the city determines that it requires expert assistance in evaluating an application, the city may procure technical and other specialized consulting services that may be necessary to promptly and thoroughly review the application. Reasonable fees charged by the consultant shall be paid from the one-time application fee referred to in subpart c above.

(e) Time for Review. The city engineer shall comply with applicable federal, state and local law concerning the time period for review following receipt of a completed application to install or modify a wireless communications facility or wireless support structure in the public right-of-way. Specific timeframes shall be described in Wireless Facility Guidelines.

(f) Nondiscrimination. The city shall evaluate, issue, and deny permit applications under this article on a neutral basis, with no unreasonable discrimination among similarly situated applicants and installations.

(g) The city engineer may impose additional reasonable conditions on any installation permit issued under this article relating to time, place and manner.

(h) The city shall not impose environmental testing, sampling, or monitoring requirements or other compliance measures for RF emissions on wireless communication facilities that are categorically excluded under the FCC's rules for radiofrequency remissions pursuant to 4 CFR 1.1307(b)(1).

(i) Scope and Duration.

- (1) Any installation permit granted pursuant to such application shall be limited in scope to the description submitted in a completed application, as modified by any further agreed-upon conditions or subsequently approved modification.
- (2) The installation permit shall be voided by the city unless in the city's determination the work is commenced within one hundred eighty (180) days from the date of issuance of the permit, unless extended by the city engineer. If the facility is not used for its intended use within twelve (12) months from the date of permit issuance, the city shall revoke the permit unless extended by the city engineer.
- (3) Within sixty (60) days following completion of facility installation as described in the permit application, the permit holder shall submit as-built diagrams in AutoCAD format and digital photographs of the Site to the city engineer. A digital shapefile shall also be provided to include such information as deemed necessary by the city engineer.
- (4) MAAs issued under this article are valid for a period of twenty (20) years. To extend the MAA for an additional period of ten (10) years, the permit holder shall provide proof that it continues to have the legal authority to occupy and use the public right-of-way for the purpose set forth in its permit; shall affirm that its site as it exists at the time of the renewal is in full compliance with the applicable city permit or permits issued for the site, and is in compliance with FCC regulations; and shall pay any permit processing fee required for renewal. Failure to submit such proof of legal authority or affirmation of compliance shall be grounds for non-renewal of the permit. The burden is on the permit holder to demonstrate that the site complies with the requirements herein.
- (j) Conditional Upon Related Agreements. The city engineer may cause a permit under this article to be made temporary or conditional upon the execution of a finalized permit application or attachment agreement further addressing the proposed installation.
- (k) Proximity to Other Facilities. The city reserves the right to deny, but is not obligated to deny, any siting permit application under this article that proposes to install a new wireless support structure within three hundred (300) feet of any other existing wireless support structure. It is the intent of this provision to encourage the colocation of wireless communication facilities on the same wireless support structure or on existing buildings or other structures, and to sensibly limit the overall visual impact of wireless communications in the public right-of-way.
- (l) Denial of Permit. Any denial of permit shall be made in writing, supported by substantial evidence that the proposed installation would be inconsistent with one or more of the provisions of the Code of Ordinances of the City of Mandan, North Dakota or with the health, safety and welfare of the city.

Section 6 provides design guidelines to ensure each facility minimizes its impact to adjacent property owners and does not interfere with necessary maintenance in the right-of-way. Requirements include antennae's can't be higher than 50ft above ground level or block a neighboring window/doorway.

Section 6. Enacted. Section 115-10-5 relating to General Conditions is hereby enacted to read as follows:

115-10-5 General Conditions

The city engineer may approve a permit for the installation of a wireless communication facility in the public right-of-way, provided the applicant certifies compliance with the following general conditions, and subject to other use-specific conditions and other requirements set forth in this article and in any Wireless Application Guidelines.

(a) General Design Standards. The following design standards will apply:

(1) Installation is not to significantly create a new obstruction to property sight lines.

(2) Appropriate clearance from existing utilities.

(3) In a single-family neighborhood, noise limit to be 5dBA above ambient sound, not to exceed 30 dBA as measured at a property line. Other noise regulations may apply. If the facility does not generate noise, include this information in the submittal so information can be shared with neighborhood.

(4) Installations shall match the aesthetics of existing street lights and street furniture in the neighborhood of the proposed small cell locations, if any. These aesthetic considerations and accommodations are to be included in the application submittal.

(5) All equipment located within the public ROW shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interferes with the operation and maintenance of signal lights, signage, street lights, street furniture, fire hydrants, underground utilities, or business district maintenance.

(6) The height of any wireless communication facility shall be comparable to nearby structures of similar type and not more than 50 feet above normal grade unless otherwise approved by the city engineer in the installation permit.

(7) Antennas shall not exceed the physical dimensions set forth in 47 C.F.R. 1.1312(e)(2).

(8) All riser cabling and wiring must be contained in conduit, affixed directly to the face of the structure, or enclosed within the hollow interior of the pole, for as long as it is technically feasible. No exposed slack or extra cable will be allowed, except for a drip loop as needed.

(9) No signage or advertising will be permitted, except as required by law or as specifically permitted or required by the city engineer.

(10) Wireless communication facilities in historic areas shall comply with any special requirements applicable to such areas, and may be subject to additional city review.

(b) Minimizing Impacts on Adjacent Property Owners.

(1) A permit holder should actively mitigate any unreasonable adverse impact relating to visibility from the adjacent property; access to and from the adjacent property; intrusion of light, sound, or smell; in addition to any other cognizable unreasonable and substantial impact made known by an adjacent property owner. This shall not apply to new developments that were not present at the time of installation; however, this does not mean that specific sites will be included in any renewal agreement between the wireless communication facility permit holder and the city.

(2) No Antenna shall be within five (5) feet of a door, balcony or window nor placed in front of any window within 20 feet. To the extent feasible, antennas shall be located at a similar height to the antenna unit on the adjacent public right-of-way, unless otherwise restricted by the right-of-way width.

(3) An installation shall not interfere with city operations, or the operations of preexisting third-party installations in the public right-of-way. The city will reasonably cooperate with the applicant and/or permit holder to permit activities and modifications that may effectively avoid or correct the interference.

Section 7 limits the increase in height to a pole and ensures that there is no interference of the original service provided by the pole (such as light). Power is the responsibility of the permit holder.

Section 7. Enacted. Section 115-10-6 relating to Wireless Communications Facilities Upon Existing Structures is hereby enacted to read as follows:

115-10-6 Wireless Communications Facilities Upon Existing Structures

In addition to the general conditions described in section 115-10-5 and any specification contained in the Wireless Facility Guidelines, any wireless communication facility for which an installation permit is requested under this chapter shall meet the following requirements:

- (a) The wireless communication facility shall not increase total existing height, including the wireless support structure, by more than 10% over other public utility poles in the area unless, in the city engineer's discretion, an alternative height is accepted depending on the type and structure of the existing facility and the proposed location.
- (b) The wireless communication facility shall not impair nighttime visibility in the area that result from light emanating from a utility structure and shall not otherwise interfere with the original purpose of an existing structure.
- (c) Electrical power. Unless otherwise provided in the applicable Site License, franchise, or encroachment agreement the acquisition of electrical power shall be the sole responsibility of the applicant.
- (d) Minimize impact to the aesthetics of the existing poles.
- (e) Structural calculations, which show that the existing pole(s) can carry the loading of the new proposed facilities, shall be submitted with the permit application package.

Section 8 specifies the requirement for an MAA, which will outline the management of the facilities. Outlines fees collected in the Wireless Facility Guidelines. Specifies financial responsibility of the permit holder for the cost of repairs and holds harmless the City from damages to third parties.

Section 8. Enacted. Section 115-10-7 relating to Attachments to City-Owned Structures is hereby enacted to read as follows:

115-10-7 Attachments to City-Owned Structures

In addition to the requirements set forth in this article and the Wireless Facility Guidelines, the following conditions will apply to a wireless communication facility attached to a city-owned structure:

- (a) The city engineer shall require an applicant for a wireless communication facility attachment to a city-owned structure to execute a separate MAA with the city addressing such attachment.
- (b) The management of attachments to city-owned structures is governed by the MAA between the city and the applicant. The MAA does not waive any zoning, building code or other public right-of-way management requirements that may also apply.
- (c) The city may require payment of rental fee, permit fee, application fee or other compensation, as set forth in the Wireless Facility Guidelines.
- (d) In the event a city-owned wireless support structure is compromised or knocked down, the city and an affected wireless communication facility permit holder will cooperate to reinstall or replace the pole and restore the wireless communication facility. The wireless communication facility permit holder shall be responsible for costs incurred by the repair or reinstallation of the wireless support structure. The MAA shall contain indemnifying language holding the city harmless for damages stemming from third-parties.
- (e) Training. At the request of the city, the permit holder shall host on-site training for city maintenance staff. The training will be offered semiannually or as otherwise agreed between the parties. The training shall include occupational safety, personal protection, proximity limits, emergency procedures and contact information. This information shall also be provided in writing and submitted electronically to the city.

Section 9 notes that if the facility is located on existing infrastructure that it will continue to provide the service (such as lighting) that it was originally intended to do. If a new pole is required then it will provide additional public benefits (such as lighting) and not be solely used as a wireless facility.

It also notes that the poles are the owned by the City, power to supply the facility is the responsibility of the permit holder, and that the permit holder will provide a supply of identical poles to be held by the city.

An agreement will outline the replacement process.

Section 9. Enacted. Section 115-10-8 relating to Replacement of City-Owned Structures or Addition of City-Owned Structures is hereby enacted to read as follows:

115-10-8 Replacement of City-Owned Structures or Addition of City-Owned Structures

In addition to the general conditions described in this chapter and the Wireless Facility Guidelines, the proposed replacement of an existing city-owned structure or placement of a new city owned structure shall be subject to the following requirements.

- (a) Any new or replacement city-owned structure must be able to co-locate at least one additional similar facility.
- (b) So as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- (c) So as not to significantly create a new obstruction to property sight lines.
- (d) Equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- (e) New city-owned structures shall be located in line with trees, existing streetlights, utility poles, and other furniture.
- (f) Before installing a new structure in the right-of-way or replacing an existing structure, the applicant must demonstrate the following, to the satisfaction of the city engineer:
 - (1) That it will not be located within 100 feet of the apron of a fire station, police station, or other adjacent emergency service facility.
 - (2) At the intersection of property lines, or along secondary property frontage for corner lots.
 - (3) Located in line with trees, existing streetlights, utility poles, and other furniture.
 - (4) That the facility is not able to be placed on existing right-of-way infrastructure. The applicant shall provide a map of existing infrastructure in the service area and describe why each such site is not feasible.
 - (5) That city functions for which the original structure was used will be preserved, at a minimum, as part of any replacement structure, at the applicant's expense. Replacement of lighting, electrical power, network connectivity, and any other functional purpose of, on or within the original structure shall be done to the satisfaction of the city engineer.
 - (6) In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.
 - (7) New poles should match aesthetics of adjacent poles.

- (g) Ownership. A replacement structure or a new structure under this section shall be dedicated to and owned by the city upon completion, free and clear of all liens and encumbrances.
- (h) Unless otherwise provided in the applicable Site License, franchise, or encroachment agreement, acquisition and use of electrical power to serve a wireless communication facility on a replacement wireless support structure or facility shall be the sole responsibility of the permit holder.
- (i) Stocked Poles. To enable prompt replacement in the event of a knockdown or structural compromise, a permit holder shall provide the city with an inventory of poles to be kept by the city. The inventory shall consist of, for each type/style of pole, one pole substantially identical to the initial city owned replacement pole. For each set of five additional replacement poles of any particular type/style, an additional pole of that type/style.
- (j) Facilities placed in the right-of-way shall be maintained in accordance with the terms of this article and as provided for in the MAA.
- (k) An applicant may be required to enter into such license and other agreements with the city or third parties as the city may require to effect the replacement, consistent with this section.

Section 10 outlines how equipment will be mounted if above or on the ground and instances when it may be required to be located underground. In discussions with Verizon, they've indicated that all equipment will be located underground for those facilities requiring pole replacement.

Section 10. Enacted. Section 115-10-9 relating to Equipment is hereby enacted to read as follows:

115-10-9 *Equipment*

- (a) Equipment other than ground-mounted equipment shall be mounted in one of the manners described below, and as prescribed by the city engineer, utility provider, or applicable health and safety code.

- (1) Equipment shall be mounted in a base shroud of approved design. The base shroud should be coated or painted an approved color to match the pole.
- (2) Equipment shall be mounted directly to the pole a minimum of twelve (12) feet above the existing grade and be coated or painted with an approved color to match the pole.
- (3) Equipment shall be mounted to the pole in an equipment box a minimum of twelve (12) feet above the existing grade. The equipment box shall be coated or painted an approved color to match the pole.
- (4) Equipment shall be attached to the wireless support structure in a manner as approved by the city engineer.

(b) Ground-Mounted Equipment.

(1) A permit for a wireless communication facility that involves ground-mounted equipment will be issued if the city engineer finds the following:

- a. The ground mounted equipment will not disrupt traffic or pedestrian circulation;
- b. Space exists in the public right-of-way to accommodate the ground mounted equipment;
- c. The ground mounted equipment will not create a safety hazard;
- d. The location of the ground mounted equipment minimizes impacts on adjacent property;
- e. In any historical area, that the ground mounted equipment does not detrimentally affect the historical nature of the area, to the satisfaction of the city engineer;
- f. That no reasonable alternative exists that is more favorable to adjacent property owners and to effective use and management of the public right-of-way; and
- g. The ground mounted equipment will not adversely impact the health, safety or welfare of the community.

(2) Underground equipment. Ground mounted equipment and utilities will be placed underground in all locations unless technically infeasible.

(c) Any excavation required for installation of ground-mounted or underground equipment shall be performed in accordance with all applicable local, state, and federal laws and regulations.

Section 11 outlines how a wireless communications facility may be attached to a city owned building such as city hall or public works building for example. In the event the city sells this structure, the city will credit the fees back and assist with identifying an alternative site. The city is not responsible for the costs resulting from the sale of city-owned property.

Section 11. Enacted. Section 115-10-10 relating to Attachment to City-Owned Buildings is hereby enacted to read as follows:

115-10-10 Attachment to City-Owned Buildings

The city may permit the attachment of a facility to a city-owned building upon the recommendation of the city engineer and the approval of a lease by the city commission. An installation permit shall be required for such installations. If a city-owned building is sold the permit for the relevant attachment shall be revoked. The city shall work with the permit holder to identify a suitable alternative site for the replacement of the wireless communication facility and credit the permit holder for the fees already incurred toward the application of a new site. The city shall be held harmless for the permit revocation effectuated by the sale of the city-owned building.

Section 12 adds Wireless communications facility to the list of examples of uses within the utility use group.

Section 12. Amended. Section 105-1-4 (q) (2) relating to the Utility service group examples is hereby amended to include the following example of a utility service group use:

k. Wireless Communications Facility

Section 13 adds definitions for wireless communications facility where none presently exists.

Section 13. Amended and Re-enacted. Section 101-1-3 adding a new definition following Wholesale group to read as follows:

Wireless communications facility means any fixed tangible asset usable for the purpose of providing wireless transmission of voice, data, images or other signals or information including, but not limited to, telecommunications, cellular telephone service, personal communications service and paging service. A wireless communications facility includes antennas and accessory equipment. A wireless communications facility does not include an underlying wireless support structure.

Section 14 Adds definitions for telecommunication transmission tower and telecommunications transmission tower antennae height. There is currently no definition for these in the ordinance. It also removes the existing definition of telecommunication facility, relying solely on wireless communications facility for continuity.

Section 14. Amended and Re-enacted. Section 101-1-3 remove definition of Telecommunication facility and adding a new definition for Telecommunication transmission tower and Telecommunication transmission tower and antenna height following Subdivision, minor to read as follows:

~~Telecommunication facility means any installation composed of wires, cables, pieces of equipment, pieces of machinery, structures and/or supporting elements necessary to produce non-ionizing electromagnetic radiation and operating as a discrete unit to produce a signal or message.~~

Telecommunication transmission tower means any pole, spire, structure or combination hereof, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guyed towers or monopole towers. A telecommunication tower may include, but not be limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and personal communication service towers.

Telecommunication transmission tower and antenna height means the height of a freestanding telecommunication transmission tower and antenna shall be measured as the distance from ground level to the highest point on the tower, including the antenna. The height of a rooftop communication antenna shall be measured as the distance from the point where the base of the tower and antenna is attached to the roof, to the highest point on the supporting structure, including the antenna.

Section 15 Changes terminology to one defined by Section 14 above. There is currently no definition of broadcast or communication towers.

Section 15. Amended and Re-enacted. Section 105-1-2 (1) to read as follows:

- (1) *Structures excluded from height limits.* A building height limit set forth in this chapter shall not apply to belfries, chimneys, domes, flagpoles, flues, monuments, cupolas, ~~broadcast and communication telecommunication transmission~~ towers, spires, tanks,

water towers or similar structures, or to bulkheads, elevators, water tanks or similar roof structures and mechanical appurtenances. No such structure located on a roof shall have a total area greater than 25 percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. No such structure shall be located closer to the lot line than a distance greater than 110 percent of the height of the structure above ground level, except those structures as permitted or deemed necessary within the public right-of-way as outlined in Chapter 115.

Adding subsection (l) in order to require a conditional use permit for towers greater than 120 feet in height.

Section 16. Enacted. Section 105-1-5 (i) relating to a requirement for telecommunication transmission tower and antennae height in excess of 120' to obtain a conditional use permit to read as follows:

(i) Telecommunication transmission tower and antenna height exceeding one-hundred-twenty (120) feet.

Section 17 thru 24 establishes that utility service group uses require a conditional use permit in residential zoning districts and a permitted use in commercial and industrial zones.

Section 17. Amended and Re-enacted. Section 105-3-4 (d) is amended as follows:

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
- (1) Accessory dwelling unit.
 - (2) Education group.
 - (3) Public recreation group.
 - (4) Utility service group.
 - (5) Religion group.
 - (6) Bed and breakfast.
 - a. One additional parking space per bedroom.
 - b. One sign no larger than four square feet.

- c. Must maintain state facility license in good standing.

Section 18. Amended and Re-enacted. Section 105-3-5 (d) is amended as follows:

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
 - (1) Public recreation group.
 - (2) Education group.
 - (3) Utility service group.
 - (4) Religion group.
 - (5) Accessory dwelling unit.
 - (6) Bed and breakfast
 - a. One additional parking space per bedroom.
 - b. One sign no larger than four square feet.
 - c. Must maintain state facility license in good standing.

Section 19. Amended and Re-enacted. Section 105-3-6 (d) is amended as follows:

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
 - (1) Public recreation group.
 - (2) Education group.
 - (3) Utility service group.
 - (4) Religion group.

Section 20. Amended and Re-enacted. Section 105-3-8 (d) is amended as follows:

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
 - (1) Education group.

- (2) Religion group.
- (3) Utility service group.
- (4) Public recreation group.
- (5) Site built or modular dwelling unit.

Section 21. Amended and Re-enacted. Section 105-3-9 is amended as follows:

Sec. 105-3-9. - RM Residential District.

In any RM Residential District, the following regulations shall apply:

- (1) *General description.* The RM Residential District is established as a district in which the principal use of land is for residences, including multifamily dwellings and similar high-density residential development. For the RM Residential District, in promoting the general purposes of this chapter, the specific intent of this section is:
 - a. To encourage the construction of, and continued use of, the land for residential purposes.
 - b. To prohibit commercial and industrial use of the land and to prohibit any other use that would substantially interfere with the development and continuation of residential structures in the district.
 - c. To encourage the discontinuance of existing uses that would not be permitted as new uses in the district.
 - d. To discourage any use which, because of its character or size, would generate traffic or require municipal services substantially in excess of traffic and services that would exist if the district was developed solely for multifamily dwellings and similar residential uses.
- (2) *Uses permitted.* The following uses are permitted:
 - a. Single-family dwelling.
 - b. Two-family dwelling.
 - c. Multifamily dwelling.
 - d. Group dwelling.
 - e. Educational group.
 - f. Church.
 - g. Health-medical group.
 - ~~h. Utility service group.~~
 - hi. Public recreation group.
 - ij. Railroad line trackage.

jk. Funeral establishments, provided that the following requirements are met:

1. Each such establishment shall provide an off-street parking area on the premises equal to 35 percent of the lot area and in no case less than 4,900 square feet exclusive of the area needed to park vehicles owned or operated by such establishment. For the purpose of determining such parking area, neither the required side yards nor the area in front of the building setback line shall be included as a part of such parking area.
2. Each parcel upon which a funeral establishment is to be maintained shall have two side yards, one on each side of the building. The sum of the widths of the two side yards shall not be less than 20 percent of the average width of the lot, but in no event shall any side yard be less than ten feet.
3. No parking shall be permitted within ten feet of the side lot lines or in the area ahead of the building setback line.

lk. Office-bank group.

lm. Bed and breakfast facility located in a single-family dwelling, provided that the owner of the dwelling is the holder of a current bed and breakfast facility license for not to exceed four lodging units issued pursuant to the provisions of N.D.C.C. ch. 23-09.1 and that the owner provides one off-street vehicle parking space for each such unit and one off-street parking space for the owner/operator of such facility, and provided, further, that only one sign, not exceeding four square feet in size, advising such facility, may be placed on the premises.

mn. Manufactured home.

(3) Conditional uses. These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission.

a. Utility service group

(43) *Density.* The maximum allowable density is 30.0 families per net acre.

(54) *Lot area.*

- a. Each building containing dwelling units hereafter erected shall be located on a lot having an area not less than that shown in the following schedule:

Lot Area in Square Feet	Maximum Number of Dwelling Units
4,000 but less than 5,000	1
5,000 but less than 6,000	2
6,000 but less than 7,000	3

7,000 or more	4
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b. For each 1,000 square feet, or fraction thereof, in excess of 7,000 square feet contained in a lot, the principal building may contain one dwelling unit in addition to the four dwelling units permitted in a principal building located on a lot having an area of 7,000 square feet. Any other permitted building or structure, together with accessory buildings, shall be located on a lot having an area of not less than 7,000 square feet; provided, however, that if a building designed for efficiency apartment units having not more than one-bedroom units, intended to house not more than two persons per dwelling unit, not exceeding the floor area ratio provided in subsection (6) of this section and meeting all other provisions of this section and the provisions of this Code relating to the minimum standards governing the condition and maintenance of dwelling units, a building containing not more than six such efficiency dwelling units may be erected on a lot having not less than 7,000 square feet in area.

~~(65)~~ *Lot width.* Each lot shall have a width of not less than 50 feet measured along the front building line; provided, however, that on a record lot having a width of less than 50 feet at the front building line and corresponding to a record lot shown on a plat or deed recorded prior to the adoption of the ordinance from which this section is derived, the minimum lot width measured along the front building line may be reduced to not less than 40 feet.

~~(76)~~ *Floor area ratio.* The floor area ratio of the principal building and all accessory buildings shall not exceed 0.40 for single-story buildings, nor shall it exceed 1.20 for buildings of more than one story. The ground area occupied by the principal and accessory buildings shall not exceed 40 percent of the total area of the lot. In computing floor area ratio and ground coverage, 200 square feet shall be added to the actual area of the building for each car space required by this chapter, if such space is not furnished within a building.

~~(87)~~ *Front yard.* Each lot shall have a front yard not less than 15 feet in depth.

~~(98)~~ *Side yards.* Each lot shall have two side yards, one on each side of the principal building. The sum of the widths of the two side yards shall be not less than 20 percent of the average width of the lot. On any lot having an average width of 50 feet or less, each side yard shall be not less than ten percent of the width of the lot, and in no case shall a side yard be less than four feet in width. On any lot having an average width greater than 50 feet, neither side yard shall be less than five feet in width. In no event shall any side yard be less than the requirements set forth in this subsection, provided that in computing the side yard width on any lot, the first one foot of any overhang for eaves shall not be counted.

~~(109)~~ *Rear yard.* Each lot shall have a rear yard not less than ten feet in depth.

(110) *Height limits.* Single-family dwellings and two-family dwellings shall not exceed 2.5 stories, nor shall they exceed 35 feet in height. No principal building for any other permitted use shall exceed six stories, nor shall it exceed 60 feet in height. For each one foot or fraction thereof that a building exceeds 35 feet in height, there shall be added two feet to the minimum width of each side yard, two feet to the minimum depth of the front yard and one foot to the minimum depth of the rear yard required by this section. No accessory building shall exceed two stories, nor shall it exceed 25 feet in height.

(124) *Exception.* Notwithstanding the limitations imposed by any other provision of this chapter, upon due application by the owner and the recommendation thereof by the planning and zoning commission, the board may permit the subdivision of an existing lot and approve the replat thereof to show the lot lines along the centerline of a common wall, and the renumbering of the lot upon which multifamily townhouses or row dwelling units are being or have been constructed so as to permit separate ownership of a lot without side yards and having an area and width smaller than that required for a single-family dwelling, subject to the following:

- a. Each of the lots created by the subdivision shall contain an average of not less than 2,400 square feet of area.
- b. Each lot shall front on a dedicated street, or access shall be provided by platting a common driveway area and utility easements.
- c. Except for setbacks along the common property lines, all other setbacks and yard requirements shall be met.
- d. Each lot shall have separate water and sewer service lines into such lot or an appropriate written agreement between the adjoining property owners establishing the manner in which the cost of maintenance and repair of such lines will be shared.
- e. The subdivision of the lot shall be accomplished by the platting thereof in accordance with subdivision regulations of the city ordinances, including required public hearings for the plat approval.

(Ord. No. 1242, § 5, 12-20-2016)

Section 22. Amended and Re-enacted. Section 105-3-10 is amended as follows:

Sec. 105-3-10. - RH Residential District.

In any RH Residential District, the following regulations shall apply:

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Mobile home means a mobile structure manufactured upon a chassis or an undercarriage which is an integral part of the structure and which:

- a. Is transported to the site on wheels;
- b. Comes fully equipped with flush toilet, tub or shower and kitchen facilities;

- c. Is ready for immediate occupancy upon its arrival to the site and its connection with utilities; and
- d. Is designed for long-term use as a single-family residence without permanent foundation.

Mobile home park means a plot or parcel of land, under single ownership, which has been improved for purposes of locating mobile homes as dwellings.

Mobile home site means a parcel of land, within a mobile home park, designed and improved for the accommodation of not more than one mobile home as a single-family residence.

Mobile home stand means that part of a mobile home site which has been reserved and improved for the placement of a mobile home, appurtenant structures or additions to a mobile home.

Self-propelled mobile home means a self-propelled vehicle containing living facilities, including the terms "house car" and "motor home," which was designed for temporary dwelling, generally for travel and recreational use, and licensed by a state as a motor vehicle.

Travel trailer means a vehicular portable structure having no foundation other than wheels or jacks, designed to be used as a temporary dwelling for travel and recreational activities, which is not more than eight feet in body width.

Travel trailer park means a plat or parcel of land, under single ownership, which has been improved for the purposes of locating travel trailers.

Travel trailer site means a parcel of land within a travel trailer park designed and improved for the accommodation of not more than one travel trailer.

Unit, dependent, means a mobile home, travel trailer or self-propelled mobile home without bath or shower and toilet facilities.

Unit, nondependent, means a mobile home, travel trailer or self-propelled mobile home with bath, shower and toilet facilities.

- (2) *General description.* The RH Residential District is established as a district in which the principal use of land is for residences, including mobile homes and travel trailers, located within mobile home parks and travel trailer parks.

(3) Permitted Uses:

a. Mobile homes and travel trailers, located within mobile home parks and travel trailer parks.

- (4) Conditional uses. These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission:

a. Utility service group

(53) *Location.* All mobile home and travel trailer parks shall be located in approved subdivisions according to the city's subdivision regulations.

(64) *Mobile home and travel trailer park locations.*

- a. *Mobile homes.* All mobile homes in the city shall be located in an approved mobile home park or mobile home subdivision before being occupied. Also, no business shall be conducted out of a mobile home, except administrative duties of the court owner or manager of home occupation uses according to the city's zoning ordinances.
- b. *Mobile home parks.* Mobile home parks shall be located in an RH zoning district according to future provisions. Mobile home parks should be considered medium-density residential.
- c. *Travel trailers.* Travel trailers shall be located in an approved travel or mobile home park.
- d. *Travel trailer parks.* Travel trailer parks shall be located in an RH zoning district according to future provisions.
- e. *Self-propelled mobile homes.* Self-propelled mobile homes shall be located in an approved travel trailer or mobile home park.

(75) *Licenses and/or permit requirements.*

- a. It is unlawful for any person to maintain, operate, alter or expand any mobile home or travel trailer park within the city's jurisdiction (one mile) without first obtaining a valid license and building permit from the designated officials of the city. Alteration or expansion of an existing mobile home or travel trailer park shall include any addition or reduction of a park site or rearrangement of other service buildings within the park.
- b. All mobile home and park license fees shall be set by resolution of the board.
- c. Application for a mobile home or travel trailer park license shall be filed with and issued by the state department of health and the city. The application shall be reviewed by the state health officer and city departments as deemed necessary by the building inspector. The site plans, specifications and zoning shall be reviewed by the city planning and zoning department. Application for subdivision or site plan approval and zoning changes for a mobile home or travel trailer park shall include payment of a planning review fee. These fees shall parallel the fee schedule of the city for subdivision and zone changes. The purpose of these fees is to offset the cost of publication and review by the planning department. An application for mobile home or trailer court approval shall be submitted to the city planner, along with said fee, and shall include the following:
 1. Name and address of the applicant and engineer or surveyor.
 2. Location map and legal description of the proposed or existing trailer or mobile home park.
 3. A complete site plan and specification of the proposed travel trailer or mobile home park or of the alteration or expansion of an existing park indicating:

- (i) Total acreage and all dimensions of the tract of land.
 - (ii) Date of plan.
 - (iii) Lot and block acreage.
 - (iv) Scale and north arrow.
 - (v) Locations and dimensions of all existing and proposed streets, alleys and walkways, and location and size of all sidewalks.
 - (vi) Locations and dimensions of all proposed mobile home sites.
 - (vii) Locations, plans and specifications of all proposed service buildings.
 - (viii) Contours of the land at one-foot intervals for ground slopes between zero and two percent, two-foot contours between two and five percent, and four-foot contours for over five percent.
 - (ix) Finished grade plan for all streets and developed areas as required by the city engineer.
 - (x) Locations and dimensions of all utility easements.
 - (xi) Locations and sizes of water, sewer and storm sewers or open drainage lines.
 - (xii) Locations of fire hydrants.
 - (xiii) Locations of all recreational areas.
 - (xiv) Locations of lighting stands.
 - (xv) All setback dimensions.
 - (xvi) Location and dimensions of mobile home park buffer.
 - (xvii) Such further information as may be required by the health officer to determine if the proposed mobile home park is in compliance with the applicable health regulations.
4. If the applicant desires to alter or expand an existing mobile home park, an additional site plan shall be submitted indicating the locations and dimensions of existing mobile home sites, streets, walkways and service buildings.
 5. A reproducible Mylar and six blue line prints, 24 inches by 36 inches, shall be submitted to the planning and zoning office upon final approval by the board. Said site plan shall have the signatures of the owner, city engineer, planning and zoning commission chairperson and board president.
 6. Within two weeks of moving into a mobile home, the owner will be required to have a certificate of occupancy. Before issuing the certificate of occupancy, the building inspector or designate shall inspect all utility connections, stabilizing devices, anchoring equipment and determine that the address has been properly installed. A fee for the certificate of occupancy, as set by the board, shall be required of the mobile home owner.
 7. All mobile home and travel trailer parks shall be located in an approved subdivision according to the city's subdivision regulations.

(86) *Design requirements for mobile home parks.*

- a. *Minimum size.* Each parcel of land to be used for a mobile home park shall be a minimum of ten acres, and any addition to said park must contain a minimum of four acres and be contiguous to the park with a boundary of at least 100 feet. The ratio of average depth to average width shall not be in excess of 4:1. There shall be a minimum width of 150 feet along any abutting public right-of-way.
 - b. *Streets and parking; access to park.* Direct vehicular access to the mobile home park shall be only from an abutting approved public street. Access shall be so located as to provide minimum congestion on the external streets and to provide for good circulation within the park. Private access right-of-way shall intersect public right-of-way no closer than 150 feet from the intersection of two public streets.
 - c. *Width of streets.* Streets in a mobile home park shall be private, but shall be constructed and paved in accordance with city street specifications and approved by the city engineer, except as to the paved width, which shall be as follows:
 1. Two-way streets with parking on both sides shall be 40 feet in width.
 2. Two-way streets with parking on one side shall be 32 feet in width.
 3. Two-way streets with no parking on either side shall be 24 feet in width.
 4. No streets shall be less than 24 feet in width.
 - d. *Entrance roads; easements and intersections.* All entrance roads into a mobile home park shall have a minimum unobstructed width of 60 feet and a minimum paving width of 36 feet at the point of entry. All streets into the mobile home park shall be designed for two-way traffic. Easements shall be provided on all streets within the mobile home park for the provision of city services, such as police, fire, and refuse collection. Street intersections should be at right angles on all major streets and minor streets, if possible.
 - e. *Curb and gutter and street grades.* Curb and gutter or alternatives shall be laid on all streets according to the city engineer. Street grades shall be sufficient to ensure surface drainage.
 - f. *Parking.* At least two off-street paved parking spaces per mobile home site shall be provided in the mobile home park. Clustered parking to meet the off-street requirements is allowed, but shall not be on the street right-of-way. Off-street parking for guests should be on the basis of one parking space for each four mobile home lots. Off-street parking shall be provided on the basis of one parking space for each 300 square feet of gross floor space in recreational, service and community buildings.
 - g. *Buffer strip.* Mobile homes shall be set back from any public right-of-way 25 feet and not less than 15 feet from any other boundary. Said buffer strip may be platted as part of the mobile home site. The buffer strip may not be designed for streets and utility sites, but may be utilized for drainage structures. No other structures shall be placed within any of the buffer strips.
 - h. *Recreation areas.* Mobile home park owners are encouraged to design parks with recreational areas sufficient for park residents.
- (97) *Design requirements for mobile home site.*

- a. *Minimum size.* Each mobile home site shall have a minimum of 5,000 square feet of area with a minimum average width of 50 feet and minimum average depth of 100 feet. Mobile home sites located on a cul-de-sac may reduce frontage at the street line to 35 feet, but lot area must contain 5,000 square feet.
- b. *Land coverage.* Total structural coverage of a mobile home site shall not exceed 50 percent of the site area. In computing the ground coverage, 400 square feet shall be added to the area of the mobile home site for the two required off-street parking spaces and all accessory buildings. All nonattached storage sheds must be located in the backyard and not within five feet of the side or rear site line.
- c. *Access.* Each mobile home site shall abut on a street within the mobile home park, and access directly to the site shall only be from such an internal street.
- d. *Setback requirements.* No part of the mobile home or other structure upon a mobile home site shall be closer than five feet to a mobile home site boundary line. Mobile homes shall be set back from each other and accessory buildings by at least 15 feet on adjacent lots. There shall be a minimum of ten feet between an individual mobile home and any abutting pavement of a park street.

(108) *Provisions of services in mobile home park.*

- a. *Service buildings.* Service buildings may include management offices, laundry facilities, repair shops and storage areas, sanitary facilities and indoor recreation facilities and incidental commercial uses.
- b. *Service building requirements.* All service buildings shall comply with the city ordinances and state laws and regulations concerning buildings, electrical installations, plumbing and sanitation systems. They shall, at all times, be operated and maintained in a clean, sightly condition by the park management.
- c. *Building height requirements.* No structure erected in a mobile home park shall exceed 25 feet in height.
- d. *Water supply.* Each mobile home park shall be connected with the city's water supply system and designed, constructed and maintained in accordance with the city's ordinances and state laws and regulations. Each mobile home park shall be provided with at least one above-ground water service connection which shall be capped when a mobile home does not occupy the site.
- e. *Sewage disposal.* All mobile home parks shall be connected to the city central sewer system, and sewer lines shall be designed, constructed and maintained in accordance with the city's ordinances and state laws and regulations and shall be capped when not in use.
- f. *Street lighting.* All entrances, exits and streets in mobile home parks shall be well-lighted. Street lighting may be either overhead or low level, but must be reflected onto the street.
- g. *Electricity and grounding.* Each mobile home and mobile home site shall be provided with electricity and proper grounding in accordance with the city's ordinances. Each mobile home site shall be individually metered by the supplying electrical utility company.

- h. *All service utility lines.* All service utility lines for electrical, telephone, gas and television communication shall be placed underground and designed and constructed in accordance with the city's ordinances.
 - i. *Refuse handling.* The storage, collection and disposal of refuse in the mobile home park shall be provided for in accordance with the applicable city ordinances and state laws and regulations.
 - j. *Fire protection.* All mobile home parks shall be subject to the regulations stated in the fire protection codes adopted by the city and state. Mobile home parks shall be kept free of litter, rubbish and other flammable materials. Portable fire extinguishers, rated for class B and C, shall be kept in service buildings, readily accessible for use by all occupants and maintained in good operating condition.
 - k. *Street signs and mobile home site address and design.* The owner of a mobile home park shall provide street name signs. The individual mobile home owner shall be responsible for displaying on the front of the mobile home the address in letters no smaller than two inches in height before occupancy. All street names shall conform to the city's street plan. All existing and new mobile home parks shall construct street signs, and all sign material shall conform to the city's street sign specifications.
 - l. *Register of occupants.*
 - 1. A register of all mobile home occupants and owners of mobile homes in the park shall be maintained with the following information:
 - (i) The name and address of each mobile home occupant.
 - (ii) The name and address of the owner of each mobile home, if different from the occupant.
 - (iii) The dates of arrival and departure of each mobile home.
 - 2. An updated register of occupancy shall be provided to the city every three months with the data in subsection (8)l.1 of this section, as required by the county tax equalization department.
- (119)** *Temporary parking of travel trailers, camper trailers, cargo trailers and boat trailers.*
- a. *Forty-eight-hour parking limit.* No owner of property within the corporate limits of the city shall permit the parking, maintaining or keeping upon his property, and no person shall park, maintain or keep any travel trailer, camper trailer, cargo trailer or boat trailer for more than 48 hours, unless such trailer is located in a garage. Trailer sales of new and used unoccupied trailers, house cars or camp cars by an individual, firm, or corporation, properly licensed and zoned for trailer sales use shall be located in commercial zoning districts.
 - b. *Parking sites in mobile home parks.* A separate travel trailer park site for travel trailers or camper trailers shall be permitted in any mobile home park, provided that:

1. Said camp area comprises less than ten percent of the total area of said mobile home park;
 2. A 25-foot buffer strip exists between said camp site and any mobile home site; and
 3. Toilet, water and garbage disposal facilities are available and easily accessible to users of said camp site.
- c. *Parking of trailers in residential districts.*
1. Travel trailers, camper trailers and boat trailers not in excess of eight feet in width shall be permitted to park on private property in any residential district, provided that they are:
 - (i) Located behind the front building line and not on the public boulevard;
 - (ii) Located in a storage shed or garage; or
 - (iii) Located in a driveway area permitted for the parking of passenger cars.
 2. Collapsible camping trailers, when stored on a residential lot, shall be stored in a collapsed state.
- d. *Parking of self-propelled mobile homes.* Self-propelled mobile homes, not exceeding state department of transportation limits in length, shall be permitted to park as a passenger vehicle, but shall not be permitted to be used as a living unit on any public right-of-way.
- e. *Parking on public property prohibited.* No trailer or mobile home shall be parked upon any public right-of-way, park or other public property within the corporate limits of the city more than 48 hours, and shall not be used for sleeping, housekeeping or living quarters while so parked, unless located in an area publicly designated for such use.
- f. *Parking of construction trailers.* Trailers used for construction offices on a construction site in a subdivision shall be permitted during the period of construction only after a building permit for the construction job has been issued. Such trailers must be removed from the site or subdivision before a certificate of occupancy is issued for the new construction. Such permitted trailers shall not be used for sales, habitation or promotional purposes and shall be permitted only after receiving a permit from the building inspector for each such trailer.
- (120) *Design requirements for travel trailer park.*
- a. *Site plans.* Site plans and specifications for travel trailer parks are required as stated in subsection (10)e of this section.
 - b. *Minimum size.* Each parcel of land to be used for a travel trailer park shall be a minimum of 2.5 acres, and the ratio of average depth to average width shall not be in excess of 4:1. If included as part of a mobile home park, a travel trailer park cannot occupy more than ten percent of the area.
 - c. *Streets and parking.*

1. *Access to park.* Direct vehicular access to the travel trailer park shall be only from an abutting, approved public street. Access shall be located so as to provide minimum congestion on the external streets and to provide for good circulation within the park.
 2. *Width of streets.* Streets in a travel trailer park shall be private and shall be of the following width:
 - (i) Two-way streets with no parking on either side shall be at least 24 feet in width.
 - (ii) Two-way streets with parking on one side shall be at least 32 feet in width.
 - (iii) No roads will be permitted with parking on both sides of the street.
 - (iv) One-way streets are permitted with a minimum width of 24 feet.
 3. *Street surfacing.* All streets shall be paved according to specifications set forth by city ordinances.
 4. *Parking.* At least one off-street parking space per travel trailer site in each travel trailer park is required.
 5. *Travel trailer site.* Each travel trailer site shall be well drained and contain a stabilized vehicular parking pad composed of paving or other suitable material as determined by the city engineer. The remainder of the site shall be grassed and landscaped.
 - d. *Buffer strip.* There shall be a well-landscaped buffer strip not less than 25 feet in depth between travel trailer sites and all public streets abutting the travel trailer park and a landscaped buffer strip of not less than 15 feet in depth between travel trailer sites and all other boundaries of the park. Nothing contained in this subsection is to be construed to require a 25-foot buffer strip or 15-foot buffer strip between individual travel trailer sites. The landscaped buffer shall be separate from travel trailer sites, recreation areas, streets, and the utility sites, but may be utilized for drainage structures and utilities distribution and collection. No other structures shall be placed within any of the buffer strips.
 - e. *Recreation areas.* A minimum of ten percent of the total land area of a travel trailer park shall be devoted to one or more common use areas for recreation activity. These recreation areas shall be storage areas, utility sites, and all nonrecreational service buildings. They shall be easily accessible to all park users and shall be owned and maintained by the park management. Although the required space for recreation usage can be met through more than one recreation area in a travel trailer park, minimum size of any area shall be 5,000 square feet.
 - f. *Tent camping.* Tent camping shall be permitted in a travel trailer park on individual travel trailer sites or as accessory uses to travel trailers, if occupied by members of the same party.
- (134) *Design requirements for travel trailer sites.*
- a. *Minimum size.* Each parking site shall have a minimum of 1,500 square feet of area with a minimum average width of 25 feet and a minimum average depth of 60 feet.

There shall be a maximum of 15 travel trailer sites per acre of land within the travel trailer park.

- b. *Access.* Each travel trailer site shall abut on at least one street within the travel trailer park, and access directly to the site shall be only from such an internal street.
- c. *Setback requirements.* No part of a travel trailer placed on a travel trailer site shall be closer than five feet to a site line.
- d. *Appurtenances.* No permanent external appurtenances, such as cabanas or awnings, may be attached to a travel trailer, and the removal of wheels or the placement of the unit on a permanent foundation is prohibited.

(142) *Provisions of services in travel trailer parks.*

a. *Service buildings.*

- 1. Service buildings may include management offices, laundry facilities, storage areas and any other such buildings necessary to the proper operation of a travel trailer park.
- 2. All service buildings shall comply with the city ordinances and state law and regulations concerning buildings, electrical installations, plumbing and sanitation systems. They shall, at all times, be operated and maintained in a clean, sightly condition by the park management.

b. *Water supply.*

- 1. An adequate supply of water shall be provided in accordance with the state sanitary codes and city ordinances. Travel trailer parks shall be connected to the city's central water system and with water lines designed, constructed and maintained in accordance with the city's ordinances.
- 2. A minimum of one water supply outlet shall be provided for every two travel trailer sites.

c. *Sewage disposal.*

- 1. All sewage disposal facilities shall be designed, constructed and maintained in accordance with the state sanitary codes and city ordinances. All travel trailer parks shall be connected to the central sewer system of the city.
- 2. At least one sanitary dumping station shall be provided for every travel trailer park with at least one connection for every 50 travel trailer sites or fractional part.
- 3. A complete restroom facility shall be located within a travel trailer site in accordance with the following schedule for 30 travel trailer sites or fractional part:
 - (i) Toilets: Two men, four women.
 - (ii) Urinal: Two men.
 - (iii) Washstand: Three men, three women.
 - (iv) Showers: Two men, two women.

- d. *Lighting.* All entrances, exits, streets and service buildings shall be well-lighted during the hours of darkness. Street lighting may be either overhead or low-level, but must be reflected into the street.
 - e. *Electricity and grounding.* Each travel trailer site shall contain at least one approved electrical receptacle having a minimum of 100/115 volt alternating current.
 - f. *Service utility lines.* All service utility lines within a travel trailer park shall be placed underground and designed and constructed in accordance with city ordinances.
 - g. *Refuse handling.* Each travel trailer site shall be provided with either a metal can with a tight-fitting metal covering, of a capacity not less than four gallons and not to exceed 30 gallons, or dumpster containers, one to four cubic yards, for 14 travel trailer sites that can be maintained by the city.
 - h. *Fire protection.* All travel trailer parks shall be subject to the regulations stated in the Fire Protection Code adopted by the city. Travel trailer parks shall be kept free of litter, rubbish and other flammable materials.
 - i. *Animal control.* No owner or person in charge of an animal shall permit said animal to run at large or to commit any nuisance within the limits of any travel trailer park.
 - j. *Street names.* The owner of the travel trailer park shall provide for street name signs. All street names shall conform to the city's street plan. All existing and new travel trailer parks shall construct street signs, and all sign material shall conform to the city's street sign specifications.
- (153) *Operation of travel trailer park.*
- a. *Permitted uses.* A travel trailer park may include travel trailers and any such service buildings or accessory uses necessary for the proper, safe, sanitary operation of the travel trailer park. One mobile home may be located in any travel trailer park for the exclusive use of the owner or park manager as an office or residence.
 - b. *Responsibilities of park management.* The owner of a travel trailer park or the park management shall, at all times, keep the park and its facilities in a clean, orderly and sanitary condition. The park management shall inform all park occupants of the provisions of this article and other related ordinances and state laws and of the responsibilities under this section.
 - c. *Register of occupants.* A register of all travel trailer occupants in the park shall be maintained with the following information:
 1. The name and address of each travel trailer owner or operator making use of the travel trailer park.
 2. The make, model, year and vehicle license number of each travel trailer and motor vehicle.
 3. The state, territory and county in which all vehicles are registered.
 4. The dates of arrival and departure of each travel trailer.
- (164) *Penalty.* Every person violating this section shall, upon conviction thereof, be punished by a fine of not more than \$500.00, by imprisonment for not more than 30 days

or by both such fine and imprisonment in the discretion of the court. The court has the power to suspend the sentence or any part and to revoke the suspension thereof.

(Ord. No. 1242, § 5, 12-20-2016)

Section 23. Amended and Re-enacted. Section 105-3-11 (2) is amended as follows:

(2) *Uses permitted.* The following uses are permitted:

- a. Single-family dwelling.
- b. Two-family dwelling.
- c. Multifamily dwelling.
- d. Group dwelling.
- e. Retail group A.
- f. Service group A.
- g. Filling station.
- h. Office-bank group.
- i. Health-medical group.

j. Utility service group

jk. Bed and breakfast facility located in a single-family dwelling, provided that the owner of the dwelling is the holder of a current bed and breakfast facility license for not to exceed four lodging units issued pursuant to the provisions of N.D.C.C. ch. 23-09.1 and that the owner provides one off-street vehicle parking space for each such unit and one off-street parking space for the owner/operator of such facility, and provided, further, that only one sign, not exceeding four square feet in size, advertising such facility, may be placed on the premises.

Section 24. Amended and Re-enacted. Section 105-4-2 (b) (Use Table) is amended as follows:

Use Table

Proposed Use Category	Definition	Use Standard	District	
			DC	DF
<i>Residential Uses</i>				

Group Dwelling	Residential occupancy of a structure by a group of people who do not meet the definition of household.		P	P
Household dwelling	Residential occupancy of a dwelling unit by a household (related or up to four unrelated).			
Single-family, detached				P
Duplex/single-family attached (2)				P
Single-family, attached (3-8)	e.g., condos			P
Multifamily structure			P	P
Residences on 2nd floor & above			P	P
<i>Commercial Uses</i>				
Drive-through facilities	Drive-through facilities in conjunction with a permitted principal use.	X	SUP	SUP
Entertainment event, major	Activities and structures that draw large numbers of people to specific events or shows. This category does not include outdoor recreation and entertainment uses, such as golf driving ranges and racetracks.		P	P
Office group	Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.		P	P
Parking, accessory	Parking that is an accessory to a specific use, but not located on the same parcel as the use - use standards for accessory parking that is adjacent to a residential use.	X	SUP	SUP
Parking, commercial	Parking that is not an accessory to a specific use - fees may or may not be charged.	X	P	SUP
Retail sales and services Retail group A Service group A Service group B Groups are modified by description of this item and other items in this table.	Establishments involved in the sale, lease or rental of any new or used products to the general public - they may also provide personal services or entertainment or provide product repair or services for consumer and business goods — use standards for convenience store/gas stations, mortuaries/funeral homes. This category does not include self-service storage uses, adult	X	P	P

	entertainment centers, animal hospitals or kennels, or off-premises advertising signs.			
Retail group B	Auto, truck, motor cycle, off-road, and boat sales; Feed, grain, and farm supply sales.	X	—	SUP
Auto repair garage	Service to passenger vehicles, light trucks and other consumer motor vehicles generally, the customer does not wait at the site while the service or repair is being performed.	X	SUP	P
Auto service, limited	Direct services to motor vehicles where the driver generally waits in the car or nearby while the service is performed.	X	SUP	P
<i>Institutional Uses</i>				
Colleges	Colleges and institutions of higher learning.		P	P
Community services	Public, non-profit or charitable uses, generally providing a local service to the community.	X	P	P
Day care	Care, protection and supervision for children and adults on a regular basis away from their primary residence for less than 24 hours/day.	X	SUP	P
Health care facilities	Medical or surgical care to patients, with overnight care.		P	P
Parks and open areas	Natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P	P
Religious institutions	Meeting area for religious activities	X	P	P
Safety services	Public safety and emergency response services.		P	P
Schools	Schools at the primary, elementary, middle, junior high or high school level.	X	—	P
<i>Other Uses</i>				
Detention facilities	Government-operated facilities for the detention or incarceration of people.	X	—	—
Moving of buildings/structures	Moving in of a building or structure that has been previously occupied in another location.	X	—	SUP
Passenger terminals	Passenger terminals for regional bus and rail service.	X	P	P
Public/community events	Planned gathering on public property consisting of 50 or more people or any sized event which blocks, or otherwise reserves, access to public property/right-of-way ¹ .	X	A	A

Telecommunications facilities Wireless communication facilities	Devices and supporting elements necessary to provide telecommunication services.		SUP	SUP
Utilities and essential services	Infrastructure services that need to be located in or near the area where the service is provided.		P	P

¹ Does not apply to spontaneous responses to current events or activities common to public parks/property that do not alter the day-to-day functionality of the site.

(Code 1994, § 21-04-17; Ord. No. 1013, § 2, 10-17-2006; Ord. No. 1296, § 1, 11-6-2018)

Section 25. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 26. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

 Timothy A. Helbling, President
 Board of City Commissioners

Attest:

 James Neubauer,
 City Administrator

Planning and Zoning Commission:
 First Consideration:
 Second Consideration and Final Passage:

April 22, 2019
 May 21, 2019
 June 4, 2019

Exhibit 2 – City of Mandan North Dakota Wireless Facility Guidelines

Wireless Facility Guidelines City of Mandan North Dakota Draft 7/3/2019

The following guidelines are in addition to the requirements of Section 115-10 Wireless Telecommunication Facilities in the Public Right-Of-Way

Wireless Communication Facility (WCF):

- All-in-One Principle
 - Equipment submitted shall be of a nature which encompasses multiple technologies, frequency bands, protocols, coverage objectives, and capacity goals. Attached equipment shall be compact and scaled to the public utility structure. Equipment that is customary for normal cell site or tower application may not be approved for installation or operation on a City owned structure.
- Infrastructure Providers
 - Infrastructure providers are Permit Holders that do not have FCC licenses to directly operate a WCF, but lease Equipment (or space) to those companies that have FCC license. Infrastructure providers shall design using "all-in-one" principles as described above. Infrastructure providers shall design facilities to accommodate more than one wireless provider, and combine "all-in-one" principles across technologies, frequency band, protocols, coverage objectives, and capacity goals. Infrastructure providers shall disclose, in construction documents, which equipment is for a specific wireless provider and which equipment is for multiple wireless providers at each WCF.

Permit and Fees:

- Permit and Fees required in accordance with Section 115-10.

Type of Installation	Regulatory Approvals Required	Agreements Required	Fees
Installation of new or replacement franchised utility pole and attachment thereto.	Approval of Installation Permit	No	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 No recurring fee
Installation of replacement or new City-owned structure and attachment thereto.	Approval of Installation Permit	Master Attachment Agreement	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 \$150 annual fee per site
Installation of replacement or new Wireless Company	Approval of Installation	No	One-time Application review fee of \$500 for the first 5 sites with

or Wireless Infrastructure Provider owned structure and attachment thereto.	Permit		an additional \$100 per site after 5 \$150 annual fee per site
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- Application: (to be approved within 30 days of receipt from the City)
 - Phase I
 - Required Information:
 - Map on City Coordinates with locations
 - Max number of sites in application (15)
 - Photo of City owned structure that you wish to attach to (if applicable)
 - Applicant Names, Address and Contact info
 - Provider Names, Address and Contact info
 - Synopsis of Project
 - Meeting if requested by staff
 - If new locations are proposed by the applicant, 30 day calendar review is reset for new locations

Move to Phase II or deny full or partial permit. Incomplete applications will be notified within 30 days

- Phase II
- Detailed plan set
 - City Coordinate System
 - Include survey of all utilities private and public
 - Location and size of ground equipment
 - Stamped by a ND professional Engineer
 - Replacement structure or attachment only
- Master Attachment Agreement — No Fee
- A complete as-built, in AutoCAD must be submitted to the City at the completion of the project. Failure to do so may result in the forfeiture of the permit.

The City reserves the right to deny any permit due to health, safety or welfare of the community.

PUBLIC HEARING #3

PUBLIC HEARING #3

Mandan Planning and Zoning Commission Agenda Item PH#3
 For Meeting on March 23, 2020
 Mandan Engineering and Planning Office Report
Multi-use Shops DRAFT Ordinance
 Requested Action
Zoning Ordinance Text Amendment

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Engineering and Planning Department	N/a	N/a	N/a	
Location N/a		Proposed Land Use N/a	Parcel Size N/a	Number of Lots N/a
Existing Land Use N/a	Adjacent Land Uses N/a		Current Zoning N/a	Proposed Zoning N/a
Fees No Charge		Date Paid N/a	Adjacent Property Notification Sent N/a	Legal Notices Published March 13, 2020 & March 20, 2020

Project Description

Exhibit 1 contains a DRAFT zoning ordinance amendment related to multi-use shops, commonly referred to as shop condos. The structures have become a popular type of construction. Since they have become more popular several issues have arisen.

The ordinance seeks to address these deficiencies moving forward for all NEW multi-use shop construction. Existing shops could voluntarily apply if the owners collectively decided to apply.

The purpose surrounding the proposed ordinance is as follows:

- Multiple complaints have been received from occupants of multi-use shops regarding commercial rates being charged for utilities and insurance when the occupant is utilizing their respective unit for residential storage purposes, requesting the City provide a solution to this issue; and
- Multi-use shops are being divided and used for purposes that they were not constructed to accommodate, creating health and safety hazards for all occupants within the structure.
- When the number of units and corresponding square footage of each unit is amended the administration of special assessments for each resulting unit is unnecessarily burdensome; and
- Public Works Department has indicated multiple times that shut-offs for individual units are inaccessible, leading the City to continue providing services without receiving payment for such services.

Agency & Other Department Comments

This ordinance was constructed in consultation with Assessors, Water Billing (Finance), Fire, and Building Departments.

Engineering & Planning Staff Comments

Engineering and Planning recommend approval of the ordinance as proposed. We understand the an additional planning application that will be required for a structures of this type, but also believe there is value to the property owner and general public that will be obtained through the process. The ordinance

will address matters of health/safety, create efficiencies for processing future divisions and water billing, and potentially save property owners money with regard to private utilities.

Engineering & Planning Recommendation

Engineering and Planning recommend approval of the ordinance as proposed in Exhibit 1.

Proposed Motion

I recommend approval of the ordinance as presented in Exhibit 1.

List of Exhibits:

Exhibit 1 – DRAFT Multi-use Shop Ordinance

EXHIBIT 1

ORDINANCE NO. 13XX

An Ordinance to Amend and Re-enact Section 101-1-3 and Add Section 105-1-5 (k) of the Mandan Municipal Code related to multi-use shops.

WHEREAS, Multiple complaints have been received from occupants of multi-use shops regarding commercial rates being charged for utilities and insurance when the occupant is utilizing their respective unit for residential storage purposes, requesting the City provide a solution to this issue; and

WHEREAS, Multi-use shops are being divided and used for purposes that they were not constructed to accommodate, creating health and safety hazards for all occupants within the structure.

WHEREAS, When the number of units and corresponding square footage of each unit is amended the administration of special assessments for each resulting unit is unnecessarily burdensome; and

WHEREAS, Public Works Department has indicated multiple times that shut-offs for individual units are inaccessible, leading the City to continue providing services without receiving payment for such services.

NOW, THEREFORE, BE IT ORDAINED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

Section 1. Amended. Section 101-1-3 is hereby amended, adding a definition for multi-use shop immediately after the definition for Mortuary as follows:

Multi-use shop means two or more attached units that are designed and constructed as a single structurally dependent building or designed and constructed to allow individual units to be structurally independent from each other sharing a common wall on one or more sides. These are sometimes referred to as "shop-condos". These structures are unique from a twin/row home in that the residential use is accessory in nature. They are unique from a commercial strip mall in that they often include a large garage or RV bay and rarely include the retail of products and visitation by the general public.

Section 2. Added. Section 105-1-5 (k) related to multi-use shops requiring a special use permit and outlining minimum standards:

Multi-use shops. Each multi-use shop development may be permitted as a special use subject to the following minimum standards:

- (1) Each individual unit within the structure shall have an open space/yard or public way on no more than three sides.
- (2) Each individual unit within the structure shall have its own separate means of egress.
- (3) Such units shall only contain group Business, Factory, Mercantile, or Storage occupancy classifications as set for by Section 3 of the North Dakota State Building Code.
- (4) Uses, whether commercial or accessory to residential, shall be declared at the time of the conditional use permit issuance. No change in use may be conducted unless reevaluated through the special use permitting process and the structure meets all building code requirements for the desired change of use.
- (5) Traditional mixed-use (residential and commercial combined) multi-use shops shall not be permitted. The declaration of either commercial or accessory to residential shall apply to all units within the structure and the structure will be constructed according to the minimum standards of the building code for the declared use.
- (6) Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of the special use permit.
- (7) Each structure shall be limited to one (1) curb stop accessible by City staff.
- (8) The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.
- (9) Covenants, Conditions, and Restrictions (CC&Rs) or another form of recorded agreement approved by the City attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.

Section 3. Sec 101-1-3 is amended and re-enacted.

Section 4. Sec. 105-1-5 (k) is enacted.

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

First Consideration:
Second Consideration and Final Passage:

TBD
TBD