Bismarck
COMMUNITY
DEVELOPMENT

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
June 23, 2021

Tom Baker Meeting Room **5:00 p.m.** **City-County Office Building**

The City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Planning & Zoning Commission agenda via email to planning@bismarcknd.gov. The comments will be sent to the Planning and Zoning Commissioners prior to the meeting and included in the minutes of the meeting. To ensure that comments are compiled and forwarded to the Planning and Zoning Commissioners with enough time to review all comments, please submit your comments no later than 8am the day of the meeting. Comments received after 8am the day of the meeting will not be included for consideration by the Planning and Zoning Commission. Comments should also include which agenda item number your comment references and your name (anonymous comments will not be forwarded to the Planning & Zoning Commissioners or included in the minutes of the meeting). If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org.

Item No. Page No.

MINUTES

1. Consider approval of the minutes of the May 26, 2021 meeting of the Bismarck Planning & Zoning Commission

CONSENT AGENDA
CONSIDERATION

The following item is a request for a public hearing.

2. **Potter Pointe Addition** (JW) - Reconsideration

   Zoning Change | ZC2020-017 ……1

   Staff recommendation: schedule a hearing □ schedule a hearing □ continue □ table □ deny

REGULAR AGENDA
FINAL CONSIDERATION

The following items are requests for final action and forwarding to the City Commission.

3. **Memory Third Addition** (WH)

Annexation | ANNX2021-006 ……8

Staff recommendation: approve □ approve □ continue □ table □ deny

4. **Parts of Silver Ranch First Addition and Silver Ranch First Addition First Replat** (DN)

Annexation | ANNX2021-007 ……14

Staff recommendation: approve □ approve □ continue □ table □ deny

REGULAR AGENDA
PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

5. **Boden Addition** (DN)……20

Zoning Change (A and R5 to R5 & RT) | ZC2021-008

Staff recommendation: approve □ approve □ continue □ table □ deny

Final Plat | FPLT2021-005

Staff recommendation: approve □ approve □ continue □ table □ deny

6. **Lot 12, Block 5, Copper Ridge Subdivision** (JW)

Apple Creek Township

Special Use Permit (Oversized Accessory Building) | SUP2021-005……35

Staff recommendation: approve □ approve □ continue □ table □ deny

7. **East 180 feet of Lot 1-4, Block 2, Airport Road Addition** (DN)

Special Use Permit (Child Care Facility) | SUP2021-006……42

Staff recommendation: approve □ approve □ continue □ table □ deny

8. **Floodplain Regulations | Accessory Structures** (JW)

Zoning Ordinance Text Amendment | ZOTA2020-003……51

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

9. **Together 2045 Update**

10. **Other**

ADJOURNMENT

11. **Adjourn.** The next regular meeting date is scheduled for July 28, 2021.

Enclosures: Meeting Minutes of May 26, 2021
Building Permit Activity Month to Date Report for May 2021
Building Permit Activity Year to Date Report for May 2021

BISMARCK PLANNING AND ZONING COMMISSION
PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.

2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.

3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.

4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.

5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.

6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.

7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.

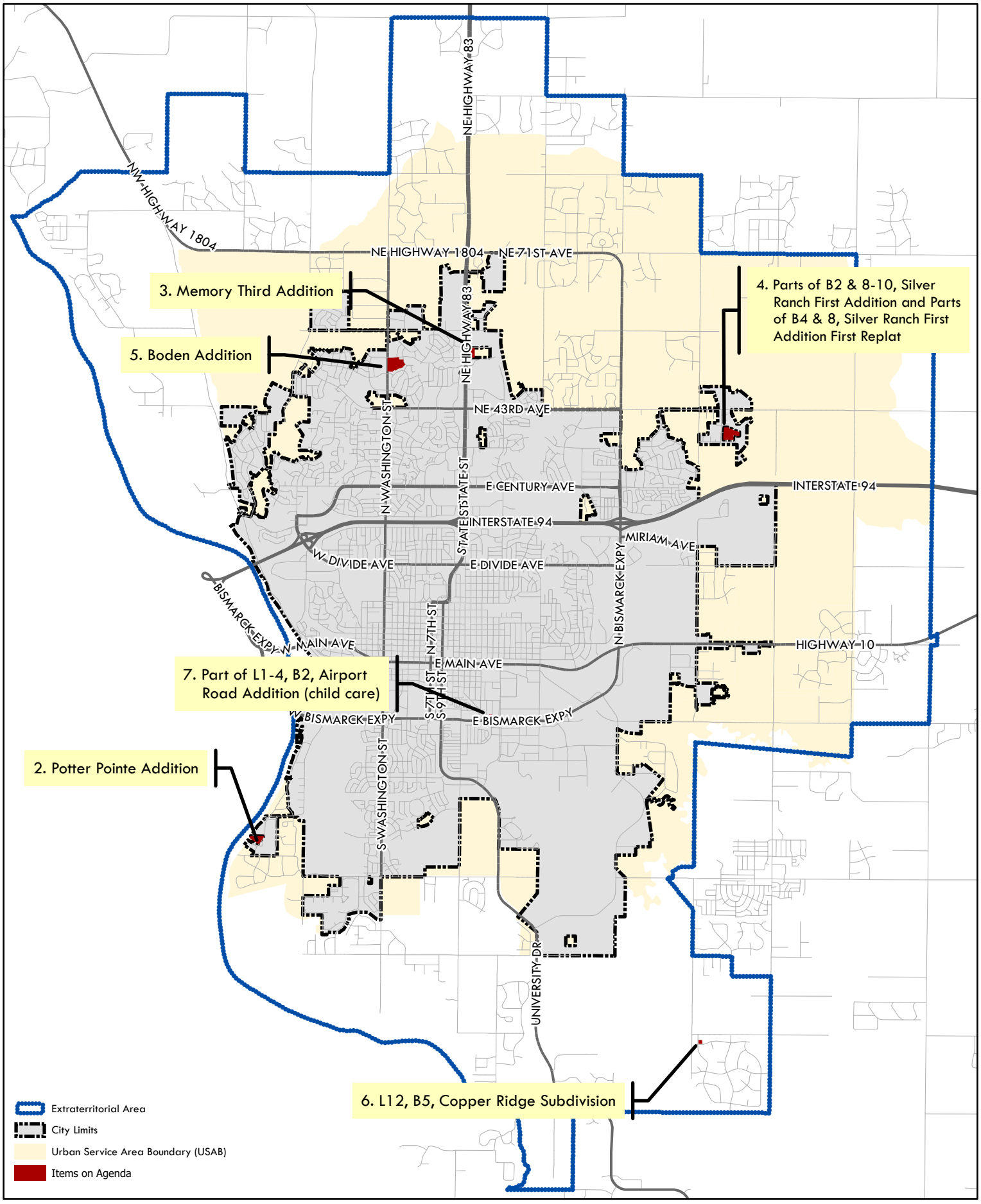
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.

9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.

10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map

Bismarck Planning & Zoning Commission - June 23, 2021



This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.

0 1 2 4 6 Miles

N

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

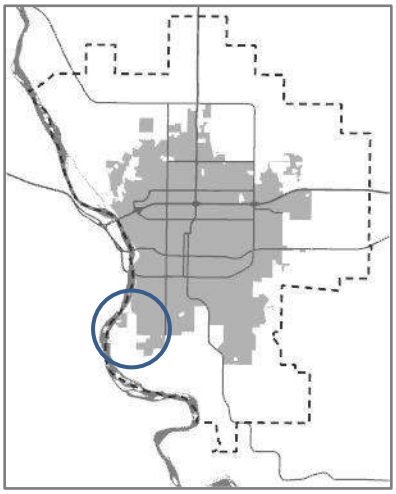
Agenda Item #2
June 23, 2021

Application for: **Zoning Change**

Project ID: **ZC2020-017**

Project Summary

Title:	Potter Pointe Subdivision
Status:	Planning & Zoning Commission – Reconsideration
Owner(s):	Dan Potter and Jennifer Harvison
Project Contact:	Landon Niemiller, Swenson, Hagen & Co
Location:	South of Bismarck, between Mills Avenue and Larson Road along the west side of Langer Lane (A replat of part of Lot 2, Block 1, Replat of Lots 1A, Lot 2A and Part of Lot 3A of Mills First Subdivision)
Project Size:	7.42 acres
Request:	Rezone and replat property for future urban and rural residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	4 lots in 1 block	*Number of Lots:*	5 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Undeveloped
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RR – Residential	*Zoning:*	RR – Residential R5 – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture R5 – Single-family residential
Max Density Allowed:	RR – 1 unit per 65,000 square feet	*Max Density Allowed:*	RR – 1 unit per 65,000 square feet R5 – 5 units / acre

(continued)

Property History

Zoned:	12/1976 (Mills First Subdivision)	*Platted:*	05/2002 (Replat of Lots 1A, 2A and Part of 3A of Mills First Subdivision)	Annexed:	N/A

Staff Analysis

Dan Potter and Jennifer Harvison are requesting approval of a zoning change from the RR – Residential zoning district to the RR – Residential and the R5 – Residential zoning district. This request is in conjunction with a minor subdivision final plat titled Potter Pointe Subdivision.

Additional Information

Adjacent uses include rural residential to the north, developing urban single-family residential to the east across Langer Lane and to the south, and rural residential to the west.

Background Information

The Bismarck Planning and Zoning Commission held a public hearing on the proposed zoning change and minor subdivision final plat on April 28, 2021. Four members of the public spoke during the meeting and 11 written comments were submitted to the Commission. Concerns raised by members of the public, both during the hearing and in the written comments, were related to the proposed R5 – Residential zoning, the sizes of Lots 3 and 4, and the concern that potential home sizes on these lots would not be comparable to the adjacent R5 – Residential zoned lots. Concerns were also raised regarding recent improvements to Langer Lane and the associated special assessments that were not paid by the owner of this property as it was not located within corporate limits.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission voted 9 to 1 to deny the request, noting that the sizes of Lots 3 and 4 are not comparable in size to adjacent R5 – Residential zoned lots and that these smaller lots could negatively affect the property values of adjacent lots.

The applicants appealed the denial of the Planning and Zoning Commission to the City Commission for their meeting on May 25, 2021. During the City Commission meeting, the applicants proposed a modification of the plat, which would have increased the sizes of Lots 3 and 4, and ultimately reduced the size of Lot 5. During the meeting, it was suggested that the applicants withdraw their appeal request and submit the modified plat for reconsideration to the Planning and Zoning Commission.

Proposed Changes

In order to satisfy concerns outlined by the Planning and Zoning Commission and adjacent property owners during the April 28, 2021 public hearing, the applicants have proposed to modify the dimensions of Lots 1, 3, 4, and 5. These modifications will increase the size of Lots 3, 4 and 5; and decrease the size of Lot 1.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;

(continued)

2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RR – Residential zoning district to the RR – Residential zoning district and the R5 – Residential zoning district for Potter Pointe Subdivision.

Attachments

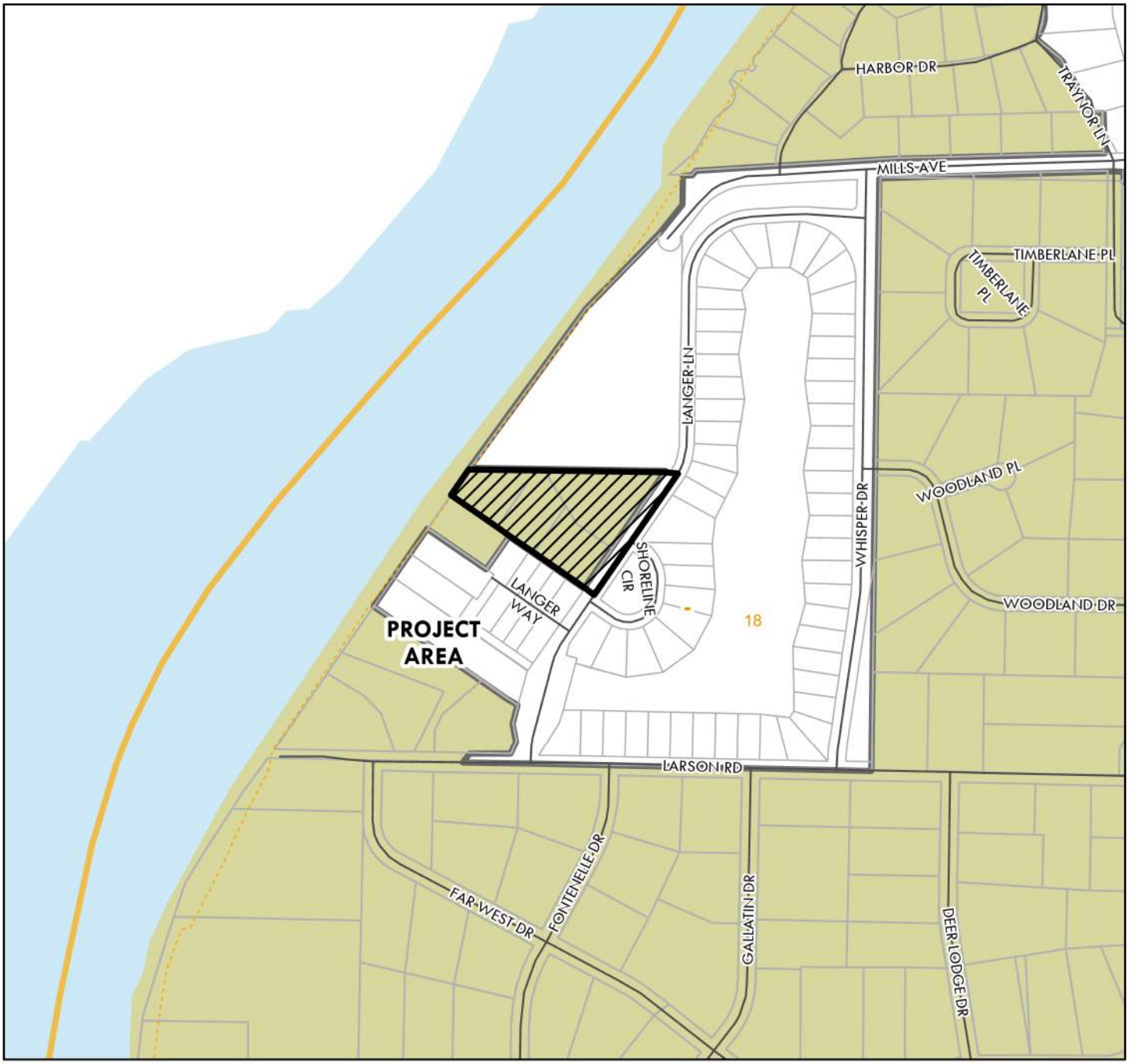
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Change to Zoning Map

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Location Map

POTTER POINTE SUBDIVISION

ZC2020-017



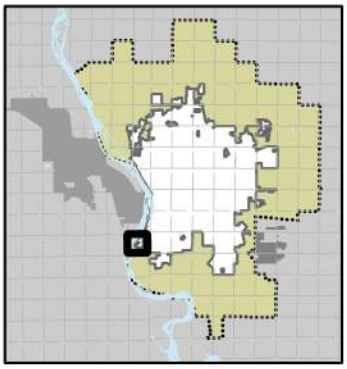
0 0.15 0.3 0.6 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



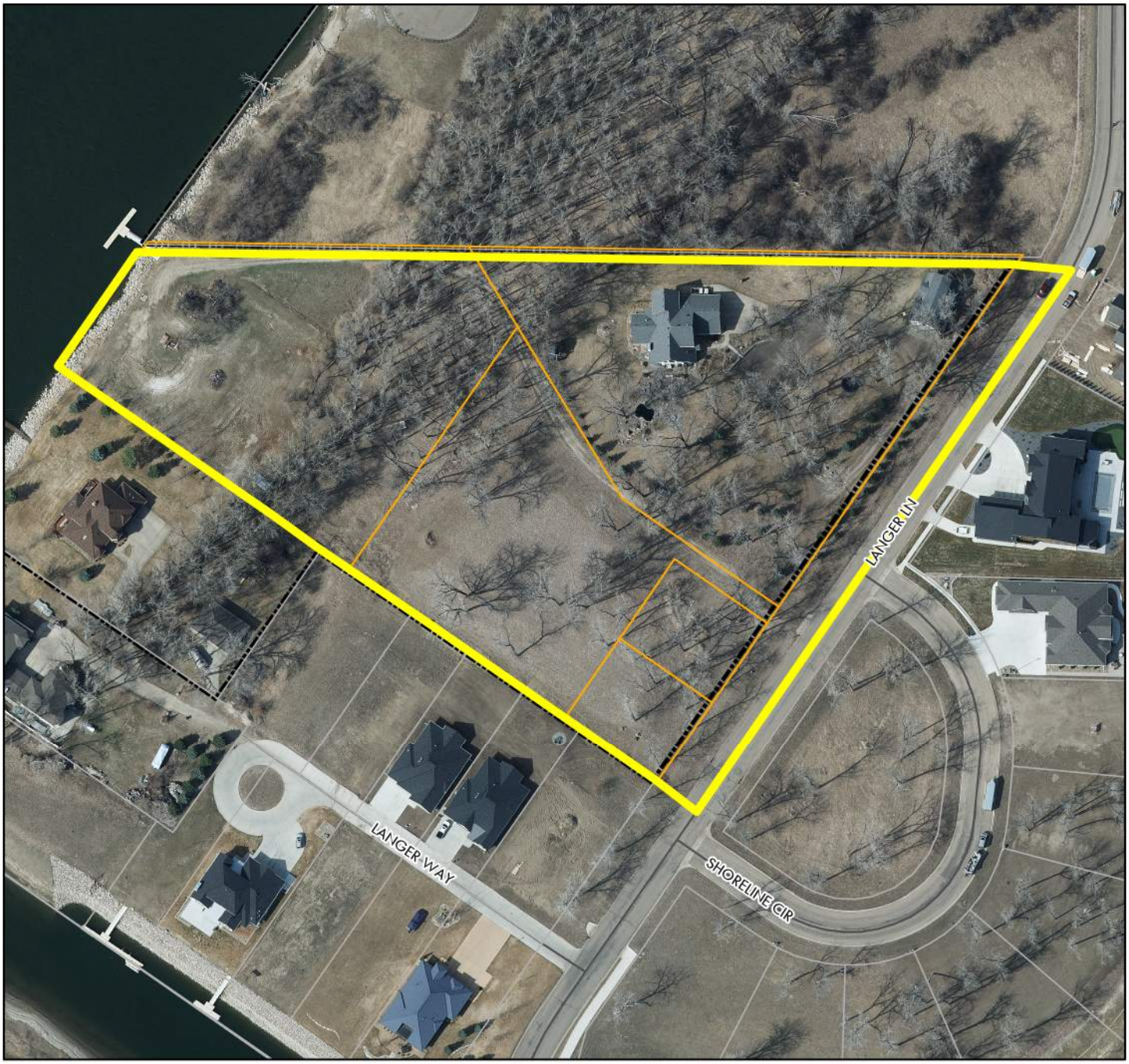
City of Bismarck
Community Development Department
Planning Division
June 18, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

POTTER POINTE SUBDIVISION

ZC2020-017

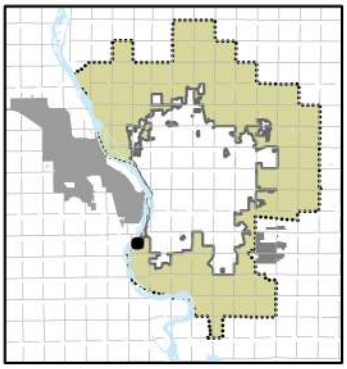


0 0.04 0.07 0.14 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Department
Planning Division
June 18, 2021

Zoning and Plan Reference Map

POTTER POINTE SUBDIVISION

ZC2020-017

Zoning Districts

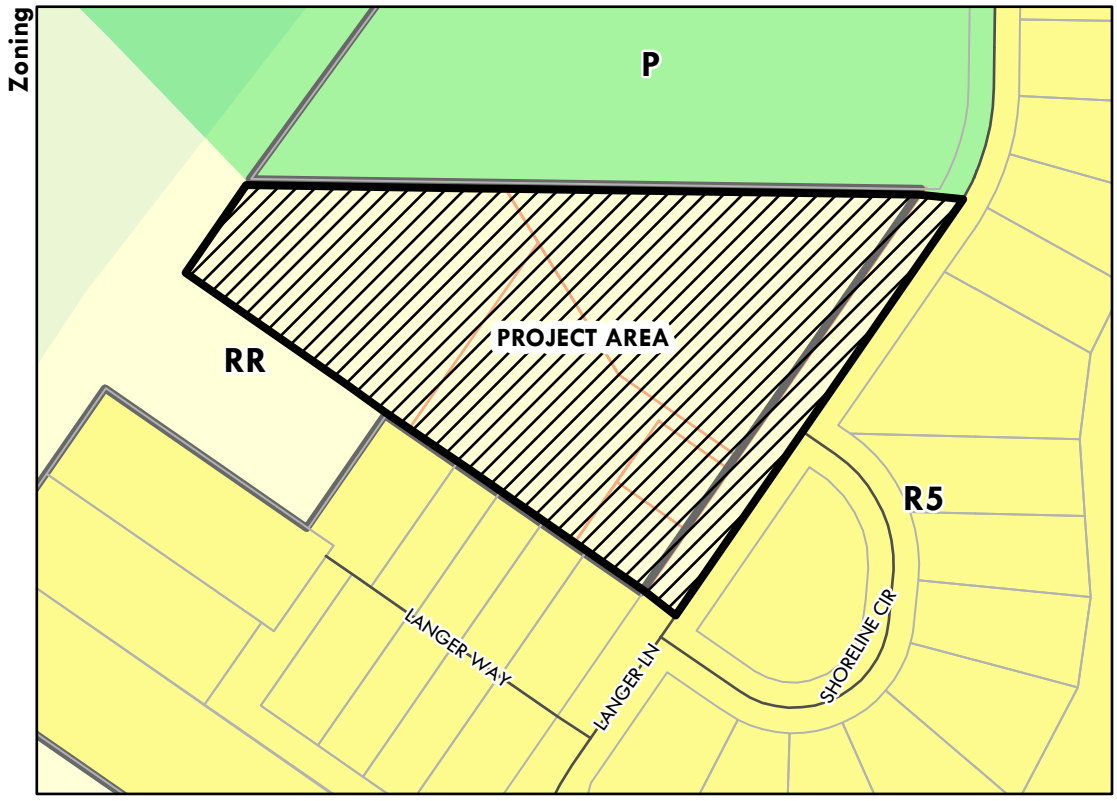
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

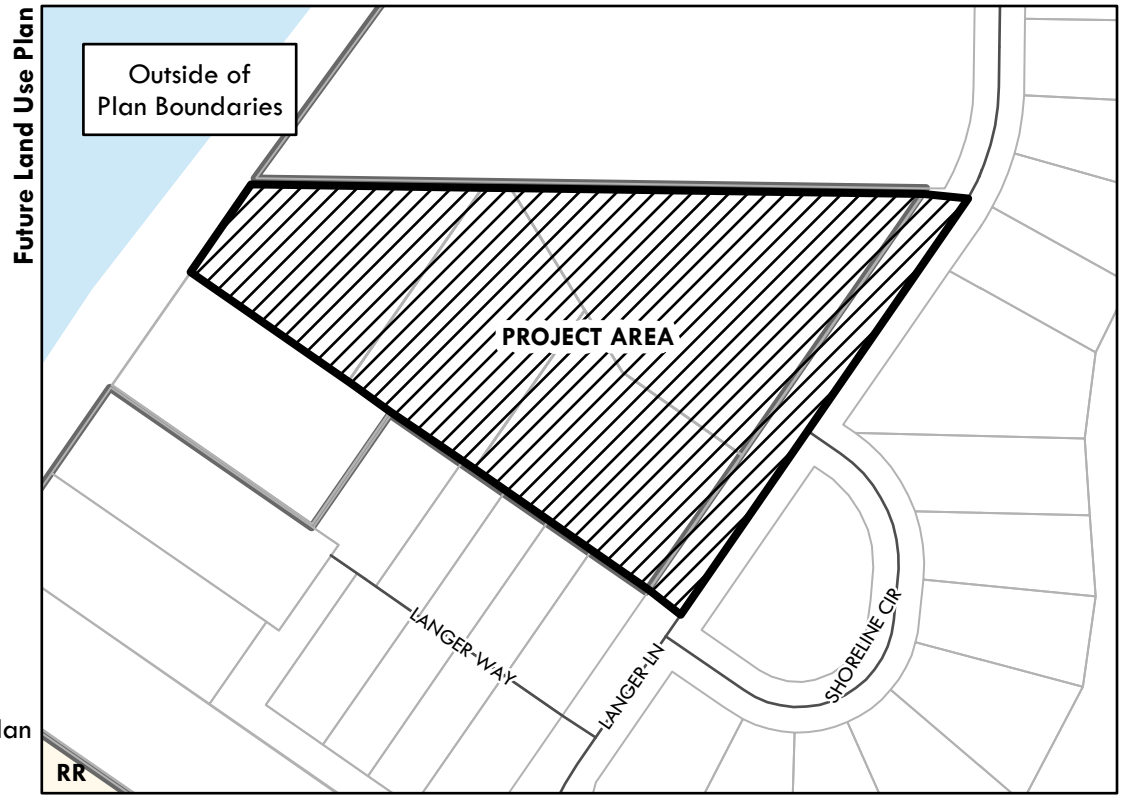
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.03 0.06 0.12 Miles

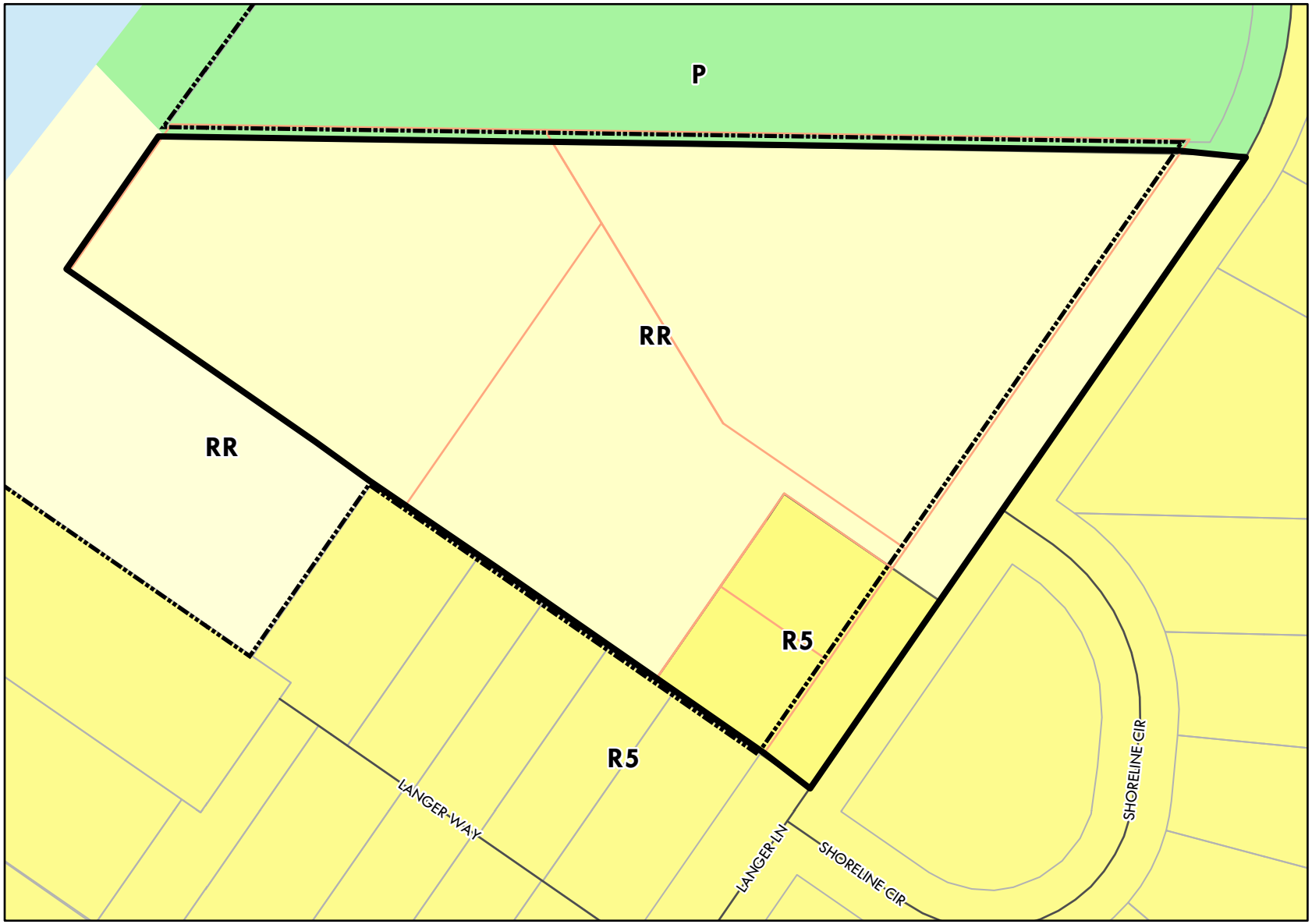
City of Bismarck
Community Development Dept.
Planning Division
June 18, 2021

Potential Zoning Change

POTTER POINTE SUBDIVISION

ZC2020-017

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.04 0.09 0.17 Miles

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

City of Bismarck
Community Development Dept.
Planning Division
June 18, 2021

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

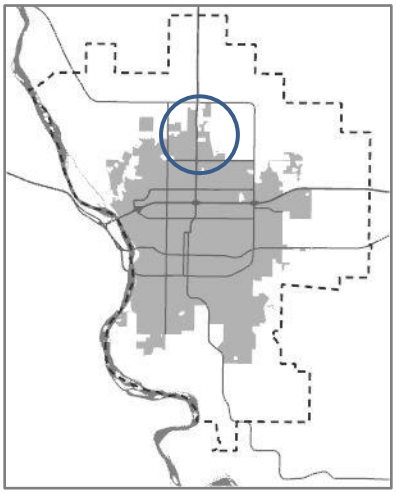
Agenda Item #3
June 23, 2021

Application for: **Annexation**

Project ID: **ANNX2021-006**

Project Summary

Title:	Memory Third Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	TPR Partnership LLP Belfield Access Terminal LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In north Bismarck, along the east side of US Highway 83 / State Street and the south side of Brookside Lane (currently known as Lot 1 and the vacated access road less the East 25 feet of Lot 1, Gussner Acreage Homesites)
Project Size:	6.6 acres
Request:	Annex property for future development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	3 lots in 1 block
Land Use:	Vacant	*Land Use:*	Commercial
Future Land Use:	Commercial Conservation	*Future Land Use:*	Commercial Conservation
Zoning:	RR – Residential	*Zoning:*	CG – Commercial P – Public Use
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	CG – General commercial, multi-family residential, and offices P – Parks, open space, stormwater facilities, and other public uses
Max Density:	RR – 1 unit per 65,000 square feet	*Max Density:*	CG – 42 units / acre P – N/A

Property History

Zoned:	Pre-1980 (Gussner) 03/2021 (Memory 3rd)	*Platted:*	08/1969 (Gussner) 03/2021 (Memory 3rd)	*Annexed:*	N/A

(continued)

Staff Analysis

TPR Partnership, LLP and Belfield Access Terminal are requesting approval of the annexation of Memory Third Addition (currently known as Lot 1 and the vacated access road less the East 25 feet of Lot 1, Gussner Acreage Homesites). This request includes all of the right-of-way for Brookside Place.

Adjacent uses include commercial to the north across Brookside Lane, rural residential to the east, and commercial to the south and west across US Highway 83/State Street.

The City Commission, at their March 23, 2021 meeting approved the plat and of Memory Third Addition and a zoning change request from RR – Residential to CG – Commercial and P – Public. The plat has not been recorded at the time of writing this staff report. The previously approved zoning change and this proposed annexation would not take affect until the plat is recorded with the Burleigh County Recorders Office.

Utility Capital Charges

The annexation of any new lots within the City of Bismarck is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement.

Required Findings of Fact **(relating to land use)**

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Memory Third Addition (currently known as Lot 1 and the vacated access road less the East 25 feet of Lot 1, Gussner Acreage Homesites) and all the of right-of-way for Brookside Place.

Attachments

1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map

Staff report prepared by: Will Hutchings, AICP, Planner
701-355-1850 | whutchings@bismarcknd.gov

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, North Dakota, as follows:

Lots 1-3, Block 1, Memory Third Addition and all of the right-of-way for Brookside Place, Burleigh County, North Dakota.

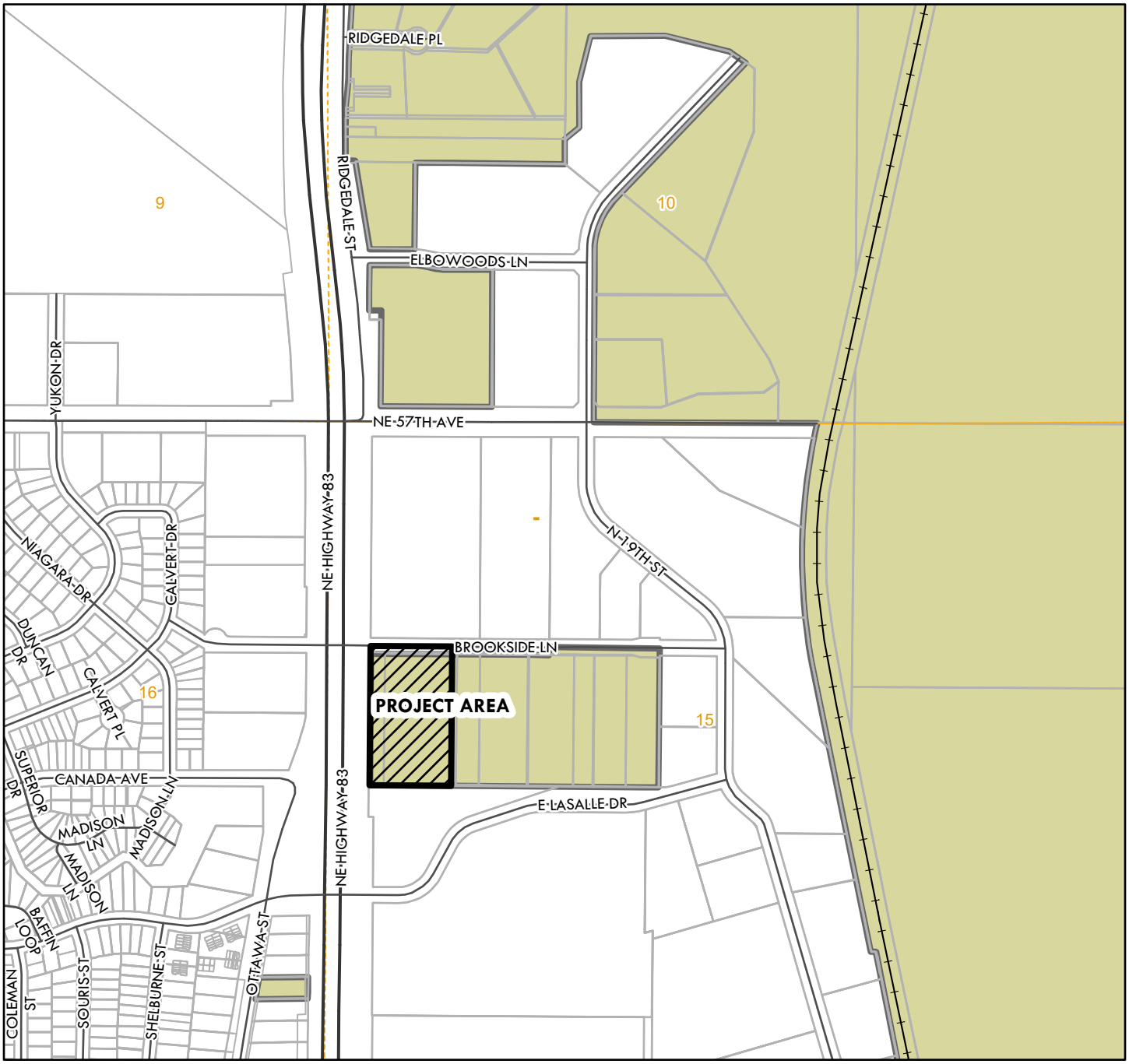
The above described tract of land contains 6.6 acres more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

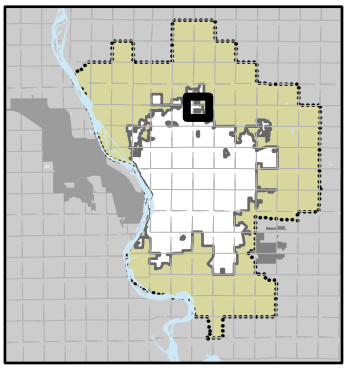
Location Map

MEMORY THIRD ADDITION

ANNX2021-006



0 0.15 0.3 0.6 Miles



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 24, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

MEMORY THIRD ADDITION

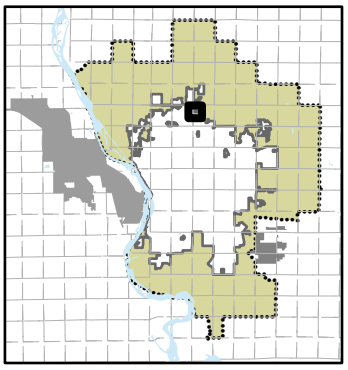
ANNX2021-006

0 0.1 0.2 0.4 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Department
Planning Division
June 14, 2021

Zoning and Plan Reference Map

MEMORY THIRD ADDITION

ANNX2021-006

Zoning Districts

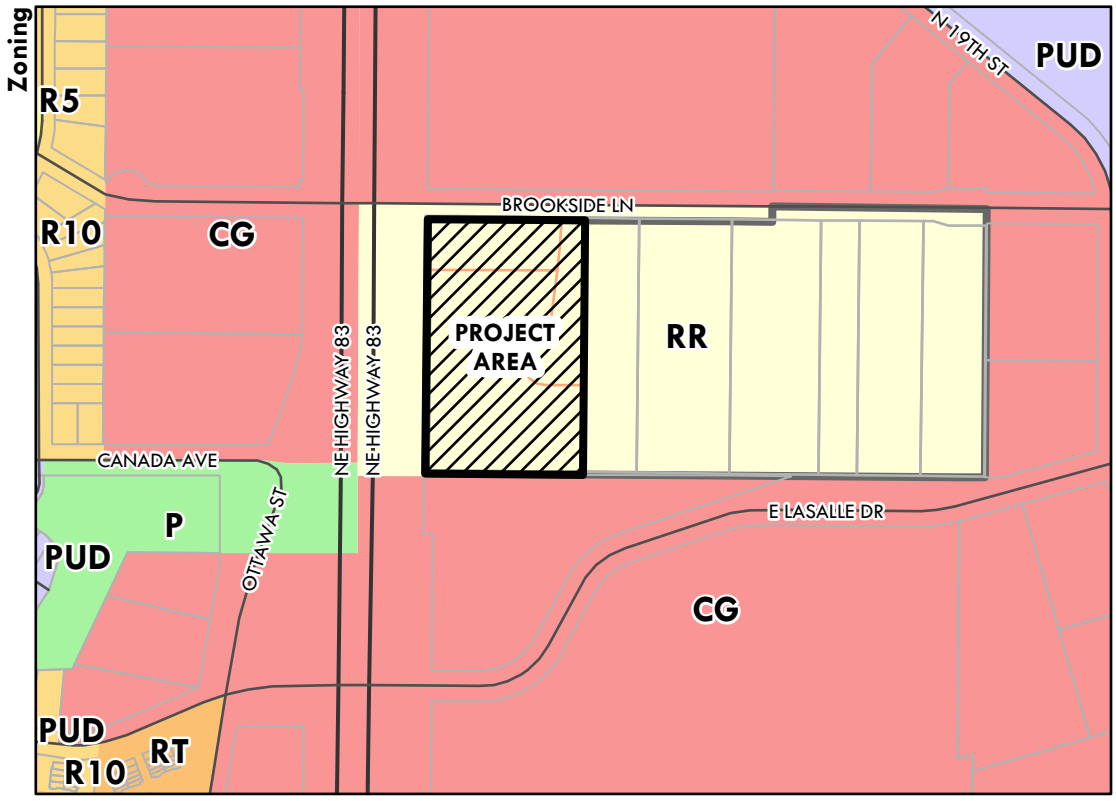
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

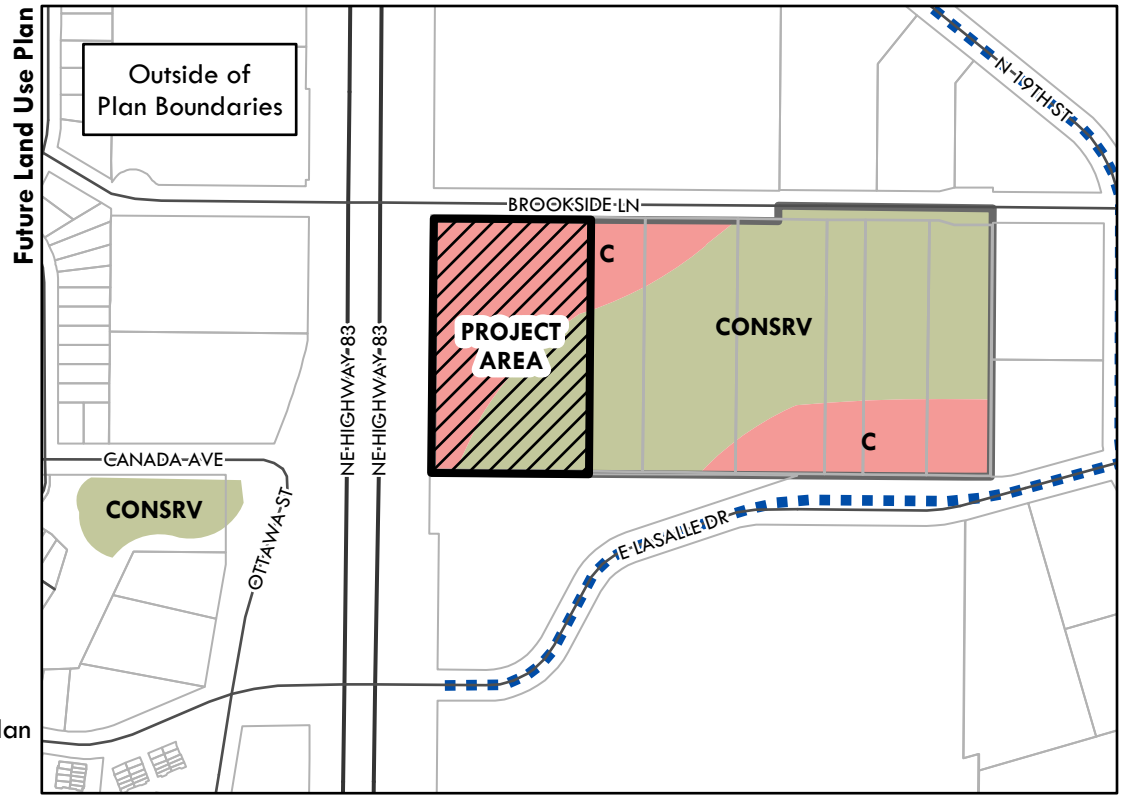
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.05 0.1 0.2 Miles

City of Bismarck
Community Development Dept.
Planning Division
June 14, 2021

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

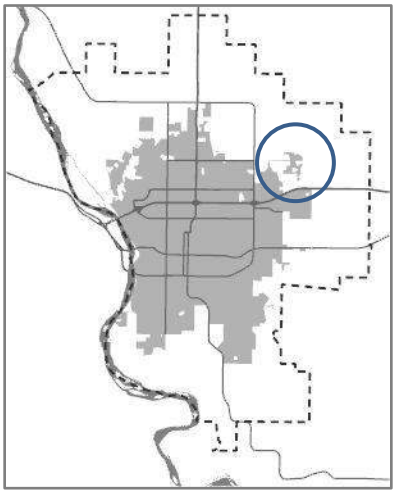
Agenda Item #4
June 23, 2021

Application for: **Annexation**

Project ID: **ANNX2021-007**

Project Summary

Title:	Parts of Silver Ranch First Addition and Silver Ranch First Addition First Replat
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Investcore, Inc.
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	In northeast Bismarck, south of 43rd Avenue NE and east of Silver Boulevard
Project Size:	15.04 acres
Request:	Annex lots for single-family residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	45 lots in 6 blocks	*Number of Lots:*	45 lots in 6 blocks
Land Use:	Undeveloped	*Land Use:*	Single-family residential
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential	*Zoning:*	R5 – Residential
Uses Allowed:	R5 – Single-family residential	*Uses Allowed:*	R5 – Single-family residential
Max Density:	R5 – 5 units / acre	*Max Density:*	R5 – 5 units / acre

Property History

Zoned:	N/A	*Platted:*	N/A	*Annexed:*	N/A

Staff Analysis

Investcore, Inc is requesting approval of the annexation of parts of Silver Ranch First Addition and Silver Ranch First Addition First Replat.

Adjacent uses include developing single-family residential to the west and south, undeveloped land zoning for two-family residential to the north, and a public park to the east.

The area is surrounded by city limits, and the annexation would completely resolve this existing hole in the annexation boundary. As a term of the

(continued)

development agreement for Silver Ranch First Addition, a petition was filed to annex the entirety of this plat by November of 2023. This annexation will count toward partial fulfillment of this obligation.

Utility Capital Charges

The annexation of any new lots within the City of Bismarck is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement.

Growth Phasing Plan

The area proposed for annexation is within the Future development area of the Growth Phasing Plan. The extension of trunkline sewer mains to serve this area would be required prior to development.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of parts of Silver Ranch First Addition and Silver Ranch First Addition First Replat, more specifically described as Lots 2-4, Block 4; Lots 4-8, Block 5 and all adjoining rights-of-way, Silver Ranch First Addition First Replat; and Lots 15-21, Block 2; Lots 1 and 8-12, Block 8; Lots 5-12 and 15-22, Block 9; and Lots 5-12, Block 10 and all adjoining rights-of-way, Silver Ranch First Addition.

Attachments

1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map

Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1854 | dnairn@bismarcknd.gov

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, North Dakota, as follows:

Lots 2-4, Block 4; Lots 4-8, Block 5 and all adjoining rights-of-way, Silver Ranch First Addition First Replat; and Lots 15-21, Block 2; Lots 1 and 8-12, Block 8; Lots 5-12 and 15-22, Block 9; and Lots 5-12, Block 10 and all adjoining rights-of-way, Silver Ranch First Addition, Burleigh County, North Dakota

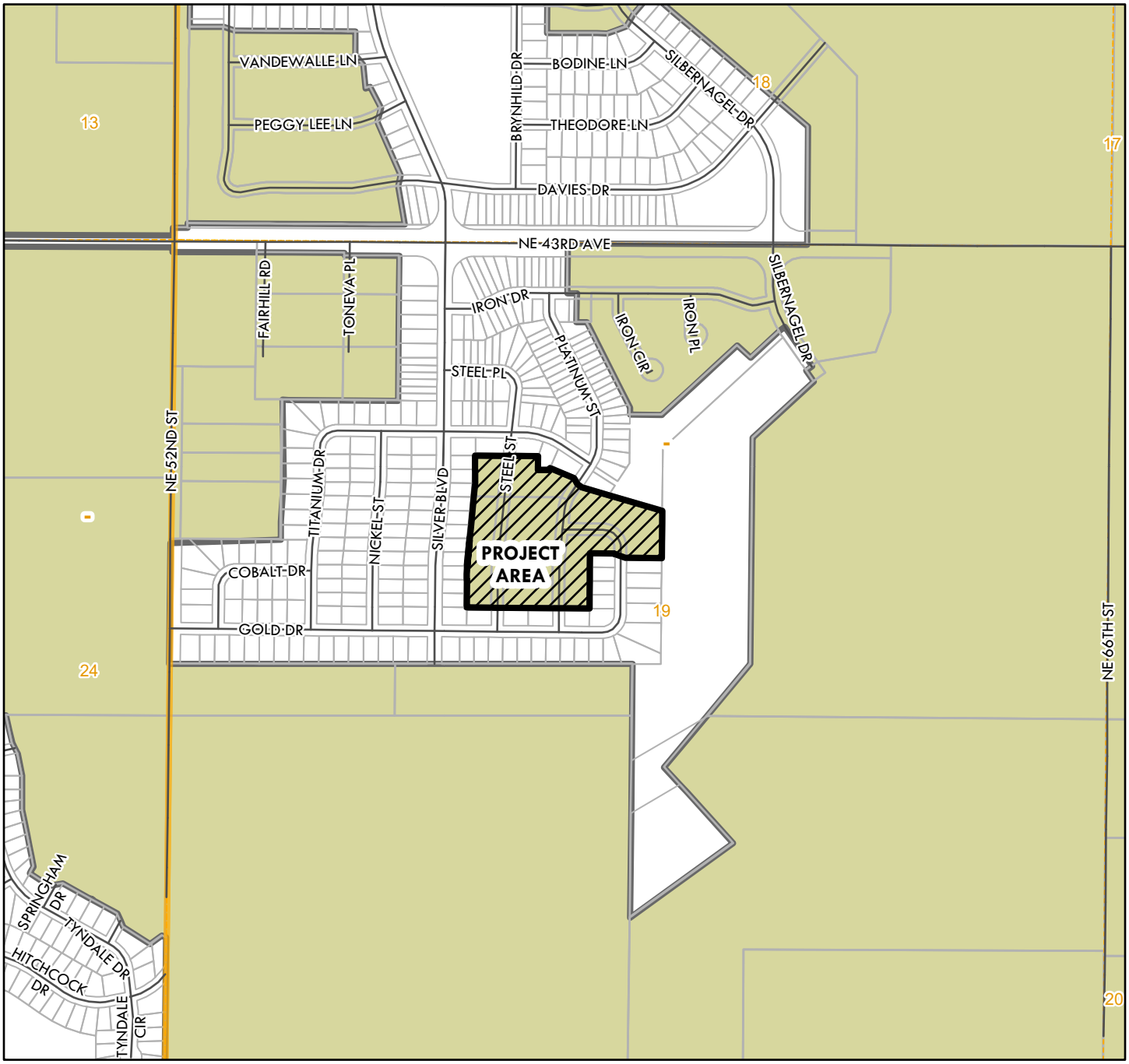
The above described tract of land contains 15.04 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

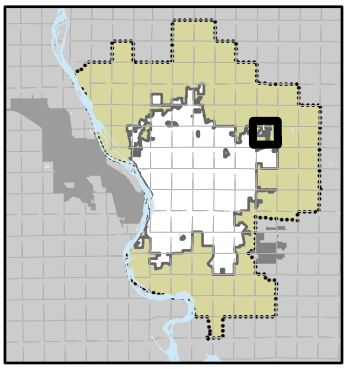
Location Map

ANNX2021-007

PT SILVER RANCH 1ST ADD. & SILVER RANCH 1ST ADD. 1ST REPLAT



0 0.17 0.35 0.7 Miles



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

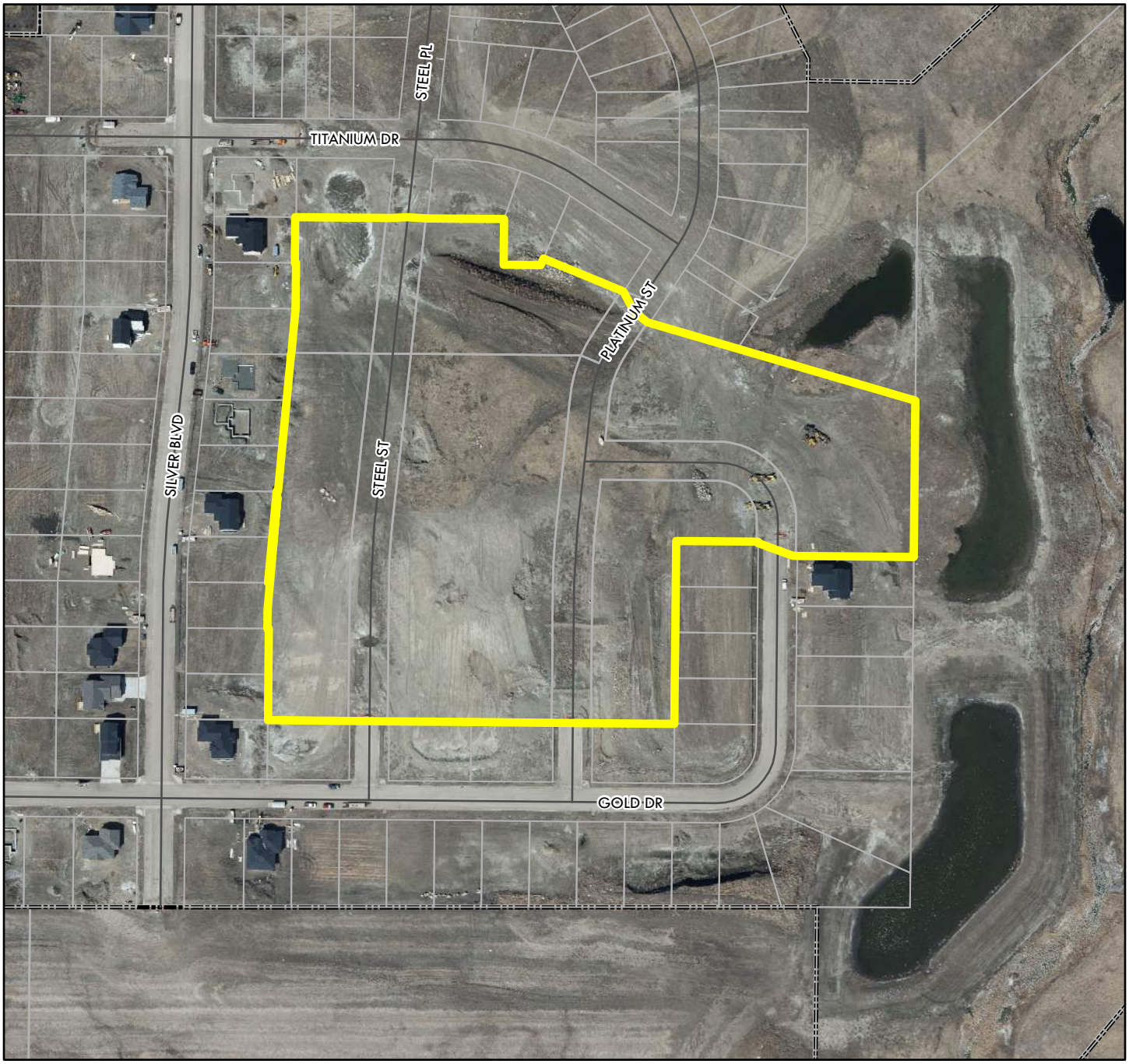
City of Bismarck
Community Development Department
Planning Division
May 28, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

ANNX2021-007

PT SILVER RANCH 1ST ADD. & SILVER RANCH 1ST ADD. 1ST REPLAT

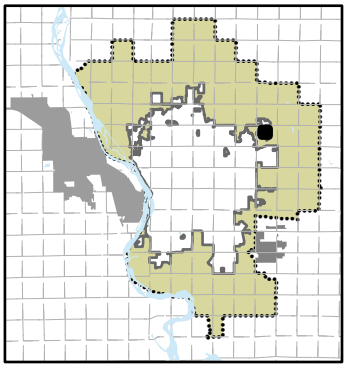


0 0.05 0.1 0.2 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Department
Planning Division
June 3, 2021

Zoning and Plan Reference Map

PT SILVER RANCH 1ST ADD. & SILVER RANCH 1ST ADD. 1ST REPLAT

ANNX2021-007

Zoning Districts

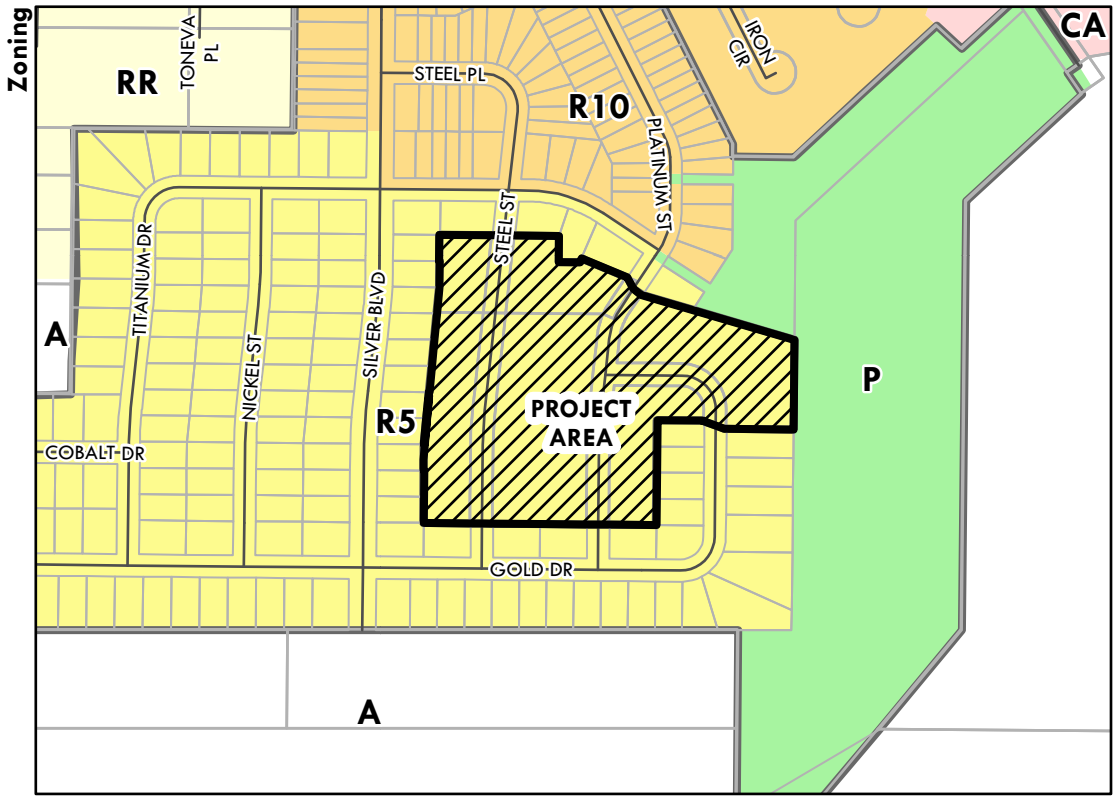
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

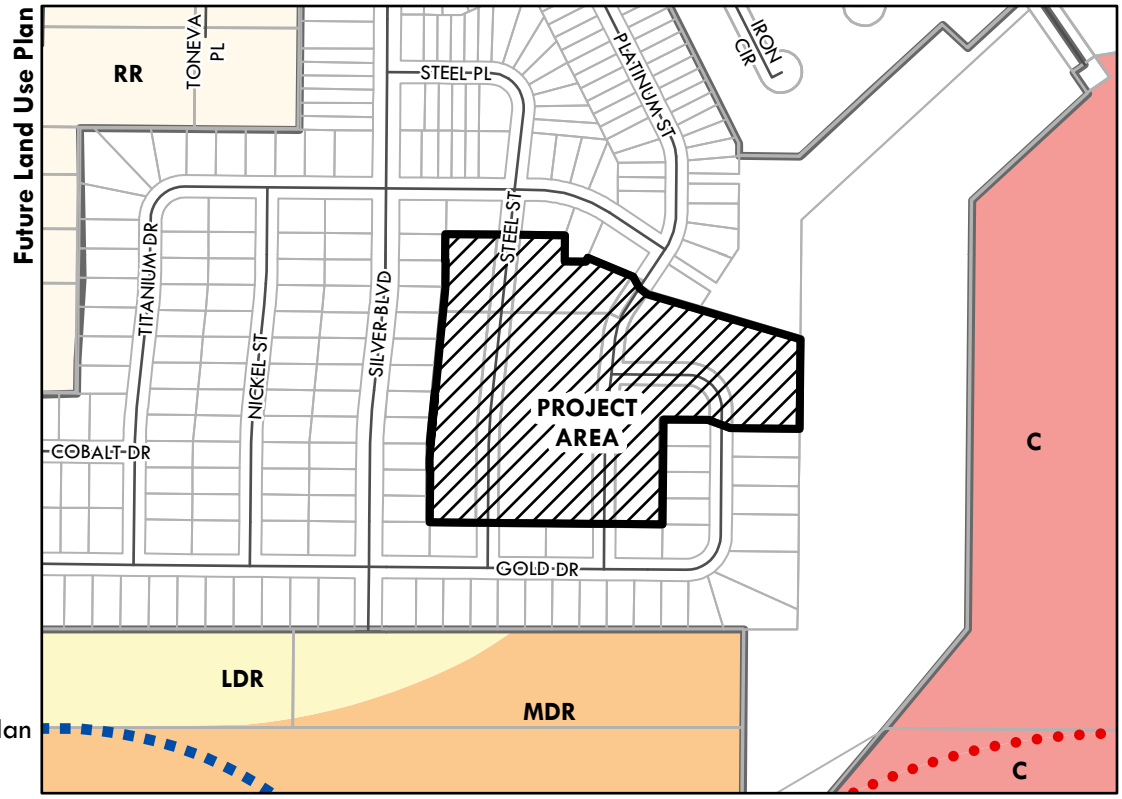
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.05 0.1 0.2 Miles

N

City of Bismarck
Community Development Dept.
Planning Division
June 3, 2021

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

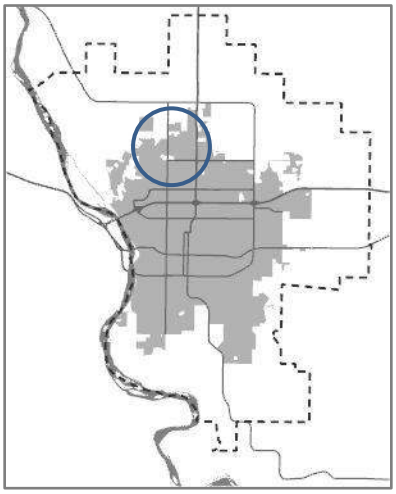
Agenda Item #5
June 23, 2021

Application for: **Zoning Change**
Major Subdivision Final Plat

Project ID: **ZC2021-008**
FPLT2021-005

Project Summary

Title:	Boden Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Boulder Ridge Development Ron & Ruth Knutson
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In north Bismarck, on the west side of North Washington Street and the south side of East Lasalle Drive
Project Size:	18.4 Acres
Request:	Plat and rezone for development of small-scale office buildings



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	5 parcels	*Number of Lots:*	46 Lots in 1 Block
Land Use:	Undeveloped	*Land Use:*	Small-scale offices and one single-family residence
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential A – Agricultural	*Zoning:*	Conditional RT – Residential R5 – Residential
Uses Allowed:	R5 – Single-family residential A – Agriculture	*Uses Allowed:*	Conditional RT – Offices and multi-family residential R5 – Single-family residential
Max Density:	R5 – 5 units / acre A – 1 unit / 40 acres	*Max Density:*	Conditional RT – 30 units / acre R5 – 5 units / acre

Property History

Zoned:	10/2012 (portion) R5 - Residential	*Platted:*	04/2013 (portion) Boulder Ridge 5th	*Annexed:*	04/2013

(continued)

Staff Analysis

Boulder Ridge Development and Ron and Ruth Knutson are requesting approval of a zoning change from the R5 – Residential and A – Agricultural zoning districts to the Conditional RT – Residential and R5 – Residential zoning districts and a major subdivision final plat for Boden Addition.

The Planning and Zoning Commission considered this request at their meeting of May 26, 2021 and called for a public hearing on the zoning change and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 11th and June 18th, and 63 letters were mailed to the owners of nearby properties on June 11th.

Adjacent uses include an elementary school to the north across East Lasalle Drive, single-family residential and stormwater detention to the east, single-family residential to the south, and a developing assisted living and skilled care facility to the west across North Washington Street.

The area includes three lots within Boulder Ridge 5th Addition, and unplatted land to the east of the proposed subdivision. Portions of the area were also included on a preliminary plat for Boulder Ridge 8th Addition, which has been withdrawn by the landowner.

The proposed development would consist of smaller office buildings on individual lots, in a scale, arrangement, and style similar to a residential development. The zoning district would also include conditions to align with this design concept, in order to limit the impact to the surrounding neighborhood.

A draft conditional zoning ordinance is attached, including some of the following:

- Minimum and maximum building sizes and heights, and prohibition of accessory structures
- Basic design standards to resemble residential construction
- A landscaped buffer on the periphery and internal landscaping on each lot
- Lighting standards to limit light trespass
- Limits on number and size of commercial signs
- Prohibition of all residential uses.

The underlying zoning district of RT – Residential would allow the general office or medical office uses. While the ordinance includes basic design standards to favor a residential-style of construction, the association may create and administer more detailed standards through a private covenant.

All access to the development would be made by private roadway loops connected to East LaSalle Drive to the north at two points. A small segment of Onyx Drive has already been dedicated as a public right-of-way and improved, and this would be platted over and transferred to the association through a private roadway agreement. This action removes the road segment as a public right-of-way. The internal roadway network and underlying utilities would be owned and managed by an association for the development. Stormwater for the development would be collected in Lot 45 to the east.

Each lot would include enough parking to meet the minimum requirements in the zoning ordinance. A cross-parking agreement within the association would potentially alleviate any possible strain on the parking. Parking on the private drives would be limited due to the width needed for fire access and direct-access parking areas.

(continued)

Boden Addition includes one lot zoned R5 – Residential for development of a single-family home. This lot would be disconnected from the remainder of the subdivision and would be accessed directly from Basalt Drive. A neighborhood park development agreement has already been reached, and a park is planned for a site at a future corner of Normandy Street and Granite Drive.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Major Subdivision Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is within an area already under agreement for a neighborhood park.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;

(continued)

9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of a zoning change from the R5 – Residential and A – Agricultural zoning districts to the R5 – Residential zoning district for Lot 46, Block 1, Boden Addition and the Conditional RT – Residential zoning district for the remainder of the subdivision, as outlined in the attached draft ordinance, and approval of the major subdivision final plat for Boden Addition.

Attachments

1. Draft Zoning Change Ordinance (annotated with changes from previous draft)
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Change to Zoning Map
6. Final Plat
7. Preliminary Plat
8. Boulder Ridge 5th Addition (portions being replatted).

Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1854 | dnairn@bismarcknd.gov

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the R5 – Residential zoning district:

Lot 46, Block 1, Boden Addition

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R5 – Residential and A – Agricultural zoning districts and included in the Conditional RT – Residential zoning district:

Lots 1 - 45, Block 1, Boden Addition

This Conditional RT – Residential zoning district is subject to the following additional standards:

1. *Use Restrictions*. All residential uses are prohibited, including but not limited to single-family, multifamily, rowhouses, and group homes. Additionally, drive-throughs are prohibited.

2. *Building Height*. Building heights shall be limited to two (2) stories and thirty (35) feet

DRAFT

3. *Building Area*. Each lot is limited to one (1) principal structure with a footprint of no less than one-thousand ~~five~~ two hundred (1,~~500~~200) square feet and no greater than three thousand (3,000) square feet for lots under ten thousand (10,000) square feet in area or four thousand five hundred (4,500) square feet for lots ten thousand (10,000) square or above in area. No accessory structures are permitted, although decks, porches, patios, and other building features are permitted.

4. *Building Design*. All buildings shall be designed in a general residential character, including a pitched roof, a front entry visible from the street, and windows on the front building façade. ~~Additional design standards may be enacted and administered by an association.~~Structures may have attached garages, which may be counted toward the required minimum off-street parking.

5. *Landscaped Buffer*. A landscaped buffer of at least twenty (20) feet in width shall be installed at the time of initial site development in compliance with all requirements of Section 14-03-11(10) as a visual screen for lots 26-27, 37-40, and 43-44, Block 1, Boden Addition.

6. *Interior Landscaping*. Each lot shall include a landscaped area of not less than fifteen (15) percent of the total lot area, excluding the area reserved as an access easement, to be planted with trees, shrubs, grass, or other cultivated vegetation at the time of lot development. Said landscaped area must include at least one shade tree on each lot.

7. *Lighting*. All outdoor lighting fixtures shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties, with the exception of low-wattage landscape lighting and up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the sky. Private access roads may include streetlights in a matching style of up to twenty (20) feet in height.

8. *Signs*. Each lot is limited to one (1) wall sign or one (1) monument sign ~~, not illuminated,~~ oriented toward a private street of Boden Addition, and one (1) wall sign oriented toward a public right-of-way. The total allowable area of signs on a lot is ~~and no greater than~~ sixty (60) square ~~feet in size~~. Said signs may not be internally illuminated. Additionally, one (1) sign

~~oriented toward LaSalle Drive~~ may be permitted within each platted sign and landscape easement in compliance with all requirements of Chapter 14-03.1 (Signs) that apply to the RT – Residential zoning district.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

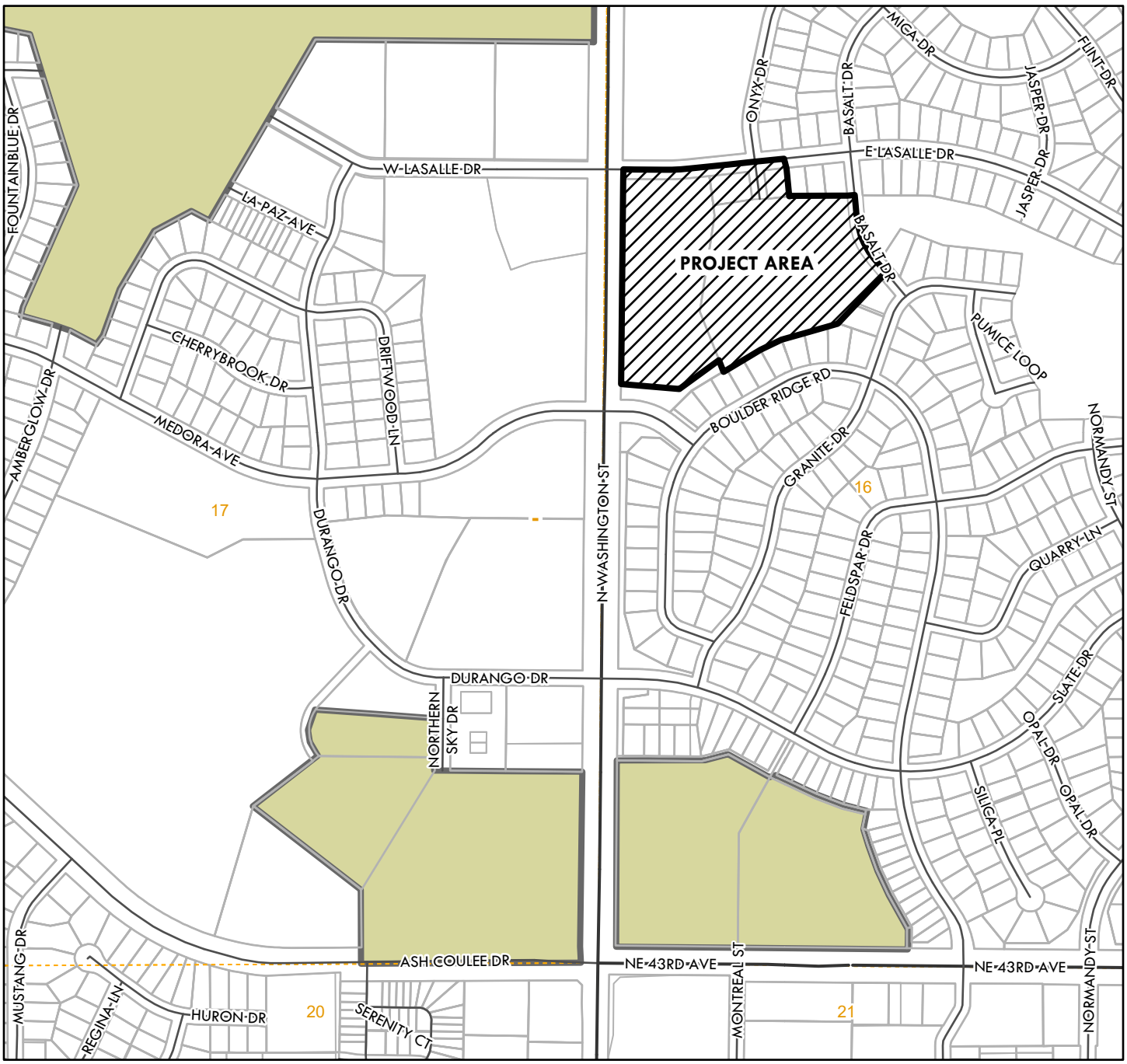
Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Location Map

BODEN ADDITION

PPLT2021-005
ZC2021-008



0 0.13 0.25 0.5 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

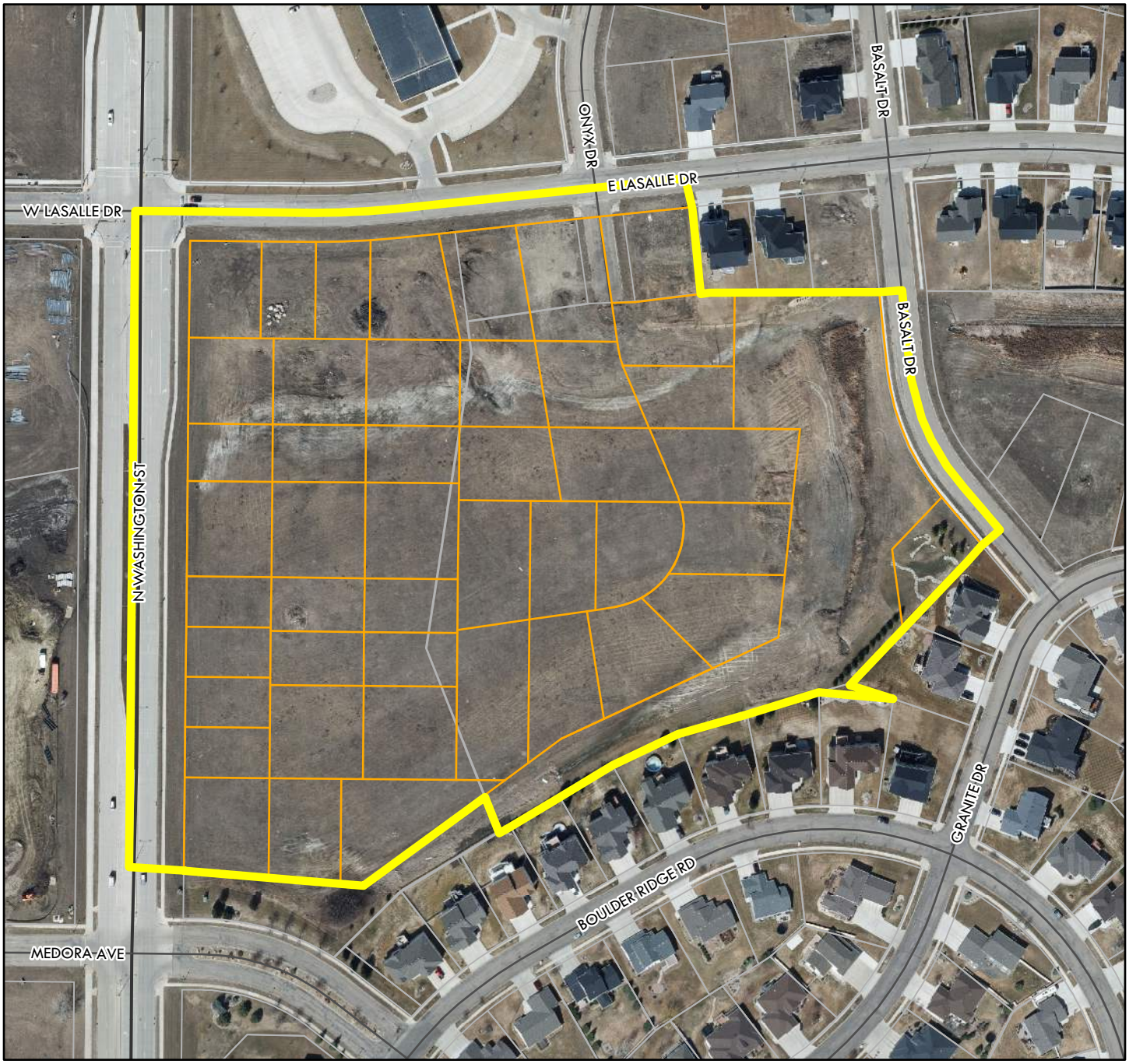
City of Bismarck
Community Development Department
Planning Division
May 12, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

BODEN ADDITION

FPLT2021-005
ZC2021-008

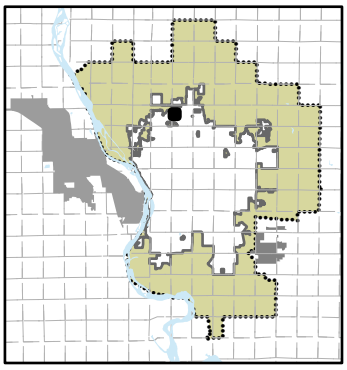


0 0.05 0.1 0.2 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Department
Planning Division
June 18, 2021

Zoning and Plan Reference Map

BODEN ADDITION

PPLT2021-005
ZC2021-008

Zoning Districts

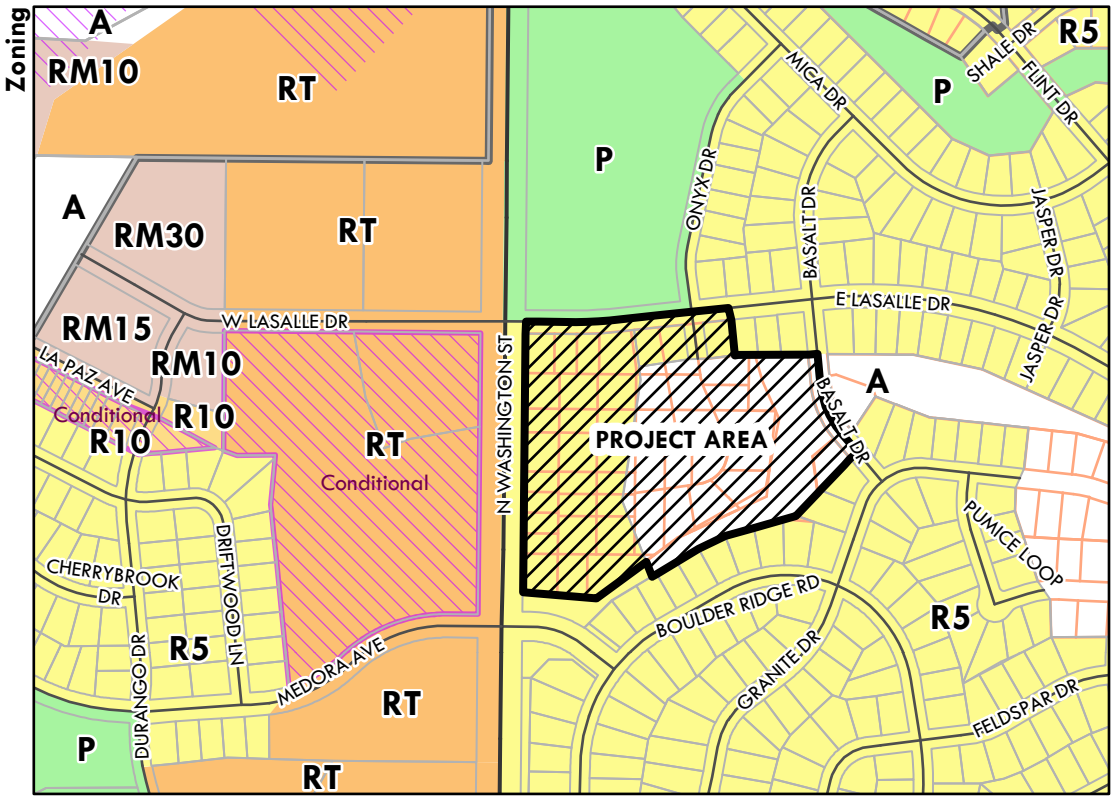
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

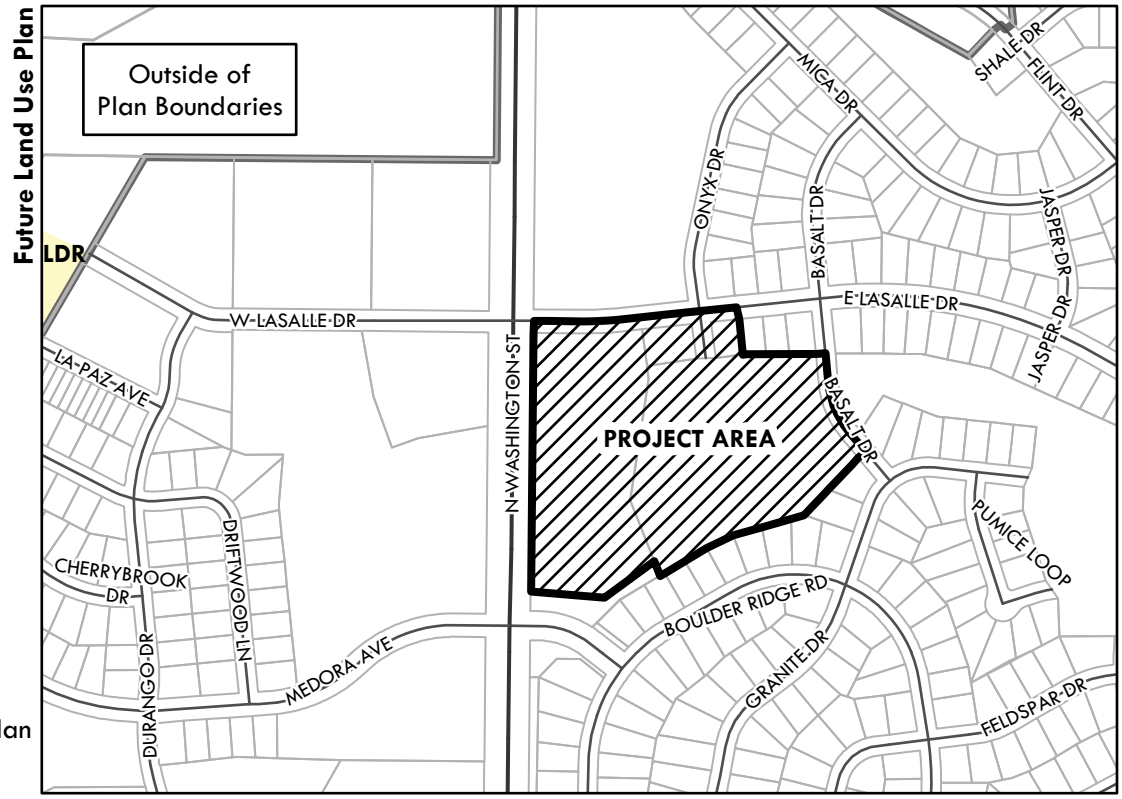
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Miles
0 0.07 0.15 0.3

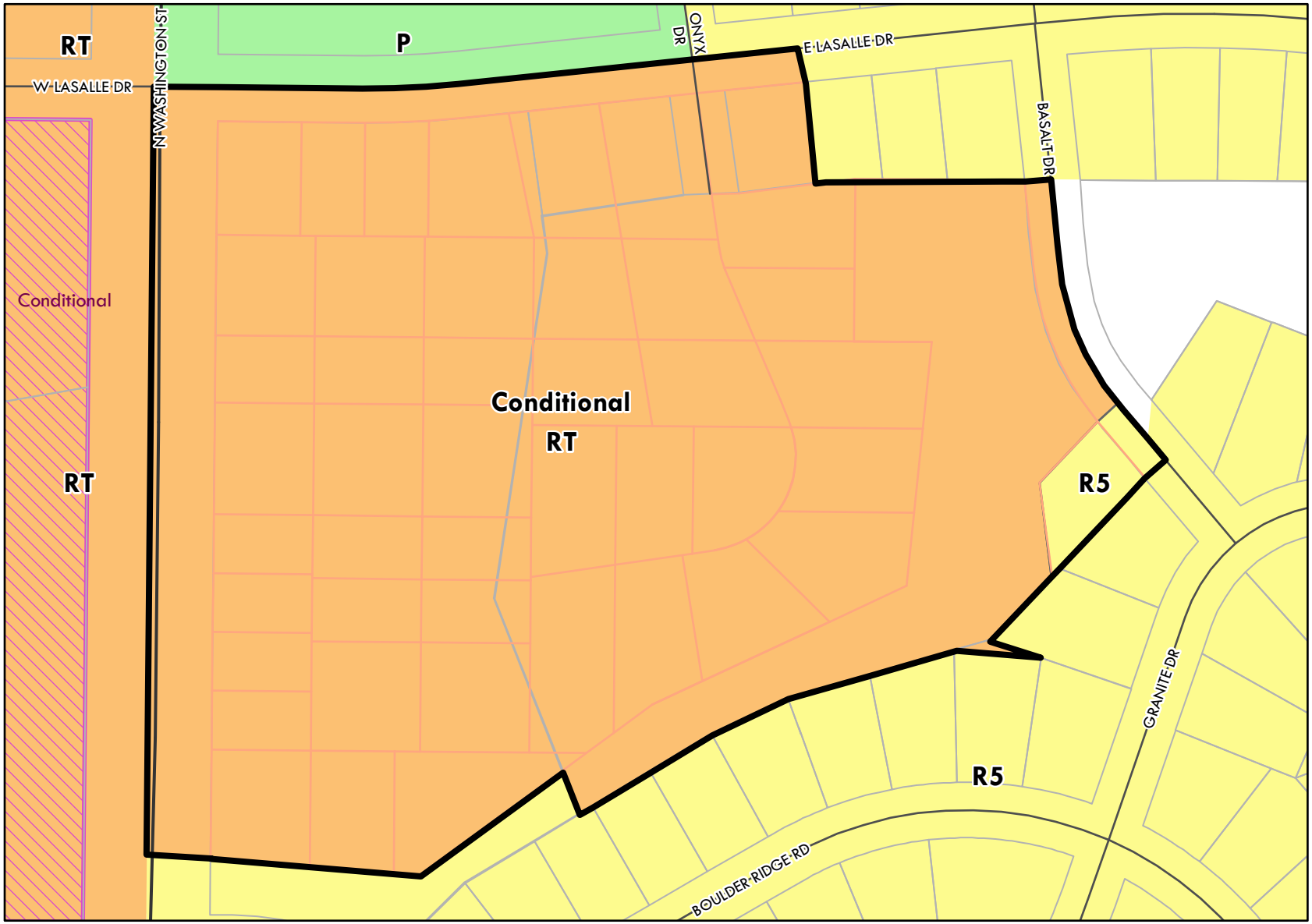
City of Bismarck
Community Development Dept.
Planning Division
May 12, 2021

Potential Zoning Change

BODEN ADDITION

ZC2021-008

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.05 0.1 0.2 Miles

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

City of Bismarck
Community Development Dept.
Planning Division
June 18, 2021

BODEN ADDITION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 4 BLOCK 2
BOULDER RIDGE FIFTH ADDITION, PART OF THE EAST 1/2 OF NORTH WASHINGTON STREET
RIGHT-OF-WAY, PART OF THE SOUTH HALF OF LASALLE DRIVE RIGHT-OF-WAY, PART OF THE WEST
HALF OF BASALT DRIVE RIGHT-OF-WAY, & PART OF THE WEST 1/2 OF
SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 4 BLOCK 2 BOULDER RIDGE FIFTH ADDITION, PART OF THE EAST 1/2 OF NORTH WASHINGTON STREET RIGHT-OF-WAY, PART OF THE SOUTH HALF OF LASALLE DRIVE RIGHT-OF-WAY, PART OF THE WEST HALF OF BASALT DRIVE RIGHT-OF-WAY, & PART OF THE WEST 1/2 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 BLOCK 2 BOULDER RIDGE FIFTH ADDITION; THENCE NORTH 82 DEGREES 44 MINUTES 56 SECONDS EAST, ALONG THE BOUNDARY OF SAID BOULDER RIDGE FIFTH ADDITION, A DISTANCE OF 46.71 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 37 SECONDS EAST, ALONG SAID BOUNDARY, AND ITS EASTERLY EXTENSION, A DISTANCE OF 235.73 FEET TO THE CENTERLINE OF BASALT DRIVE RIGHT-OF-WAY; THENCE SOUTH 06 DEGREES 01 MINUTE 33 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 105.62 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 300.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 177.82 FEET; THENCE SOUTH 39 DEGREES 59 MINUTES 13 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 83.72 FEET TO THE NORTHEASTERLY EXTENSION OF THE NORTHWEST LINE OF LOT 2 BLOCK 4 BOULDER RIDGE FOURTH ADDITION; THENCE SOUTH 43 DEGREES 34 MINUTES 10 SECONDS WEST, ALONG SAID EXTENSION AND SAID NORTHWEST LINE AND THE NORTHWEST LINE OF LOT 1 BLOCK 4 BOULDER RIDGE FOURTH ADDITION, A DISTANCE OF 300.69 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 70 DEGREES 59 MINUTES 21 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 65.34 FEET TO THE BOUNDARY OF BOULDER RIDGE FIRST ADDITION; THENCE NORTH 84 DEGREES 54 MINUTES 21 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 104.39 FEET; THENCE SOUTH 74 DEGREES 06 MINUTES 33 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 206.17 FEET; THENCE SOUTH 64 DEGREES 33 MINUTES 52 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 100.40 FEET; THENCE SOUTH 58 DEGREES 51 MINUTES 38 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 183.76 FEET TO THE BOUNDARY OF LOT 1 BLOCK 1 BOULDER RIDGE FIFTH ADDITION; THENCE NORTH 21 DEGREES 35 MINUTES 05 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 55.59 FEET; THENCE SOUTH 53 DEGREES 57 MINUTES 03 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 210.58 FEET; THENCE NORTH 89 DEGREES 16 MINUTES 20 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 325.08 FEET TO THE CENTERLINE OF NORTH WASHINGTON STREET RIGHT-OF-WAY; THENCE NORTH 00 DEGREES 32 MINUTES 57 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 911.02 FEET TO THE CENTERLINE OF LASALLE DRIVE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 25 MINUTES 03 SECONDS EAST, ALONG SAID CENTERLINE, DISTANCE OF 248.38 FEET; THENCE EASTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 1000.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 115.35 FEET; THENCE NORTH 83 DEGREES 58 MINUTES 27 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 407.94 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 3 BLOCK 2 BOULDER RIDGE FIFTH ADDITION; THENCE SOUTH 06 DEGREES 01 MINUTE 50 SECONDS EAST, ALONG SAID NORTHERLY EXTENSION AND SAID WEST LINE, A DISTANCE OF 161.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.44 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

_____
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2021, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

_____ _____
MICHAEL J. SCHWARTZ – CHAIRMAN ATTEST
BEN ERHETH – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2021.

_____
ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "BODEN ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT RON KNUTSON, RUTH KNUTSON, BOULDER RIDGE DEVELOPMENT, INC, & FIVE GUYS INVESTMENT, LLP, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BODEN ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

THEY FURTHERMORE GRANT ACCESS, WATERMAIN, AND SANITARY SEWER EASEMENTS TO THE LANDOWNERS OF BODEN ADDITION, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY HEREINAFTER DESCRIBED. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

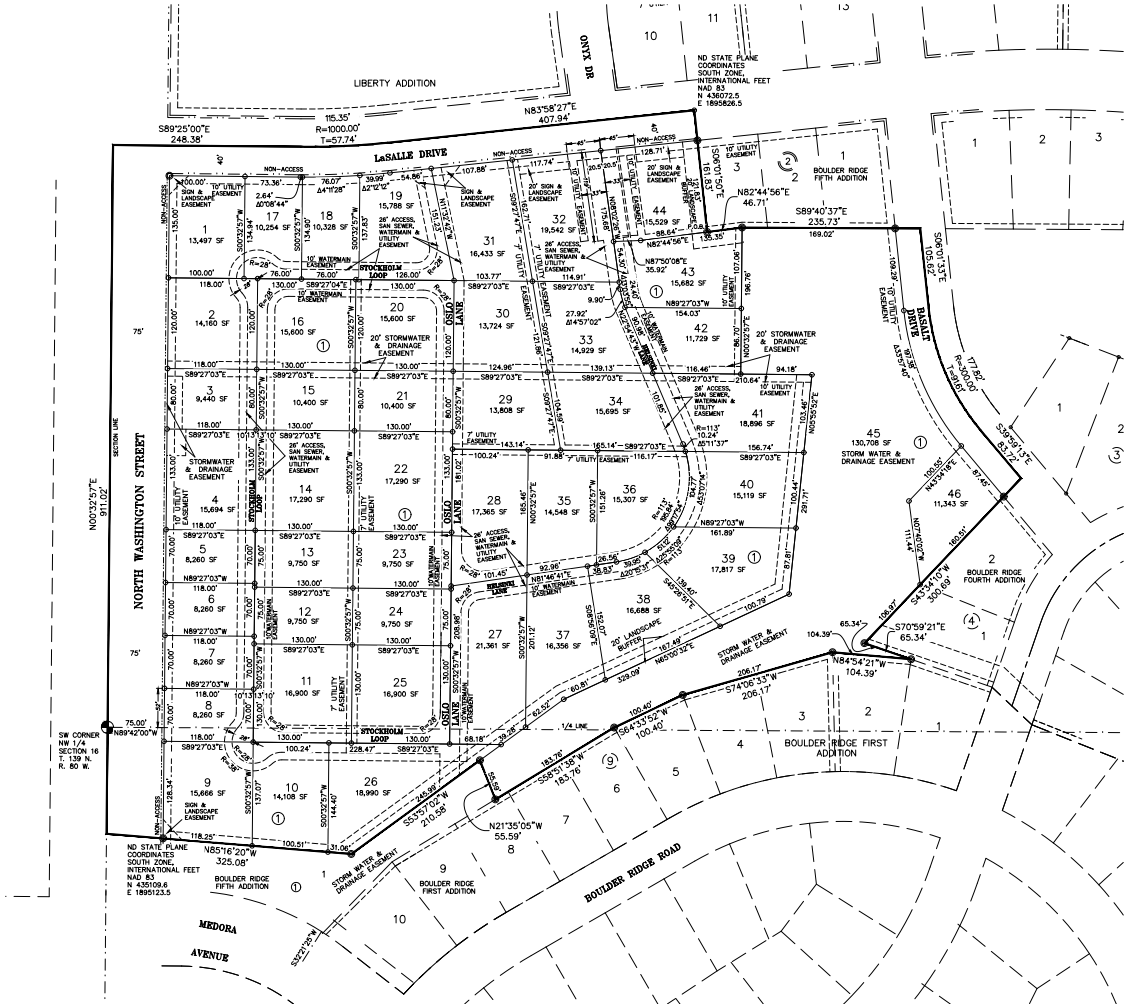
_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shaug@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2636

BODEN ADDITION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 4 BLOCK 2
BOULDER RIDGE FIFTH ADDITION, PART OF THE EAST 1/2 OF NORTH WASHINGTON STREET
RIGHT-OF-WAY, PART OF THE SOUTH HALF OF LASALLE DRIVE RIGHT-OF-WAY, PART OF THE WEST
HALF OF BASALT DRIVE RIGHT-OF-WAY, & PART OF THE WEST 1/2 OF
SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

VERTICAL BENCHMARK:
TBD

AREA DATA

LOTS	762,922 S.F.	17.51 ACRES
STREETS	40,520 S.F.	0.93 ACRES
TOTAL	803,442 S.F.	18.44 ACRES

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
sharp@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2636

SHEET 2 OF 2

BODEN ADDITION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 2 BLOCK 4
BOULDER RIDGE FIFTH ADDITION &
PART OF THE WEST 1/2 OF
SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

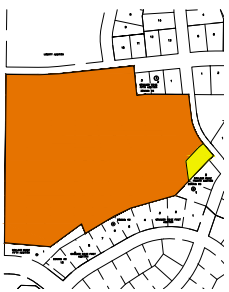
LOCATION MAP

18.4 ACRES
EXISTING ZONING: R5/A
PROPOSED ZONING: RESTRICTED RT & R5
46 LOTS

OWNER: RON &RUTH KNUTSON
ADDRESS: 555 HIGHWAY 1804 NE
BISMARCK, ND 58503

OWNER: BOULDER RIDGE DEVELOPMENT, INC
101 SLATE DR.
BISMARCK, ND 58503

OWNER: FIVE GUYS INVESTMENT, LLP
101 SLATE DR.
BISMARCK, ND 58503



ZONING MAP
LOT 46--R5
ALL REMAINING LOTS--RESTRICTED RT

N
W E
S
0 60'

SCALE – 1" = 60'
VERTICAL DATUM: NAVD 88

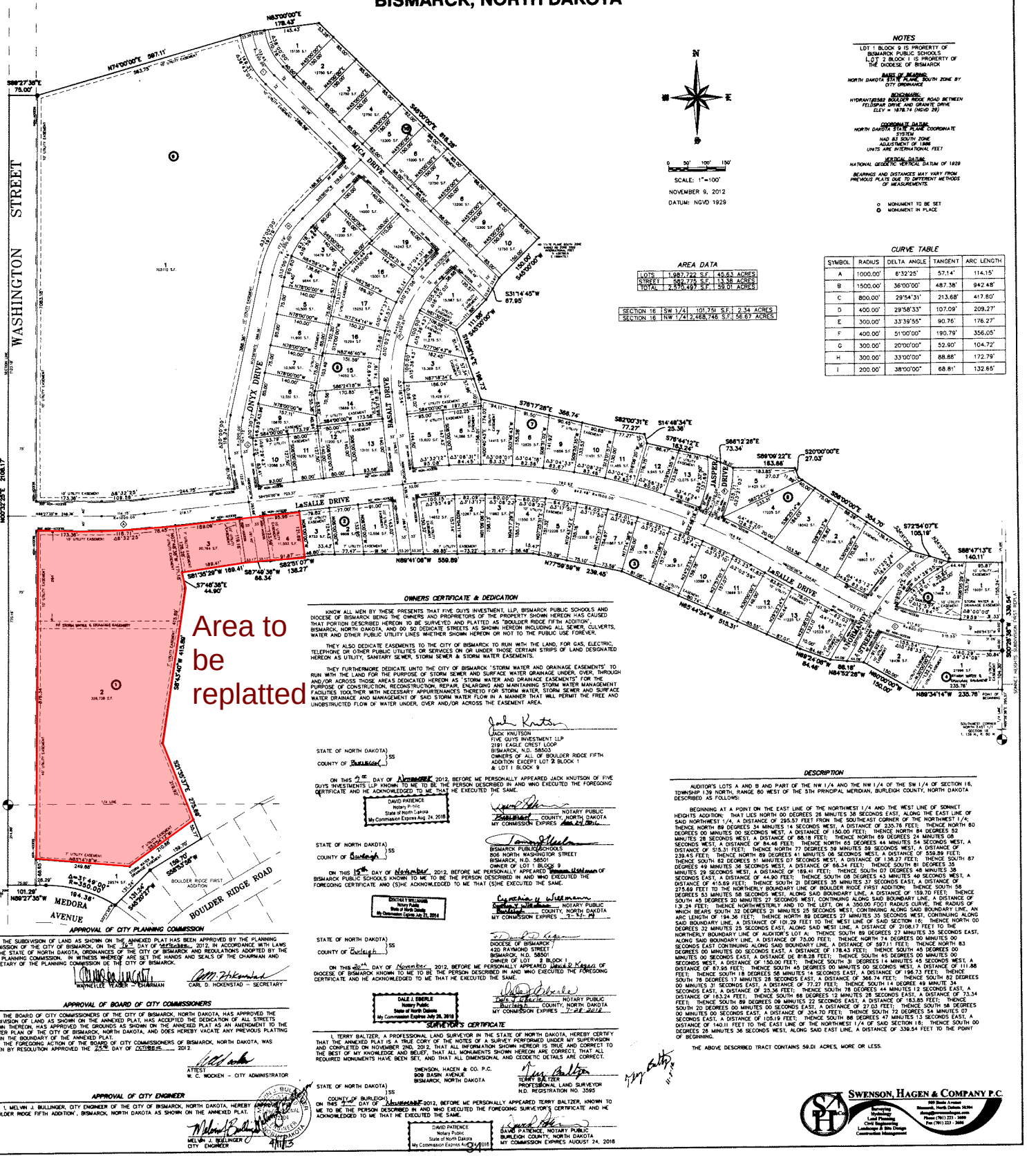
APRIL 21, 2021

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
309 Basin Avenue
Bismarck, North Dakota 58504
shcmp@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2616

BOULDER RIDGE FIFTH ADDITION

AUDITOR'S LOTS A AND B AND PART OF THE NW 1/4 AND THE NW 1/4 OF THE SW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 60 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY,

BISMARCK, NORTH DAKOTA



NOTES

LOT 1 BLOCK 9 IS PROPERTY OF BISMARCK PUBLIC SCHOOLS
LOT 2 BLOCK 1 IS PROPERTY OF THE DIOCESE OF BISMARCK

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

BENCHMARK:
HYDRANT#2582 BOULDER RIDGE ROAD BETWEEN FELDSPAR DRIVE AND GRANITE DRIVE
ELEV = 1878.74 (NGVD 29)

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

VERTICAL DATUM:
NATIONAL GEODETIC VERTICAL DATUM OF 1929

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

AREA DATA

LOTS	1,987,722 S.F.	45.63 ACRES
STREET	356,775 S.F.	11.38 ACRES
TOTAL	2,344,497 S.F.	56.01 ACRES

SECTION 16	SW 1/4	101,751 S.F.	2.34 ACRES
SECTION 16	NW 1/4	2,468,746 S.F.	56.67 ACRES

CURVE TABLE

SYMBOL	RADIUS	DELTA ANGLE	TANGENT	ARC LENGTH
A	1000.00'	6°32'25"	57.14'	114.15'
B	1500.00'	36°00'00"	487.38'	942.48'
C	800.00'	29°54'31"	213.68'	417.80'
D	400.00'	29°58'33"	107.09'	209.27'
E	300.00'	33°39'55"	90.76'	176.27'
F	400.00'	51°00'00"	190.79'	356.05'
G	300.00'	20°00'00"	52.90'	104.72'
H	300.00'	33°00'00"	88.88'	172.79'
I	200.00'	38°00'00"	68.81'	132.65'

OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT FIVE GUYS INVESTMENT, LLP, BISMARCK PUBLIC SCHOOLS AND DIOCESE OF BISMARCK BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BOULDER RIDGE FIFTH ADDITION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK 'STORM WATER AND DRAINAGE EASEMENTS' TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS 'STORM WATER AND DRAINAGE EASEMENTS' FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

JACK KNUTSON
FIVE GUYS INVESTMENT LLP
2151 EAGLE CREST LOOP
BISMARCK, N.D. 58503
OWNERS OF ALL OF BOULDER RIDGE FIFTH ADDITION EXCEPT LOT 2 BLOCK 1 & LOT 1 BLOCK 9

STATE OF NORTH DAKOTA) SS
COUNTY OF Burleigh)

ON THIS 2nd DAY OF November 2012, BEFORE ME PERSONALLY APPEARED JACK KNUTSON OF FIVE GUYS INVESTMENTS LLP KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2018

NOTARY PUBLIC
Burleigh COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES Aug 24, 2018

BISMARCK PUBLIC SCHOOLS
806 NORTH WASHINGTON STREET
BISMARCK, N.D. 58501
OWNER OF LOT 1 BLOCK 9

STATE OF NORTH DAKOTA) SS
COUNTY OF Burleigh)

ON THIS 15th DAY OF November 2012, BEFORE ME PERSONALLY APPEARED [illegible] OF BISMARCK PUBLIC SCHOOLS KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND (S)HE ACKNOWLEDGED TO ME THAT (S)HE EXECUTED THE SAME.

CYNTHIA I WILLIAMS
Notary Public
State of North Dakota
My Commission Expires July 21, 2014

NOTARY PUBLIC
Burleigh COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 7-21-14

DIOCESE OF BISMARCK
420 RAYMOND STREET
BISMARCK, N.D. 58501
OWNER OF LOT 2 BLOCK 1

STATE OF NORTH DAKOTA) SS
COUNTY OF Burleigh)

ON THIS 30th DAY OF November 2012, BEFORE ME PERSONALLY APPEARED [illegible] OF DIOCESE OF BISMARCK KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DALE J. EBERLE
Notary Public
State of North Dakota
My Commission Expires July 20, 2016

NOTARY PUBLIC
Burleigh COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 7-20-2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 13th DAY OF November 2012, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION DE THE CITY OF BISMARCK.

WAYNE LEE TEASER - CHAIRMAN

CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 25th DAY OF OCTOBER, 2012.

ATTEST
W. C. WOCKEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THE "BOULDER RIDGE FIFTH ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

4/11/13

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON NOVEMBER 2ND, 2012. THAT ALL INFORMATION SHOWN HEREOR IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND CEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
808 BASIN AVENUE
BISMARCK, NORTH DAKOTA

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

STATE OF NORTH DAKOTA) SS
COUNTY OF BURLEIGH)

ON THIS 2nd DAY OF November 2012, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug 24, 2018

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2018

DESCRIPTION

AUDITOR'S LOTS A AND B AND PART OF THE NW 1/4 AND THE NW 1/4 OF THE SW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 AND THE WEST LINE OF SONNET HEIGHTS ADDITION; THAT LIES NORTH 00 DEGREES 26 MINUTES 38 SECONDS EAST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 295.57 FEET FROM THE SOUTHEAST CORNER OF THE NORTHWEST 1/4; THENCE NORTH 89 DEGREES 34 MINUTES 14 SECONDS WEST, A DISTANCE OF 230.76 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE NORTH 84 DEGREES 52 MINUTES 28 SECONDS WEST, A DISTANCE OF 88.18 FEET; THENCE NORTH 69 DEGREES 24 MINUTES 08 SECONDS WEST, A DISTANCE OF 84.46 FEET; THENCE NORTH 85 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 515.31 FEET; THENCE NORTH 77 DEGREES 39 MINUTES 59 SECONDS WEST, A DISTANCE OF 239.45 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 08 SECONDS WEST, A DISTANCE OF 559.89 FEET; THENCE SOUTH 82 DEGREES 51 MINUTES 07 SECONDS WEST, A DISTANCE OF 138.27 FEET; THENCE SOUTH 87 DEGREES 49 MINUTES 38 SECONDS WEST, A DISTANCE OF 66.34 FEET; THENCE SOUTH 81 DEGREES 35 MINUTES 29 SECONDS WEST, A DISTANCE OF 169.41 FEET; THENCE SOUTH 07 DEGREES 46 MINUTES 38 SECONDS EAST, A DISTANCE OF 44.90 FEET; THENCE SOUTH 08 DEGREES 43 MINUTES 40 SECONDS WEST, A DISTANCE OF 415.69 FEET; THENCE SOUTH 21 DEGREES 35 MINUTES 37 SECONDS EAST, A DISTANCE OF 275.69 FEET TO THE NORTHERLY BOUNDARY LINE OF BOULDER RIDGE FIRST ADDITION; THENCE SOUTH 58 DEGREES 53 MINUTES 58 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 159.70 FEET; THENCE SOUTH 45 DEGREES 20 MINUTES 27 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 1.34 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, ON A 350.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 32 DEGREES 21 MINUTES 25 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, AN ARC LENGTH OF 184.36 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 35 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 101.29 FEET TO THE WEST LINE OF SAID SECTION 16; THENCE NORTH 00 DEGREES 32 MINUTES 25 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 2108.17 FEET TO THE NORTHERLY BOUNDARY LINE OF AUDITOR'S LOT A; THENCE SOUTH 89 DEGREES 27 MINUTES 35 SECONDS EAST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 75.00 FEET; THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 587.11 FEET; THENCE NORTH 83 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 178.43 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 818.28 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 31 DEGREES 14 MINUTES 45 SECONDS WEST, A DISTANCE OF 67.95 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 111.86 FEET; THENCE SOUTH 18 DEGREES 58 MINUTES 14 SECONDS EAST, A DISTANCE OF 196.73 FEET; THENCE SOUTH 78 DEGREES 17 MINUTES 28 SECONDS EAST, A DISTANCE OF 368.74 FEET; THENCE SOUTH 82 DEGREES 00 MINUTES 31 SECONDS EAST, A DISTANCE OF 77.27 FEET; THENCE SOUTH 14 DEGREE 48 MINUTE 34 SECONDS EAST, A DISTANCE OF 25.36 FEET; THENCE SOUTH 78 DEGREES 44 MINUTES 12 SECONDS EAST, A DISTANCE OF 163.24 FEET; THENCE SOUTH 66 DEGREES 12 MINUTES 28 SECONDS EAST, A DISTANCE OF 73.34 FEET; THENCE SOUTH 89 DEGREES 09 MINUTES 22 SECONDS EAST, A DISTANCE OF 183.85 FEET; THENCE SOUTH 20 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 27.03 FEET; THENCE SOUTH 72 DEGREES 54 MINUTES 07 SECONDS EAST, A DISTANCE OF 105.19 FEET; THENCE SOUTH 88 DEGREES 47 MINUTES 13 SECONDS EAST, A DISTANCE OF 140.11 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE SOUTH 00 DEGREES 26 MINUTES 36 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 330.54 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 59.01 ACRES, MORE OR LESS.

SWENSON, HAGEN & COMPANY P.C.
808 Basin Avenue
Bismarck, North Dakota 58504
Phone (701) 223-3600
Fax (701) 223-3636

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

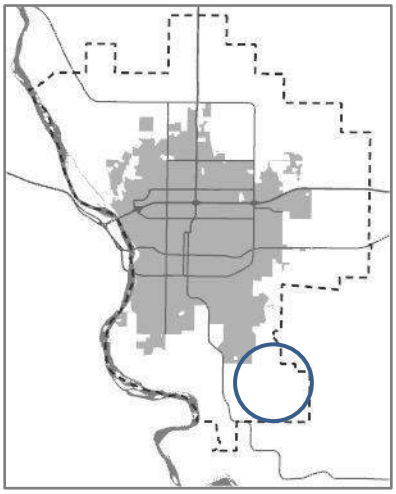
Agenda Item #6
June 23, 2021

Application for: **Special Use Permit**

Project ID: **SUP2021-005**

Project Summary

Title:	Lot 12, Block 5, Copper Ridge Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Spencer Mewes & Jessica Weninger
Project Contact:	Spencer Mewes
Location:	Southeast of Bismarck, south of 62nd Avenue SE in the northeast quadrant of the intersection of Copper Ridge Lane and Kayley Drive
Project Size:	65,000 square feet
Request:	Increase the area of accessory buildings to 2,792 square feet



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Rural Residential	*Land Use:*	Rural Residential
Future Land Use:	Conventional Rural Residential	*Future Land Use:*	Conventional Rural Residential
Zoning:	RR – Residential	*Zoning:*	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture
Max Density:	RR – 1 unit per 65,000 square feet	*Max Density:*	RR – 1 unit per 65,000 square feet

Property History

Zoned:	01/2005	*Platted:*	01/2005	*Annexed:*	N/A

Staff Analysis

Spencer Mewes & Jessica Weninger are requesting approval of a special use permit to increase the total allowable square footage of accessory structures on a lot to 2,792 square feet for Lot 12, Block 5, Copper Ridge Subdivision.

(continued)

This request is being made in order to construct a 2,400 square foot accessory building.

Background Information

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 11th and June 18th, and 51 letters were mailed to the owners of nearby properties on June 11th.

Adjacent uses include existing rural single-family uses to the north, east, south across Kayley Drive, and west across Copper Ridge Lane.

The parcel size for the proposed special use is 65,000 square feet. There is an existing 392 square foot accessory building on site. If approved as proposed the total area of accessory buildings would be increased to 2,972 square feet.

According to the site plan submitted by the applicant, the proposed accessory buildings would meet setback requirements for an accessory building located within the RR – Residential zoning district. The applicant has also indicated that the proposed accessory building would be accessed from the existing driveway along Copper Ridge Lane.

Section 14-03-06(1)(b)(5) of the City Code of Ordinances (Accessory Uses and Buildings) allows for the area of accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) of this size to be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The Apple Creek Township Board of Supervisors has verbally recommended approval of the proposed special use;
4. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
5. Adequate public facilities and services are in place or would be provided at the time of development;
6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
7. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
8. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed special use would not adversely affect the public health, safety and general

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to increase the area of accessory buildings to 2,792 square feet on Lot 12, Block 5, Copper Ridge Subdivision.

Attachments

1. Location Map

(continued)

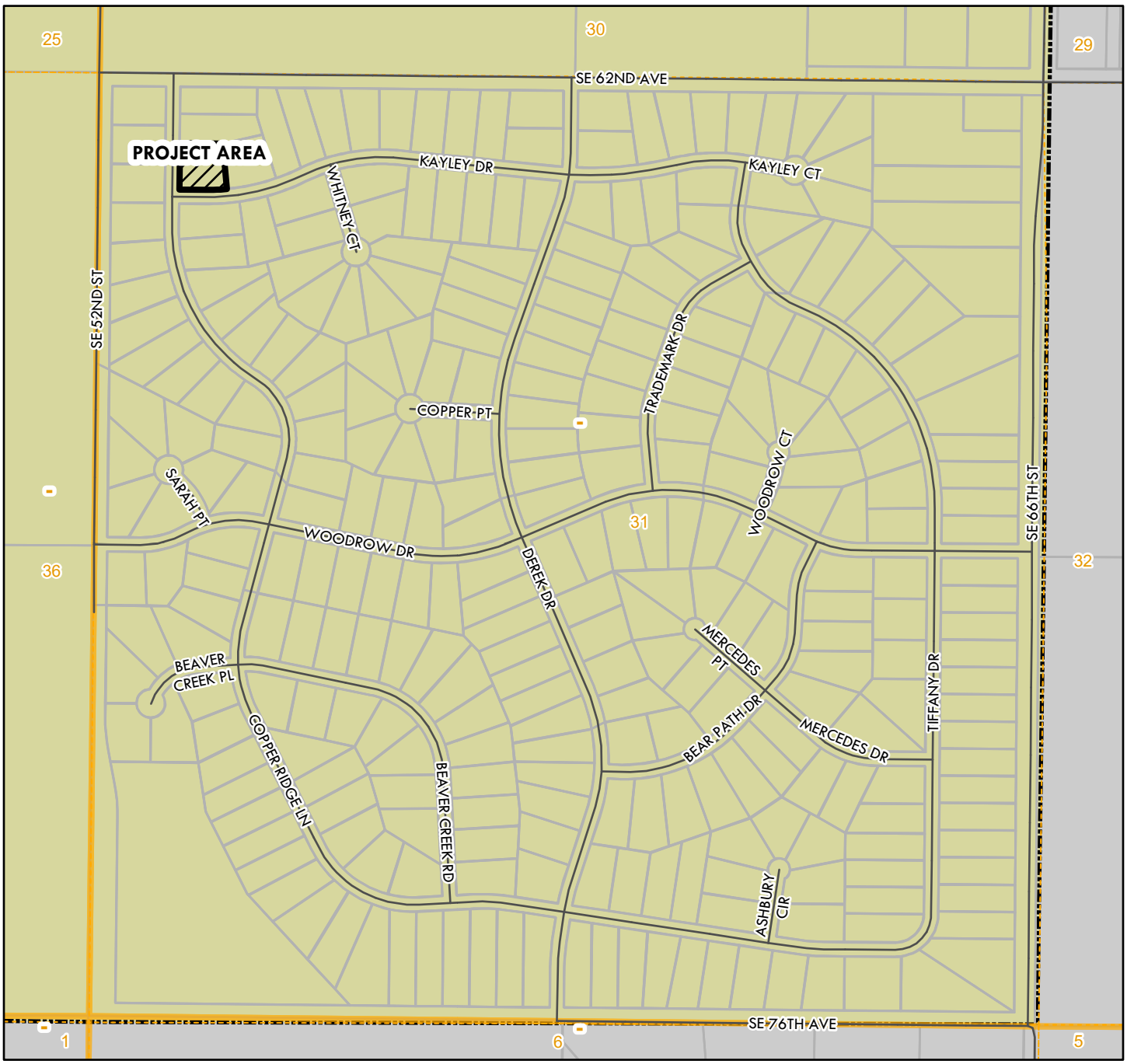
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

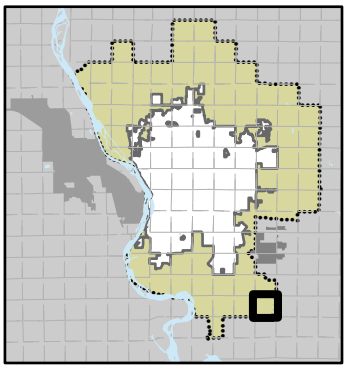
Location Map

COPPER RIDGE SUBDIVISION, L12, B5

SUP2021-005



0 0.17 0.35 0.7 Miles



Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

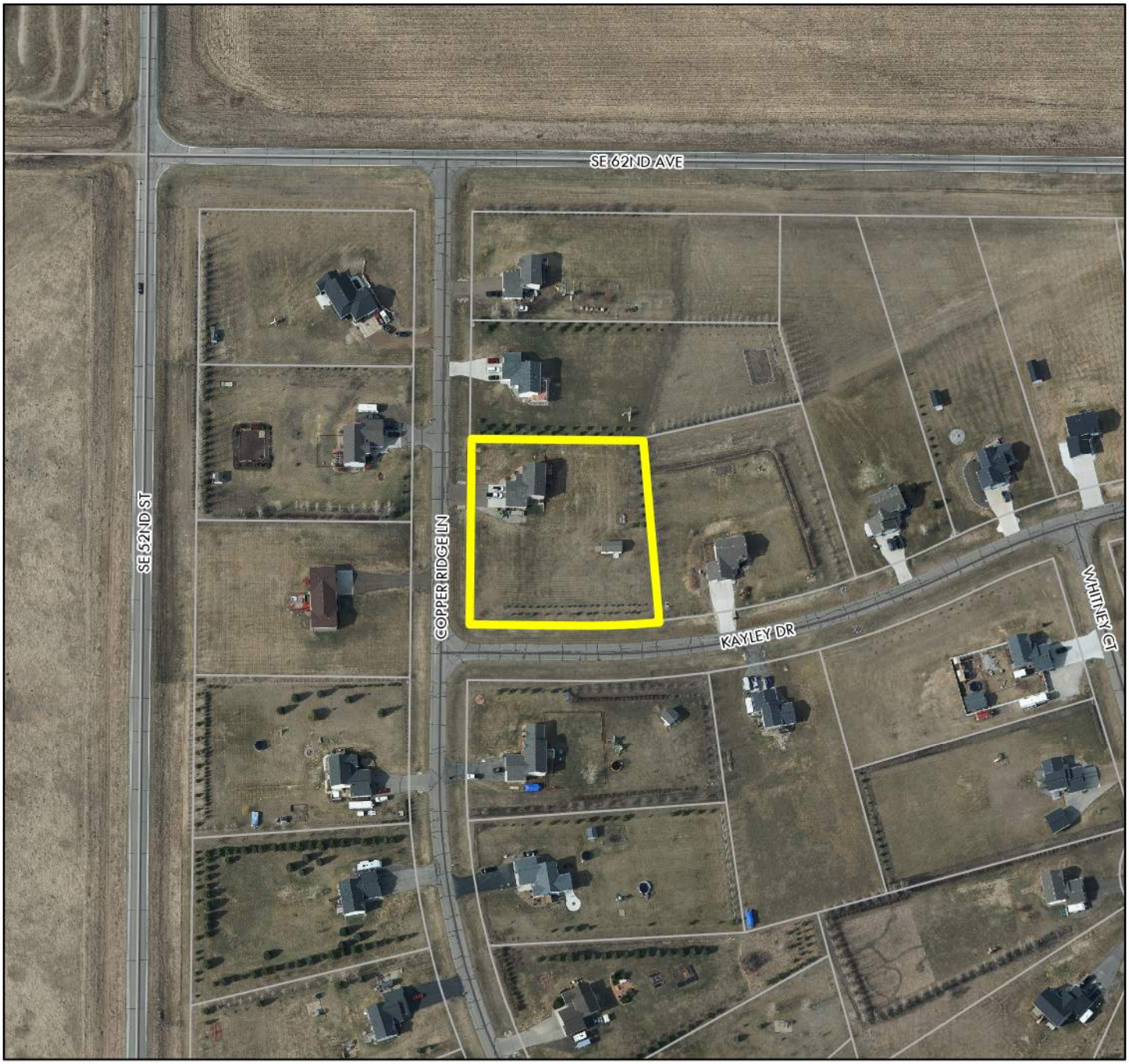
City of Bismarck
Community Development Department
Planning Division
May 24, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

COPPER RIDGE SUBDIVISION, L12, B5

SUP2021-005

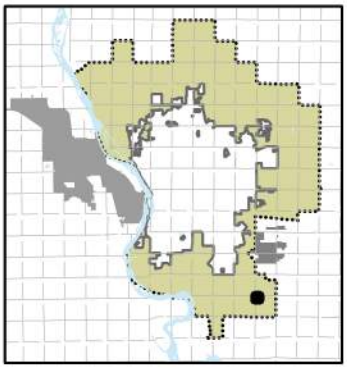


0 0.05 0.1 0.2 Miles

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Department
Planning Division
June 14, 2021

Zoning and Plan Reference Map

COPPER RIDGE SUBDIVISION, L12, B5

SUP2021-005

Zoning Districts

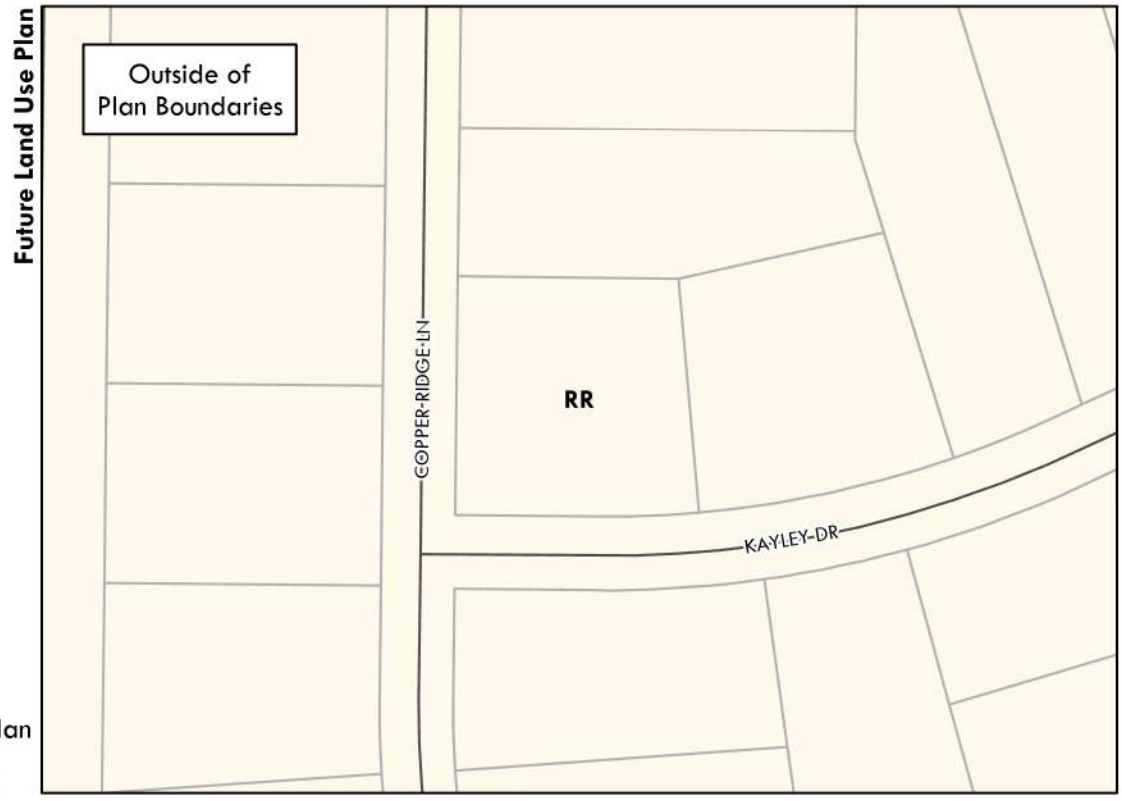
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

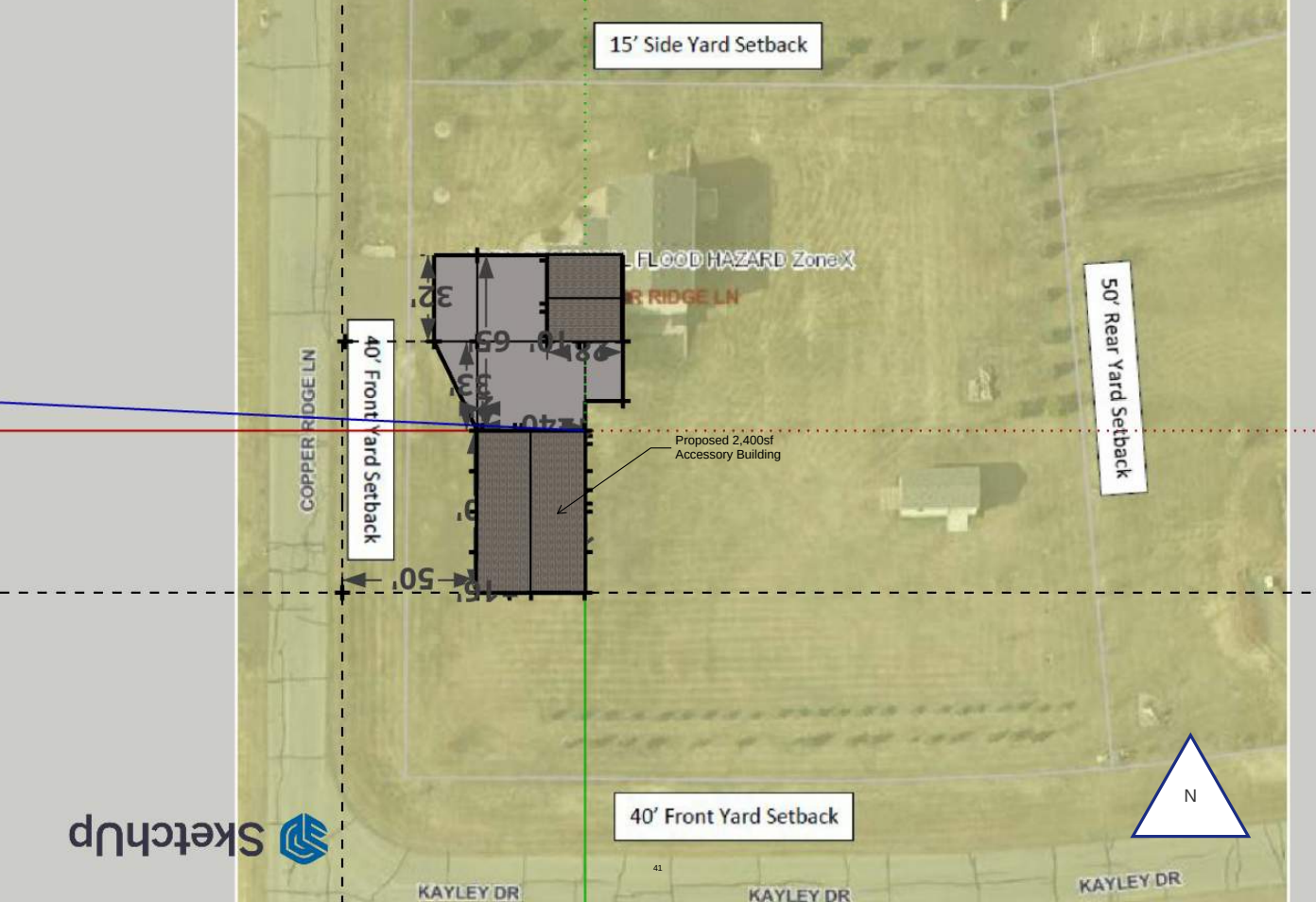
- Future Arterial Road
- Future Collector Road



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.03 0.05 0.1 Miles

City of Bismarck
Community Development Dept.
Planning Division
June 14, 2021


15' Side Yard Setback
FLOOD HAZARD Zone X
R RIDGE LN
COPPER RIDGE LN
40' Front Yard Setback
50' Rear Yard Setback
Proposed 2,400sf
Accessory Building
40' Front Yard Setback
N
KAYLEY DR
KAYLEY DR
KAYLEY DR

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

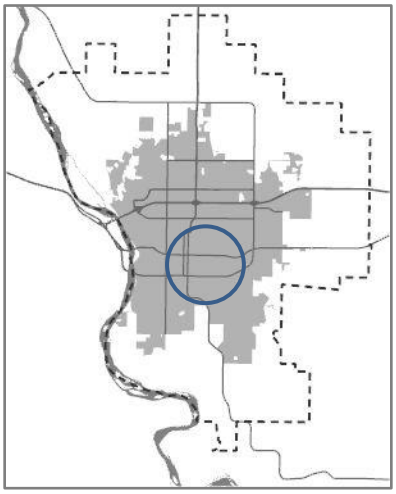
Agenda Item #7
June 23, 2021

Application for: **Special Use Permit**

Project ID: **SUP2021-006**

Project Summary

Title:	East 180 feet of Lot 1, less the North 44 feet, and the East 180 feet of Lots 2-4, Block 2, Airport Road Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Sheila Morris – applicant/pending owner Michael and Karen Obrien (in trust) – current owner
Project Contact:	Sheila Morris, Wee Folk Childcare
Location:	In Southeast Bismarck, north of East Bismarck Expressway and west of Airport Road on the west side of South 18th Street (910 South 18th Street)
Project Size:	1.24 acres
Request:	Convert existing building into child care center



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Vacant retail	*Land Use:*	Child care center
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	MA – Industrial	*Zoning:*	MA – Industrial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	*Uses Allowed:*	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density:	MA – N/A	*Max Density:*	MA – N/A

Property History

Zoned:	Pre-1980	*Platted:*	Pre-1980	*Annexed*:	Pre-1980

Staff Analysis

Sheila Morris, Wee Folk Childcare, is requesting approval of a special use permit to allow a child care center in the MA – Industrial zoning district on the East 180 feet of Lot 1, less the North 44

(continued)

feet, and the East 180 feet of Lots 2-4, Block 2, Airport Road Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 11th and June 18th, and 36 letters were mailed to the owners of nearby properties on June 11th.

Adjacent uses include single-family and two-family residential to the west, light industrial uses to the north and east and Bismarck Expressway to the south across South 17th Street.

The applicant states that up to 120 children would be served by the proposed child care center. The approximately 12,000 square foot building on the parcel was previously occupied by a Family Dollar, but it is currently vacant. An area currently fenced in and used for truck parking would be converted into an outdoor recreational area. A rubberized material will be used for groundcover and a new fence would be installed.

The following criteria from Section 14-03-08(4)q of the City Code of Ordinances (Special uses/Child Care Center) apply. The criteria from the ordinance are followed by a discussion about compliance:

1. *"Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation."*

   A total of approximately 7,200 square feet of space would be provided, divided into nine rooms. At maximum expected occupancy, this would yield approximately 60 square feet per child. This condition would be met.

2. *"Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines."*

   The proposed recreation area is approximately 7,100 Square feet in size, located on the north side of the lot. There are no side yard setbacks in the MA – Industrial zoning district. The area depicted on the attached site plan would be fenced in. The existing chain link fence would be replaced with a new opaque fence in the same location. The applicant would use the recreation area in classroom shifts with no more than 30 children using at any time. This complies with the ordinance requirements.

3. *"Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children."*

   A total of 37 parking spaces currently exist on the site, and all of this parking would be retained. Based on expected occupancy of 120 children and employment of 21, a total of 33 parking spaces would be required by ordinance. Sufficient parking exists on the property.

4. *"Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services."*

   The facility will conform to all applicable requirements of the International Building Code and the International Fire Code. An

(continued)

internal sprinkler system and fire alarm system will be required prior to occupation.

5. *"Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health."*

   The facility will conform to all applicable health and sanitation requirements.

All special use permits require landscaping provisions of the ordinance to be met, including on existing non-conforming sites such as this former retail building. A buffer yard would be installed on the west side adjacent to the residences, and landscaping would be installed to screen the existing parking lots from South 18th and South 17th Street. The City Forester would not require street trees beyond those required for the perimeter of the parking lot because of space constraints.

The site also does not currently have sidewalks adjacent to either street. Typically, development would trigger the installation of sidewalk along the public rights-of-way. However, given the lack of connections in this area and limited pedestrian travel to the north and east, the City Engineer would accept the installation of a sidewalk connection to the existing sidewalk facilities to the south along Bismarck Expressway, in lieu of sitewide sidewalk improvements with the dedication of an easement in the southeast corner of the subject property.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow a child care center on the East 180 feet of Lot 1, less the North 44 feet, and the East 180 feet of Lots 2-4, Block 2, Airport Road Addition, with the following conditions:

1. Modifications to the building are made to comply with fire code and building code requirements prior to occupation.
2. Required landscaping is installed prior to occupation.

(continued)

3. A sidewalk connection to the south linking the parcel to the existing sidewalk on Bismarck Expressway is installed.

Attachments

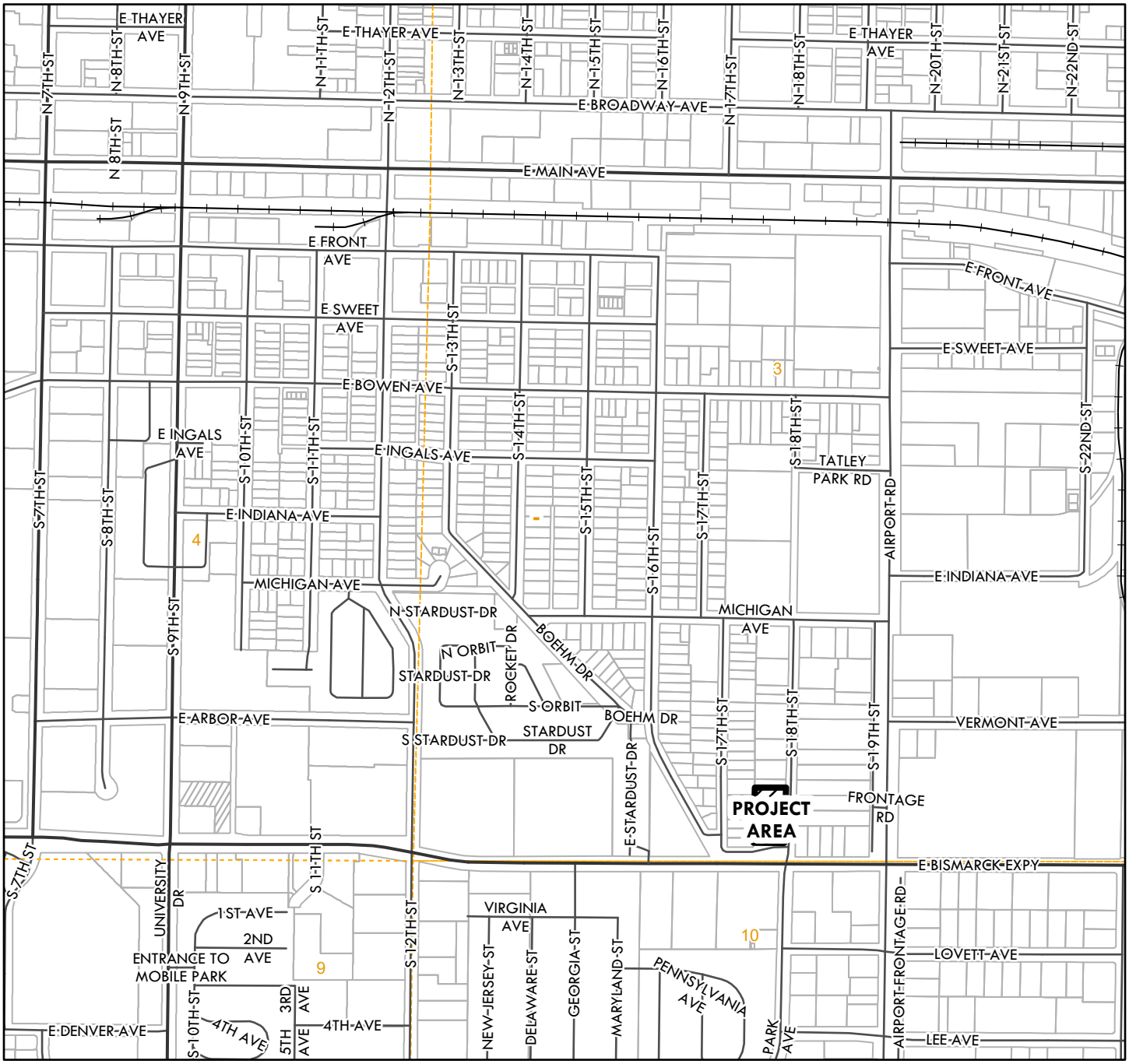
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan
5. Interior Layout

Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1854 | dnairn@bismarcknd.gov

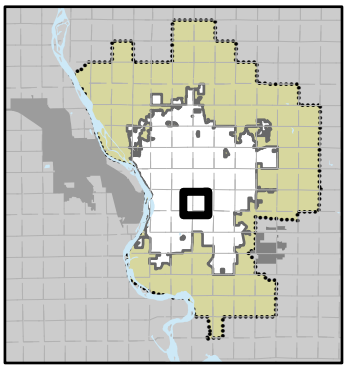
Location Map

AIRPORT ROAD ADDITION, PT L1, B2

SUP2021-006



0 0.17 0.35 0.7 Miles



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 28, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

AIRPORT ROAD ADDITION, PT L1, B2

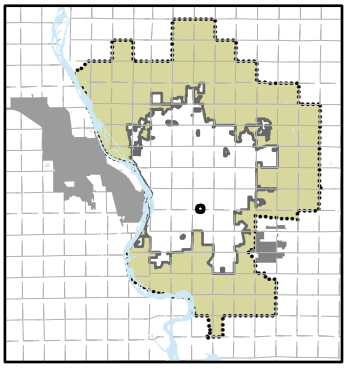
SUP2021-006

0 0.02 0.04 0.07 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Department
Planning Division
June 3, 2021

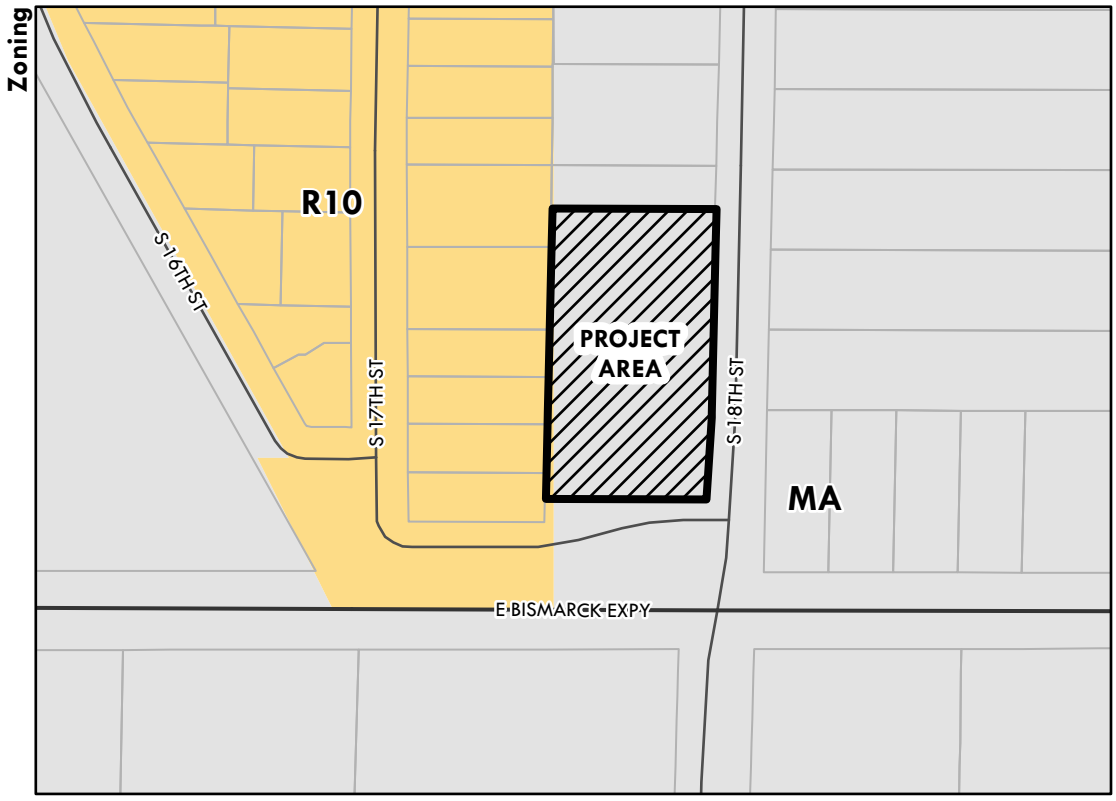
Zoning and Plan Reference Map

AIRPORT ROAD ADDITION, PT L1, B2

SUP2021-006

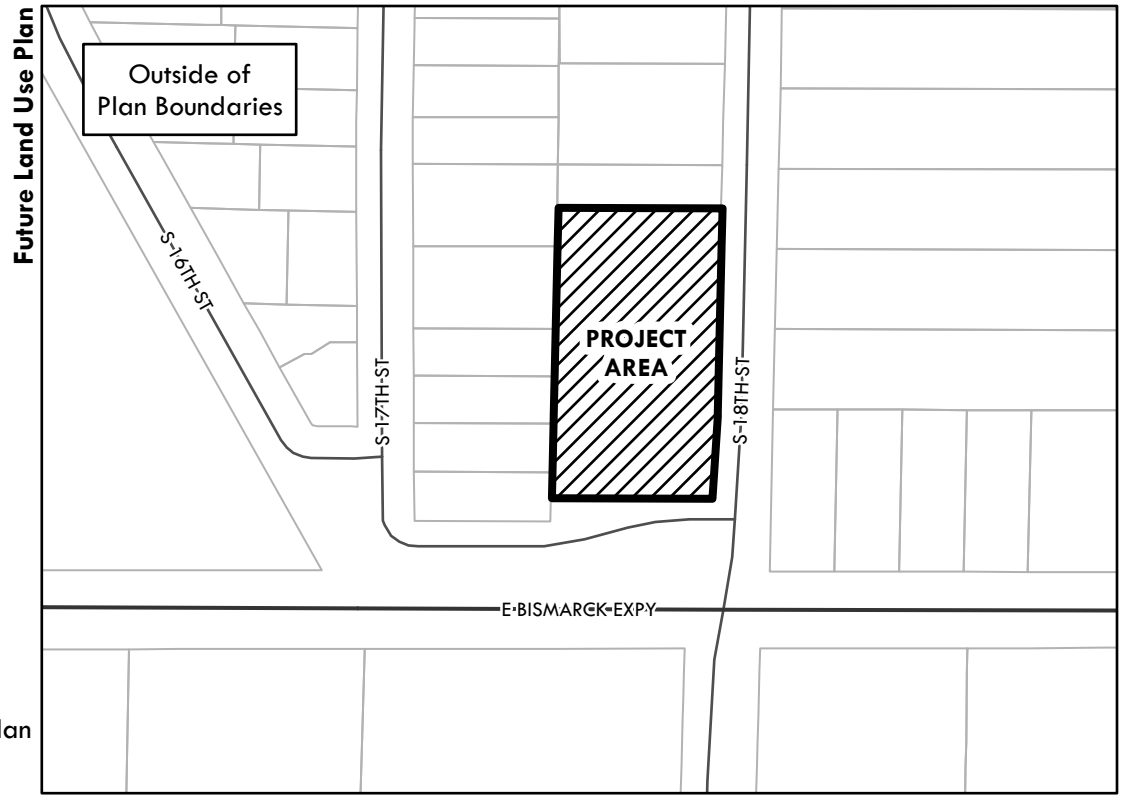
Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

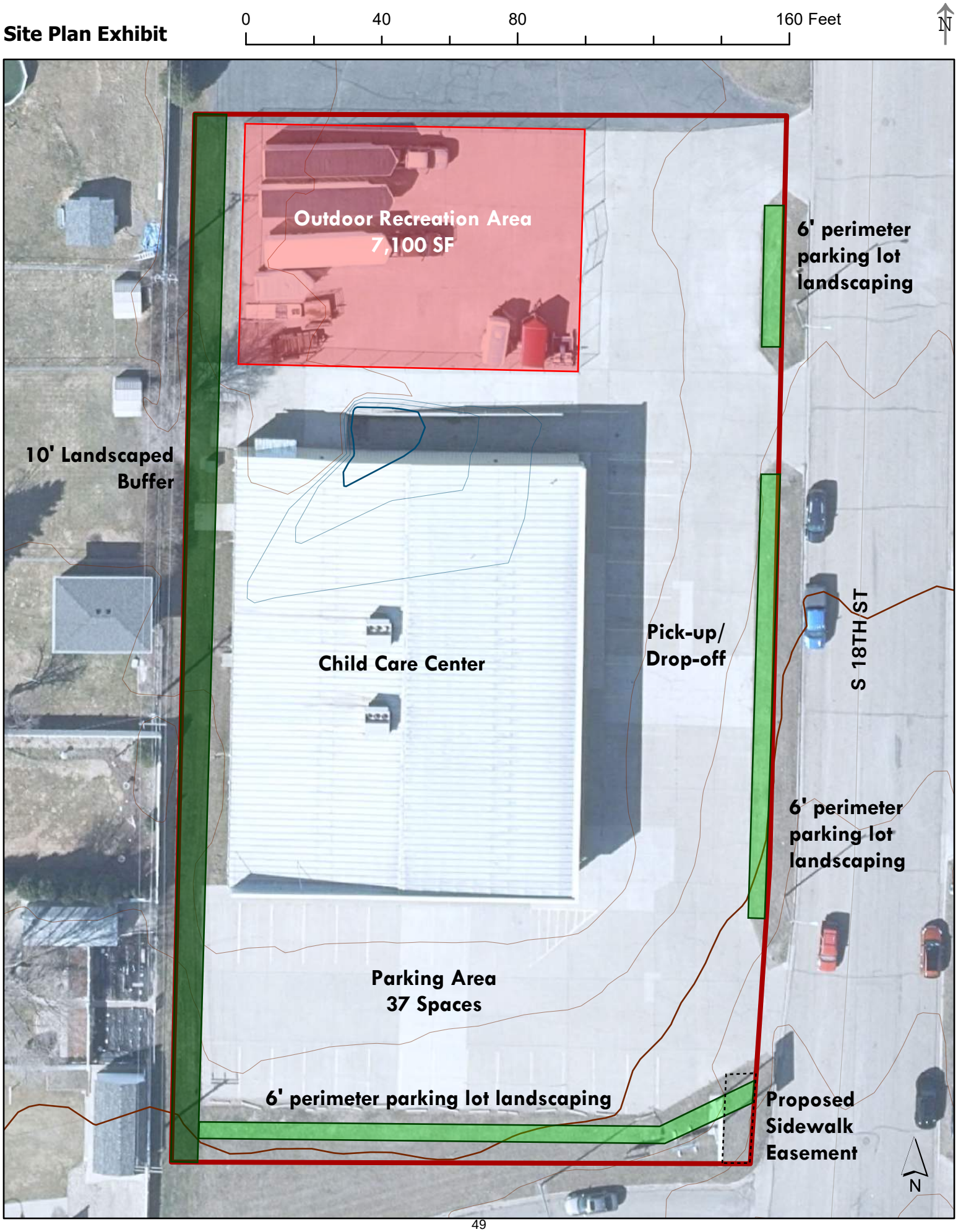
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Miles

0 0.03 0.05 0.1

City of Bismarck
Community Development Dept.
Planning Division
June 3, 2021

Site Plan Exhibit



Drawn by: DN | Confirmed by: Sheila Morris

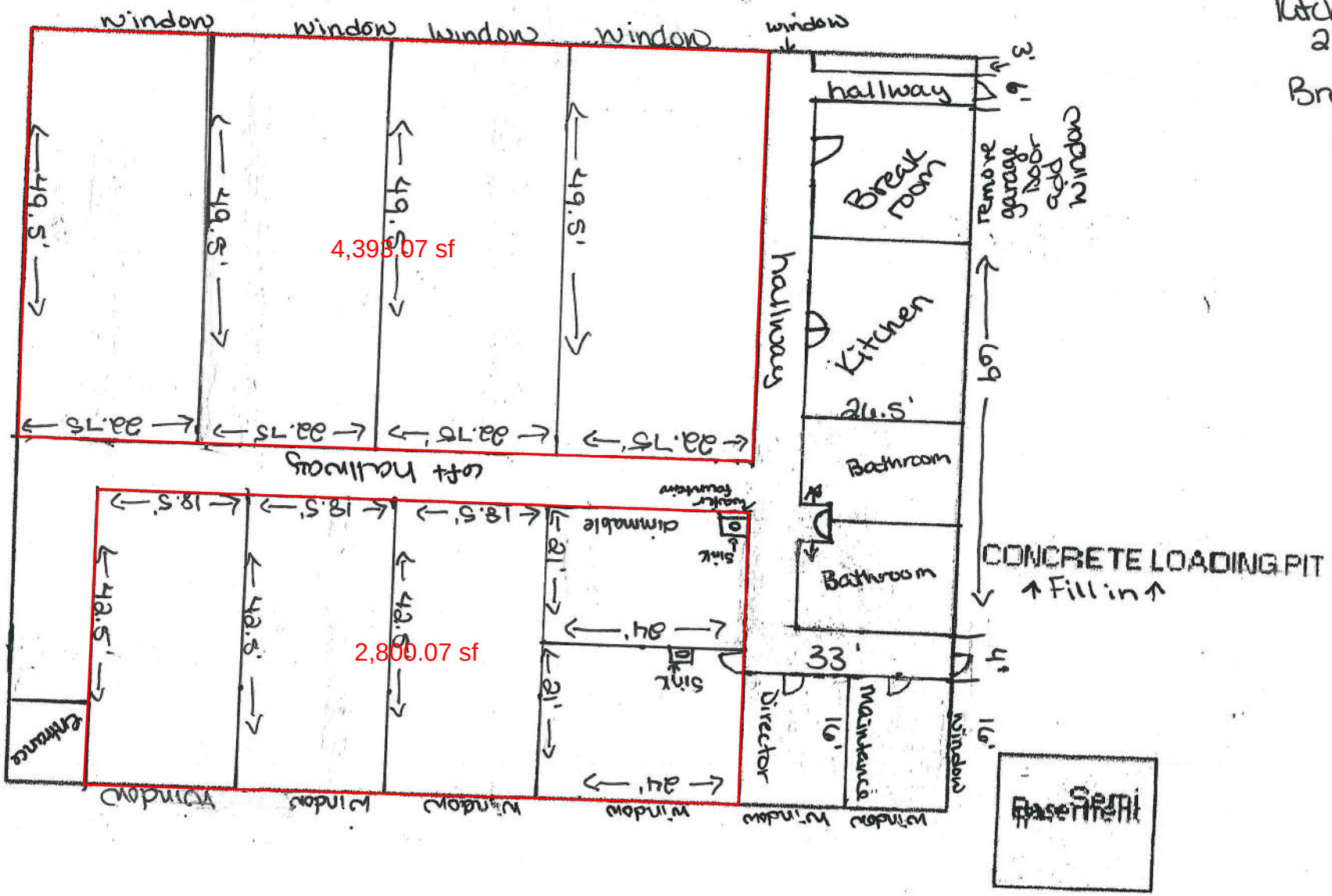
6/10/2021

BATHROOMS
23x26
(Both)

Kitchen
23x26

Break room
23x26

910 SOUTH 18TH STREET



Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

Agenda Item #8
June 23, 2021

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2021-003**

Project Summary

Title:	Accessory Structures Located in the Special Flood Hazard Area (SFHA)
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Jenny Wollmuth, AICP, CFM, Senior Planner
Section(s) Amended:	Section 14-04-19 (FP – Floodplain District)
Request:	Adopt revisions to construction and elevation requirements for accessory structures located with the Special Flood Hazard Area (SFHA)

Staff Analysis

The Community Development Department – Planning Division is initiating a zoning ordinance text amendment to revise the construction and elevation requirements for accessory structures located within the Special Flood Hazard Area (SFHA) or 100-year floodplain outlined in Section 14-04-19 of the City of Bismarck Code of Ordinances.

Accessory structures are buildings located on the same property as a principal building or house, and the use is incidental to the use of the principal structure. These structures are used for parking or storage, represent a minimal investment by owners, and have a low damage potential during a flooding event.

Background Information

The Bismarck City Commission, at their meeting of December 8, 2021, directed Planning staff to review and propose changes to ordinance requirements for accessory structures located within the SFHA.

A stakeholder group comprised of industry professionals and staff was formed in January 2021. This group reviewed FEMA and State guidelines, and peer community requirements for accessory structures located within the SFHA. Proposed changes to the existing elevation and construction requirements outlined in the draft ordinance are a result of their review.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 11th and June 18th.

Changes to Existing Requirements

The proposed changes would allow for accessory structures less than 600 square feet in area to be constructed below the Base Flood Elevation (BFE), according to floodproofing techniques approved by FEMA. Proposed changes would also allow accessory structures greater than 600 square feet in area to be constructed one foot above the BFE.

In order for these changes to be successful, definitions for accessory structure, agriculture structure, floodproofing(wet), non-conversion agreement and principal structure were added to the draft ordinance.

National Floodplain Insurance Program

The City of Bismarck and its Extra Territorial Area (ETA) is a participating community in the National

(continued)

Floodplain Insurance Program (NFIP). Participation in the NFIP is a State requirement for communities in North Dakota. Communities that participate in the NFIP must adopt a local floodplain ordinance that meets or exceeds FEMA and State requirements. Any modifications made to the City's floodplain ordinance, including construction and elevation requirements for accessory structures, must be reviewed by the State Floodplain Insurance Plan Coordinator and FEMA Floodplain Specialists for compliance with State and Federal Requirements. The proposed changes outlined in the draft ordinance have been reviewed and approved by both State and FEMA.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling approval of the zoning ordinance text amendment for Section 14-04-19 of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND SECTION 14-04-19 OF THE BISMARCK CODE OF ORDINANCES RELATING TO THE FP FLOODPLAIN DISTRICT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, BURLEIGH COUNTYNORTH DAKOTA:

Section 1. Amendment. Section 14-04-19 of the City of Bismarck Code of Ordinances relating to accessory structures located within the FP – Floodplain district is hereby amended and re-enacted to read as follows:

14-04-19. FP Floodplain District. In any FP floodplain district, the following regulations shall apply:

1. Statement of purpose. It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

a. To protect human life and health;

b. To minimize expenditure of public money for costly flood control projects;

c. To minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;

d. To minimize prolonged business interruptions;

e. To minimize damage to public facilities and utilities located in special flood hazard areas such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges;

DRAFT

f. To help maintain a stable tax base by providing for the use and development of special flood hazard areas so as to minimize future flood blight areas;

g. To ensure that potential buyers are notified that property is located in a special flood hazard area;

h. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions; and

i. To provide an increased level of protection in anticipation of future increases in the base flood elevation (BFE).

2. Methods of reducing flood losses. In order to accomplish its purposes, this section includes methods and provisions for:

a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood water elevations or flow velocities;

b. Requiring that uses vulnerable to flooding, including attendant utilities and facilities which serve such uses, be protected against flood damage at the time of initial construction;

c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or convey flood waters;

d. Controlling filling, grading, dredging, and other development which may increase flood damage; and

e. Preventing or regulating the construction of flood barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards in other areas.

3. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

DRAFT

” Accessory Structure” for floodplain management purposes means structures that are on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. Accessory structures are a single-story structure that may only be used for parking or storage, represent a minimal investment by owners, and have low damage potential. Structures that include the following uses are not considered accessory structures for floodplain management purposes: habitable spaces, bathrooms, toilet rooms, laundry facilities, and entertainment and recreational spaces including but not limited to workshops and game rooms.

“Agricultural Structure” for floodplain management purposes means structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this section or a request for a variance.

"Attendant utilities and equipment" means utilities, electrical, plumbing, heating, ventilation, and air conditioning equipment, as well as facilities and services associated with new construction.

"Base flood or 100-year flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the height of the base flood or 100-year flood, usually in feet above mean sea level, as designated on a FEMA published digital flood insurance rate map (DFIRM) or as determined by the storm water management plan prepared for the area in which the property is located.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Best available data (BAD)" means water elevation information from any source used to estimate or determine the base flood elevation (i.e., high water mark).

DRAFT

"Conveyance or hydraulic conveyance" means a geometric characteristic of a river or watercourse at a given location that determines the flow-carrying capacity at that location.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area.

"Fill" means materials such as soil, gravel, or crushed stone that is placed in an area and increases the ground elevation, whether or not that was the intention.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map (FIRM) or digital flood insurance rate map (DFIRM)" means the official map issued by the Federal Emergency Management Agency (FEMA) where special flood hazard areas are designated as Zone A, AE, AO, AH, A1-A30 or A-99.

"Flood insurance study (FIS)" means the official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the flood insurance rate map (FIRM), and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to partial or complete inundation by water from any source.

"Floodplain Administrator" means the person designated by the Director of Community Development to administer and enforce the City's floodplain regulations.

"Floodproofing (dry)" means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight to two (2) feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

"Floodproofing (wet)" means the use of flood damage resistant materials and construction techniques to minimize

DRAFT

flood damage to structures by intentionally allowing floodwater to enter and exit automatically (without human intervention) to minimize unequal pressure of water on walls (hydrostatic load or pressure). Wet floodproofing also requires structures to be anchored to resist flooding, have mechanical and utility equipment elevated or protected, and have flood openings installed in walls.

"Floodway or regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Letter of map amendment (LOMA)" means an official amendment to the currently effective flood insurance rate map (FIRM) which establishes that a property is not located in a special flood hazard area. A letter of map amendment (LOMA) is issued by FEMA.

"Letter of map revision (LOMR)" means an official amendment to the currently effective flood insurance rate map (FIRM) which is issued by FEMA and changes flood zones, delineations and elevations. A letter of map revision based on fill (LOMR(f)) is a LOMR issued by FEMA based on the placement of fill.

"Lowest floor" means the lowest floor of a structure including the basement and/or crawl space.

"Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle, but does include a mobile home.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this section.

"Non-residential" means any building or structure or portion thereof that is not classified as residential.

DRAFT

"Non-conversion agreement" means an agreement signed by applicants and property owners, affirming that the owners agree not to convert or modify in any manner that is inconsistent with approved permit (and variance conditions, when applicable).

"Pre-FIRM Building" means a building for which construction or substantial improvement occurred on or before December 31, 1974 or before the effective date of an initial Flood Insurance Rate Map (FIRM).

"Principal structure" for floodplain management purposes means a structure that is not an accessory structure. All principal structures must be constructed in accordance with the requirements applicable to residential construction or nonresidential construction as determined by the use of the structure.

"Post-FIRM Building" means a building for which construction or substantial improvement occurred after December 31, 1974 or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational vehicle" means a vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designated to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal uses. Recreational vehicles include, but are not limited to, travel trailers, trailers on wheels, park-model trailers and other similar vehicles.

"Residential" means:

a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;

DRAFT

b. Residential structures, including but not limited to one and two-family dwellings, multifamily dwellings, group dwellings, bed and breakfast facilities, hotels and motels; and

c. Institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, nursing homes, group homes, congregate care facilities, hospitals, medical centers, jails and detention centers.

"Special flood hazard area (SFHA)" means an area of land that would be inundated by a flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

"Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms.

"Storage tank" means any closed vessel used to store gases or liquids.

"Storm water management plan" means a document prepared in accordance with the provisions of Title 14.1 of the City Code of Ordinances to evaluate surface water runoff and flood risks within a development, plat or watershed; to document special flood hazard areas; and to determine the systems required to convey or control flood flows within and through the area.

"Structure" means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.

DRAFT

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value as assessed of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value as assessed of the structure either: before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this section which permits construction in a manner that would otherwise be prohibited by this section.

4. General provisions.

a. Jurisdiction. This section shall apply to all special flood hazard areas within the jurisdiction of the City of Bismarck, including all lands within the corporate limits of the City of Bismarck and the extraterritorial jurisdiction as provided for in Section 40-47-01.1 of the North Dakota Century Code, including areas specifically included in the jurisdiction of the City of Bismarck through agreement as approved by the Board of City Commissioners.

b. Basis for establishing the special flood hazard areas. The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report titled "The Flood Insurance Study for Burleigh County, North Dakota and Incorporated Areas", dated August 4, 2014, with an accompanying flood insurance rate map (FIRM), and as

DRAFT

subsequently updated by any Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR) and/or Letter of Map Revision Based on Fill (LOMR(f)) issued by the Federal Emergency Management Agency (FEMA), is hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study (FIS) is on file in the office of the Floodplain Administrator. Special flood hazard areas may also be designated in a storm water management plan prepared for a development, plat or watershed.

c. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations, unless a valid building permit was in place prior to July 27, 2010, except as provided for in subsection 6(b)(5) (additions to existing structures).

d. Greater restrictions. This section is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this section and another section of the City Code of Ordinances, an easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

e. Interpretation. In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the City of Bismarck; and

3. Deemed neither to limit nor repeal any other powers granted to the City under the North Dakota Century Code or the Home Rule Charter for the City of Bismarck.

f. Warning and disclaimer of liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the special flood hazard areas or uses permitted within such areas

DRAFT

will be free from flooding or flood damages. This section shall not create liability on the part of the City of Bismarck, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA) for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

g. Letter of Map Revision (LOMR). Development on any parcel for which a Letter of Map Revision (LOMR) has been issued shall comply with all of the requirements and recommendations as contained therein. Development on any parcel for which a LOMR has been issued shall be constructed in accordance with the provisions of FEMA Technical Bulletin 10-01.

h. Non-conforming Status. Any structure constructed with the lowest floor elevated as required by the regulations in effect at the time of construction shall be considered a non-conforming structure for the purposes of this section, provided the lowest floor of said structure is elevated on fill and/or a permanent foundation to at least one (1) foot above the base flood elevation.

5. Administration.

a. Establishment of a development permit. A development permit shall be obtained before construction or development begins within any special flood hazard area established in subsection 4(b) (basis for establishing the special flood hazard areas). Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level (NAVD88), of the lowest floor (including basements and/or crawl spaces) of all structures;

2. Elevation in relation to mean sea level (NAVD88) to which any structure has been floodproofed;

DRAFT

3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in subsection 6(b)(2) (nonresidential construction); and

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Establishment of a non-structural development permit. A non-structural development permit shall be obtained before any land disturbing activity begins within any special flood hazard area established in subsection 4(b)(basis for establishing the special flood hazard areas). Application for a non-structural development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; proposed elevations upon completion of the land disturbing activity; the type of fill being used, if fill is proposed; and a description of the extent to which any watercourse will be altered or relocated as a result of proposed land disturbing activity.

c. Administration by the Floodplain Administrator. The Floodplain Administrator, as defined herein, shall administer and implement this section by granting or denying development permit and non-structural development permit applications in accordance with its provisions.

d. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

1. Permit application review.

a. Review all development permit applications and non-structural development permit applications to determine that the permit requirements of this section have been satisfied.

DRAFT

b. Review all development permit applications and non-structural development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

c. Review all development permit applications and non-structural development permit applications to determine if the proposed development or land disturbing activity is located in the floodway. If located in the floodway, assure that the encroachment provisions of this section are met.

2. Use of other base flood data. When base flood elevation data has not been provided in accordance with subsection 4(b) (basis for establishing the special flood hazard areas), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available (known as best available data (BAD)) from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with subsection 6(b) (specific standards).

3. Information to be obtained and maintained.

a. Obtain and record the actual elevation (in relation to mean sea level in NAVD88) of the lowest floor (including basement and/or crawl space) of all new or substantially improved structures, and whether or not the structure contains a basement and/or crawl space.

b. For all new or substantially improved floodproofed structures:

i. Obtain and record the actual elevation (in relation to mean sea level in NAVD88) to which the structure has been floodproofed; and

DRAFT

ii. Maintain the floodproofing certifications required in subsection 5(a)(3).

c. Maintain for public inspection all records pertaining to the provisions of this section.

4. Alteration of watercourses. The Floodplain Administrator shall:

a. Notify nearby communities, water resource districts, and the North Dakota State Engineer, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished; and

c. Notify the appropriate water resource district prior to removal or placement of fill within two hundred (200) feet of the ordinary high water mark of a body of water during normal flow or stage.

5. Interpretation of flood insurance rate map (FIRM) or digital flood insurance rate map (DFIRM) boundaries. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 7 (variance procedure). The Floodplain Administrator may require information be submitted by a registered land surveyor.

6. Provisions for flood hazard reduction.

a. General standards. In all special flood hazard areas the following standards are required:

DRAFT

1. Anchoring.

a. All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. Construction materials and methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Such facilities shall be located in areas that have been elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation for residential structures and manufactured homes.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

DRAFT

b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and

c. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. Base flood elevation data shall be provided for all subdivision proposals and other proposed developments. Elevation data must be provided in NAVD88 for areas with a flood insurance rate map (FIRM) or other base flood elevation data in that datum.

b. Specific standards. In all special flood hazard areas where base flood elevation data have been provided as set forth in subsection 4(b) (basis for establishing the special flood hazard areas) or subsection 5(d)(2) (use of other base flood data), the following provisions are required:

1. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation.

DRAFT

2. Nonresidential construction. Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed to at least two (2) feet above the base flood elevation, so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator as set forth in subsection 5(d)(3) (information to be obtained and maintained).

3. Manufactured homes.

a. Manufactured homes shall be anchored in accordance with subsection 6(a)(1) (anchoring).

b. All manufactured homes or those to be substantially improved shall be on a permanent foundation, have the lowest floor of the manufactured home elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation, and be securely anchored to an adequately anchored foundation system.

4. Attached garages, decks and landings providing primary access.

DRAFT

a. Garages attached to any residential structure, non-residential structure or manufactured home shall be subject to the same construction requirements as the residential structure, non-residential structure or manufactured home to which it is attached.

b. Decks and landings providing access to the primary entrance of a residential structure, non-residential structure or manufactured home shall be subject to the same construction requirements as the residential structure, non-residential structure or manufactured home to which it provides access.

~~c. Accessory buildings over one hundred twenty (120) square feet in area for residential structures, non-residential structures and manufactured homes shall be subject to the same construction requirements as the residential structure, non-residential structure or manufactured home to which it is accessory.~~

5. Accessory structures.

a. Accessory structures defined within this section that are not greater than 600 square feet in area may be constructed with the lowest floor below the base flood elevation in accordance with the following wet floodproofing requirements:

i. Must be anchored to resist floatation, collapse and lateral movement.

ii. Must have structural and non-structural components constructed of flood damage resistant material to an elevation of at least two feet above the base flood elevation. Flood damage materials must meet or exceed the requirements of the most recent version of FEMA Technical Bulletin 2;

iii. Must be provided with flood openings designed to equalize the hydrostatic

pressure of flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. Flood opening designs must meet or exceed the requirements of the most recent version of FEMA Technical Bulletin 1;

iv. Must have mechanical, electrical and utility equipment elevated at least two-feet above the base flood elevation or specifically designed to prevent water from entering or accumulating within the components during flooding in accordance with the most recent version of FEMA Technical Bulletin P-348; and,

v. Prior to the issuance of a building permit for the structure, the property owner must submit a signed non-conversion agreement to the City of Bismarck. The non-conversion agreement must be recorded with the Burleigh County Recorder.

b. Accessory structures defined within this section that are greater than 600 square feet in area may be constructed with the lowest floor one foot above the base flood elevation in accordance with the following requirements.

i. Must have mechanical, electrical and utility equipment elevated at least two-feet above the base flood elevation or specifically designed to prevent water from entering or accumulating within the components during flooding in accordance with the most recent version of FEMA Technical Bulletin P-348; and,

ii. Prior to the issuance of a building permit for the structure, the property owner must submit a signed non-conversion agreement to the City of Bismarck. The non-conversion agreement must be recorded with the Burleigh County Recorder.

d. Accessory structures that are not enclosed and do not have more than one ridged wall may be constructed at grade in accordance with the following requirements.

i. Must have structural and non-structural components constructed of flood damage resistant material to an elevation of at least two feet above the base flood elevation. Flood damage materials must meet or exceed the requirements of the most recent version of FEMA Technical Bulletin 2;

ii. Must have mechanical, electrical and utility equipment elevated at least two-feet above the base flood elevation or specifically designed to prevent water from entering or accumulating within the components during flooding in accordance with the most recent version of FEMA Technical Bulletin P-348; and,

iii. Prior to the issuance of a building permit for the structure, the property owner must submit a signed non-conversion agreement to the City of Bismarck. The non-conversion agreement must be recorded with the Burleigh County Recorder.

~~5~~6. Additions to existing structures.

a. Any addition to any existing residential structure, non-residential structure, manufactured home, garage, deck, landing or accessory ~~building~~ structure that is considered a post-FIRM building and is not deemed a substantial improvement may be constructed with the lowest floor at the same elevation as the existing structure, provided the lowest floor of the existing structure is elevated on fill and/or a permanent foundation to at least one (1) foot above the base flood elevation. Any addition to any existing residential structure, non-residential

structure, manufactured home, garage, deck, landing or accessory ~~building~~ structure that is considered a pre-FIRM building and is not deemed a substantial improvement may be constructed with the lowest floor at the same elevation as the existing structure.

c. Floodways. Floodways are designated areas located within the special flood hazard areas established in subsection 4(b) (basis for establishing the special flood hazard areas). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If the preceding subsection is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection 6 (provisions for flood hazard reduction).

~~7~~8. Variance procedure.

a. Board of Adjustment. The Board of Adjustment, as established in Chapter 14-06 of the City Code of Ordinances (Board of Adjustment), shall hear and decide appeals and requests for variances from the requirements of this section.

b. Appeals. An appeal may be filed by any person, firm, or corporation aggrieved, or by any governmental officer, department or board affected by any decision or determination made by the Floodplain Administrator in the enforcement or administration of this section, in accordance with the provisions of Sections 14-06-02 (Powers and Duties) and 14-06-03 (Appeal Procedures).

c. Variances. An application for a variance may be made by any person, firm, or corporation with a legal

DRAFT

interest in the property for which the variance is being sought, in accordance with the provisions of Sections 14-06-02 (Powers and Duties) and 14-06-03 (Appeal Procedures).

d. In considering appeals and variance applications, and in addition to the requirements outlined in Section 14-06-02 (Powers and Duties), the Board of Adjustment shall consider all technical evaluations, all relevant factors, and the standards specified in this section, including:

1. The danger to life and property due to flooding or erosion damage;

2. The danger that materials may be swept onto other lands to the injury of others;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with the existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

DRAFT

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e. Upon consideration of the factors in subsection (7)(d) and the purposes of this section, the Board of Adjustment may attach such conditions to the granting of a variance as it deems necessary to further the purpose of this section.

f. Conditions for variances.

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.

2. Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

DRAFT

g. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation lower than two (2) feet above the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

h. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances granted to the Federal Emergency Management Agency (FEMA) upon request.

~~8~~9. Penalties for Violations. Penalties for violation of this section shall be in accordance with the provisions of Chapter 14-05 (Enforcement) of the City Code of Ordinances.

(Ord. 4137, 5-26-87; Ord. 4737, 11-14-95; Ord. 4948, 10-13-98; Ord. 5037, 03-14-00; Ord. 5259, 05-27-2003; Ord. 5423, 05-24-05; Ord. 5728, 05-26-09; Ord. 5779, 07-27-10 and 08-10-10; Ord. 5811, 03-22-11; Ord. 6028, 01-28-14; Ord. 6068; 06-24-14; Ord. 6173, 10-27-15)

Section 2. 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 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

DRAFT

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 26, 2021

The Bismarck Planning & Zoning Commission met on May 26, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, many of the Planning and Zoning Commissioners and staff participated in the meeting remotely via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Steve Bakken, Cole Johnson, Vernon Laning, Paul Levchak, Gabe Schell, Mike Schwartz, Trent Wangen and Paul Zent. Hay Creek Township Board of Supervisors member Shelly Hagel was also present.

Commissioners Brian Bitner, Kevin Martin and Wendy Van Duyne were absent.

Staff members present were Hilary Balzum – Community Development Senior Administrative Assistant, Jannelle Combs – City Attorney, Ben Ehreth – Community Development Director, Will Hutchings – Planner, Kim Lee – Planning Manager, Daniel Nairn – Senior Planner and Jenny Wollmuth – Senior Planner.

INTRODUCTION OF NEW PLANNING AND ZONING COMMISSIONER COLE JOHNSON

Chair Schwartz introduced Cole Johnson as a new Planning and Zoning Commissioner. Commissioner Johnson said he has lived in Bismarck since 2015 and currently works for Sanford Health in their Planning and Construction Department. He said he has previous experience as an architect and is excited to serve on this Commission.

MINUTES

Chair Schwartz called for consideration of the minutes of the April 28, 2021 meeting.

Commissioner Levchak said a correction is needed to the motion for the J & L Addition zoning change as he opposed approval of that request. Staff said they would check the motion and make the needed correction prior to publication of the minutes.

MOTION: Commissioner Bakken made a motion to approve the minutes of the April 28, 2021 meeting, with the indicated correction. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

CONSIDERATION

2. **FLOODPLAIN REGULATIONS – ZONING ORDINANCE TEXT AMENDMENT**
3. **FAIRVIEW CEMETERY ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**
4. **BODEN ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**

MOTION: Based on the findings contained in the staff reports, Commissioner Bakken made a motion to approve consent agenda items 2-4, calling for public hearings on the items or granting tentative approval as recommended by staff. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION
LOTS 4-14, BLOCK 2, LOT 1, BLOCK 3 AND LOTS 1-9 AND LOTS 23-29, BLOCK 4, BOULDER RIDGE SEVENTH ADDITION FIRST REPLAT

Chair Schwartz called for final consideration of the annexation of Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat. The property is located in north Bismarck, west of North Washington Street and south of 57th Avenue NE.

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the annexation:

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.

2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.

5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on these findings, staff recommends approval of the annexation of Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT
RBK VENTURES SECOND SUBDIVISION

Chair Schwartz called for the public hearing on the final plat and the zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district for RBK Ventures Second Subdivision. The proposed plat is one lot in one block on 19.2 acres and is located northeast of Bismarck, east of US Highway 83 and south of 71st Avenue NE, along the east side of North 19th Street (Auditor's Lot B in the NE¼ less RBK Ventures Subdivision, Section 10, T139N-R80W/Hay Creek Township).

Ms. Wollmuth gave an overview of the requests, including the following findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is compatible with adjacent land uses and zoning.

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The Hay Creek Township Board of Supervisors has recommended approval of the proposed zoning change.

5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a major subdivision final plat have been met.

2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.

4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer.

5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.

6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed final plat.

7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.

8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.

10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district, as outlined in the draft ordinance attached to the staff report, and approval of the major subdivision plat for RBK Ventures Second Subdivision.

Commissioner Laning asked what the plans are for the turning lanes from 71st Avenue NE in this location, as he has witnessed traffic issues in the area firsthand.

Ms. Wollmuth said there are two existing access points along the north side of RBK Ventures Subdivision, the subdivision to the north of this one. She stated that these access points are planned to be removed in the future which may remedy some of those issues.

Commissioner Levchak said a construction site nearby recently allowed a turning lane for trucks which caused issues and he continues to have concerns regarding traffic and he is reluctant to approve these requests.

Chair Schwartz opened the public hearing.

Landon Niemiller said the two access points on 71st Avenue NE would be removed and the intended use of the proposed plat would be similar to the original RBK Ventures Subdivision to the north although for cold storage only. He said it would likely generate less traffic than anticipated.

Commissioner Laning asked if there would be trailers being pulled in or that type of activity, as towing and heavy trucks could increase hazards.

Mr. Niemiller said the area or access within this plat would be paved north up to 71st Avenue NE to better accommodate that type of access.

Commissioner Levchak asked if there is a buffer proposed to screen for the houses on the other side of the railroad tracks. Mr. Niemiller said that is the plan and the ordinance requires intensive landscaping for that type of adjacent use adjacent to residential housing in order to appropriately screen.

Shelly Hagel, Hay Creek Township, said Hay Creek Township did recommend approval of the requests but they are wondering about fencing with the landscape to act as a windbreak from construction and other garbage.

Mr. Niemiller said the ordinance allows for various screening options and a fence would be one possibility that can be explored.

Ms. Hagel asked what the hours of operation might be and how noise would be controlled.

Mr. Niemiller said there would not be set hours but they can keep that open for discussion. He said this use is not typically active at night as the use is more recreation-type storage.

Ms. Hagel said she is concerned about those hazards next to a residential area.

Commissioner Bakken asked if this would be a secured facility such as fenced with limited access. He said he would like to see some light pollution mitigation efforts as well.

Mr. Niemiller said it is not likely that the site would be completely enclosed but he can work with the developer as the site plan develops, including various lighting options to minimize light pollution.
Commissioner Levchak asked if the Northstar Acres residents were notified and if any questions were raised by them.

Ms. Wollmuth said the owners along North Star Acres Road and along the west side of Selland Loop are located in the notification boundary and staff did receive one email comment which was shared prior to the meeting.

Additional written comments are attached as Exhibit A.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to recommend approval of the zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district, as outlined in the draft ordinance, and approval of the major subdivision plat for RBK Ventures Second Subdivision. Commissioner Johnson seconded the motion and the motion was approved with Commissioners Bakken, Johnson, Schell, Schwartz, Wangen, Zent and Ms. Hagel voting in favor of the motion. Commissioners Laning and Levchak opposed the motion.

PUBLIC HEARING – ZONING CHANGE
LOTS 2-4, BLOCK 1, NORTHRIDGE ESTATES COMMERCIAL PARK

Chair Schwartz called for the public hearing on a zoning change from the CA – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way. The property is located north of Bismarck, along the east side of North Washington Street and the north side of ND Highway 1804.

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is not necessarily compatible with adjacent land uses and zoning, however additional landscape and design standards will alleviate most incompatibilities.

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The Hay Creek Township Board of Supervisors has recommended denial of the proposed zoning change.

5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

7. The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located.

8. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways.

9. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated.

10. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.

11. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

12. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

13. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Hutchings said based on these findings, staff recommends approval of the zoning change from the CA – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way, as outlined in the PUD ordinance attached to the staff report.

Commissioner Levchak said septic tanks are indicated on the supporting documents but there does not appear to be a drain field and asked where that would be placed.

Mr. Hutchings said that would be analyzed further at the site plan review stage to ensure the placement of the drain field complies with any requirements.

Chair Schwartz opened the public hearing.

Jake Hendricks, Five Star Storage, said staff has articulated their request well and added that the needed drain fields are the two circular areas that are mistakenly identified as septic tanks on the site plan. He added that he can answer any other questions related to the request.
Ms. Hagel said a perimeter fence was referenced but is not indicated on the site plan and asked what kind of fence is planned. She asked if there would be limited business hours because of the adjacent residential areas and what the allowable activities might be. She said there are some concerns related to the crime rate associated with storage facilities.
Mr. Hendricks said the general development is to be upscale self-storage with some of the buildings to be used as perimeter fencing with decorative fencing in between, depending on what the landscape ordinance allows.

Ms. Hagel said there are also concerns regarding the proximity of the storage units to the houses as far as noise goes, and given there are abilities for fences to be climbed, asked if there would be an on-site manager or security guards.

Ben Hendricks, Chief Operating Officer, Five Star Storage, said their facilities have set access of 5AM to 10PM, seven days a week. She said there would be a high security gate access for customers only which allows entry of information into a software system in order to track activity. He said this has helped a lot to reduce crime at their other locations and they make access by those not allowed as difficult as possible. He said they love state of the art technology and have excellent surveillance equipment, making their product worthwhile for both their business and the community. He said it is in their rental agreements that the units are not to be used for mechanical shops, hazardous storage and that diligence sets them apart. He said self-storage can have a reputation, but this concept is very different, adding that their clients like the atmosphere as opposed to an industrial-type location. He said they notified the surrounding neighborhood and a few people did show up to their offered meeting to discuss their concerns. He said he feels those who participated were supportive of their request and the immediately adjacent property owners have submitted their support of the request in writing as well.

Commissioner Levchak said there is water detention area to the east and asked if there is an outlet for stormwater as well.

Ben Hendricks said that area is for water retention rather than detention so the stormwater should flow naturally into the ditches. He said he will double check with their engineer.

Chair Schwartz asked if they have had any issues at their other locations.

Ben Hendricks said their issues have been minimal and mostly related to technical issues, such as a gate not opening when it is supposed to, and there is assistance for those types of needs. He said as security options improve crime goes down. He said the sites stay generally quiet with approximately 20-30 people per day.

Commissioner Zent asked if security would be on-site full-time. Ben Hendricks said that is correct.

Commissioner Levchak asked where their other locations are. Ben Hendricks said they have one location south of Legacy High School, which is their home office, and one south of Airport Road, both with improved security measures.

Commissioner Levchak asked if they are 100% utilized. Ben Hendricks said they have almost 1,000 units total and have approximately 20 units vacant. He said these allow a great opportunity for residents to move items off their properties which can help neighborhoods appear cleaner.

Mr. Niemiller said he represents Mr. Ron Knutson who wanted to share his desire for this request to be denied. He said the use is industrial in nature and the Future Land Use Plan identifies the location to be mixed use commercial and residential.

Lindsey Kostelecky, 401 Crestridge Lane, said she saved for her dream home in Northridge Estates and understands the reality that eventually this area will be annexed, but asked that it be done so intelligently. She said she does not see a need for storage like this in this location as it does not benefit the adjacent owners along Highway 1804 and North Washington Street. She said traffic will be a problem with trucks and trailers needing access in a dangerous location. She said instead of self-storage units the growth should be more common sense by adding more residential uses instead. She said this is not wanted and Hay Creek Township opposes the request and that should be respected as well.

Jake Hendricks said Mr. Knutson is a competitor so his opposition to the request goes without saying. He said he cannot speak to the annexation concern and added that traffic would be minimal and not of the tractor-trailer or semi-trailer kind. He said other existing uses allowed now would be heavier industrial uses allowing large truck traffic. He said they were not aware of the Hay Creek Township meeting, but they would have attended it and are unsure who participates in them. He said those owners directly adjacent to this location have not expressed those concerns and added that many of the currently-allowed uses under the current zoning would not highly benefit the surrounding area.

Ben Hendricks said they are often asked who their clients are and mostly they are people who have had a life event such as a birth, death in the family, a new job or lost job, college students and those who need estate storage, so it is not only those who live directly near the site who need this service. He said ninety percent of the traffic is family vehicles, minivans and small trucks.

Ms. Kostelecky said she is not against storage but she shares the same feelings as Mr. Knutson as a respected property owner and developer. She said the point is to deny the storage use as outlined in the PUD ordinance because it is not appropriate as an adjacent use. She said she does not want light industrial placed right next to residential just because they are the first ones to ask for it. She also asked what the recourse is if what is proposed is not exactly how it turns out or what the guarantee is that the crime will be less and the aesthetics will be exactly what has been shared.

Jake Hendricks said he cannot speak to any conversations had between Ms. Kostelecky and Mr. Knutson, but he wants to ensure the letter of support from the adjacent owners was shared. He added that because of the PUD ordinance they will have to abide by the requirements of that very particularly written ordinance.

Commissioner Bakken asked if there are concerns related to the access to the site.

Commissioner Schell said sight distances can be improved with roadway construction measures and, there being low traffic volumes in that area now, it is not concerning with a potential storage use.

Commissioner Bakken asked if there are emergency access concerns. Commissioner Schell said not as it relates to the zoning change, but it is more an issue of whether it is the best use for that location and weighing timelines of the future development of the other three corners of the intersection.

Commissioner Johnson said the staff report indicates that this request aligns with the Growth Management Plan and the intent and purpose of the zoning ordinance but it seems to not if it was to be a commercial land use and if another self-storage request was denied. He also inquired about what limits another commercial development at this time.

Mr. Hutchings said they have had requests for commercial development but the hinderance has been the lack of municipal services being available. He said this use would only require internal fire suppression via a storage tank. He said the Future Land Use Plan does not delineate the specific use type, only the classification, and staff determined this could also be considered a commercial use, as many peer communities classify it as such.

Commissioner Bakken said he is uncomfortable approving this request until there is a better handle on what else could be developed here and asked if there is a timeframe for when the comprehensive plan being worked on now might be complete.

Mr. Ehreth said the update is scheduled to be complete around December 2022, so the potential development options for the rest of that area would not be immediately determined at this time.

Additional written comments both in favor and opposition to the request are attached as exhibits B-H.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Commissioner Bakken made a motion to deny the zoning change from the CA – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way, as outlined in the draft PUD ordinance. Commissioner Levchak seconded the motion and with Commissioners Bakken, Johnson, Levchak, Schell, Wangen and Zent voting in favor of the

motion and Commissioners Laning, Schwartz and Ms. Hagel opposing the motion, the motion was approved.

Commissioner Bakken said he has concerns regarding what the future of what that area holds, and until the comprehensive plan is complete he is hesitant to change any of the zoning.

Commissioner Laning said he feels storage would be suited for the area considering the low amount of traffic, but considering the neighborhood and township concerns maybe the timing is not appropriate for this use.

Chair Schwartz asked what the overall opinion of Hay Creek Township is. Ms. Hagel said if a presentation had been offered to them they could have had more information to consider. She said she feels the need to keep the recommendation as it is on the resolution. She said this has the potential to be a nice development, but she feels a lot of questions could have been offered sooner but she has to stand by the concerns presented by the Township Board. She said be it timing or other issues the developer is still welcome to visit with the township and the adjacent residents.

Commissioner Schell said the PUD ordinance would lock in the design aesthetics, but maybe not other business practices especially if the business ownership changes.

Chair Schwartz said these would be nice facilities and the other two corners are likely to be developed but the struggle is of the amount of opposition to the request, so it is difficult to support it.

Commissioner Bakken said the comprehensive plan is in a period of change and changing a high growth area now when the future is uncertain is concerning.

PUBLIC HEARING - SPECIAL USE PERMIT (AUTO-LAUNDRY/CAR WASH) LOT 4D OF LOT 4, BLOCK 1, MEADOWLARK COMMERCIAL SIXTH ADDITION

Chair Schwartz called for the public hearing on a special use permit to allow the operation of an auto-laundry/carwash on Lot 4D of Lot 4, Block 1, Meadowlark Commercial Sixth Addition. The property is located in north Bismarck, north of 43rd Avenue NE, between North 15th Street and North 19th Street, along the north side of Skyline Boulevard (1720 Skyline Boulevard).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use is compatible with adjacent land uses and zoning.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

4. Adequate public facilities and services are in place or would be provided at the time of development.

5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.

6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.

7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.

8. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit to allow the operation of an auto-laundry/carwash on Lot 4D of Lot 4, Block 1, Meadowlark Commercial Sixth Addition.

Commissioner Levchak asked if there is a stormwater pond of some kind to the south and east of this location. Ms. Wollmuth said there is an apartment complex as well as an Anytime Fitness and some other commercial uses to the north and explained that there are existing stormwater ponds to the east across North 19th Street.

Commissioner Levchak asked if the wash bays are automatic or a different design. Ms. Wollmuth said that one bay would self-service and the others would be automatic

Chair Schwartz opened the public hearing.

Commissioner Levchak said the project area is a rectangle but the site design is a square and asked how the site would be laid out.

Ms. Wollmuth said the proposed auto laundry/carwash would be on the north side of the property closer to the existing fitness facility.

Commissioner Levchak said he always has concerns with car washes in the winter dragging water out of the site and creating safety issues.

Commissioner Bakken asked, given the high volume of water this facility would go through, if there is proper infrastructure in place to support this type of use.
Ms. Wollmuth said the water meter size would be obtained with the building permit after the site plan is reviewed to ensure it is substantial enough to support a car wash.

Commissioner Levchak asked if there are any plans to recycle the water that is used. Mr. Rhoden said that is an option, but there are not any plans for it yet. He said it can be done in many forms and the Mandan location has a two-inch water line which is more than sufficient.

Commissioner Levchak asked if there would be drying facilities for the self-service bays.

Mr. Rhoden said there would be, which would alleviate the ice concern and they have had minimal issues with ice at their Mandan location.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the special use permit to allow the operation of an auto-laundry/carwash on Lot 4D of Lot 4, Block 1, Meadowlark Commercial Sixth Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT KEEPING OF CHICKENS

Chair Schwartz called for the public hearing on a zoning ordinance text amendment relating to the keeping of chickens within rural and urban residential zoning districts.

Mr. Hutchings gave an overview of the amendment, then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.

2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Hutchings said based on these findings, staff recommends approval of the zoning ordinance text amendment of 14-02-03 (Definitions), 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), and 14-04-01.1 (RR5 Residential District), as presented in the draft ordinance attached to the staff report.

Commissioner Laning said if there is a permit required that would be on file to identify in a neighborhood who owns a chicken.

Mr. Hutchings said there would be and tracking would be one benefit of the permitting process.

Commissioner Zent asked if there would be an annual renewal process. Mr. Hutchings said there would be a proposed annual permit renewal fee, along with a picture of the coop and run being required at the time of renewal.

Commissioner Zent asked if they would be allowed during the winter. Mr. Hutchings said it would be difficult but it can be done.

Commissioner Zent said Apple Creek Township had a few issues with chickens, but it was mostly related to roosters so he was glad to see those would not be allowed.

Commissioner Levchak said the staff report indicated chickens are personal property so what would have to be done to prove ownership of one. Also, because the ETA boundary can change, what would happen if a property changes from ETA to corporate limits and would a property already having chickens be required to follow this regulation.

Mr. Hutchings said Animal Control could speak to what would need to be done to prove ownership.

Mr. Ehreth added that if the ETA boundary changes the impacted properties would have to comply based on the ETA or City requirement.

Commissioner Levchak asked why the limitation to domestic chickens only. Mr. Hutchings said that was based on the guidance given when staff was first directed to draft the ordinance.

Commissioner Bakken asked how the setbacks in this ordinance compare to regular setback requirements. Mr. Hutchings said this would require the coop and run to be 20 feet away from any stormwater conveyance and also ten feet from the side yards, so it is more restrictive.

Commissioner Johnson asked how a rural residential property in City limits would follow this ordinance. Mr. Hutchings said that does not happen very often but is a possibility and they would have to adhere to this ordinance.

Commissioner Schell said non-conforming properties would not allow chickens based on this ordinance and asked if that applies to all non-conformities. Mr. Hutchings said t any properties that are non-conforming based on use or lot size would not be able to participate.

Chair Schwartz opened the public hearing.

Nick Dobrzelecki, 1875 South Grandview Lane, said he is very supportive of this new ordinance and said chickens can be easily concealed so as to be non-disruptive. He said he wants to be able to teach chicken-keeping skills to his kids and, having other animals, already feels this would be a perfect addition. He said their back yard is I-94 so the ten-foot setback would require placement further into the property and he would prefer it be able to be closer to the fence so it is easier to get to.

Sergeant Tim Bleth, Bismarck Police Department, said they have concerns related to the documents he shared earlier in the day which address a lot of concerns and reasons why urban chickens are not successful. He said Grand Forks and Jamestown require permission from neighbors and animal control already has a lot of animal complaints. He said chickens are loud and messy and the CDC advises against them. He said guinea hens are extremely noisy and if they allow this then what about goats or pigs. He said this would be opening that next door and being only 20 feet away from water sources is not far enough. He added that there is a unique predator demographic here such as coyotes and predatory birds and chickens will increase that activity. He said a new storage space would have to be built for impounded chickens and they already have issues with trying to corral and capture loose chickens and roosters. He said if they are not clipped properly they will get away and the operating costs are quite high so it is not often that money ends up being saved. He closed by saying he understands wanting to provide for one's self and he personally keeps rabbits for educational purposes, but animals like that belong in rural areas.

Commissioner Bakken said neighborhood dogs are concerning, as well as the extra animal control storage need, coyotes, noise and smell, and thanked Mr. Bleth for addressing the items that he did.

Commissioner Laning asked how someone would prove ownership of a confiscated chicken and if they can be removed from the qualifying list of personal property.

Sergeant Bleth said it is very difficult to detain a chicken and there is concern for officer safety. He said animals in general are considered personal property by State statutue.

Commissioner Bakken asked if a chicken is not claimed how would it be disposed of.

Missy Hilzendeger, Bismarck Animal Control, said they would be humanely euthanized. She added that what will happen is people will go out and buy chicks and not know if they are male or female and when it is discovered they are male they will either try to hide them or turn them loose because they are not allowed.

Avery Dobrzelecki, 1879 South Grandview Lane, said predatory animals with the requirement of a coop and run should be a non-issue. She said coyotes are already drawn by existing animals and there would not be a smell if the chickens are maintained properly and with only four chickens allowed would not be considerable anyways. She said many methods can be taken to remedy smells, hens are quiet, and not all breeds are the same. She said people need to do their research and only allowing one breed is helpful. She added that proper handling and management would relieve detainment issues as well.

Elisha Mueller, 1501 Michigan Avenue, said she has lived in North Dakota for four years and she recently bought a small home and would like to have chickens. She said she does not have a strong argument, but she appreciates the work put in to potentially making this possible.

Written comments in support of the zoning ordinance text amendment are attached as Exhibits I-R. Written comments in opposition of the zoning ordinance text amendment are attached as Exhibits S-X

There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Johnson asked if public health staff raised any concerns. Mr. Hutchings said they were on the stakeholder committee and did not express any.

Commissioner Levchak asked if this zoning ordinance text amendment is turned down, nothing in the ETA would change. Mr. Hutchings said that is correct.

Chair Schwartz said he is a little torn as he can appreciate the concerns of the Police Department and thanked staff for all of their hard work. He said if permission from the neighbors were required it could limit people having chickens further.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to deny the zoning ordinance text amendment of Section 14-02-03 (Definitions), 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), And 14-04-01.1 (RR5 Residential District) relating to the keeping of chickens. Commissioner Levchak seconded the motion and with Commissioners Bakken, Levchak and Schwartz voting in favor of the motion and Commissioners Johnson, Laning, Schell, Wangen and Zent opposing the motion, the motion failed.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to recommend approval of the zoning ordinance text amendment of Section 14-02-03 (Definitions), 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), And 14-04-01.1 (RR5 Residential District) relating to the keeping of chickens. Commissioner Zent seconded the motion and the motion was approved with Commissioners Johnson, Laning, Schell, Wangen and Zent voting in favor of the motion. Commissioners Bakken, Levchak and Schwartz opposed the motion.

OTHER BUSINESS

Mr. Ehreth said it is now being included in the notifications sent to adjacent property owners that public hearing comments need to be provided by 8AM the day of the meeting in order to allow time for staff to review them, compile them and distribute them to the Planning and Zoning Commissioners earlier in the day.

He said it also seems agenda packets are not being mailed in a timely fashion and to please notify staff if issues are noticed so they can consider other delivery options.

Commissioners Levchak, Zent and Laning said they received their packets the day before the meeting. Commissioner Levchak shared that his was postmarked Monday.

Mr. Ehreth said those are the issues staff is noticing as well and they will continue to monitor this as well as the need to potentially explore other options.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 7:29 p.m. to meet again on June 23, 2021.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Mike Schwartz
Chair

DRAFT

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Rezoning for RBK Ventures
Date:	Wednesday, May 26, 2021 8:20:43 AM

From: 246dgh < >
Sent: Tuesday, May 25, 2021 9:31 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Rezoning for RBK Ventures

External Email - Use caution clicking links or opening attachments

My name is Douglas Hoopman and I reside at 6707 N Star Acres Rd, Bismarck, 58503. I am not against RBK Ventures so much as I am not in favor of any additional projects that will bring more traffic to 71st Ave. 71st Ave is already heavy with traffic to include many trucks. Without turn lanes this road has become very dangerous. I go out of my way coming home just so I don't have to make a left hand turn due to several close calls of being rear ended. I have lived here for 31 years and have seen the traffic grow way beyond the roads capacity to move it safely. Being a former State Trooper in this area for 22 years. I have seen, covered, assisted or heard of many crashes on 71st Ave. So until Burleigh County improves 71st Ave, I'm against any further project that will increase traffic.

Thank you
Douglas Hoopman

Sent from my Verizon, Samsung Galaxy smartphone

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Proposed storage units
Date:	Monday, May 24, 2021 3:52:04 PM

From: Jeni Grunseth, Trademark Realty < >
Sent: Monday, May 24, 2021 2:31 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Proposed storage units

External Email - Use caution clicking links or opening attachments

Good afternoon,
It is my understanding that you will be voting on a proposed zoning change from Commercial to Industrial on the corner of North Washington and 1804. I would like to express my concern not only for my property value, (I live at 7626 Northwood Drive) but on the zoning change itself. That is setting such a very dangerous precedent for all future projects. Where is the buffer between Industrial and residential? Do we really want to open that up? That whole section is essentially new, why have such a mix? That goes against all zoning policies. In that case, why even have zoning? In my opinion this would be a horrible mistake. Again, not only for individual property value but for zoning as a whole.

Thank you.

IMPORTANT NOTICE: *Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated.Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.*

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: 1804 and Washington storage unit proposal
Date:	Monday, May 24, 2021 3:54:00 PM

From: steve kelsch < >
Sent: Monday, May 24, 2021 2:38 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: 1804 and Washington storage unit proposal

External Email - Use caution clicking links or opening attachments
I live in the subdivision that this will impact. I strongly oppose letting this land be used for storage units. This land is in a prime location and should be reserved for much more valuable endeavors. Not to mention that some clientele that these units can attract may not be the type of people we want roaming the neighborhood.

Get Outlook for Android

May 25, 2021

Planning Commission

RE: Zoning Change Northridge Estates Commercial Park

This is a letter is in opposition of the proposed zoning change of North Ridge Estates Commercial Park from CA to a PUD, Storage Units. The Future Land Use Plan indicated this property to have a commercial use for providing services to the surrounding area. The PUD will not provide any benefit to the surrounding area.

In Northridge Estates, Subdivisions I and II, over 50% of the property owners have constructed additional storage on their properties. This is an indicator that this PUD will not provide a benefit to the surrounding area or meet the origin intention of providing the opportunity for services for local residents.

Storage units in the past have only been allowed in industrial zoned areas. There is for a reason. My concern is that not all activities that take place in these storage developments are within the law. We don't need criminal activity in our neighborhood.

There are many properties zoned for this type of development provide more convenience and better access to the citizens of Bismarck than having to drive out of the city a mile. There is industrially zone land within the city limits along the railroad behind COSTCO which would be more convenient and closer proximity to the users of storage units.

This will be the first business to break ground at this location and will set the character for adjacent development in the future. Typically, businesses are attracted to compatible uses. This raises the question, what is a compatible use to storage facilities beside more storage facilities. The city of Bismarck in the past has done a very good zoning for compatible uses.

In the draft PUD ordinances, it only specifies the physical attributes of the constructed facility. The information provided to the residents talks about operations and hour of business. This was not part of the PUD, so the day they facility opens it can be a 7/24 business. They will operate their business as their customers dictate.

PUDs are an effective tool to modify existing zoning slightly to accommodate a similar land use. This is not the case, here the request is for a zoning to accommodate an industrial use in a residential area.

Allowing this PUD will open up opportunities for future PUDs in other areas to have inappropriate land uses in residential areas. This shows that if you check all the boxes that makes it is ok. I think you have to go further and look at the usage both short and long term for impacts. In the future will other commercial uses that would meeting the CA zoning want to develop next to this industrial facility? Take a look at the big picture. In my opinion, this PUD does not meet short or long term needs of the area.

Adding some architecture features and landscaping does not change the industrial usage. Therefore, the idiom: "No matter how much lipstick you put on a pig, you still have a pig".

My request is that the Planning Commission deny the PUD to allow storage units in Northridge Estates Commercial Park.

Thank you, your time,

Respectfully,

Mark and Sunny Berg
7501 Northwood Drive
Bismarck, ND

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Northridge Estates Commercial Park
Date:	Wednesday, May 26, 2021 8:34:42 AM

From: Rick Olson < >
Sent: Tuesday, May 25, 2021 6:28 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Northridge Estates Commercial Park

External Email - Use caution clicking links or opening attachments
5/24/2021

To Planning Board

I am writing this letter because I am a resident of Northridge Estates (311 Crestridge Lane).

I do not believe that the Planning Committee should give approval of the storage unit that is trying to move into our neighborhood.

1. I feel that it will only decrease the value of our property, as in most of these styles of facilities they start out clean and well-kept only to turn into a local scrap yard, items being stored outside and debris blowing about the development.

2. It is a known fact that these kinds of facilities breed theft and drug activity, and I do not want this in my neighborhood!

Rick and Tammy Olson

Concerned residents.

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Storage units
Date: Wednesday, May 26, 2021 8:37:10 AM

-----Original Message-----
From: Kathy Howe < >
Sent: Tuesday, May 25, 2021 5:37 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Storage units

External Email - Use caution clicking links or opening attachments

We live at 7725 Ridgeland Dr and we r opposed to the building of storage units on Highway 1804 near our development. The land as we understand it is zoned commercial and no commercial land in the past has Ever been changed to Industrial . This land is surrounded by residential homes and this is the main reason it should not be zoned industrial. Scott and Kathy Howe. 5-25-2021

Sent from my iPhone

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Five Star Storage
Date:	Wednesday, May 26, 2021 9:25:36 AM

From: John < >
Sent: Tuesday, May 25, 2021 9:49 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Five Star Storage

External Email - Use caution clicking links or opening attachments

Dear Commissioners:

Regarding:

Five Star Storage is requesting approval of a zoning change from the CA – Commercial zoning district to a PUD – Planned Unit Development zoning district for Lots2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way.

I am concerned with the change in zoning listed above. I am a current resident of the Northridge Estate subdivision located in northwest Bismarck, east of North Washington Street.

I am strongly against the zoning change from CA – Commercial to a PUD – Planned Unit Development for this property. The current City of Bismarck strategy for North Washington Street is a nice commercial corridor that was established many years ago starting north of 43rd street. As you travel north on Washington north of 43rd, you pass by a commercial building near the Boulder Ridge area, then past Liberty School, Horizon Market, the future Missouri Slope Long Term Care facility, Bismarck Surgical Associates and Area 57. All these buildings are well built and have good curb appeal.

The drive north on Washington Street shows what the City of Bismarck has to offer. The nice residential neighborhoods, upscale commercial and office buildings, and modern elementary schools. You have to ask yourself, what will you see at the end of your drive when you come upon a self-storage facility.

The existing Beltway Self-storage facility on the east side of Highway 83 started as a premier self-storage. Within a few short years, all you see is lots of campers and old junky cars. The cars are not limited to the outside storage area, they are sitting in front of individual storage units. These cars are very unsightly when driving on 71st Ave.

Across the State of North Dakota and the United States, facilities like the proposed are a magnet for drug activity and other crimes. The Northridge Estates development is a quiet and safe development with very few people traveling through to site see. The added traffic to the storage facility will increase the number of people site seeing and potentially increase the number of break-ins and other crimes within the area.

Self-storage buildings are a necessary part of our society, and I am not opposed to the project. I am again strongly opposed to the location of this facility; it needs to be relocated to an established area that is zoned as industrial. I ask you to do your part to keep the City of Bismarck moving in the right direction by maintaining and upholding the zoning ordinances that are currently in place. The drive through the city should be visually enjoyable and not a mish mash of building types and businesses.

Sincerely,

John Klein
312 Crestridge Lane
Bismarck, ND 58503

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Ritz Carlton
Date: Wednesday, May 26, 2021 8:22:22 AM

-----Original Message-----
From: Ron Knutson < >
Sent: Tuesday, May 25, 2021 7:26 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Ritz Carlton

External Email - Use caution clicking links or opening attachments

Sorry but this is not a location to place an industrial storage complex. Please vote no and follow the county recommendation. We are trying to set a standard and keep it and I never dreamt this would get a positive vote from planning. After 20 years do not step back from doing things right. This site has been denied many many times for storage. An industrial use! We do not need to turn the entry to our city industrial and forever change Dow zoning from commercial to industrial. Despite the Ritz Carlton not showing the church office or a residential neighborhood this is exactly the kind of out of town BS spread. We welcome the expansion but not at the detriment of future correct zoning. Please vote no so us super 8 guys who do it right and our neighborhood are heard. Thank you. Ron Knutson.

Sent from my iPhone

May 17, 2021

Bismarck Planning & Zoning
Attn: Kim Lee
klee@bismarcknd.gov

RE: Proposed PUD for Five Star Storage

Dear Ms. Lee and the Bismarck Planning & Zoning Commission,

We are writing about the proposed PUD zoning application submitted by Five Star Storage for the parcels located at the intersection of 71st Avenue/Highway 1804 and Washington in North Bismarck. Several of us live directly next to the proposed development site.

The Hendricks family which runs Five Star Storage reached out to us over a month ago as potential neighbors to discuss the project. Since then, they hosted a town hall meeting to which the entire surrounding neighborhood was invited at their existing Bismarck rental office conference room near Legacy High School on May 11th at 5:30PM. Several of us attended in person or via Zoom, and Five Star's team discussed the project and answered our questions.

In our discussions, we discovered that they come from a small North Dakota town and have strong roots in the State. What Five Star Storage is proposing is a low traffic use that will fit well with the long-term plans of the community. Five Star is not proposing an unattractive storage property like we have typically seen in Bismarck that would belong in an industrial park. Instead, they are proposing an upscale facility that will benefit the neighborhood unlike any in the community-- similar to a Ritz Carlton rather than a Motel 6. In fact, Five Star's proposed use is more attractive than many commercial uses and will generate much less traffic and light pollution to the area. Five Star has also taken measures to address safety and security which puts our minds, as neighbors, at ease.

We strongly support the rezoning of this parcel to allow the development of Five Star's high-end self-storage facility, and in fact prefer this use to many other uses that could be approved in the current zoning for the parcel. Collectively, we do not want a gas station, supermarket, retail, etc. right next door to us for a variety of reasons. Those uses belong closer to higher density residential neighborhoods rather than our more rural community that has been here for years.

Additionally, along the eastern property boundary of the parcel is a grove of trees that we all want to remain, including Five Star Storage. We hope that the City does not require removal of the existing natural mature landscape that provides a great buffer for the Fligingers/Kerzmann residence to the east.

We thank you for hearing our true neighborhood voice and supporting this project.

- Darold & Lisa Burch
227 Ridgeland Loop

- Timothy & Kristi Fliginger
10410 Lilly Dr.

-Nicole & Corey Kerzmann
301 Ridgeland Loop

-Marlin Peterson
7500 Northwood Drive

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Chickens
Date:	Tuesday, May 25, 2021 12:04:01 PM

From: Brittany < >
Sent: Tuesday, May 25, 2021 9:19 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Re: Chickens

External Email - Use caution clicking links or opening attachments
Please make sure you read the previous email. I had one more thought. The requirements are 10 sq ft per chicken, with 10 chickens which is a low number to begin with, that is a 10 x 10 out space. That is not only very expensive around $500 dollars but it is also nearly impossible to cover. Free range would eliminate the hideous construction to begin with. Sometimes city rules make things impossible. You can have them but really you can't, if you get my drift.

On Tue, May 25, 2021, 9:08 AM Brittany < > wrote:

> Hello I am providing my approval for chickens. A few areas I do not agree with. Chickens are made to free range and eat bugs, of course our gov wants everyone to believe they should be veggi fed. Chickens that eat bugs are healthier to eat. So not only is it healthier for the chicken but it is healthier for the people. It inhuman to keep them locked up. Now if you want to make it that they are bound to property lines that would be fair. This would even allow people to spray pesticide less.
>
> Second concern is the restrictions on coops and placement as I'd they are all an eyesore it can be difficult for some to come up with places that it can not be soon. Also some of the requirements are very expensive.
>
> I hope their are not permits involved owning chickens should not be more expensive then purchasing from big box stores such as Costco.
>
> We should be allowing people to have their own food supply and encouraging. Especially, considering Bill Gates is buying up a lot of farm land in North Dakota and owns majority in USA there is a prediction on food scarceness. They also want to eliminate CO2 completely and in order to do that elimination of cattle needs to occur. People who turn a blind eye and say it won't happen are just lying to themselves a lot has happened and we no longer live in a free society. I mean look we even have to beg to own chickens and are bound to the rules that others restrict us to.
>
> Lastly, roosters how can we make chickens when no one wants to allow roosters. We purchase the chicken but what happens when more and more places restrict having a rooster. I mean extinction has occured throughout history, and extinction often occures from human choices.

I already know me writing you won't change your mind, because our society no longer believes in freedom.

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Chicken ordinance testimony
Date:	Tuesday, May 25, 2021 2:45:16 PM

From: Richard Muffler < >
Sent: Tuesday, May 25, 2021 2:08 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Chicken ordinance testimony

External Email - Use caution clicking links or opening attachments
Hi,

I would like to enter the following as testimony for tomorrow's meeting about chicken rules.

As someone who grew up with chickens and wants to teach my children the same responsibility of caring for animals and respecting what they provide to us, it is important that any rules or ordinance does not prevent me from sharing this with my kids.

Cost plays a big part in raising and caring for animals. We plan on raising hens as dual purpose, meaning we will use their eggs and later use them for meat. Restrictions against free range hens and requiring specific run sizes for them adds a cost prevention to raising hens. This serves our own personal use, we won't make money from having up to 10 hens. This means that buying and/or building additional structures makes this more costly. Raising chickens should not cost me more than what it costs to buy eggs and meat from a grocery store. I expect to save money by doing this and provide my family with healthier food.

This leads me to health as a concern. Unhealthy hens produce lower quality eggs and meat. Most importantly, these animals are being raised to benefit us which means we should be providing them with the best possible life while in our care. The best possible life and health is giving them the freedom to roam. I understand the concern for keeping hens in your own lot and not wandering off to the neighbor's property or roadways. Again though, a thoughtful and caring owner needs to be good at keeping up with their hens. They shouldn't be left on their own for predators or to roam off. If issues arise, then a neighbor should be able to take action to remediate the issue with their neighbor or take a legal action to solve it. The hens shouldn't be hampered because of a bad owner. Lastly, people with sizeable lots could use the space for the hens without there being concern of them wandering off.

Thank you,
Richard

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Chickens
Date: Tuesday, May 25, 2021 2:49:28 PM

-----Original Message-----
From: Sharon Fisher < >
Sent: Tuesday, May 25, 2021 2:13 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Chickens

External Email - Use caution clicking links or opening attachments

Please - NO chickens! People can't/don't even clean up after their dogs when walking them or even in their own yards. Nobody waters their lawn anymore. The yards in the city are starting to look horrible without adding chickens. We keep our yard very nice but most of the other yards on our block look terrible to the point that I wish I could move.

Sent from my iPhone

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Chickens in Bismarck, YES!
Date: Tuesday, May 25, 2021 2:54:03 PM

-----Original Message-----
From: >
Sent: Tuesday, May 25, 2021 2:26 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Chickens in Bismarck, YES!

External Email - Use caution clicking links or opening attachments

As a resident of bismarck I support having a limited amount of chickens within city limits, I support no roosters. I think what people do on their property as long as they don't disturb other should be allowed.

Please consider allowing residents to keeps Hens in their backyard with a small coop.

Stephen Elkins

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Chickens in Bismarck ZOTA2021-002
Date:	Tuesday, May 25, 2021 2:56:26 PM

From: Rick Acker < >
Sent: Tuesday, May 25, 2021 2:48 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Chickens in Bismarck ZOTA2021-002

External Email - Use caution clicking links or opening attachments
Mayor Bakken is off in his assessment of chickens in the city of Bismarck. I live south of town in a development, and I went several months before I even noticed that my next-door neighbor had chickens. Allow chickens or he'll have "egg" on his face. Thank you.

Rick Acker

From:	William Hutchings
To:	Kim Lee; Jenny Wollmuth; Hilary Balzum; Sandra Bogaczyk; Daniel Nairn
Subject:	FW: ETA Resident, Steering Committee Member Comments
Date:	Wednesday, May 26, 2021 8:12:01 AM

From: Scott Harmstead < >
Sent: Wednesday, May 26, 2021 1:25 AM
To: William Hutchings <whutchings@bismarcknd.gov>
Subject: ETA Resident, Steering Committee Member Comments

External Email - Use caution clicking links or opening attachments
Hello Will,

Thank you and your department for pushing the issue of the residential keeping of chickens over the years and working to be responsive to the public interest. I appreciate staff making the effort to assemble and gan input from a steering committee on the issue--I appreciate the opportunity to take part on that. I have reviewed the staff report and proposed regulations and offer the following questions and concerns.

It is not stated in the report--is there any existing City policy (i.e. comprehensive plan language) related to this issue? I understand staff are undertaking an update of the city's comprehensive plan. I suggest this issue be given focus as part of that process. It will be important to gauge public opinion of those within the city limits towards the keeping of chickens. This might give city leadership impetus to invest the noted funds to support these regulations within city limits. This issue can be included in the larger drive for locally-sourced food and healthy communities.

More needs to be understood about the original intent of pushing for these regulations in RR districts alone. Some questions I have:
- In particular, are these proposed regulations driven by citizen interest from within the city limits or in the ETA?
- Also, is there enough of a problem in the RR districts to warrant this significant addition of regulations? Some regulations do exist for RR districts, why are they not enough? Comparisons are made to other city regulations. It is my understanding that these regulations from other cities are for keeping chickens in urban resident districts, not rural residential districts.

Did staff work with NDSU extension to prepare a flyer or guide on how to keep chickens as a hobby/non commercially? I recommend this be provided rather than a list of additional regulations for RR District residents. From my perspective I don't see the need for additional regulations in the RR Districts and how existing regulations have harmed neighborhoods in the ETA. The level and type of regulations proposed make sense for urban residential zoning districts--this is supported by existing urban residential chicken keep regulations from cities such as Fargo and Mandan.

As a former resident of the City (lived at 219 E Calgary), I see the need for chicken-keeping regulations for some residential districts inside city limits. The stated reasons against this in my

opinion are overblown and very minor--other cities in ND and across the nation can do this. Get out of the way of progress and the freedom of residents to raise their own food.

Thank you for your consideration of these comments.

Scott Harmstead
2840 Keith Drive

ETA/ETJ Resident

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: ZOTA2021-002 , proposed changes to chicken ordinance
Date:	Wednesday, May 26, 2021 8:23:50 AM

From: < >
Sent: Tuesday, May 25, 2021 6:30 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZOTA2021-002 , proposed changes to chicken ordinance

External Email - Use caution clicking links or opening attachments
Dear City of Bismarck Planning and Zoning Commission,

Re. ZOTA2021-002, proposed amendment to zoning ordinance (permitting chickens).

My name is Steve Fischer; I have been a Bismarck resident for eight years, a local business owner for six years, and a homeowner for four years. I wish to express my support for the proposed changes to the city's zoning ordinance to permit the keeping of chickens. I'll try to keep my argument brief:

1. The primary arguments *against* the proposed change (noise, odors, attracting rodents and predators, etc.) are addressed by the provisions of the proposed amendment (no roosters, no more than four hens, rodent-proof and predator-proof enclosures required, minimum distance to neighboring properties, etc.)
2. If I understand correctly, North Dakota is one of a handful of states with no significant commercial egg production. Virtually every carton of eggs we buy at the store must be trucked in long distances, and we pay more for our eggs than most states.
3. Anti-chicken ordinances are a relic of a time when urban Americans disdained all things "rural," and city planners sought "modernity" as the height of urban sophistication. Such attitudes are, ironically, old-fashioned. 21st Century Americans tend to see the value in shrinking the gap between themselves and their food sources, and there's a national trend toward permitting the responsible, limited keeping of hens. Most parents would probably agree that it would be good to show their kids that food doesn't just "come from the store." With all due respect to Mayor Bakken, his stated support for maintaining a blanket ban on chickens makes me question his right to proudly wear the "redneck" label Representative Jim Kasper gave him a few years back.
4. Eggs from "backyard hens" tend to be of a higher quality than commercially produced eggs, both in terms of nutritional content and (in my opinion) flavor.

I'll confess, all of the above arguments are motivated by my lifelong desire to raise a few Plymouth Rock hens, and involve my kids in their care. Thank you for your consideration.

-Steve Fischer

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: ZOTA2021-002
Date:	Wednesday, May 26, 2021 8:36:26 AM

From: Gerlynn Gabel < >
Sent: Tuesday, May 25, 2021 6:02 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZOTA2021-002

External Email - Use caution clicking links or opening attachments

We are not in favor of allowing chickens in the Bismarck city limits. If people want chickens they need to live in the country. Chickens can and will attract rodents and other critters, not to mention the smell and noise. This is something that can and will get out of hand very quickly. Instead you need to work on getting more teeth in ordinances for yards, it is terrible the way people in Bismarck are allowed to let their yards go. We have a beautiful city and we need to keep it that way. Our neighborhood has called and complained for years about a home in our area. And nothing ever happens, and those are the people who will bring in chickens. Please do not consider chickens in the city limits.

Bill and Gerlynn Gabel
1422 S 3rd St
Bismark

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: ZOTA2021-002.
Date:	Wednesday, May 26, 2021 8:46:42 AM

From: helen gonzalez < >
Sent: Tuesday, May 25, 2021 5:27 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZOTA2021-002.

External Email - Use caution clicking links or opening attachments
I wish to add my YES to chickens allowed in Bismarck. I don't believe they would be a nuisance. I am sure that if they are allowed under specific circumstances it will benefit those who grew up having chickens and can no longer live on a farm. They would also teach and encourage children on other animals that are not dogs or cats
Also there is the plus for businesses that sell feed, etc.

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: No chickens
Date: Wednesday, May 26, 2021 10:53:15 AM

From: < >
Sent: Tuesday, May 25, 2021 8:18 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: No chickens

External Email - Use caution clicking links or opening attachments
We do not need chickens in Bismarck!

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: No chickens
Date: Wednesday, May 26, 2021 10:53:31 AM

-----Original Message-----
From: Becky Selzler < >
Sent: Tuesday, May 25, 2021 8:22 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: No chickens

External Email - Use caution clicking links or opening attachments

We do not need any chickens in Bismarck

Sent from my iPad

From:	Planning - General Mailbox
To:	Hilary Balzum
Subject:	FW: Public Comment - Backyard Chickens
Date:	Wednesday, May 26, 2021 10:54:38 AM
Attachments:	Boeshans Public Comment.pdf

Hilary Balzum
Senior Administrative Assistant
City of Bismarck – Community Development
221 N. 5th Street
PO Box 5503
Bismarck ND 58506-5503
Office: 701-355-1843
Fax 701-222-6450
Website: www.bismarcknd.gov
Facebook: www.facebook.com/bismarcknd.gov|Twitter: www.twitter.com/BismarckNDGov

Disclaimer: This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail.

From: Amber Boeshans <amberboeshans@gmail.com>
Sent: Tuesday, May 25, 2021 11:38 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: William Hutchings <whutchings@bismarcknd.gov>
Subject: Public Comment - Backyard Chickens

External Email - Use caution clicking links or opening attachments
Please see my attached public comments regarding the proposed ordinance for the keeping of backyard chickens. I am very excited for this positive opportunity and I look forward to your response. Have a great meeting!
Best Wishes
Amber Boeshans

Grant and Amber Boeshans
1737 Bonn Blvd
Bismarck, ND 58504

Dear Bismarck Planning and Zoning,

First, I would like to commend the Bismarck City staff for their months of diligent research and communications on this topic. As a lifelong resident of Bismarck and an animal agriculture enthusiast, I believe that the proposed ordinance is very well written and will provide an enriching opportunity for residents.

I believe the ordinance's well-thought-out language secures the well-being of our community and animal health, while allowing residents to embrace home food production and the joy of caring for chickens. After reviewing the housing requirements, run space, feed storage and manure handling requirements in the permit application, I am confident that the animals will be properly cared for. I urge for the permit application to be accompanied by further information resources such as NDSU Extension Service brochures, to ensure applicants have the tools and knowledge needed to raise a healthy flock. I am relieved that in the rare occurrence of a permit holder not abiding by the rules, there are corrective actions in the ordinance that allow for reasonable enforcement.

I also agree that the keeping of 4 hens and no roosters is satisfactory. From my extensive experience with poultry, hens do not produce any more noise than other domestic animals or wildlife in town, such as dogs and wild birds. I believe that they will not result in negative impacts on neighbor relationships. The setbacks from neighboring residences and consideration for visibility from the street, will lead to amicable interactions with neighbors. As with any other action in a community setting, being a good neighbor is paramount!

The last few thoughts I would like to include are in reference to the value of adding chickens to a home gardening system. Eggs and meat are not the only benefits of chicken ownership. Chickens will reduce garden waste by consuming damaged vegetables and plant scraps, all while helping control insects such as slugs and grubs. As you know, slugs and grubs are extremely hard to control and often require pesticides. Chickens are a natural and safe way to control pests.

In conclusion, animal agriculture has been my life's passion since childhood. Being actively involved in animal production not only brings financial value, it provides an indescribable sense of pride. By allowing for backyard chicken production, Bismarck's citizens can feel the pride of producing their own food and experience the satisfaction of caring for animals. Thank you for taking the time to review my comments. I am open to questions via email or phone.

Respectfully Submitted,

Amber E Boeshans

Amber Boeshans
Bismarck Resident

From: Planning - General Mailbox
To: Hilary Balzum
Subject: FW: Chickens - Zoning ordinance
Date: Wednesday, May 26, 2021 10:54:43 AM
Attachments: Marty.pdf

Hilary Balzum
Senior Administrative Assistant
City of Bismarck – Community Development
221 N. 5th Street
PO Box 5503
Bismarck ND 58506-5503
Office: 701-355-1843
Fax 701-222-6450
Website: www.bismarcknd.gov
Facebook: www.facebook.com/bismarcknd.gov|Twitter: www.twitter.com/BismarckNDGov

Disclaimer: This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail.

From: Amber Boeshans <>
Sent: Tuesday, May 25, 2021 10:03 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: Martin Piorkowski <>
Subject: Fwd: Chickens - Zoning ordinance

External Email - Use caution clicking links or opening attachments
Dear Bismarck P&Z Commission,
Please see the attached public comment from Martin and Tara Piorkowski. They sent this to me in September 2020 when discussions first began with Bismarck City staff regarding the raising of chickens. If you have any questions for them, Martin's email is or their phone number is available upon request. They are also being cc'd on this email.
Thanks,
Amber Boeshans
Bismarck Resident
1737 Bonn Blvd

> On Sep 23, 2020, at 2:37 PM, Martin Piorkowski < > wrote:
>
>
> Hello Amber,
>
> Please see the attached document for support of chickens in Bismarck.
>
> Thanks,
> Marty and Tara
> <Chicken Ordinance.pdf>

Martin and Tara Piorkowski
1749 Bonn Blvd.
Bismarck, ND 58504

September 23, 2020

Dear Commission,

We are recent transplants to the greater Bismarck community and have enjoyed many of the benefits of our North Dakota culture. It has been brought forth that the ordinance barring chickens within the city limits should be reconsidered. We moved here from Cheyenne, WY which is of similar size to Bismarck. We lived within the city limits which allowed for up to six hens.

Although we were allowed to have chickens, we contacted each of our neighbors prior to getting our chickens. All of our neighbors appreciated the gesture and were happy to hear that we were getting chickens. One neighbor did as that we wouldn't keep any roosters if by chance we got one from the flocks being sold at the local stores. As circumstance would have it, we did wind up with a rooster, but donated him to a local ranch outside of town to live out his days. Most of our neighbors never heard the chickens with only the adjacent neighbor mentioning that they would go out on the deck to listen to them just before sunset when they typically made a purring sound before they would go into their coop to roost for the night. Because we had dogs, we did have a fenced in run for them during the day and a heated coop for them to roost in for the nights.

There are many benefits of having chickens. For us the primary benefits included fresh eggs, entertainment (watching them), and teaching our children where food comes from. This also provided us a learning opportunity for our children on caretaking and responsibility. With just a handful of chickens they are pretty easy to care for and they provide a great learning opportunity on raising your own food without having to own a farm or ranch. This was and is important to us. Unfortunately, we were not able to bring our chickens with us when we moved to Bismarck, but many towns and cities have found that residential chickens work well within local communities. Often people will speak about the benefits of chickens in relation to providing fresh eggs, bug control, soil aeration, and fertilization. Though these are also great benefits, we think that there are many more benefits out there that are often not considered.

In a growing and urbanizing world, it is important to maintain connection with our natural environment. Though Bismarck is not the biggest city in the state, it is continuing to grow and urbanize. Allowing chickens to be raised and kept within the city limits of Bismarck may allow us to maintaining the connections with our rural ranching and farming communities which define North Dakota.

We hope that you consider this petition and overturn the current rule for Bismarck. Setting guidance and allowing chickens to be kept in residential communities can provide yet another great opportunity for those who live in Bismarck. We thank you for your time and consideration in this matter.

Sincerely,

Martin and Tara Piorkowski

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: ZOTA2021-002
Date:	Wednesday, May 26, 2021 11:03:15 AM

From: kndobrze < >
Sent: Wednesday, May 26, 2021 7:09 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZOTA2021-002

External Email - Use caution clicking links or opening attachments

Dear Commisoners-

Our family is in support of chickens within city limits. Raising four hens provides a great learning experience for our four children. It teaches them responsibility and animal husbandry.

Our property backs up to I-94. The noise of the Interstate would be louder than any hens. In fact the noise from the Dacotah Speedway is much more of a nuisance.

The coop would not be visible unless an individual was on our property. The hen house would be appropriate size for four hens.

We would ensure oder would be minimized by proper cleaning and maintenance.

They would be less of a hederance to the community than any other allowed pet/animal.

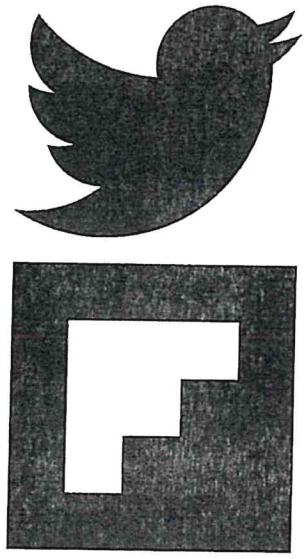
Karl & Shawna Dobrzelecki
City Residents
1879 S. Grandview Ln

From:	Timothy Bleth
To:	Planning - General Mailbox
Subject:	Backyard Chickens
Date:	Wednesday, May 26, 2021 1:04:31 PM
Attachments:	doc01684320210526125451.pdf doc01684420210526125527.pdf doc01684520210526125620.pdf doc01684620210526130200.pdf

---

Attached are stories which cover concerns of the Bismarck Police Department reference Backyard Chickens.

Keeping backyard chickens comes with a human health risk, CDC warns



By Mary Brophy Marcus

June 2, 2017 / 4:05 PM / CBS News

Keeping chickens in the backyard has become more popular in recent years, but there's a downside. Many states are reporting salmonella outbreaks linked to backyard flocks, health officials said this week, and they're calling for owners to take steps to reduce infection risk.

So far this year, 47 states have reported cases of human salmonella connected with backyard flocks, the Centers for Disease Control (CDC) said this week, including 372 people infected. A little over a third of those who became ill were children under age 5. Seventy-one people have been hospitalized.

The symptoms of salmonella infection include nausea and vomiting, blood in the stool, fever, chills and abdominal pain.

Questions over dog flu vaccine 03:13

Antibiotics can help treat the infection, but people with more severe symptoms may need to go to the hospital for intravenous medication.

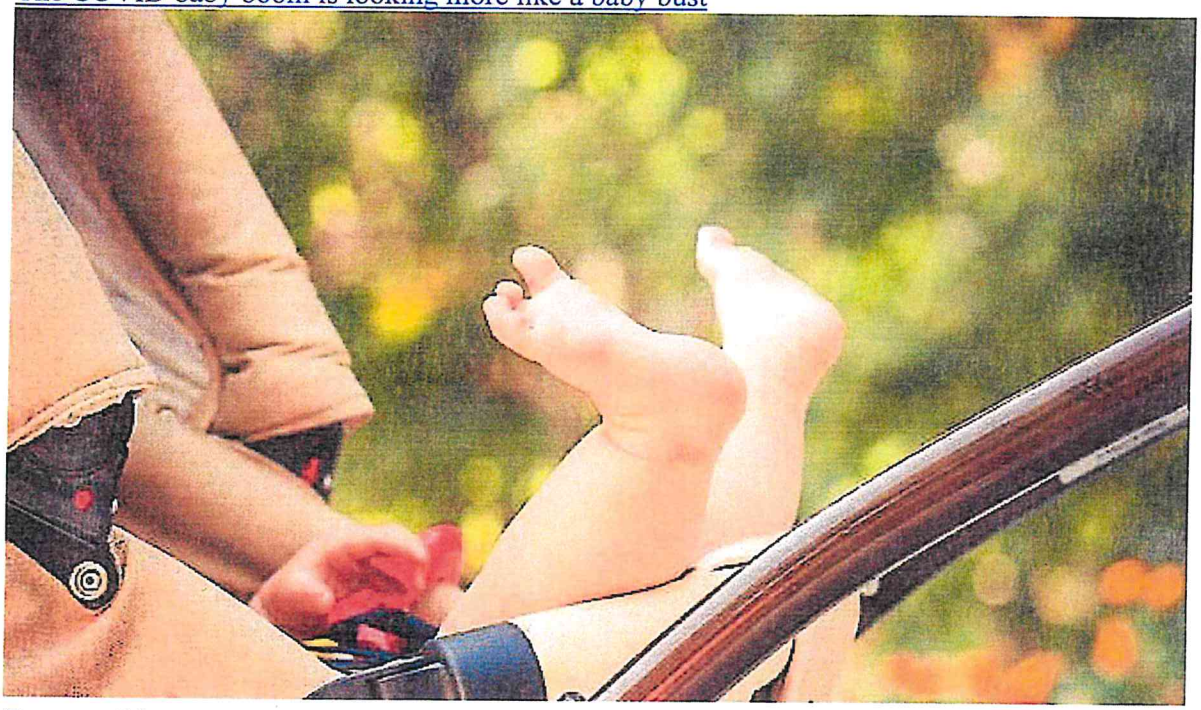
Infection doesn't necessarily come from eating raw or under-cooked eggs, warn experts, though both carry the risk of infection.

"A lot what is going on is not related to the eggs," Dr. Sherrill Davison, associate professor of Avian Medicine and Pathology at Penn Vet, told CBS News. "People need to handle poultry safely."

While some salmonella can get into eggs, most infections happen when someone is handling their chickens and the birds' fecal matter gets on their hands. They then accidentally ingest it when they touch their mouth, she explained.

Trending News

- The COVID baby boom is looking more like a baby bust



- Texas to lift statewide mask mandate

It may also be tempting for kids and adults to cuddle and kiss their chicks, but keep a distance.

"It may be in the chicken's mouth area because they peck around on the ground. Infection may occur when you're handling live poultry, too, when you are cleaning out your coop area," said Davison, who gets calls everyday from backyard bird owners.

Chicks and ducks may appear clean to the human eye, but they can still carry salmonella. Here are other ways flock owners can avoid getting sick:

- Always wash hands well with soap and water after handling feathered pets, and keep hands away from the face.
- Don't let live poultry inside the house, especially in areas where food is served.
- Don't let kids under 5 handle or touch chicks, ducklings or other live poultry without adult supervision.
- Toss eggs that look dirty or cracked. Don't rinse them with cold water.
- Refrigerate the eggs after you take them from the coop.
- Cook eggs well.

The CDC has more tips for flock owners on its web site, and is working with public health, veterinary, and agriculture officials in many states and with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service to investigate outbreaks linked to backyard flocks, a statement issued this week by the health agency said.

People who became ill told the CDC they had purchased baby chicks from a variety of locations including feed supply stores, websites, hatcheries and relatives.

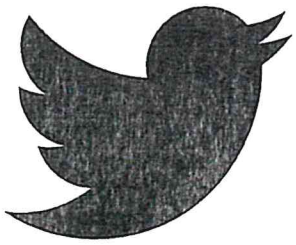
Families who keep backyard chickens and ducks should also be sure to give their feathered pets regular veterinarian check-ups, just like they would a family dog or cat, said Davison. More and more veterinarians are becoming aware of flock problems, so, depending on where you live, you may not need a bird specialist. Your dog's doctor might be able to help with your chickens, too.

First published on June 2, 2017 / 4:05 PM

© 2017 CBS Interactive Inc. All Rights Reserved.

Mary Brophy Marcus

Mary Brophy Marcus covers health and wellness for CBSNews.com



Twitter

Copyright © 2021 CBS Interactive Inc. All rights reserved.

- Privacy Policy
- California Privacy/Information We Collect
- Do Not Sell My Personal Information
- Ad Choice
- Terms of Use
- Mobile User Agreement
- About
- Advertise
- Closed Captioning
- CBSN on Paramount+
- CBS News Store
- Site Map
- Contact Us
- Help

Nov 21, 2013, 08:40am EST

Five Reasons Why Owning Backyard Chickens Is For The Birds

James McWilliams Contributor ⊙
Food & Drink
I write about food, agriculture and animals.

top-5-reasons-forbes-V2

Somehow or other, it has become the mark of twenty-first century urban hipness to keep a bunch of birds out back. We're mostly talking hens. Exact numbers are unavailable, but the trend has become popular enough for dozens of major cities to revise their animal ordinances, thereby opening the legal floodgates for the emergence of urban animal agriculture, an endeavor that most American cities legislated out of existence (primarily for health reasons) back in the nineteenth century.

This renaissance of foodie affection for the uber-local egg has also inspired its share of outlandish rhetoric. Says the mayor of Madison, Wisconsin: "Chickens are really bringing us together as a community." Says my Austin neighbor and co-owner of Boggy Creek Farm, Carol-Ann Sayle: "Everyone should have their own henhouse in their own backyard."

It's doubtful that the incoming mayor of New York City will agree with either of these sentiments. But no matter. Thousands of other

urbanites nationwide—many of them so committed to keeping chickens that they do so surreptitiously—are suddenly giving a major cluck about backyard eggs.

Lost in all the enthusiasm are the drawbacks. According to Ian Elwood, of Animal Legal Defense Fund, "the solutions backyard chicken farming seeks to create—food security, local foodsheds, healthful eating—are all better served by encouraging more plant based farming." His bottom line regarding urban agriculture is simple: "Let's leave animals out of it."

What follows are five reasons why, when it comes to chickens, Elwood is onto something.

1) **Diminishing Production.** Hens start laying eggs after about five months. Production, however, wanes at the age of two. Hens can live for well over a decade. Many backyard hen owners are as reluctant to keep a non-productive hen as they are to turn her into chicken soup. The upshot has been a sharp rise in abandoned birds. In 2001, according to the Associated Press, Minneapolis' Chicken Run Rescue fielded six calls from individuals looking to find homes for forsaken chickens. By 2012, that number reached almost 500.

2) **Commercial Hatcheries.** Raising hens in the backyard seems like an obviously humane alternative to factory farming. In some ways, it is. However, on this point, two closely related facts should be considered. First, the majority of hens fortunate enough to escape the factory's battery cage hail from the same industrial hatcheries that supply factory farms with millions of birds. This commonality not only undermines any pretense of thinking that backyard birds challenge the industrialized status quo, but it leads to a second

problem, namely the fact that the male chicks born in those industrial hatcheries were likely either tossed alive into a grinder or gassed. Male birds are worthless to a hatchery supplying egg farms. Household hens might be glorified, but their cute chicken brothers are treated like trash.

3) **Predation.** Backyard hens are especially vulnerable to predation. Try this experiment: when you learn that a friend gets backyard hens, check in two months later and ask how things are going. Chances are good that the answer will go something like, "great, but . . ." Dogs, cats, snakes, coyotes, possum, hawks, raccoons, raccoons, raccoons. These predators are prevalent and persistent and your poor hens, the ones you have come to love as pets, cannot indulge their natural defense mechanisms (such as finding a low tree limb hidden in dense foliage). They often find themselves trapped in some Ritz-Carleton of a coop that turned out to be less secure than advertised and, in their plush safe havens, are killed in a way that makes the slaughterhouse seem like a day spa by comparison. "What killed my chickens?" It's an all too common question. And there are currently 23,900 answers being offered on Google .

4) **Roosters.** There's about a 5 percent chance that your hen will turn out to be a rooster. There are a couple of reasons for this mistake. For one, the sex of a chicken is hard to identify upon birth, even for experts. Many roosters are accidentally identified as hens and shipped to feed stores, the place where urban farmer/hipsters flock to buy their stock. Less innocently, many male birds are tossed into shipping containers as a form of packing material, deployed to prevent the hens from banging into the side of the crate and having their retail value lowered. In any case, urban ordinances that do

allow hens are markedly less accepting of roosters, who are more often than not considered poultry non-grata in urban settings.

5) **Cost.** First-time backyard hen owners are enchanted by the idea of free eggs. Don't be fooled. Build the coop, buy the feed, pay the vet, count the hours spent maintaining the coop and administering care, compensate the neighbor's kid for feeding the hens when you go to the Hamptons for the weekend, and then grab a calculator. The results? As one backyard farmer from Merced, California told an online chicken forum: "Don't tell my wife, but I think my eggs are costing about $40 a dozen."

Follow me on twitter @the_pitchfork and visit my website at james-mcwilliams.com

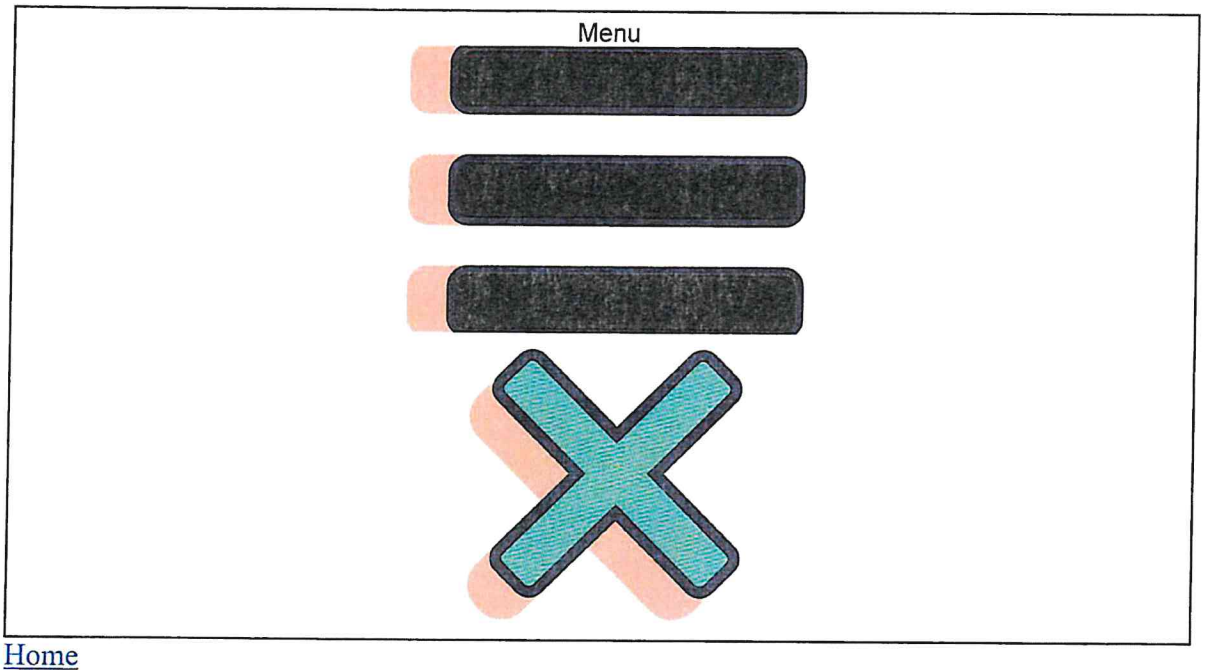
James McWilliams

I'm the author of several books about food and agriculture, including A Revolution in Eating: How the Quest for Food Shaped America, American Pests: Our Losing War on...

Read More

Reprints & Permissions

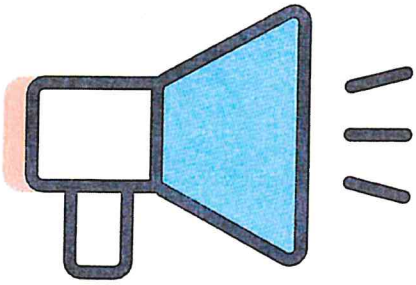
ADVERTISEMENT



Home

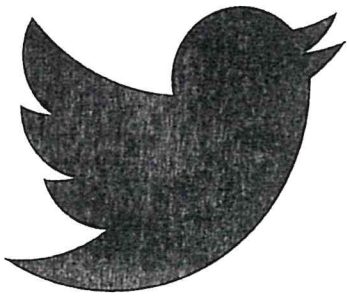
Treehugger

Sustainability for All.

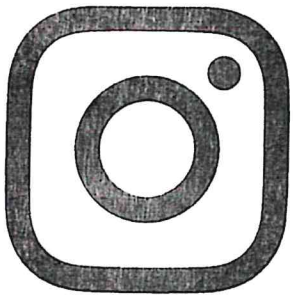


Over 100 Expert Writers

Email Address Enter Email Newsletter!



- Twitter Twitter



- instagram instagram

- About Us
- Contact Us
- Editorial Guidelines
- Privacy Policy

News

Treehugger Voices

Why I No Longer Have Backyard Chickens

By

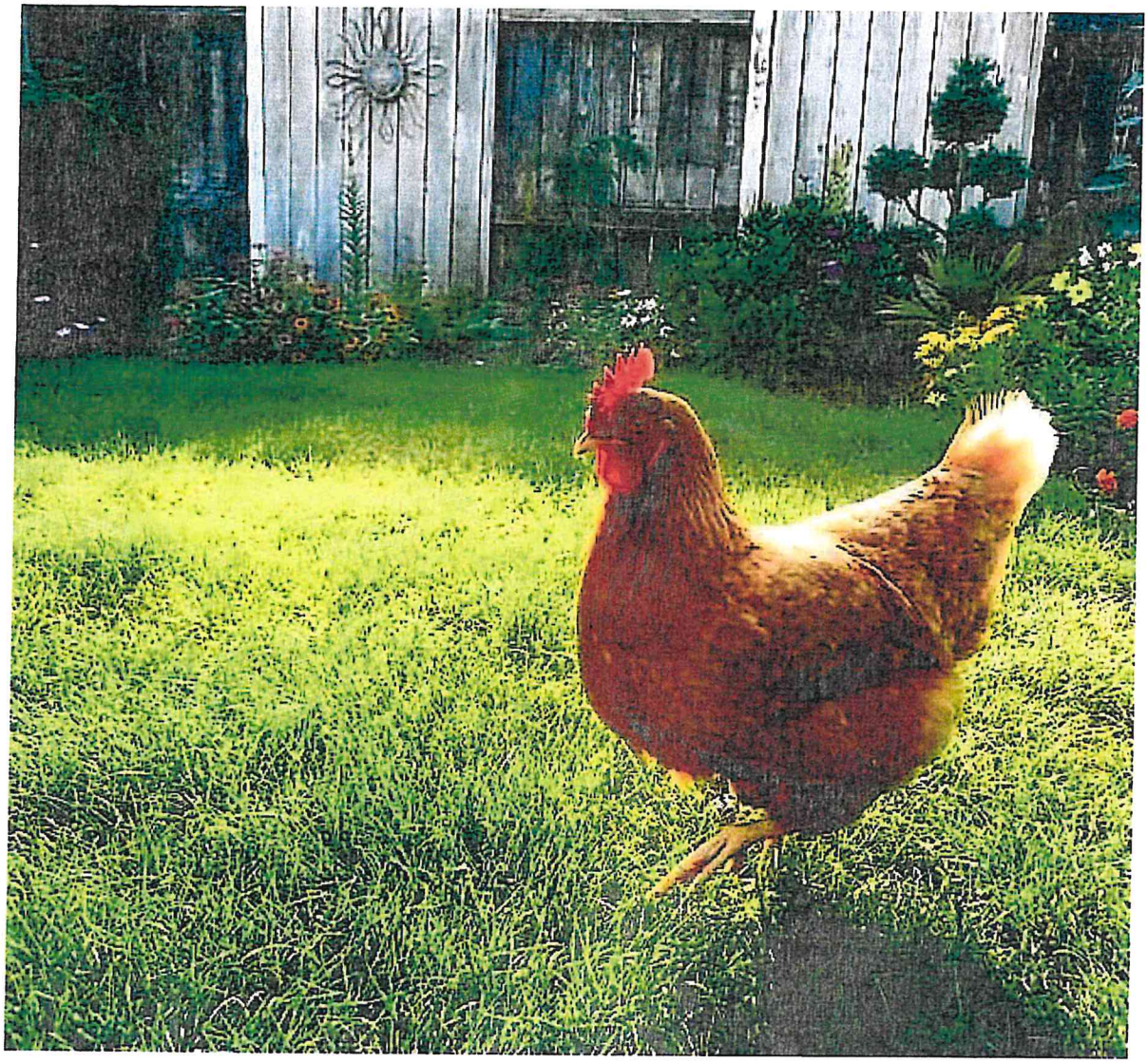
Katherine Martinko
Senior Writer

- University of Toronto

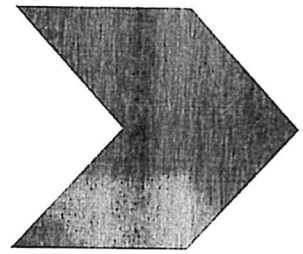
Katherine Martinko is a writer and expert in sustainable living. She holds a degree in English Literature and History from the University of Toronto.
our editorial process

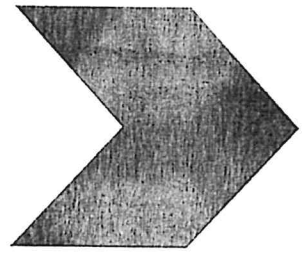
- Twitter Twitter

Katherine Martinko
Updated May 07, 2020

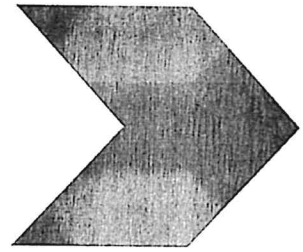


- Current Events





- Treehugger Voices



It seemed like a good idea at the time...

Yesterday was a sad day at my house. I went outside after work to dismantle the chicken coop where my five beautiful hens lived up until several weeks ago. After being an outspoken advocate for urban chickens and lobbying town council to let me keep hens in the backyard, it was a tough and humbling realization that chicken-keeping just isn't my thing.

There were many wonderful things about having those birds. I loved the soft clucking sounds they made. It gave soothing background music to my day that, once gone, made the property sound eerily quiet. The girls, as we called them, would always run to the fence to greet us when we came outside. (They probably just wanted compost scraps, but still, it was cute.)

And their eggs! Oh, they were the biggest, best, and most beautiful eggs I've ever eaten. Despite knowing how it works, seeing it happen in real life is another thing altogether. It was like magic, giving them food and water and having our breakfast materialize in their nesting box.

What Went Wrong?

chickens in a small back yard chicken

Katherine Martinko / Treehugger

Nothing specific. We never had a single issue with predators or rodents, nor any noise complaints from neighbors (except when we got two roosters by accident at the very beginning). Instead, I began to struggle with two issues: the poop and the confinement. A friend had warned me that chickens are filthy, but I didn't take it seriously. After several months, though, I understood. Chickens might be egg machines, but they are poop tornadoes. It was an endless battle, possibly made worse by the fact that they had to live within a fenced area (bylaw rule); it kept the poop contained, but it also led to accumulation, compaction, and problems with odor, despite my regular efforts to clean and shovel. When the kids were doing chores, chicken poop got tracked onto the walkway to our house and into our mudroom and became a source of tension. Maybe someone else would do a better job at staying on top of the mess, but I found it overwhelming. Then there was Drumstick, our favorite bird, who always flew the coop. Every day I'd find her rustling in the leaves in neighboring flowerbeds and she'd always look up in alarm, hightailing it back to the coop as if she knew she was in trouble. This made me sad because I didn't want to keep her fenced in, but I had to according to the bylaw. I started to feel terrible about the hens having limited space to roam, despite having done my research and confirming with their breeder that the space was sufficient. It felt unnaturally cramped and almost cruel to keep them in there.

Another lesser issue was having to rely on friends to check on the chickens twice a day whenever we went away. This was difficult to arrange since I quickly learned that other people aren't as enamored with backyard hens as I am.

Where are the Hens Now?

With colder weather approaching, I made a decision that was supposed to be for both the hens' benefit and my own. It was time to move them somewhere else. Butchering was not an option, though it was the original plan. After 16 months of cohabitation and interaction, there was no way I wanted to eat Drumstick, Jemima, Hannah, Snow, or Speck. I found a woman who was eager to take them on, add

them to her small flock, and give them a much bigger space to roam. They've been there for nearly a month and are doing well.

Are Urban Chickens a Bad Idea?

As I worked yesterday, ripping out the fence and shoveling residual straw and manure, I had time to mull over the experience. I don't quite know how I feel about urban chickens anymore. While I love the idea of enhancing one's food security, taking control over some aspects of food production, and shortening the distance from farm to table, I also think that keeping livestock on small urban lots is not ideal. It is dirty and noisy, no matter how much I tried to tell myself otherwise, and the confinement wasn't terribly fair to the birds themselves. Was it better than the lives of battery hens? Absolutely, but is that good enough? Just because something is better than the worst that exists doesn't make it good.At the very least, the experience has intensified my aversion to factory-farmed chicken meat and eggs. I simply cannot eat those products from the grocery store anymore (not that I did much before) because I know too much about the birds themselves, their quirky personalities, and how dirty they get. My point of reference has shifted through personal experience and that's why I will only buy eggs from local rural farmers whose birds roam freely, even if means paying more and eating less.

I still miss those hens, their eggs, and their gentle clucking. Every time I walk out of the house, I glance in the direction of where they used to be. When I made a pie last night, I thought about how much they would've loved the apple peels and cores. But I know that they have a better life elsewhere and that is consolation.

- Blob, an African clawed

  How We Ended Up With an Invasive Species as a Pet
- Chickens in a

  The 9 Best Chicken Coops of 2021
- chic

  My Life With Backyard Chickens
- Close up of a hen in a back

  My Year With Chickens: What You Should Know Before Getting Chickens
- backyard chickens environmental impact

  The Environmental Impact of Backyard Chickens: No Impact Is Not an Option
- Our Chicken Just Laid a $7,000 Egg

- Environment
- Business & Policy
- Home & Garden
- News

- About Us
- Advertise
- Privacy Policy
- Cookie Policy
- Careers
- Editorial Guidelines
- Contact
- Terms of Use
- California Privacy Notice

TRUSTe

.dash

Treehugger is part of the Dotdash publishing family.

13

NOV

The Pros and Cons of Raising Chickens in the

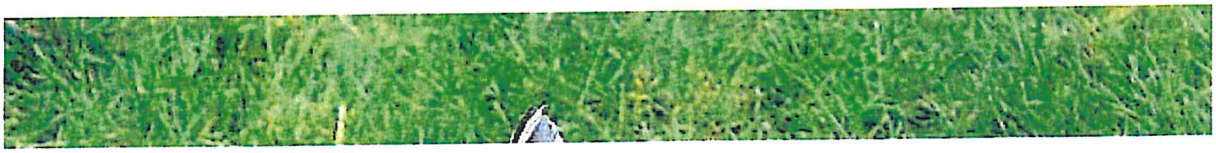
This post may contain affiliate links, which means that I may receive a commission if you n using these links. As an Amazon Associate I earn from qualifying purchases.

CHICKENS · THE BARNYARD

Share with your friends!

Facebook Pinterest Twitter

While there is a lot to love about keeping backyard chickens, there are also quite a few things before owning chickens when you live in the city. Here are our pros and cons of raising chick



After almost two years of raising chickens in the city, I would say we know the ins and outs p

I've spent months putting together this list of the pros and cons of raising chickens in the city who's considering it. For the record, we highly recommend everyone get themselves some ch you to go into as chock-full-of-knowledge as you can be.

Over the years we've lost and gained birds. We've taken in birds from our friends, hatched cl incubator, hatched chicks with a broody hen, given away birds, and butchered birds.

All that experience has enabled me to amass quite the list when it comes to city chickens. So, seats, cause away we go!

[sc name="AFFILIATE"]

PROS OF KEEPING CHICKENS IN THE CITY

Keeping backyard chickens allows you to become a food producer and not just a consumer. In fresh eggs, there are a lot of benefits to keeping chickens in an urban setting.

VERY FEW CHICKEN PREDATORS IN THE CITY

Bismarck is full of predators

We've heard horror stories from other chicken keepers about troubles with foxes, weasels, ca We have had minimal problem here in the city. Not to say that predators don't exist in the cit do, we just haven't had many.

Our yard is full of giant trees that tend to protect it from predators in the sky. It's surrounded fence, which protects our girls from predators on the ground. Our run and coop are covered in every which way.

The only predators I've seen in our yard are cats. We had one sitting on the top of the run, wa nervous hens below, but it took off as soon as our dog was let out and never came back. Anot looked outside to see the ever-curious Rosie in the neighbors yard, desperately trying to get b fence. Not 15 feet from her was a little black cat, just relaxing in the sun, watching her witho world.

We did have problems with rats for a while. Here is how we dealt with rats in our chicken co

THE CHICKENS ENJOY AN ENCLOSED FREE-RANGE SPACE

Since most backyards are fenced, or easy to fence in. The chickens can enjoy a protected, fre Our hens are let out to free range every day in our backyard. They pick through for bugs and baths in dirt piles, and run and squawk to their heart's content.

Although it would be great for them to have more space, I'm glad that they have a designated them from getting lost or eaten by predators, and I can keep an eye on them from the back po

A CHANCE TO EDUCATE THE NEIGHBORHOOD ABOUT CHICKEI

Since bringing home our hens, we've had a LOT of questions and talks with our neighbors ab chickens. You'd be surprised how little people know about the food they eat. You can read m talk with one of our neighbors who didn't know that the eggs at the grocery store come from

Although it's sometimes mind boggling and frustrating to talk with neighbors about our missi always jump at the chance to explain why we're doing this, and of course share some of our e

The more people know about the current state of our industrial food system, the better, and th chance to educate people who may never ask these questions otherwise.

BACKYARD CHICKENS ARE A GREAT CONVERSATION STARTEF

Whenever I tell someone that we have ten chickens living in our yard, they say, "*Oh, you mu country!*" And I say, no, we live in the city, and then explain our whole setup.

Strangers are always shocked that you can raise chickens in the city, and it's always a great c point. If we did live in the country, I think our stories would be much more boring.

KEEPING CHICKENS PROVIDES AN EASY ACCESS TO FRESH E(MEAT

Here in the city, we don't have easy access to fresh, quality food. We have easy access to che Eggs are sold at the convenience store across the street, but they no doubt come from a factor been sitting around for weeks.

Chicken is sold there too, pre-fried in partially hydrogenated oils, coated in salt and preserva up so it can sit in the freezer for months and months.

We're very lucky to have eggs and meat that came from happy birds that live a life more won humans in third world countries, and it all comes from our backyard!

THE CONS OF RAISING CHICKENS IN THE CITY

Living in the city means you live in closer to your neighbors than you would in the country. I in the city is becoming easier, but here are some problems raising chickens in the city.

ROOSTERS ARE NOT ALLOWED

When we first got our birds, I was fine with the fact that we're not allowed to keep roosters i was because I'd never had a rooster.

When we unknowingly ended up with a rooster, I discovered just how wonderful they are. Ro the hens from predators. They spend their time standing on the highest pillar in the yard, scar and the skies and warning their harem of ladies if they spot something... even if that somethi pigeon flying by. Roosters are also immensely beautiful creatures.

We've had a few here on our urban farm, and I thoroughly enjoyed watching them strut their but in the end they always must find a new home or go to freezer camp because they are not a ordnance.

ONLY PERMITTED A LIMITED NUMBER OF CHICKENS

We're only allowed to keep a certain number of hens here in the city. We can keep up to 25, l needs to have at least 3 cubic feet of space in their enclosure. Our coop is big enough for abo If we could keep a hundred chickens, I probably would.

NO GOOD PLACE TO BUTCHER BIRDS

In the country, folks have an array of locations for butchering their chickens that allows them ease of use. Here in the city, we struggle to come up with any space that's free from prying e enough room for a table. We don't butcher often, but when we do, it's a mighty big issue.

URBAN CHICKEN KEEPING LAWS

Some cities allow backyard chickens, while others do not. Raising chickens in your city may prohibited in many cities and suburbs across the United States. If you choose to ignore the la chicken rearing rebel, you have to be aware that it could come back to bite you in the ass.

Friends of ours got caught with chickens in their yard and were forced to find a new home fo that day. Other cities may charge you a hefty fine for breaking the law, or your birds being cc to the wise: Don't go rogue and hide your chickens. You will always be worried about gettin on changing the laws instead.

REQUIRED LICENSING, FEES, AND REGULATIONS FOR CITY CH

Even if your city does allow backyard chickens, chances are that liberty comes along with so permits and fees.

In our city the charge to keep chickens is $40 every year. You are also required to have housi that meets their standards, and are subjected to inspections, both announced and unannounce damn well feel like it. If your operation isn't up to code, BAM! There's a fine at the very lea make you re-home your flock. Is it a pain? Yes. Is it worth it? Absolutely. Just do your home setting up your flock.

CHICKEN FREE RANGE SPACE IS LIMITED

Oh, what I would give for a big old barn to house our flock. Our ladies have plenty of space t seasons out of the year, with the backyard and run available to them.

Come wintertime, however, they are confined to the coop most days. Here in Upstate New Y MIGHTY cold and blustery in the winter, and with several feet of snow on the ground, there way to free range our flock. If we lived in the country and had a barn for our ladies, they wou some extra space in the colder months.

YOUR NEIGHBORS MAY HATE CHICKENS

Complaints will be high!

In an ideal world, everyone would love chickens but the truth is some people hate chickens. S some friendly conversation with your neighbors can calm things down.

We're very lucky to have understanding neighbors that enjoy watching our chickens rather th authorities on us. Of course, the egg bribery helps a bit.

Although I usually enjoy educating our neighbors about urban farm life, it still can get annoy Sometimes I want to be able to sit in my backyard and talk to my chickens without knowing t

is sitting in their house ten feet away, listening to our conversation. Of course, I suppose I co an insane chicken lady, but I'm not so sure I have control over that.

YOU'LL WORRY ABOUT NOISE COMPLAINTS

There have been several times where we've temporarily housed a rooster, and I would cringe would hear a crow coming from the yard, waiting in fear for the next sound to be pounding o

Even hens can be a rowdy bunch, when one lays an egg, the rest have to sing out in praise of our immediate neighbors are wonderful, it doesn't stop me from worrying that the existence c will bother someone enough to call the authorities.

So, there you have it. Although raising chickens in the city can be tough at times, I wouldn't anything. Our chickens make me incredibly happy, and despite the challenges, they live a wo

DO YOU KEEP BACKYARD CHICKENS IN THE CITY? WHAT CHAL HAVE YOU FACED? PLEASE LET US KNOW IN THE COMMENTS.

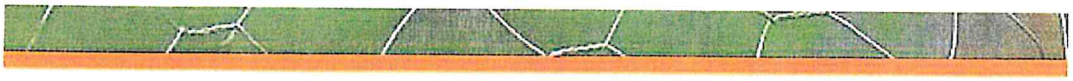
RELATED POSTS

5 Reasons I Love Raising Backyard Ducks

How to Deal with a Broody Hen

The Trouble with Dual Purpose Chicken Breeds

Turn Your Chickens into Pets in 5 Easy Steps



Keeping Chickens

IN THE CITY - PROS & CONS

IMAGINACRES.COM

[sc name="Meredith"]

Share with your friends!

Facebook Pinterest Twitter

15 COMMENTS

Subscribe to get the latest

ImaginAcres news via email!

First Name

E-Mail Address

GO

« *How to Get Rid of Rats in your Chicken Coop* *Meet Rosie*

Comments

solange sevigny says
NOVEMBER 14, 2013 AT 1:02 PM

As always, I love reading your stories and hearing about your birds...they are a wonderfi cute too. Keep on writing and taking pictures...you're awesome.

Hugs,

Reply

MEREDITH *says*
NOVEMBER 20, 2013 AT 2:57 AM

Thanks so much! I love taking pictures of those little buggers. They don't love it so cant tell because they run away yelling every time I walk up to them with a camera.

Reply

susan foster says
NOVEMBER 14, 2013 AT 2:59 PM

my daughter is interested in raising chickens. She lives in florida. I will pass this info al Thanks for sharing.

Sue

Reply

MEREDITH *says*
NOVEMBER 17, 2013 AT 1:08 AM

Sounds great, Sue! Please let me know if she decides to get some chickens, I'd be gl her about it!

Reply

heather says
NOVEMBER 20, 2013 AT 8:05 PM

Thanks for linking up with Independence Days Challenge! This is this week's featured p to check it out on Saturday and grab your badge for your site!

Reply

MEREDITH *says*
NOVEMBER 28, 2013 AT 1:58 PM

Thank you so much for choosing my post, what an honor!

Reply

patrick @ survival at home says
NOVEMBER 21, 2013 AT 8:08 PM

Love the pics, Meredith! Kudos for your homesteading spirit! 😀

Reply

MEREDITH *says*
NOVEMBER 28, 2013 AT 1:58 PM

Thanks Patrick! 🙂

Reply

LITTLE MOUNTAIN HAVEN *says*
NOVEMBER 21, 2013 AT 10:44 PM

This is a great post! I will share it on my page tomorrow.

We keep chickens just outside city limits, but our town is working hard to get chickens l right now they aren't 😕

Reply

MEREDITH *says*
NOVEMBER 28, 2013 AT 2:01 PM

That's amazing that they are trying to change the law. It's just ridiculous that urban homesteaders can't have chickens in most cities. The types of people that would wa livestock would treat them well, and the types of people that would raise roosters fo would would do it whether it were legal or not.

Reply

varenikje says
FEBRUARY 3, 2014 AT 1:48 AM

I have 3 chickens in my little town (not a city by any stretch, pop about 1200). It is illeg I have heard a rooster crow outside (and I don't have a rooster) I don't think I am the on Without the rooster, they are fairly quiet. I am thinking sometime soon I would like to p fence around my garden so they can go in there and scratch up the soil and eat bugs and

good little chickens. Right now there is snow on the ground, so I will have to wait. But y interesting. I actually have a cat and I think she is a little afraid of the chickens.

Reply

MEREDITH *says*
FEBRUARY 22, 2015 AT 4:13 PM

Chickens are great in the garden! We let ours roam the garden before planting and a They clean up pests, weed seeds, and till the garden all in one day!

Reply

noda says
FEBRUARY 4, 2015 AT 9:20 AM

My neighbors started growing chickens and now there is pop all over and they are growi chickens all over i am ar miami florida, can you p,ease tell who i can reach in city . Thar

Reply

stacey says

JULY 4, 2015 AT 11:36 AM

I hail from New Bedford, Massachusetts (think Moby Dick) and have 4 chickens that are laying age yet. I am happy and love them very much. I have ONE neighbor that said if I rooster,they have a bb gun and I believe they'd use it, I have a bb hole through one of m due to him peggin squirrels 😕

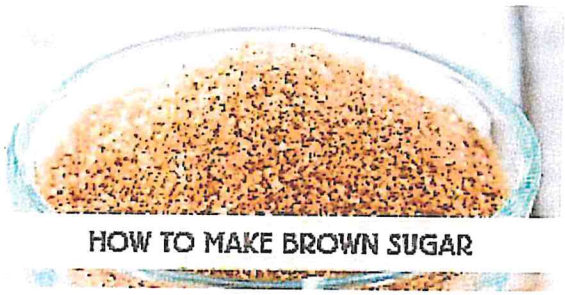
Reply

rachel says
OCTOBER 24, 2016 AT 7:15 PM

I can relate to so many of these! Our city of 230,000 was a small farm town of around 6, few decades ago though, so there's still a lot of agricultural stuff going on and we thank have to worry about legal issues or neighbor complaints. 6 of our flock of around 30 are not intentional, but we tend to collect strays!

We've had trouble with predators in the past-owls, cats, even coyotes! I also wish we ha room for them. But life with chickens, overall, is pretty great.

Reply



ImaginAcres is a participant in the Amazon Services LLC Associates Program, an affiliate advertising program designed to provide a means for us to earn fees by linking to Amazon.com and affiliated sites. Full disclosure policy here.

Disclaimer | Privacy Policy | About ImaginAcres

All content is ©2019 Rachel Arsenault | Grow a Good Life Media. Please feel free to link to or Pin any of these posts with credit and a link back, but do not copy, take images, or content from this site without my permission.

COPYRIGHT © 2021 · REFINED THEME BY RESTORED 316

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2021

	*******************City*******************				*******************ETA*******************			
	5/2021		**5/2020**		**5/2021**		**5/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	12	$3,410,852.30	21	$6,038,850.44	10	$3,646,903.95	5	$1,553,804.29
MANUFACTURED HOMES	1	$0.00	3	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	2	$28,000.00	2	$73,920.00	0	$0.00	2	$98,484.48
DETACHED GARAGE	6	$60,050.00	8	$121,038.75	10	$339,700.00	10	$294,203.00
DECKS\PORCHES & COVERED PORCHES	25	$91,806.75	27	$126,695.16	2	$8,316.00	3	$12,890.00
SWIMMING POOLS	0	$0.00	1	$79,280.00	1	$93,000.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	5	$24,700.00	3	$57,878.12	0	$0.00	0	$0.00
HOME OCCUPATION	1	$0.00	0	$0.00	0	$0.00	0	$0.00
STORAGE SHED	3	$10,780.00	1	$14,742.00	1	$2,880.00	1	$2,880.00
BASEMENT FINISH	7	$180,755.00	9	$194,891.25	2	$52,546.00	1	$32,775.00
FIREWORKS SALES	0	$0.00	0	$0.00	0	$0.00	1	$0.00
NURSERY STOCK SALES	1	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	16	$533,946.72	6	$274,579.00	0	$0.00	1	$575.00
SIGN ALTERATION	2	$61,750.00	1	$24,055.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	26	$32,659,681.21	1	$210,400.00	0	$0.00	0	$0.00
COMMERCIAL ADDITION	0	$0.00	1	$1,051,510.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	8	$2,108,692.00	8	$12,277,275.00	0	$0.00	0	$0.00
Total	**115**	**$39,171,013.98**	**92**	**$20,545,114.72**	**26**	**$4,143,345.95**	**24**	**$1,995,611.77**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2021

	*******************City*******************				*******************ETA*******************			
	5/2021		**5/2020**		**5/2021**		**5/2020**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	82	$3,500.00	77	$28,000.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	162	$1,399,022.21	89	$2,449,952.14	15	$151,745.00	14	$35,895.00
BUILDING PLUMBING	47	$798,587.04	42	$814,783.90	11	$179,785.00	6	$418,515.00
BUILDING SEPTIC	0	$0.00	0	$0.00	0	$0.00	6	$6,850.00
Total	**291**	**$2,201,109.25**	**208**	**$3,292,736.04**	**26**	**$331,530.00**	**26**	**$461,260.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2021

	*******************City*******************		*******************ETA*******************	
	5/2021	**5/2020**	**5/2021**	**5/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	1	3	0	0
Total	**1**	**3**	**0**	**0**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2021

	**********City**********				**********ETA**********			
	5/2021		5/2020		5/2021		5/2020	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	71	$20,315,362.89	67	$16,922,202.01	27	$9,998,534.02	19	$5,919,819.87
ROWHOUSE (2) 1-HR FIRE SEPARATION	34	$6,937,823.14	9	$1,818,950.37	0	$0.00	2	$429,629.68
MANUFACTURED HOMES	1	$0.00	6	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	9	$251,471.57	5	$485,315.76	3	$334,046.80	5	$288,781.52
DETACHED GARAGE	14	$181,550.00	13	$215,878.25	28	$1,136,940.00	19	$668,013.00
DECKS\PORCHES & COVERED PORCHES	49	$182,862.95	45	$237,640.92	7	$37,674.00	4	$12,890.00
SWIMMING POOLS	2	$223,000.00	4	$234,510.00	3	$239,221.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	33	$952,751.25	15	$969,949.12	1	$38,000.00	5	$181,075.00
HOME OCCUPATION	3	$0.00	1	$0.00	1	$0.00	2	$0.00
STORAGE SHED	10	$33,760.00	1	$14,742.00	1	$2,880.00	1	$2,880.00
BASEMENT FINISH	53	$1,297,744.00	40	$578,970.75	7	$151,059.00	8	$139,934.50
RESIDENTIAL	4	$0.00	5	$0.00	0	$0.00	0	$0.00
FIREWORKS SALES	0	$0.00	0	$0.00	0	$0.00	1	$0.00
NURSERY STOCK SALES	5	$0.00	0	$0.00	0	$0.00	0	$0.00
MISC TEMPORARY STRUCTURES	0	$0.00	5	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	37	$730,457.16	42	$647,654.00	0	$0.00	2	$1,175.00
SIGN ALTERATION	5	$126,167.00	7	$56,305.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	41	$48,906,094.21	8	$62,434,206.00	1	$450,000.00	5	$0.00
COMMERCIAL ADDITION	2	$1,688,150.00	4	$1,582,716.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	41	$14,450,091.00	58	$25,021,957.07	0	$0.00	0	$0.00
Total	**414**	**$96,277,285.17**	**335**	**$111,220,997.25**	**79**	**$12,388,354.82**	**73**	**$7,644,198.57**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2021

	*******************City*******************				*******************ETA*******************			
	5/2021		**5/2020**		**5/2021**		**5/2020**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	396	$39,800.00	360	$130,498.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	601	$6,493,475.63	461	$10,764,090.12	56	$504,755.00	65	$928,766.00
BUILDING MECHANICAL FIREPLACE	0	$0.00	0	$0.00	0	$0.00	1	$3,000.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	$0.00	1	$23,000.00	0	$0.00	0	$0.00
BUILDING PLUMBING	164	$5,026,024.04	140	$8,481,671.69	33	$503,079.00	26	$706,478.43
BUILDING SEPTIC	0	$0.00	0	$0.00	9	$24,000.00	10	$6,850.00
Total	**1161**	**$11,559,299.67**	**962**	**$19,399,259.81**	**98**	**$1,031,834.00**	**102**	**$1,645,094.43**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2021

	*******************City*******************		*******************ETA*******************	
	5/2021	**5/2020**	**5/2021**	**5/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	1	6	0	0
Total	**1**	**6**	**0**	**0**