

SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION TO DISCUSS EXPANSION OF THE EXTRA-TERRITORIAL JURISDICTION (ETJ) WAS HELD ON APRIL 23, 2015 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

Chairman Aafedt called the meeting to order at 5:30pm. Roll Call was taken. A Quorum was present.

MEMBERS PRESENT: Long, Maristuen, Fleck Christensen, Haugen, Boyeff, Aafedt.

MEMBERS ABSENT: None

OTHERS PRESENT: Kent Jarcik, Planning Director; Donald Kress, Principal Planner; Rachel Ressler, Senior Planner; Kelsey Vlamis, Planner; Christine Edwards (Administrative Assistant); Bob Hanson, City Engineer; Jordon Evert, Assist. City Attorney; Fire Chief Jason Catrambone, Public Works Director Dave Tuan; Howard Klug, President of City Commission.

DISPOSITION OF MINUTES:

- NONE.

COMMUNICATION:

PUBLIC HEARINGS:

- a. Ordinance 1017: An ordinance of the City of Williston amending and expanding the one-mile extra- territorial jurisdiction of the City of Williston.

Aafedt introduced this first public hearing agenda item (as above) and asked Kress to present. Kress states that the one-mile extra territorial jurisdiction is provided for by state statute, NDCC 40-47. Ordinance 1017 proposes to extend the City's one-mile extra-territorial jurisdiction (ETJ).

The current ETJ has been in place since 1989. The city limits have considerably since this time by way of annexation. Since 2009 the city's area has tripled. Kress explained that the ETJ does not automatically extend when territory is annexed and said that the City did not pursue extension of the ETJ at the time of individual annexations and the city has now outgrown its current ETJ in several areas. Kress said that the proposed ETJ replaces the current ETJ. The proposed ETJ map is presented and Kress explains that the boundary lines follow the city limits to the closest quarter-quarter ($\frac{1}{4}$ $\frac{1}{4}$) section. With exception of two areas where the ETJ boundary would have cut through a subdivision the proposed boundary line is one mile evenly around the City limits. Where the two subdivisions are concerned the ETJ boundary was extended just to include the entirety of the subdivision.

The ETJ is extended by ordinance and goes through the city's regular process for ordinance review and public hearing.

Kress stated that the City is required by state statute to hold a zoning transition meeting with the zoning boards of any jurisdiction that will have its zoning jurisdiction affected by the extension of the City's ETJ. The city attorney has recommended that the boards of any townships involved as well as the County be invited to the zoning transition meeting. The affected townships are; Williston, Missouri Ridge, Pherrin and Stony Creek Townships. Kress explained that the

purpose of the zoning transition meeting is to review existing zoning rules, regulations, and restrictions currently in place in the territory to be included in the extra-territorial zone and to plan for an orderly transition. This meeting is scheduled for Wednesday, April 29, 2015 at 5:30 p.m. in the Commission Room of City Hall.

Kress explains that in the one-mile ETJ, the City has planning and zoning jurisdiction. City zoning and subdivision ordinances will apply, all zoning and subdivision entitlements must be submitted to the City, and review and approval is done entirely by the City.

Kress adds that Ordinance 1018 (to be presented following this Ord. 1017) proposes to extend the City's building code and fire code jurisdiction to include the area within the one-mile ETJ. All other issues/laws will remain under Williams County and/or township jurisdiction.

Kress said that the Century Code also allows for a two-mile ETJ, that mile just beyond the first mile, in which the County would have initial jurisdiction with the City having an option to negotiate the County decisions on any particular zoning issue. Kress stated that the City has opted not to create that optional two-mile jurisdiction at this time.

Kress told the Commission that subsequent to the effective date of the ETJ ordinance, the City will undertake to rezone the area taken into the first mile of the ETJ to the City zone that most closely fits the existing development and land uses on each property. This rezoning will go through the regular zone change hearing process. Kress said that the intent of this rezone is to assign city zoning designations, appropriate to the existing lot sizes and land uses of individual properties, to the properties in the first mile of the ETJ. Kress discussed previous City initiated re-zones and told the Commission that just as with those the City will make the zoning most closely fit what uses already exist, adding that the City does have several more zoning designation than the County does. The City has been working with the County to look at what properties might be affected and feel there should not be any issues matching zoning designations; this is part of what will be discussed at the transition meeting. Those re-zones will be done just as any other zoning process with the property owners being notified, advertisement of public hearing, and presentation to the Planning Commission and the City Commission. There is no expense to the property owners for the re-zone.

It is the City's intent that existing land uses within the first mile of the ETJ that were legal within the County on the effective date of the ETJ ordinance can remain. Kress said that the City does not intend to change zoning and designate future uses but only to address zoning when land is platted or re-platted.

Kress stated that the ETJ is intended to delineate an area that is to remain available for long term future growth of the City, and allows the City to extend regulations to territory adjacent to the city limits where development of incompatible land uses can affect the orderly growth of the City. Additionally, the ETJ is part of the entry gateways to the City, from which visitors get their first impressions of the City.

The area within the ETJ is not served by city infrastructure. Kress said the tiered growth areas designate the areas intended for future extension of the city limits and city services but that city services do not automatically expand with the ETJ.

Kress said that at the April 2, 2015 ad hoc meeting, discussion included:

CITY'S JURISDICTION IN THE ONE MILE ETJ: The city has planning and zoning jurisdiction within the one-mile ETJ. The ad committee directed that the city's building code and fire code jurisdiction also be extended into the one-mile ETJ. Kress said that the city attorney has prepared Ordinance 1018, to be presented next, based on that direction.

EXTENT OF THE ONE-MILE AND TWO-MILE ETJ: Kress stated again that the ad hoc committee directed that the two-mile ETJ not be pursued at this time.

Kress stated that the ad hoc recommendation was to recommend approval of the ETJ extension and concluded his presentation.

Aafedt opened the public hearing and asked for any public input requesting anyone with comment to approach the podium and state their name for the record. She also asked that if someone states concerns or opinions that others agree with that in the interest of time they respond with, "I agree", or something along those lines.

Richard Ryan: Are all City Ordinances expanding with ETJ? Evert answered no, only zoning, building and fire code. Will there be enforcement of design guidelines? Jarcik stated that the City does not currently have specific design guidelines. Will this apply to zoning ordinance or all ordinances? Jarcik stated zoning, subdivision and building ordinances; other City ordinances would not come into effect in the ETJ until there was annexation which is not being proposed. Evert assured again that "black book" ordinances would not, could not be enforced outside of the City corporate limits. What government agency is to take responsibility for health and safety of the residents – complaints to City, County or Township on things like septic and garbage issues? Evert said it would depend on the violation, that the City can only take action within the zoning ordinance and that other matters would remain the responsibility of the County or Township just as they are now. Ryan stated he felt that the City, County and Township need to work out who would be responsible for what matters or nothing would get done. Aafedt stated that whoever is enforcing it today would be the same entity enforcing those matters after expansion of ETJ.

Assistant City Attorney Evert stated that the ETJ is simply a tool to plan for future growth.

Dan Kalil, Williston Township Board: Do you know the population in the affected area? Kress stated that the Planning Department does not have that information. Kalil said people and lives are at stake and said that when the City had a one-mile ETJ in the past, "before they annexed it all", there were frustrations for both entities trying to enforce the rules of that ETJ. Now the City is taking in more area, making the rules and again there will only trouble with rules not being enforced. Kalil stated that Townships have no authority of enforcement and the County has very few ordinances so their enforcement options are minimal. Kalil stated his concern that the time and staff it would take to handle enforcement in the proposed ETJ and whether the City had paid enough attention to what it is going to take adding his disbelief that City can handle this. Kalil stated that it was not fair to people living in the ETJ to have to follow rules being made by people they are not allowed to vote for and asked the Commission to vote no on this expansion. Kalil said that what is best for the community needs to be considered, not what's best for the City or for the County but what is best for the community. Many people in the audience expressed support of Kalil's statements.

Don Omer: Lives in West Acres Subdivision which has been established in the County since 1974 with no problems, not fair for City to now take regulation of it, leave it out of this expansion.

Terry Metzler: Stated that realizing that most of the audience members live in the County he is sure that they have all seen the growth forecast and whether they agree with the numbers or not everyone can agree that the community is going to continue to grow a lot. If the City is not allowed to do their jobs, which includes the expansion of the ETJ, what the community will end up with is islands. The population in the ETJ is very small compared to what is going on this area regarding new development. Metzler stated that if this were looked at in a broader view the ETJ should really be extended to the new truck by-pass so there is uniformity for the community; that there cannot be spotty development caused by developing outside of City limits in the County, growth pushing the City limits outward and forcing them to jump over that development and having to try to tie it into the City streets and infrastructure. Metzler finished with a statement that whether it is in the City's growth plan or the County's growth plan, the intent is to keep development close to the City.

An audience member made a comment about big development and what happens to the residents in the County. Kress addressed the audience and stated that the City is not proposing any development, there is no plan to zone something with intent to direct development. The City would simply zone what is already there to the closest conforming City zoning to the use that is in existence; reminding that only new development would fall under the guidelines of the City zoning ordinance.

An audience member spoke of West Acres and Rio Vista Subdivisions that are already completely built, out where the land does not allow any more development in those areas and stated that bringing them under City ordinance is senseless – there cannot be any more development, leave them as established and out of the ETJ.

Donna Hanson: What triggered this now instead of waiting until development slows? Jarcik explained that the City has tripled in area since 2009 and pointed out on the current City map what the ETJ was in 2009, and stated that that ETJ still exists. Adding the large northern annexation in 2013 triggered the need to expand the ETJ and it has been a point of discussion since that time. The ETJ simply allows a city to plan and be cohesive with outward areas with water, sewer, roadways, transportation plans and so on. Jarcik said with a lot of development around a City make it is difficult and costly for City expansion and connection without this tool in place.

Aafedt stated for audience clarification, that as Kress said, ETJ is set by state statute, for all towns, for the purpose of orderly, healthy growth of community. Williston has been expanding for 10 years, holding off on this expansion but are finally at a point where it is catching up.

Donna Hanson: Will this would be done again then in another couple of years? Aafedt said it would depend on growth but with this learning process in the future City expansion and the one-mile ETJ will be addressed together. How does this protect residents in the ETJ; why would we want this? Aafedt and Jarcik stated that there would be better enforcement of building and fire codes allowing the City to know what is out there, that it meets codes, that if the City has to build infrastructure out to those developments everything will be compatible, to allow some enforcement of zoning issues around the City. Jarcik stated that both the Building Department with their Code Compliance division and the Fire Department have stated a belief that this is worth taking on and that they are prepared to handle it.

Bruce Haugen: Why would the City Police and Fire Department not then have to patrol and respond to issues on my property since the City will be taking funds from the County? Why does the Sheriff's Department have to take on that burden if the County is not getting those funds? Aafedt asked what funding he was referring to. Mr. Haugen responded that if the City would now be getting the monies from building permits and applications, why should the County have to pay for the Sheriff's Department to patrol and handle issues in the ETJ. Evert stated that matters of police issues do not extend with the ETJ. Why would I want this? What about the oil wells that will be taken in under the ETJ? Aafedt stated that oil well sites would be required to be landscaped but she did not believe much other change would be required. Haugen stated he believes that this expansion is a step towards annexation and that in his opinion the City is not even close to being caught up with what they took on during the last annexation with building codes, enforcement and infrastructure; how are you possibly going to handle this much more? Several audience statements of support.

Bob Horab: There are several larger subdivisions under County jurisdiction that are well established, are there truly building or fire safety issues in them different then a subdivision in the City? Horab continued to state that these are great communities and people are happy there; why now would the City say they are going to come in and do what's best when there are no issues.

David Montgomery, Williams County Commission Chairman: Stated that the County has a very professional staff in their Planning and Building Departments and asked if the City had reached out to them in this regard stating that the County Building and Fire Code are very similar to if not the same as those of the City. He stated that the County has Code Enforcement people that are already busy in the one-mile ETJ and that they are involved in some litigation concerning both building and zoning code violations. Montgomery asked if the City was prepared to take over that litigation. Evert responded he did not have the answer to that right off and Montgomery interjected that he would like Evert to get that answer before this is finalized and noted that Williams County Commission has voted 4-1 in opposition of this ETJ. Evert stated that he was not able to answer that question but that what the P&Z Commission was being asked for at this meeting was a recommendation to the City Commission. Regardless of the recommendation from P&Z this item will be heard two times by the City Commission, the first hearing will be a public hearing like this one. Evert told Montgomery that he would have an answer for him regarding enforcement litigation before that first reading. Montgomery addressed lot sizes stating that the State requires 40,000 sq. ft. for a property to have a septic system and stated concern that under City jurisdiction, lot sizes would be smaller and could not accommodate a septic system.

Wayne Aberle, County Commissioner: Stated that he had land in the one-mile ETJ and could get no enforcement for issues he had including the County. Aberle addressed Commissioner Fleck as a one-mile resident and asked what he is going to do if someone parks truck on the lot next to him. Fleck said that he does live in the current ETJ and had trouble with a un-permitted man-camp across the road from him. Fleck said he took pictures and brought his complaint to the City Code-enforcement and the man-camp was investigated, notified of their violation and that they had to remove all shelters from the property. The City followed that through and the man-camp was cleaned up and removed. Aberle asked Fleck why he took his complaint to the City Code Enforcement office and Fleck responded, "because I live in the one-mile jurisdiction". Aberle stated that there is no one-mile ETJ in place now because it has all been annexed. The Commissioners corrected him and Kress showed on the map the existing

one-mile ETJ. Aafedt assured the audience that there is a procedure and enforcement process in place which does address the one-mile ETJ and is working.

Tammy Dickerson: Stated that she does not feel that the City building inspector can even take care of her issues right in downtown Williston and is doubtful that issues in the ETJ will be taken care of.

Bayless Putney/Statoil and BP Land Services: What will happen to oil-well pads that are in the ETJ? Kress stated that any oil well site that is legally permitted through the State will remain as is but that any additions to existing sites or establishing new sites will require a special use permit and will have to meet all City regulations just as is done currently within City limits. Kress reminds the audience that the State has regulation and control of the actual drilling and operation of oil wells.

Aafedt posed a question about any effect on County mineral rights within the ETJ. Evert stated that the expansion of the ETJ does not change ownership therefore no mineral rights will be affected. Evert added that the same goes with property owners, the City is not going to force anyone to change the use of their property; this is not a retroactive process.

Julie Keller: If ETJ is expanded will City water and sewer be required in new construction in order to get a Certificate of Occupancy? How can that be enforced where there is no City water? How do you pick and choose which rules will apply and which won't? Fire Chief Cantrambone stated that the City Fire Department and the County Fire Department operate the same way and stated there is always a way for rural vs. urban developments to meet fire code. Size, structure and so on, whether City or County, under the International Fire Code, 2012 are the same. The only difference right now is that in the City Limits the Fire Department has not waived any requirements for sprinkler systems. Cantrambone stated it is understood that not all areas can access City water and there are other ways to meet fire code whether it is City water, County water or stored water. Keller: But new construction is required by the Building Code to have City water in order to get a certificate of occupancy, correct? Response was within City limits yes but the City limits are not being expanded. Keller: But if zoning, building and fire codes are expanding that code would govern that one-mile. Cantrambone responded by saying that the International Fire Code and International Building Code gives them authority within their jurisdiction to look at properties individually. He cited three properties in City limits that cannot meet fire code at this time with City water but have been allowed occupancy with stored water. Additionally in the ETJ the building code requirements could be met for instance by use of a well safe for human consumption. Evert interjected that if Ms. Keller was asking if there is a City ordinance that requires you to use city water, then yes there is. However that is an Ordinance in what the City calls their "black book" but not found in the building code, fire code or zoning code therefore not being incorporated into the ETJ and that requirement would not be placed upon a developer therein.

Corey Parisek, Williams County Water Board: Will the City take over storm water drainage review and permitting in the ETJ or will that remain with the water board? City Engineer Hanson stated that building permits come with storm water management standards very similar to those of the County water board. He stated that the City would regulate but the County was welcome to continue to review as well. Parisek said that in the City if there is a problem they put in a storm sewer and assess it but in the County financing is different. Hanson replied that it comes down to development standards and building permits required stating that most developments are confined to a small area. Hanson and Parisek discussed an issue on the

east side of 85 being the reason the water board started using storm water plans.

David Montgomery: In response to the question about storm water review Mr. Montgomery stated that if the City is getting the fees for building permits and those permits include storm water management the County would not pay for those engineering questions. Commissioner Boyeff asked how storm water has been handled in the one-mile jurisdiction and Parisek answered that the water board has been handling.

Mathew Zieg, CSC Contractors: Would the City be ok if a development wanted to be annexed? If we have to follow the rules but not receive the services why not just be annexed and get the benefit of the infrastructure? Kress explained the Tier 1 growth area and stated that it is the area that City services could be extended to; that area is what is used for any annexation consideration. He said that the one-mile ETJ extends beyond that Tier 1 growth area to allow for direction of growth. Any proposal for annexation is proposed to the City Commission and be evaluated on whether it is contiguous to the City and whether it can be served by City services. Kress stated that the City has denied annexation requests outside of the Tier 1 growth area. Jarcik added that a Tier 1 growth area is always being re-evaluated as the City grows, the amount of area that has been consumed by growth; continually re-evaluate the transportation and infrastructure plan for what can provided.

Richard Ryan: Asked the Commission to ask for a show of hands from the audience for or against the ETJ expansion. Aafedt stated that is just not the way this process works.

Donna Hanson: Once this ETJ moves out, is annexation next? Aafedt referred to Kress' explanation of the Tier 1 growth area and again said a lot depends on how fast the population grows but it is just not part of the plan. Kress stated that as a matter of City planning there needs to always be some area outside of City limits to contemplate long-term growth; annexing what there is right away doesn't make any sense. Kress stated that in terms of the number of annexations since 2009, the larger number of them have been initiated by land owners.

Bob Horab: Stated that making this expansion after large annexations will double the acreage that the City will be at least partially responsible for and he feels that his too much for the City. He stated again that subdivisions like Dapple Gray and Bar None have been fully developed within County regulations and asked the Commission if they felt those developments were so bad that the City needs to take control. Aafedt answered that she has not heard any statement from this Commission, ad hoc committees or the staff that any of those areas were bad, that the issue here.

Howard Klug, President of Williston City Commission: Klug first stated that he appreciates the comments made at the meeting and said that many of the same concerns were expressed and addressed during the large northern annexation. The City has continued to grow in the annexed areas in an orderly fashion under our codes. Klug stated that the City cannot take on continued growth and expansion with streets that are unpaved or other things that the City will have to go back and assess people to improve. He addressed an earlier question about the population in the proposed ETJ and said that is an unfair question. Klug said he can't answer that with certainty nor can he say for sure what the population of Williston is but he does know that Williston is 60% of the population of Williams County. This is not a City vs. County issue

he said but it does need to be a county working together with its largest city. To the matter of zoning enforcement litigation that the County is involved in right now Klug stated that there is no answer to that right now or how it would be handled but that the City is not going to oppose any involvement. The City is already paying for those ETJ lawsuits with our taxes; the City is a part of it now and will remain a part of it in the future.

Aafedt called a second time for public input. Dick Wendt spoke and said he lived north of town. He questioned whether the large development going in north of City limits would be hindered by the ETJ. Klug stated it would not, assuming Mr. Wendt was speaking of the Stropic development which Wendt confirmed. Klug said that they have their county entitlements and the expansion of the ETJ would only ensure that the development meets building code and that streets and infrastructure were up to code in case the City has to eventually expand out and provide water and sewer. Klug added that the City is not going to try to go out there and take business away from anybody, i.e. garbage disposal.

Joseph Cecil: Will current building permits or projects stop if and when the expansion happens? Kress said that permits that have been issued will go forward as intended and asked if Cecil was talking about final building approval. Cecil said that his application in the process of permit approval with the County right now but has not been granted so his question is if the ETJ expansion were to go into effect prior to his permit being issued would his process stop and have to start over at the City level. Again the answer is no and confirmed by Evert. Cecil was informed that this issue is something to be discussed at the transition meeting but reminded that City and County Building Codes are nearly identical. Aafedt made a final call for public input; hearing none closed the public hearing and asked comment from the Commission.

Fleck explained that he is a county resident living in the current ETJ and said that when he built his home there 17+ years ago they had to sign a non-protest agreement for annexation and that has never happened. He stated he would love to have City water, larger water lines, fire hydrants but he lives in the county and he knew that may never happen; the City doesn't want to annex these larger developments because the improvements needed are too costly. Fleck said that any worry about annexation in the near future really should be minimal.

In answer to some public statements the following things were explained by the P&Z Commission:

- The ETJ is still county property therefore it is the Sheriff Departments jurisdiction not City Police
- There are two county representatives, living within the ETJ, on the City Planning Commission and there are two City Commissioners on the County Planning Commission so there is county resident representation
- The City has no desire to annex the proposed ETJ area in the near future; it cannot support it right now.
- The ETJ is not exclusive to Williston. Other cities within the state have had to do the same thing with population growth and follow the same procedures. (W. Fargo, Bismarck, Mandan)
- A one-mile ETJ has been in place since 1989 and the City has had zoning authority in

that ETJ. The issue is that 15 -20 years ago no one thought this kind of growth would happen so the ETJ was not properly considered.

- Building Codes are nearly identical and the Fire Codes are identical; no negative effects.
- Without the future ability to better plan and control traffic as the population continues to expand it would be detrimental to Williston and surrounding areas.
- Code Compliance and Enforcement is already in place so there is no financial “ding” in setting that up – benefit to residents in ETJ
- ETJ's are based on population and most major cities have them (provided by State Statute NDCC 40-47), Fargo and Bismarck for instance have a 4 mile ETJ based on population; the proposed ETJ for Williston is based on census from 2010 which is in reality far less than the current population.

Boyeff said that there is a need for more in the community, more to do, more shopping and the only way that more happens is to grow. He said he does not believe that this comes at any real cost to anyone but benefits everyone. He supported earlier statements from the audience that there have been issues in the past with enforcement and who is responsible within the ETJ. There have been meetings on some of those things, some have been hammered out and some have not, thus the reason for the transition meeting and the need for the community to coordinate and work together. Boyeff addressed traffic in and around Williston and stated that without the ETJ in place, without connectivity between the County and City the planners cannot continue to work out traffic issues, provide alternate routes and take some burden off of our streets and highways. Boyeff concluded his comments by expressing his support of the ETJ expansion.

Commissioner Christensen states that he is one of the County Representatives on the City Planning Commission and that he is looking for orderly growth of Williston as it expands and he believes the expansion of the ETJ will be beneficial to those, like himself, that live in that one-mile. Commissioner Long added her support of statements made by the Commission and that orderly growth is necessary, thus he supports the expansion of the ETJ.

Fleck wanted to assure all audience members that the people sitting on this Commission do so because the truly care about the community, the whole community.

MOTION BY BOYEFF, SECOND BY HAUGEN, to recommend to the City Commission approval of Ordinance 1017: An ordinance of the City of Williston amending and expanding the one-mile extra- territorial jurisdiction of the City of Williston as depicted on Exhibit A attached to the Ordinance. AYES: Fleck, Long, Boyeff, Maristuen, Haugen, Christensen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

- b. Ordinance 1018: An ordinance amending Section 26 of Ordinance 613, otherwise known as the zoning ordinance of the City of Williston, to include and extend the city building code and fire code to the one-mile extra-territorial jurisdiction for the City of Williston

Aafedt introduced this second public hearing agenda item (as above) and asked Kress to present. Ordinance 1018 proposes to extend the City's building code and fire code jurisdiction into the City's one-mile extra-territorial jurisdiction (ETJ).

As the City has planning and zoning jurisdiction within the one-mile ETJ, Kress said that extension of building code and fire code jurisdiction to this area is intended to make the quality and safety of development within the one-mile ETJ comparable to the quality and safety of development in the city. He added that while Section 26 was being worked on as part of Ordinance 1018 a few items were cleaned up: language regarding the landscaping was removed (it will be controlled by the recently adopted landscape ordinance); updating the penalty amounts and attorney Evert suggested including Resolution 13-127 regarding man-camps.

Kress said that the April 2, 2015 ad hoc this item was discussed along with the previous, Ordinance 1017, and the ad hoc committee recommended approval.

Assistant City Attorney Evert addressed the Commission and stated that Section 26 (b) clearly extends building, fire and subdivision codes into the ETJ. There is some ambiguity as to whether the building code has extended in to that jurisdiction in the past, Evert stated however that for possibly as long as the ETJ has been in place all building permits within the ETJ have been processed through the City, this is not something that has been taken on newly. This Ordinance will clarify that and will also take Resolution 13-127 (and any amendments thereto) on man camps into the ETJ in order to avoid any issues in the future. Evert says that the title for Ordinance 1018 needs to also reference the building code, fire code, subdivision ordinance and man camp resolution and he will clean that up before any finalization. Evert stated, as Kress had earlier, that this ordinance also removes the landscape language in Section 26 to allow the current landscape ordinance to control. Subsection (e) regarding fines has been changed to say \$1,500 because the State Code on this has been amended since Section 26 was adopted and this change will simply bring things up to present day State Statute standards.

Fleck asked if fine amounts were not already addressed. Evert stated that it may have been amended within other ordinances but this Section 26 is a general, "catch all" provision so this will make Section 26 compatible with all other ordinances where fines of this kind are included. Fleck asked for clarification of the red-lined draft ordinance as presented to the Commissioners as to whether what they are looking at is the entirety of proposed Ord. 1018 or if there was something else Evert was injecting. Evert stated that the only thing that would have been injected would be Subsection (b) of Section 26. Evert stated that Subsection (b) is new language being presented; the reason for that being that what the Commission was first presented in their packets did not contain the language about Resolution 13-127 and it was suggested that it be included because the ETJ expansion will take in man-camps and the City needs to be very clear where it stands on man-camps.

Aafedt opened the public hearing and asked for public input.

City Engineer Hanson asked about storm water ordinance being incorporated into this Ordinance stating that the storm water ordinance currently stands on its own and is not a part of the zoning or building codes. Evert first stated that the ND Century Code enables zoning jurisdiction to extend based on population, the type of zoning ordinance a City has then would answer Hanson's question. Evert stated that he believes that the City could add its storm water ordinance to this ordinance. However he stated the City should talk to the County about their building permit process; if the County handles their storm water process as part of the Building Permit process then the City would need to be careful about taking over the building permit process and leave the County stuck with storm water management. Evert stated it may need an amendment but it would need to be discussed first. Evert said that answer could come prior to

the City Commission meeting and he could present to them an amended proposal as is necessary. Aafedt asked if that could be added to the Planning Commission motion as a suggestion and Evert affirmed that would be acceptable.

Mathew Zieg asked if the landscape ordinance was also a separate ordinance. Kress said that it was passed as a separate ordinance but amended into Ordinance 613, the Zoning Ordinance of the City of Williston, as is standard process for any zoning ordinance.

Aafedt called twice more for public input; hearing none she closed the public hearing and asked for discussion or comment from the Commission.

Christensen, as a Williston township board member, asked if the City would have any ability to enforce pre-existing zoning issues in the ETJ that the township has no authority over such as chicken coops and dog kennels. Evert stated that the regulations that the ETJ would be subject to is Williston City Planning and Zoning Ordinance 613. Further Evert stated that while some allowances may differ (number of dogs allowed in City limits vs. in the County), any issue that falls into the City Zoning Ordinance could be enforced by City Code Enforcement. Zoning, Building, Fire Codes or Man-camp issues would be reported directly to the City Code Enforcement team. Aafedt added that during ad hoc, Building Official Bill Tracy was very clear that they can and will provide code enforcement with the ETJ expansion.

Aafedt asked Evert to clarify the changes that proposed Ordinance 1018 is making to Section 26 of the zoning code. Evert stated that Ord. 1018 is a modification of Section 26 of Williston Zoning Ordinance 613 and will apply to the City of Williston and the ETJ and assuring there is not confusion as to the extension of the following into the one-mile ETJ just as in City limits:

- City Zoning Code
- City Building Code
- City Fire Code
- City Subdivision Ordinance; and
- City Resolution 13-127

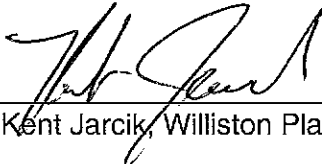
Haugen called for the question

MOTION BY FLECK, SECOND BY CHRISTENSEN, to recommend to the City Commission approval of Ordinance 1018: An ordinance amending Section 26 of Ordinance 613, otherwise known as the zoning ordinance of the City of Williston, to include and extend the city building code and fire code to the one-mile extra-territorial jurisdiction and update language regarding landscaping and penalty amounts also to include the storm water management and Resolution 13-127, regarding man-camps. **AYES:** Fleck, Long, Boyeff, Maristuen, Haugen, Christensen, Aafedt. **NAYS:** None. **ABSENT/NOT VOTING:** None. **ABSTAINED:** None.

SPECIAL MEETING SCHEDULED: April 29, 2015, ETJ TRANSITION

DATE OF NEXT REGULAR MEETING: May 18, 2015

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director