

**CITY OF JAMESTOWN**  
**102 3rd Ave SE**  
**Jamestown, ND 58401 - Phone: 701-252-5900**  
**MINUTES - Planning Commission - May 9, 2016 - 8:00 a.m.**

Present: Hillerud, Paulson, Trautman, Frye, Rath, Ritter, Rhinehart

Others present: Buchanan, Fuchs, Klundt, Dooley, Wollan

Absent: Bensch, Bayer

1. Chairman Hillerud opened the meeting. Commission member Trautman made a motion to approve the minutes from the April 11, 2016 Planning Commission meeting. Commission member Rath seconded. Motion Carried.

2. Public Hearing: Zone Change (Continued from April)

Lot 1, Block 2, Mill Hill 2<sup>nd</sup> Addition to the City of Jamestown, North Dakota from C-2 (General Commercial District) to R-4 (Planned Residence District).

The property is located along the 600 Block of 11<sup>th</sup> St SW.

Chris Clanahan of SRF Consulting Group gave the staff report.

Chairman Hillerud opened the public hearing. No one appeared. Chairman Hillerud closed the public hearing.

Commission member Rath made a motion to accept the findings of staff and recommend approval of the zone change from C-2 to R-4 for the proposed Lots 1 – 7, Block 1, Sumac Ridge Addition, a replat of a portion of Lot 1, Block 2, Mill Hill 2<sup>nd</sup> Addition to the City Council as it meets the requirements of Appendix C of the Jamestown Municipal Code.

Seconded by Ritter Roll Call. Unanimous aye vote. Motion Carried.

3. Public Hearing (Continued from April):

The preliminary plat of Sumac Ridge Addition, a replat of a portion of Lot 1, Block 2 of Mill Hill 2<sup>nd</sup> Addition to the City of Jamestown, Stutsman County, North Dakota.

The property is located along the 600 Block of 11<sup>th</sup> St SW.

Chris Clanahan of SRF Consulting Group gave the staff report.

Chairman Hillerud opened the public hearing. No one appeared. Chairman Hillerud closed the public hearing.

Commission member Trautman made a motion to accept the findings of staff and approve the Preliminary Plat for Sumac Ridge Addition, a replat of a portion of Lot 1, Block 2 of Mill Hill 2<sup>nd</sup> Addition within the SE ¼ of Section 35, Township 140N, Range 64 West, as it meets the requirements of Section 9 of Appendix B of the Jamestown Municipal Code. Seconded by Rhinehart. Roll Call. Unanimous aye vote. Motion Carried.

4. Other business.

- a. Review Work Session Outcomes (Priority Action List)

Chris Clanahan, SRF Consulting Group, explained the list of suggested items for follow-up and stated that the priorities were listed according to our interpretation of the Planning Commission's discussion during the two work sessions as well the level of effort that has already been put into certain tasks such as utility easements and senior housing types and parking requirements. Chairman Hillerud stated that he thought it would be beneficial for the Planning Commissioners to think about the priorities and come back next month with some thoughts.

Cindy Gray, SRF Consulting Group, suggested that SRF could move forward with item #1 on the list – an ordinance to establish utility easement requirements as it is a simple item to complete and has already been put into practice the past few months. Trautman agreed. Chairman Hillerud commented that he thought the planning commission had already forwarded a request of action to the council on item #2 on the list, which is in regards to defining different types of senior housing and changing the parking requirements to better reflect the needs of the varying levels for different types of senior housing. This was discussed by the group and Cindy Gray stated that the data was presented, but a draft ordinance has not been prepared. The data is available from prior work to move forward with an ordinance.

Frye commented that the Traffic Impact Study Ordinance should be put on this list as it was discussed at length at the City Council. Chairman Hillerud said he thought that possibly there was a misunderstanding by the Council as to what the Planning Commission's intent was. Ritter said that she wanted the City Council to understand that the Planning Commission supports language that would allow that smaller developments would have different criteria than larger developments which would therefore require a different level of a traffic impact study.

Cindy Gray, SRF Consulting Group related information regarding Fargo's impact studies structure and stated that traffic impact studies are routinely required in a number of cities around the state, such as Grand Forks, Fargo, Bismarck, Williston and Minot for example, and that the need for a traffic impact study requirement in Jamestown, for certain sized developments in key areas, was an outcome of NDDOT involvement in the development of the Comprehensive and Transportation Plan. Commission member Frye's concern is that the lack of traffic impact studies could affect the community in a negative manner 10-20 years down the road, and he believes there is a way to have this done without it resulting in high costs to everyone. Chairman Hillerud asked if certain thresholds of development could be established to determine the varying levels of traffic impact study needs for each particular project. Cindy said that the current draft ordinance already uses trip generation as the threshold, which ensures that very small developments wouldn't need to provide a study other than to have someone quickly estimate the number of trips generated, which SRF could do, the applicants engineer, or the City Engineer could usually do fairly quickly. The ordinance gives the City Engineer the discretion to waive the requirement if he/she feels a study isn't warranted.

The issue of responsibility for paying for recommended roadway improvements was brought up. The Menard's area was used as an example. Commission member Frye stated that we could potentially end up with "streets to nowhere" due to the lack of a traffic impact study. Cindy Gray explained that the cost of recommended improvements can be handled in a variety of ways, depending on who benefits from the improvement. This can vary from one situation to another. If only one development benefits from the improvement, that developer might be fully responsible. If several property owners benefit from a roadway improvement, it might need to be special assessed to a number of benefitting property owners. It was decided that the Planning Commission needed a clear idea of what thresholds are required for the cost participation of the developer. Commission member Ritter asked if Dickinson or Williston require traffic impact studies. Cindy said yes, the requirement was originally driven by the NDDOT because of all the activity in that area and numerous requests for access to NDDOT roads, but eventually, the cities took it upon themselves to require the studies. The Commission would like a list of cities that have an ordinance or policy to require traffic impact studies, and a summary of how they handle paying for the cost of recommended improvements.

Chairman Hillerud suggested the Planning Commission review the remaining items on the Action list next month.

Chairman Hillerud gave an update on Storm Water analysis meeting held on April 14<sup>th</sup>. He stated that, it was well attended, with representation from the City, County and the four surrounding townships.

b. Donna and Rob Lindberg, Jamestown, ND

Donna and Rob Lindberg, of Jamestown, ND, brought up their concerns over the shooting range located at Sec 26 & 27, Stutsman County. They have 7 acres and are in a long term lease with a company from South Dakota. They feel that the City of Jamestown should be involved due to the 1 mile extraterritorial limits. They addressed concerns over the noise, the safety because of overshoots, the berms elevation of 23' from

the elevation of their shop (berms 20' high), the location of schools, livestock and noise ordinance. They asked if there have been any zone changes that the Planning Commission has seen regarding the shooting range. Commissioner Hillerud stated that to his knowledge, the gun range has never been addressed at a planning commission meeting. They want the zoning commission to seriously look at this due to the nature of this issue. Secretary Wollan commented that our ordinance doesn't specifically address shooting ranges.

Cindy Gray, SRF Consulting related that the one mile extraterritorial area is under the City's jurisdiction. She expressed the need to determine if a shooting range is a permitted use in that zoning area. There was discussion that Midway Township is the body that is responsible for determining the land use.

Commission member Trautman asked if the new business that is being brought in on the Lindberg property is a permitted use for the current zoning of the property.

Clarice Liechty, Jamestown, ND, suggested that everyone be re-educated on who has and who doesn't have jurisdiction in the extraterritorial area.

5. Cindy Gray, SRF Consulting Group, stated that the ND Century code sets up a process on how the extraterritorial area is regulated. Normally, the City has the sole jurisdiction within the first mile in a city the size of Jamestown, and that Jamestown hasn't extended its ETA into the outer mile as allowed by Century Code. She stated that in the outer half of the allowed extraterritorial area, joint jurisdiction between the city and the township would be required per NDCC. Since the townships surrounding Jamestown have their own zoning, applications would be received by the township in the joint jurisdiction area and their decision would need to be passed along to the City for the concurrence. However, since Jamestown hasn't extended their ETA past the one-mile distance, they aren't currently dealing with a joint jurisdiction area. The City of Jamestown could go with a 2 mile extraterritorial zoning area according to the century code, but chooses to only go the one mile. Commission member Ritter asked if realtors are responsible for making sure the property is correctly zoned. Cindy Gray said that it is common for city zoning administrators to receive requests from mortgage and financing companies to review certain properties for zoning compliance and provide a letter regarding the level of zoning compliance, because financing companies want to ensure that a property can be reconstructed if it's destroyed by fire or some other disaster. They want to ensure the property complies with the zoning before they provide financing. It is important that buyers understand what is allowed by the zoning of their property.
6. Adjournment. Commission member Frye made a motion to adjourn. Commission member Ritter seconded. Meeting adjourned.