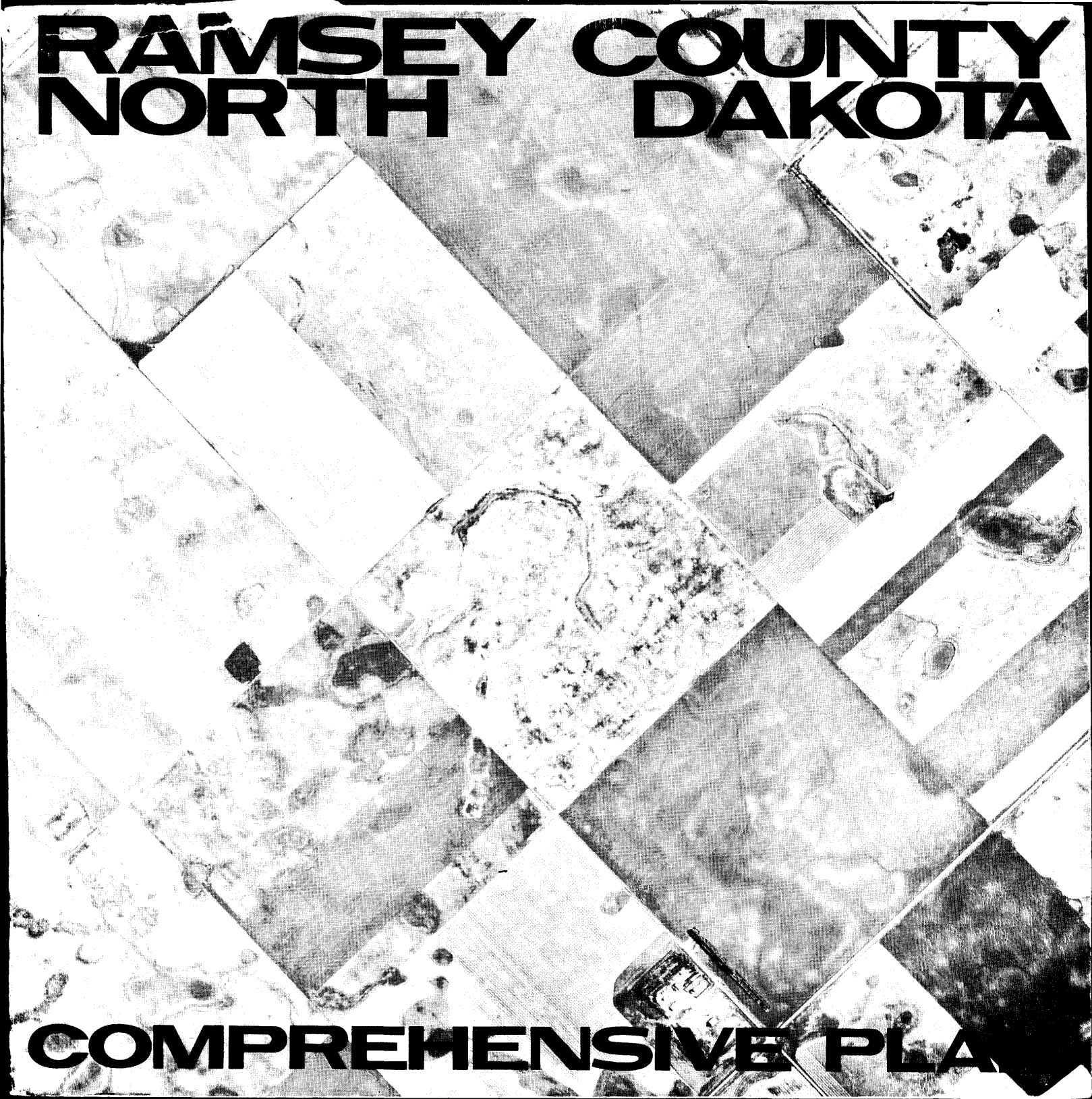


RAMSEY COUNTY NORTH DAKOTA



COMPREHENSIVE PLAN

1990 COMPREHENSIVE PLAN

FOR

RAMSEY COUNTY,

NORTH DAKOTA

1973

STATE OF NORTH DAKOTA

STATE PLANNING DIVISION

Russell Staiger, Executive Director

RAMSEY COUNTY, NORTH DAKOTA

BOARD OF COUNTY COMMISSIONERS

J.C. Connor, Webster, Chairman
Harry E. Anderson, Edmore
T.C. Goulding, Bartlett
William C. Frith, Devils Lake
Walter Moen, Devils Lake

RAMSEY COUNTY PLANNING COMMISSION

Vernon Sandlan, Edmore, Chairman
Harry E. Anderson, Edmore, Vice Chairman
Walter Moen, Devils Lake
Everett Paul, Starkweather
Dennis Riggan, Devils Lake
James Disher, Churchs Ferry
Orrin Cox, Crary
R.G. Reimer, Hampden
William Harrington, Devils Lake

PRESIDENTS OF BOARDS OF CITY COMMISSIONERS

Wendell Hanson, Bartlett	Kenneth Berg, Edmore
J.C. Miller, Brocket	Earl Haugland, Hampden
Arden Helgeseth, Churchs Ferry	Albert J. Shereck, Lawton
Orlo Mostad, Crary	Howard Thacher, Starkweather
Arthur J. Lang, Devils Lake	

FOREWORD

March 1, 1973

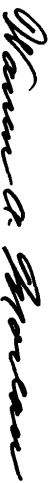
In September, 1971, the consulting firm of Charles Gathers and Associates, Inc. was selected to formulate a Comprehensive Plan for Ramsey County, North Dakota. The intent of this Plan is to provide the people and public officials of Ramsey County with basic data to make reasonable and practical decisions regarding the continual process of growth and development within the County to achieve a better environment for better living.

The Plan, which is contained in this document, is the result of months of field survey, research, and analysis. Several delays were encountered during the planning process due to the fact that certain data such as the 1970 Decennial Census and revised estimates of the ABM (Antiballistic Missile) System Impact on Ramsey County were not available as early as had been anticipated at the time the Consultant was selected. Because the completion of this document was delayed until these current data were available, the Plan is more reliable and directly applicable.

An expression of appreciation from Charles Gathers and Associates, Inc. for the time, effort, and information from interested and dedicated individuals and groups, both private and public, is gratefully acknowledged. Some of these people include the Board of County Commissioners; the County Planning Commission; Vender Olson, County Auditor; Mrs. Caroline Horne, County School Superintendent; M. F. Peterson, Superintendent of the State Department of Public Instruction; Mike Arndt, State Geologist; Laverne L. Zink, State Highway Department Planning and Research Engineer; Milo W. Hoisveen, State Water Commission Engineer - Secretary; David R. Torkelson, State Bureau of Industrial Development Research Analyst; Richard Wolfert, State Librarian; Gary Leppart, State Outdoor Recreation Agency Coordinator and Liaison Officer; and Russell Staiger, Acting Director, State Planning Division. An expression of thanks is also extended to the many officials and citizens in the various townships and incorporated communities who have contributed time and information toward the formulation of this document.

We trust that this Comprehensive Plan for Ramsey County, which has been reviewed in preliminary form and approved by affected agencies, will set the stage for orderly growth and future development within the County toward the goal of a better way of life for the people of Ramsey County.

Respectfully,



Warren A. Moreau, A.I.P., Vice President
Planner-in-Charge



CHARLES GATHERS
AND ASSOCIATES, INC.
ARCHITECTS - PLANNERS
DENVER, COLORADO

CREDIT

the preparation of this report was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 640, (1954) as amended, u.s.c.a. 461, administered by the north dakota state planning division.

Aerial photographs included in this report were secured from two sources. Aerials of Starkweather, Crary, Churchs Ferry, Hampden, Lawton, Brocket, and Bartlett are reprinted, by permission, from the 1970 City Atlas, published by the North Dakota State Highway Department. All remaining aerials were obtained from the U. S. D. A. - Agricultural Stabilization and Conservation Service. The latter photographs were obtained by the A. S. C. S. during overflights of Ramsey County in August, 1967.

ACKNOWLEDGEMENT



**CHARLES GATHERS
AND ASSOCIATES INC.**

President, Charles E. Gathers, A.I.A.
Vice President, Warren A. Moreau, A.I.P.
Director of Planning, William H. Claire, A.I.P., F. ASCE
Economics and Population, Jon L. Colt
County and Town Planning, Jan N. Haan
Graphics and Mapping, Derrick Hattie
Dennis S. Ross
Timothy L. Schanefelt
Rodney W. Schulling
Tom Sauerbier

CONTENTS

INTRODUCTION: 1

Basis for the Plan: 1
Organization of the Plan: 2
Objectives of the Plan: 2
How the Plan Operates: 2
Jurisdictional Coordination: 3

PHYSICAL FEATURES AND RESOURCES: 5

The Region: 5
Influences: 5
Resources: 12

ECONOMIC BASE AND POPULATION STUDY: 19

Background: 19
1980 Expectations: 20
1990 Expectations: 26
Work Force, Education, and Migration: 27
Employment by Occupation Group: 28

EXISTING LAND USE: 31

Methodology: 31
The County as a Whole: 32
Rural Uses: 33
Incorporated Town Uses: 34

COUNTY HOUSING: 43

Housing Survey: 43
Housing Problems: 43
Obstacles: 45
Current Housing Activities: 45
Objectives: 46
Workable Program: 46
Implementive Action: 47
Future Housing Needs: 47

1990 LAND USE PLAN: 49

Objectives: 49
Future Land Needs: 50
Proposed Land Use Plan: 51

MAJOR THOROUGHFARE PLAN: 79

Objectives: 79
Existing System: 80
Transportation Trends: 81
Coordination with Land Use Plan: 81
Recommended Highway Standards: 82
1990 Major Thoroughfare Plan: 83

PUBLIC FACILITIES PLAN: 89

Protection: 89
Health: 90
Education: 92
Government: 98
Utilities: 98
Cultural, Religious, and Recreational: 100

PUBLIC IMPROVEMENTS PLAN: 105

Summary: 105
Feasibility: 107
Financing Improvements: 108
Public Finances: 109

PLAN IMPLEMENTATION MEASURES: 111

Methods: 111
Related Measures: 112
Forms: 114
Conclusions: 114

COUNTY ZONING REGULATIONS: APPENDIX A

COUNTY SUBDIVISION REGULATIONS: APPENDIX B

CITY ZONING REGULATIONS: APPENDIX C

CITY SUBDIVISION REGULATIONS: APPENDIX D

FIGURES

TABLES

II-1	The Region: 7	II-A	Geological Suitability for Construction: 10
II-2	Topography: 9	II-B	Geological Suitability for Landfill: 10
II-3	Geology: 11		
II-4	Soils for Crops: 13		
II-5	Soils for Grazing: 15		
II-6	Hydrology: 17		

III-1	Population Growth, 1920-1990: 24	III-A	County Population, 1940-1990: 21
		III-B	Employment by Industry, 1950-1970: 21
		III-C	County Employment by Location, 1950-1990: 22
		III-D	County and National Employment, 1970: 23
		III-E	Work Force Participation by Age Group: 27
		III-F	Education - County and National: 27
		III-G	Employment by Occupation, 1950-1970: 29

IV-A	Existing Land Uses: 32
IV-B	Farm Size, Number, and Productivity: 33
V-A	Housing Conditions: 44
V-B	Housing Needs: 48

VI-1	County Existing Land Use: 54	VI-A	1990 Land Uses: 52
VI-2	1990 Land Use Plan: 55		
VI-3	Recreational Development at Devil's Lake: 57		
VI-4	Edmore-Land Use: 63		
VI-5	Starkweather Land Use: 65		
VI-6	Crary Land Use: 67		
VI-7	Churchs Ferry Land Use: 69		
VI-8	Hampden Land Use: 71		
VI-9	Lawton Land Use: 73		
VI-10	Brocket Land Use: 75		
VI-11	Bartlett Land Use: 77		

VII-1	Highway Cross Section Standards: 84	VII-A	Motor Vehicle Registration: 82
VII-2	Major Thoroughfares Plan: 85	VII-B	Highway and Railroad Crossings: 87

VIII-1	Public Facilities Plan: 95
VIII-2	Creel Bay Development Schematic: 102

IX-A	Public Improvements Schedule: 106
IX-B	Public Improvements Summary: 107

X-A	Synopsis of Zone Districts: 113
-----	---------------------------------

A-1	County Zoning Map: A-37
-----	-------------------------

C-1	Edmore-Starkweather Zoning Maps: C-34
C-2	Crary Zoning Map: C-35
C-3	Churchs Ferry-Hampden Zoning Maps: C-36
C-4	Lawton Zoning Map: C-37
C-5	Brocket Zoning Map: C-38
C-6	Bartlett Zoning Map: C-39



BASIS FOR THE PLAN

The United States in its nearly 200 years of growth has experienced changes in its urban and rural areas resulting in rapid growth in most areas and recently a decline in some others. This process has complicated the orderly development of the country and efficient operation of federal, state, and local governmental agencies. Recognizing the need for relief from these complications, planning legislation in the Housing Act of 1954 authorized funds for cities and counties to plan years ahead to anticipate more logically the changes sure to come. This planning process permits a city or a county to formulate a plan upon which various governmental decisions could be more feasibly based. This Comprehensive Plan of Ramsey County, North Dakota, referred to hereinafter as the Plan, is one of the plans described above and consists of text, maps, tables, and related data.

A three-way contract to prepare the Plan was entered into by (1) the State of North Dakota Planning Office, (2) the County of Ramsey, North Dakota, referred to hereinafter as the County, and the incorporated municipalities within the County, and (3) the Denver, Colorado architectural and planning consulting firm of Charles Gathers and Associates, Inc., referred to hereinafter as the Consultant. The Planner-in-Charge of the Plan is Warren A. Moreau, Vice President, Charles Gathers and Associates, Inc.

The incorporated communities within the County included in the Plan are as follows:

Bartlett	Edmore
Brocket	Hampden
Churchs Ferry	Lawton
Crary	Starkweather

The City of Devils Lake is not included in detail in the Plan since it was planned under a separate contract in 1969 by R. W. Beck and Associates of Denver. However, considerable information regarding Devils Lake is included in the Plan recognizing the influence of the city on the Plan for the County.

There are two sources of information that form the basis for the Plan, (1) studies, maps, and reports of federal, state, and local governmental agencies, including universities, and (2) field surveys, maps, analyses, and interpretations of data provided by the Consultant. The Consultant recognizes the value of the wealth of public information so cooperatively made available to the Consultant by numerous County and State officials. Where appropriate, such information has been included in this report and the sources of data from governmental agencies are cited.

The field surveys by the Consultant include existing land use surveys which are parcel by parcel inventories of the use of land within the County at large and for each municipality. Surveys were also conducted which evaluated the condition of housing and other buildings throughout the County. Other investigations also include economic, social, and physical analyses necessary on which to base the multitude of decisions required in formulating the Plan.

ORGANIZATION OF THE PLAN

The subject matter in the Plan is arranged or organized according to the work items or planning elements required by the contract for the Plan as follows:

- Base mapping
- Physical Features and Resources Study
- Economic Base Study
- Population Study
- Existing Land Use Study and Analysis
- Housing Study
- Land Use Plan
- Major Thoroughfare Plan
- Public Facilities Plan
- Public Improvements Plan
- Zoning Regulations
- Subdivision Regulations

The contract specified that the Plan was to be completed in two phases. The first phase was intended to cover the first six work items above and the remainder in the second phase. The contract for the Plan was drawn up only a month after the 1970 decennial census was taken; the census data were not available for months afterwards. As a result, much of the census data required to complete the first phase report within the allotted time was not available. Thus, the two phases of the Plan are combined in this report.

OBJECTIVES OF THE PLAN

One of the key features of the Plan is the list of objectives the Plan is intended to help bring about. The objectives should be reasonable, achievable, and reflect the will of the people of the County. The Plan should be based on the objectives. The objectives should be firm enough to result in greater governmental efficiency and yet flexible enough to allow for adjustments in the years ahead, if necessary. The same statement applies to the Plan.

Several general objectives are worth listing here, even though a set of objectives for each main element of the Plan appears with the appropriate element. The general objectives are as follows:

- 1 Formulate each element of the Plan with appropriate recognition of the interrelationship of one element with another.
- 2 Capitalize on every opportunity to reduce the cost of government commensurate with the level of government services the people of the County want and are willing to afford.
- 3 Observe safety principles in planning decisions to reduce potential hazards for the general welfare of the people of the County and their property.
- 4 Strengthen the economy of the County through planning determinations favorable to private enterprise and economic policies attractive to new business and industry.
- 5 Provide in the Plan the appropriate social amenities that enhance the enjoyment of life in the fields of education, recreation, employment, and spiritual understanding.

HOW THE PLAN OPERATES

This subject is treated in detail below in the chapters on Plan Implementation Measures and regulations and is briefly discussed here to get an overview of the planning process. The Plan is authorized by North Dakota enabling statutes for the purpose of achieving orderly growth and to protect property and other rights of the people. The County Planning Commission is

responsible for the formulation, adoption, and implementation of the Plan. The principal elements of the Plan are land use, major thoroughfares, and public facilities. These form the comprehensive plan and are implemented by a system of regulations regarding zoning, subdivisions, and building and other codes. The Plan is meaningless unless adopted by the County Planning Commission. Plans for residential, commercial, and industrial development are first approved by the Planning Commission before actual building takes place. The Plan and regulations mentioned are subject to modification if they impose harsh requirements or hardships on those affected by them. Public improvements are also subject to Planning Commission approval.

JURISDICTIONAL COORDINATION

The principal activities of the County that seem to involve areas outside of the County include recreation, transportation, retail trade, watershed and drainage basins, the impact of ABM System facilities, continuity of highways, and the joint use of public facilities, such as schools, solid waste disposal sites, domestic water supply, and others. The County has much to gain from a policy of coordination with adjacent counties and other governmental jurisdictions and the Plan recognizes the potential efficiency of operation and consequent reduction of public expenditures by pursuing such a policy.

The reference in the Plan to coordination with other jurisdictions is recommendatory only and not binding on such jurisdictions without their concurrence. All recommendations in the Plan are proposed to be publicly heard and studied before official adoption. The procedure for adoption is provided for and should be in accord with the North Dakota Century Code.



This section of the report includes a discussion and interpretation of climatological and surficial geological characteristics in terms of their individual and collective relationship to the Plan. With the development of the Garrison Diversion Unit recreational opportunities for residents and tourists will be at a maximum. These factors, along with the economic change that will occur, will affect the demands for land use, land occupancy, and public facilities throughout the County. These related physical-economic implications must be evaluated in terms of the area's physical and economic capacity to support service needs.

THE REGION

Ramsey County is approximately centered in the northeast section of the State (Figure II-1). Its area is bordered on the north by Cavalier County, on the east by Walsh and Nelson Counties, on the south by Nelson and Benson Counties, and on the west by Benson and Towner Counties. The City of Devils Lake, the largest town and the county seat, is located in the south central portion of the County. It is 90 miles west of Grand Forks, 120 miles east of Minot, and 125 miles northeast of Bismarck. U.S. Highway 2 is the principal arterial through the area.

Amtrak's "Empire Builder" on the Burlington Northern Railway provides passenger rail service between Chicago and Seattle and stops in Devils Lake once daily in either direction. Burlington Northern and the Soo Line operate freight rail services throughout the County. The only commercial airport within the County is located at Devils Lake. North Central Airlines provides one flight daily service to and from Grand Forks, Minneapolis, and Chicago.

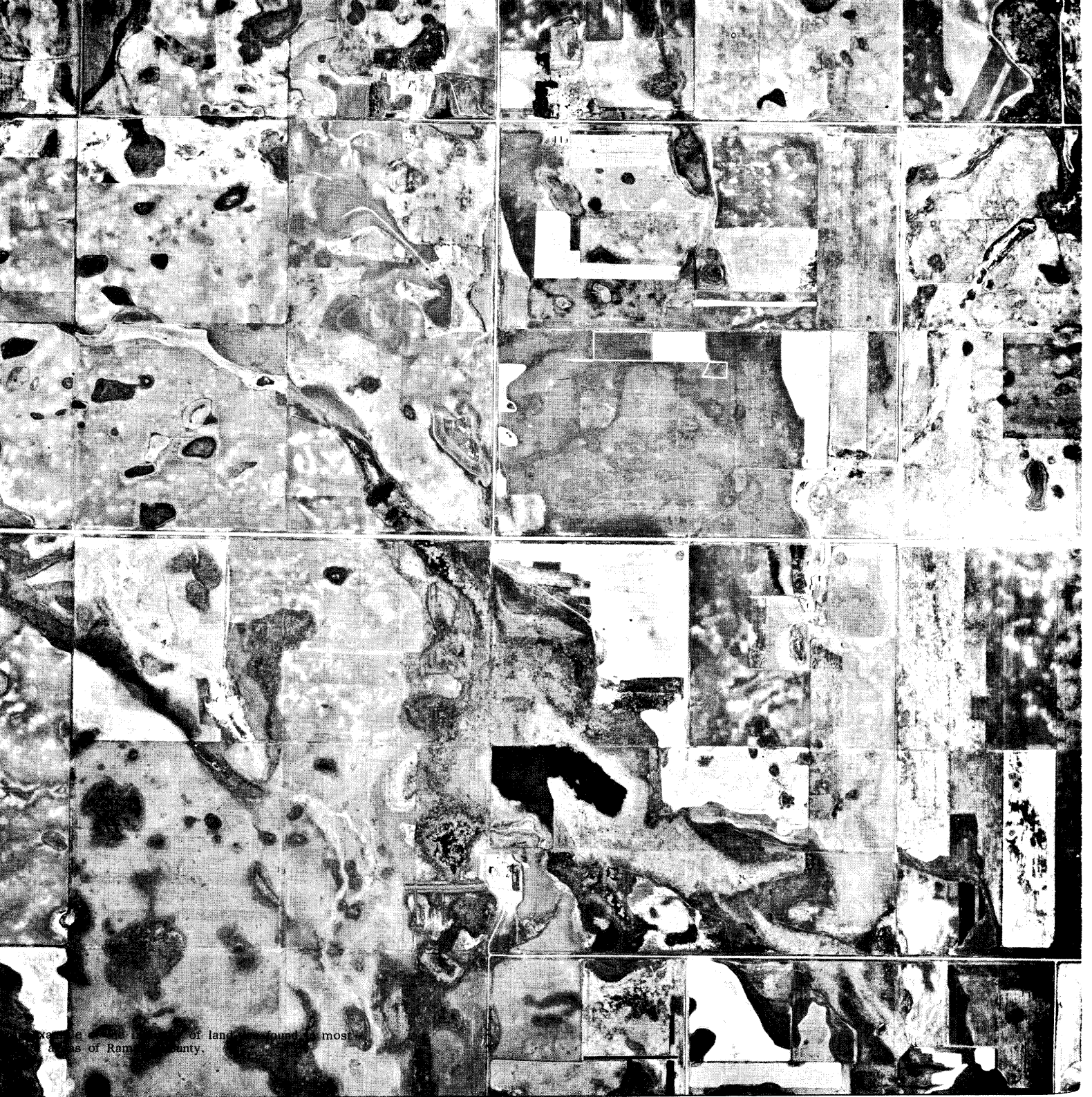
The diversion of water from the Garrison Reservoir will revive the resort activity and life once known to the Devils Lake area. Boating, camping, fishing, hunting, and other recreational opportunities will again be available to tourists and residents of the County.

INFLUENCES

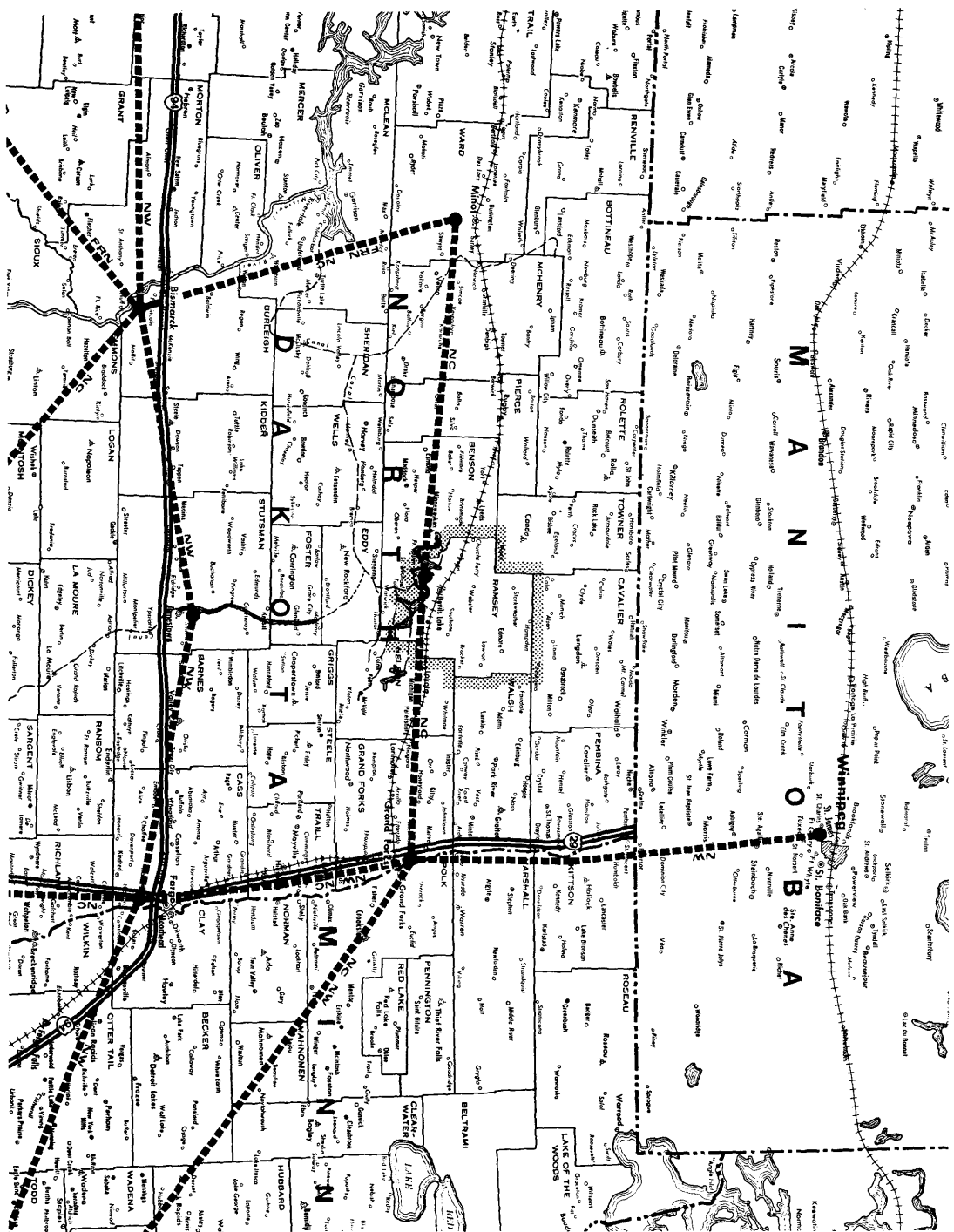
CLIMATE

The climate of eastern North Dakota, often referred to as cool temperate subhumid, is characterized by cold winters and warm summers. The more significant features of this climate are the amount and seasonal distribution of precipitation, seasonal temperatures, and the length of the frost-free season. Approximate long-time averages in each category throughout the area have been compiled by the National Weather Service.

The relatively short summers, 100 to 125 frost-free seasonal days, are reasonably warm with abundant sunshine during the growing season. Temperatures during July range from a mean high of 68° F. to a mean low of 65° F.



Example of the layout of land found in most
areas of Ram County.



CHARLES GATHERS
AND ASSOCIATES, INC.
DENVER, COLORADO

The preparation of this map was financed by the Federal Bureau of Investigation, Department of Justice, under the provisions of the act of October 3, 1917, (40 Stat. 1034) as amended, U.S.C., 461, administered by the north district state planning division.



0 25 50 75
MILES

In comparison, the winters are relatively long with frequent temperature fluctuations. Cold air masses causing strong, gusty winds cause a high chill factor rating. Average low temperatures during January range from -20 F. to a high of 30 F.

Annual precipitation for the County varies from 17 to 20 inches. Of this amount, the 14 to 16 inches of precipitation which occurs during the warm season (April through September) has a significant bearing on the high agricultural production of the area. However, it should be noted that precipitation figures for an individual year may vary from the average year by as much as one half of the mean figure.

PHYSIOGRAPHY

The State of North Dakota lies within the drainage basins of the Missouri River and the Red River of the North. These two basins, nearly equal in area, diagonally divide the State in a general northwest to southeast direction along the divide between the two river basins. The Red River Basin in the northeast is subdivided by the Drift Prairie running north to south through the central portion of the State and by the Red River Valley running north to south along the eastern border of the State.

The County lies entirely within the Drift Prairie which is about 225 miles wide at the Canadian border and funnels to a width of 75 miles at the South Dakota state line. The gentle slope of the Prairie is to the southeast; elevations range from 2,000 feet above mean sea level in the northwest to 1,200 feet in the southeast. An exception to this is the Turtle Mountain Range along the Canadian border in the northeast part of North Dakota which reaches an elevation of nearly 2,000 feet.

Ramsey County lies entirely within the till plain, a subdivision of and covering nearly 80 percent of the Drift Prairie. The till plain is an undulating plain with low rounded knolls, numerous "pothole" depressions, and very few streams. Within the Prairie lie four moraines, the result of glaciation, which rise 50 or a 100 feet above the surrounding plain. One such moraine lies to the south of Ramsey County.

During the glacial period the Des Laes, Souris, James, and Sheyenne Rivers carried runoff waters from the melting glaciers. Since the glacial period, major drainage patterns in the area have become relatively extinct. Spring runoffs presently take the form of "sheet-flooding" depositing themselves into nearby "pothole" depressions either evaporating or developing a high water table. This phenomenon is particularly true of Ramsey County.

TOPOGRAPHY

Ramsey County covers an area of 776,965 acres or 1,214 square miles in northeast North Dakota (Figure II-2). Wetland areas, both natural and man-made water impoundments, cover nearly 88,000 acres of this total. A high elevation of 1,610 feet occurs in the northeast corner, dips to a low of 1,413 water surface elevation on Devils Lake, and gradually rises to an elevation of 1,500 feet in the southwest corner just west of Devils Lake. The average gradient from the northeast corner of the County to the surface of Devils Lake is only 17 inches per mile.

Topographic features such as flanges, gentle slopes, and drainage affect planning problems and resulting solutions. Good soils are important to sustain a high agricultural production. A flat, or gently sloped landscape permits an easy cultivation and helps to maintain a relatively high water table with easy drainage. Flat lands, which tend to sheetflood, are a disadvantage during periods of heavy runoffs. Planning procedures should recognize both advantages and disadvantages of this type of landscape, whether the intent be for urbanization, agricultural, recreation, or other uses.

Gentle slopes provide an interesting and attractive terrain for location of urbanized areas. However, in flatter areas adequate precautions should be taken to prevent flood damage. The lay of the land, numerous water bodies, and wooded areas provide opportunities for hunting, fishing, hiking, camping, and other recreation. Recognition of this has taken form in State parks, and will be an objective of this plan.

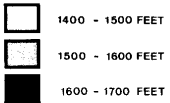
GEOLOGY

The cost of construction is usually directly proportional to prevailing geological conditions, and with a knowledge of these conditions undesirable areas and high construction costs can be avoided. The Consultant used information furnished by the North Dakota Geological Survey to rate areas with respect to construction suitability (Figure II-3 and Table II-A). Areas are also shown with geological conditions suitable for sanitary landfills (Figure II-3 and Table II-B). Sanitary landfills should be located in areas where the subsurface geological structure would not permit seepage into nearby streams and groundwater supplies. The water table should be relatively low so that solid wastes will not remain saturated for long periods.

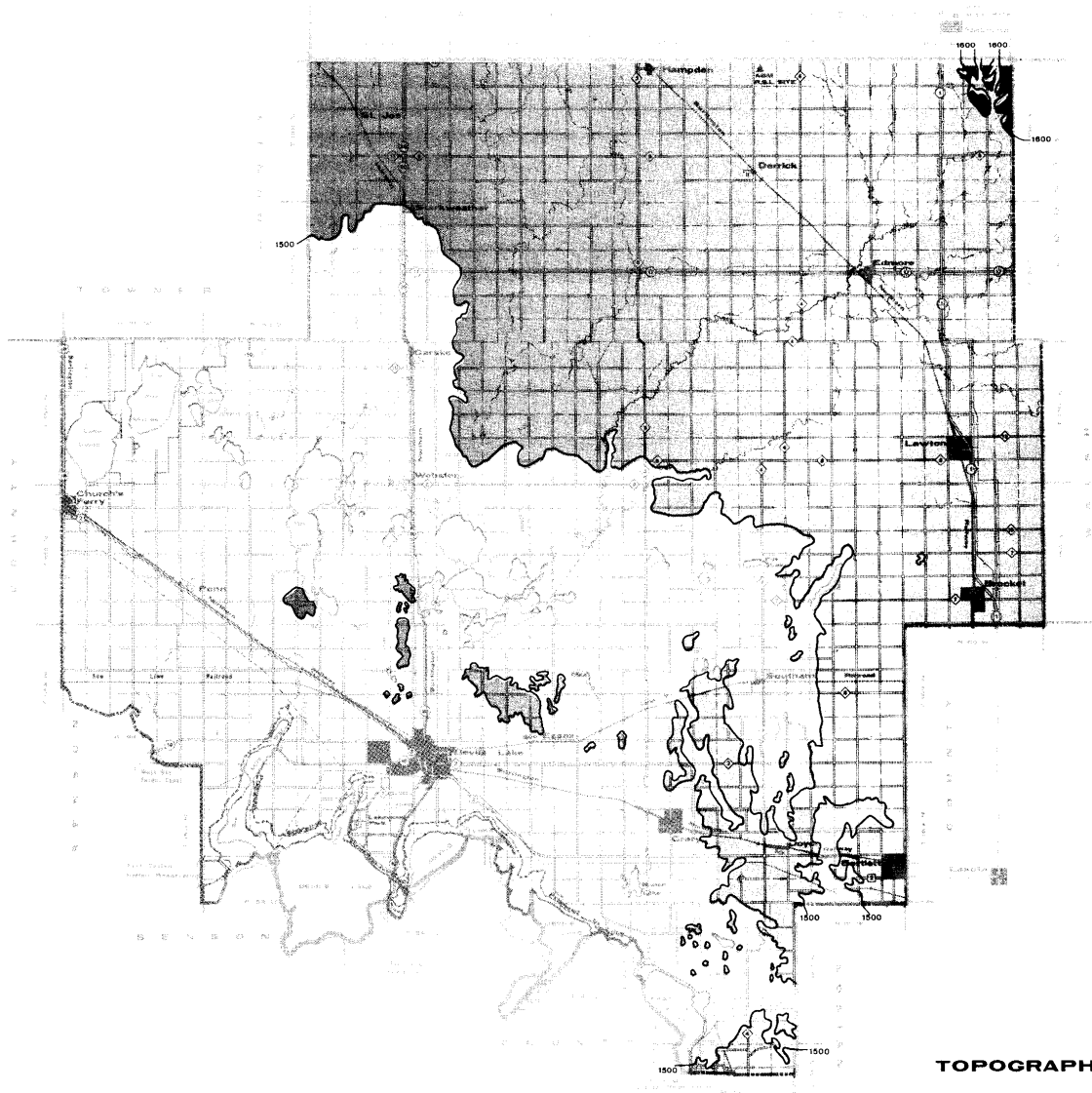
Mineral resources in the County are minimal. Large quantities of sand and gravel are available in shoreline deposits or eskers, but their quality and economic value is low because of the high shale content and other mixtures.

RAMSEY COUNTY, NORTH DAKOTA

LEGEND:



TOPOGRAPHY



CHARLES AND ASSOCIATES INC.
ARCHITECTS
DENVER, COLORADO

GATHERS
PLANNERS
COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 680, (1954) as amended, U.S.C.A. 461, administered by the north dakota state planning division.



MILES 0 1 2 3 4 5 6 7

FIGURE
II-2

TABLE II-A GEOLOGICAL SUITABILITY FOR CONSTRUCTION

Symbol	General Condition	Geology	Compressibility	Degree of Variability	Slope Stability in Open Cuts	Water Table	Permeability	Topography	Comments
A	Good	Sandy, clay-silt local sand and gravel Glacial Sediment-till	Low to moderate	Sand deposits laterally and vertically	High to moderate	Variable-usually within 10 feet	Low to high	Hammocky to rolling	1. Internal drainage may be of concern 2. Excavations may encounter sand and gravel lenses 3. Generally suitable for most types of construction 1. Soils generally well drained 2. Unprotected slopes are easily eroded 3. Natural slopes are stable
B	Fair	Sand and silt; well-sorted Local sand and gravel; local clay Lake Sediment	Low in sand High in clay	Sand thickness variable	Low to moderate	Generally greater than 10 feet	Generally high except in excessive clay areas	Nearly flat to rolling	1. Lateral leaching is possible 2. Extreme care required in selecting landfill site, because of highly permeable nature of the sediments
C	Fair	Sand and gravel overlain by pebbly clay-silt	Till: low to moderate Sand and gravel low	Sand and gravel discontinuous over-lying till variable	Sand and gravel unstable	Variable; may be within 10 feet	Low to high	Long linear depressions	1. Water table is high 2. Flood hazard is high 3. These channels are avenues for groundwater flow.
D	Poor	Sandy, clay-silt; overlain by discontinuous sand and gravel. Abundant surface boulders Glacial sediment-till lake deposits	Till: low to moderate Sand and gravel low	Discontinuous sand and gravel both laterally and vertically Boulder concentration at surface	Moderate to high	Low to high	Low to high	Rolling to undulating	1. Occasional sand and gravel lenses may be encountered in excavations 2. Good internal drainage where overlain by sand and gravel 3. Suitable for most types of construction

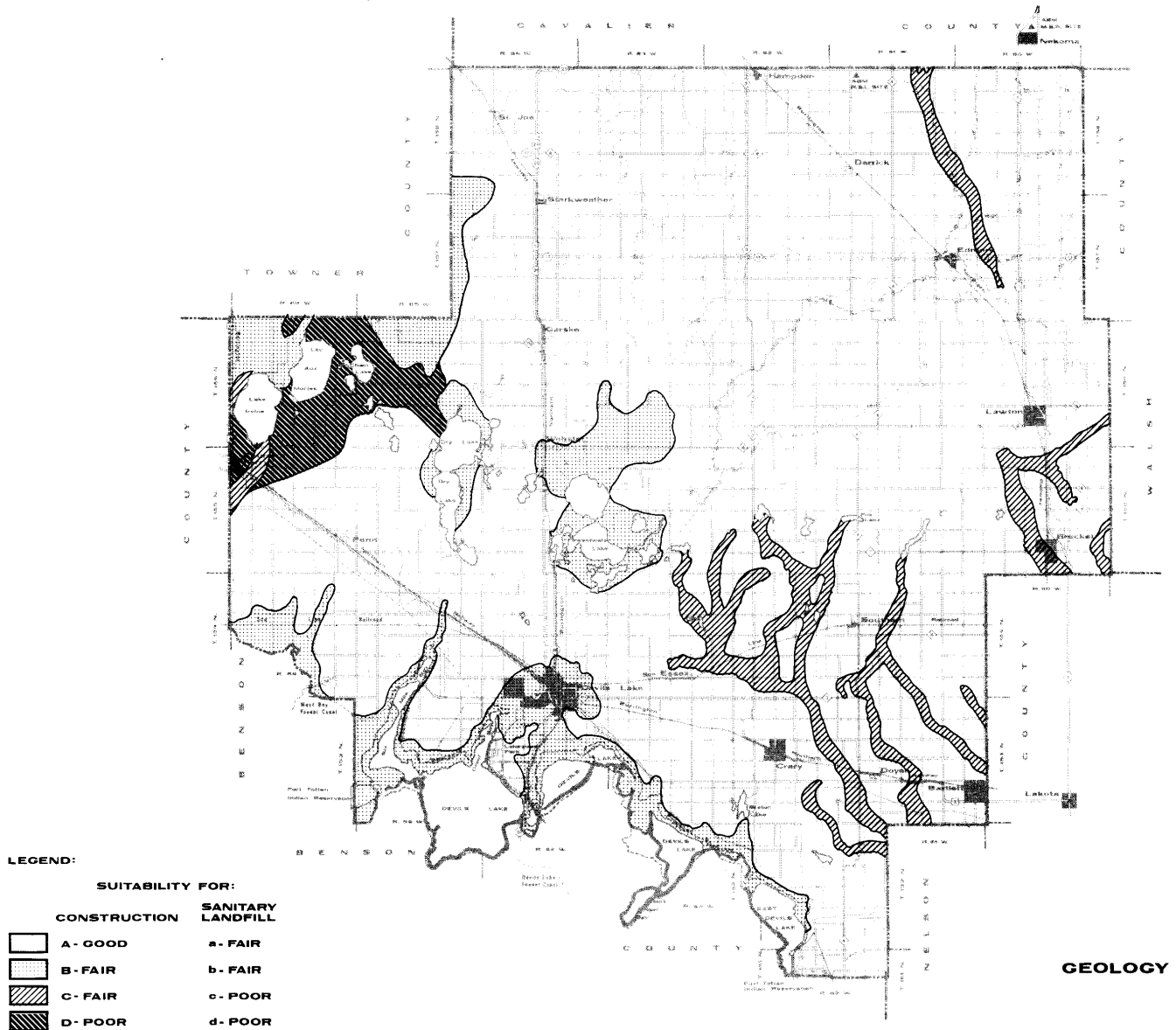
Source: North Dakota State Geological Survey and Interpretations by Charles Gathers and Associates, Denver 1973

TABLE II-B GEOLOGICAL SUITABILITY FOR LANDFILL

Symbol	General Condition	Geology	Ease of Workability	Degree of Variability	Slope Stability in Open Cuts	Water Table	Permeability	Topography	Comments
a	Fair	Sand and gravel overlain by pebbly clay-silt	Low to high	Sand and gravel discontinuous over-lying till variable	Sand and gravel unstable	Variable; may be within 10 feet	Low to high	Long linear depressions	1. Leachate may move along fairly continuous sand and gravel bodies 2. Wet conditions likely in wet 3. These channels are avenues for groundwater flow
b	Fair	Sandy, clay-silt; overlain by discontinuous sand and gravel Abundant surface boulders Glacial sediment till lake deposits	Low to high	Discontinuous sand and gravel both laterally and vertically Boulder concentration at surface	Moderate to high	Low to high	Low to high	Rolling to undulating	1. Surface sand and gravel may provide for rapid lateral leachate 2. Boulders may cause problems of workability
c	Poor	Sand and silt; well-sorted Local sand and gravel; local clay Lake sediment	Low to high	Sand thickness variable	Low to moderate	Generally greater than 10 feet	Generally high except in excessive clay areas	Nearly flat to rolling	1. Lateral leaching is possible 2. Extreme care required in selecting landfill site, because of highly permeable nature of the sediments
d	Poor	Sandy, clay-silt Local sand and gravel Glacial Sediment-till	Low to high	Sand deposits laterally and vertically	High to moderate	Variable-usually within 10 feet	Low to high	Hammocky to rolling	1. Soil investigation of site required 2. Excavation may encounter boulder concentrations 3. Possible wet conditions likely where high water table occurs 4. Extensive network of potholes and sloughs

Source: North Dakota State Geological Survey and Interpretations by Charles Gathers and Associates, Denver 1973

RAMSEY COUNTY, NORTH DAKOTA



CHARLES AND ASSOCIATES INC.
ARCHITECTS - DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 42 stat. 840, (1924) as amended, U.S.C. 481, administered by the north dakota state planning division.



MILES 0 1 2 3 4 5 6 7

FIGURE II.3

GARRISON DIVERSION

The Garrison Diversion Unit, a part of the Missouri River Basin Project authorized by the Flood Control Act of 1944, will eventually provide irrigation, recreational areas, wildlife habitats, and industrial benefits in North Dakota and South Dakota. The Unit is under the joint management and direction of the Bureau of Reclamation, Bureau of Sport Fisheries and Wildlife, National Park Service, and various state and local bureaus and agencies.

While the ultimate project will call for the development of some 1,007,000 irrigable acres, the initial phase, which should be nearing completion by 1990, provides for the irrigation of 250,000 acres, municipal and industrial water supply for 14 towns and cities, fish and wildlife development at 36 major areas, and recreational development at nine major water impoundments.

Detailed features, estimated land acquisition requirements, and various cost estimates were published in the 1965 revised edition of the United States Department of Interior Bureau of Reclamations Supplemental Report on Garrison Diversion Unit. The Consultant referred to this report for information discussed in the following paragraphs dealing with the Garrison Diversion Impact.

Proposed costs for all functions of the 250,000-acre project are estimated at approximately \$212,383,000, which among other costs, includes \$1,828,000 for recreational facilities and \$15,649,000 for fish and wildlife purposes. Initial construction costs will largely be absorbed by the Federal Government.

At one time Devils Lake was one of the most attractive summer areas in the State of North Dakota. The size of the lake over a period of years has been greatly reduced due to evaporation losses exceeding inflow rates. The salinity of the water has increased to the extent that fish and plant life are practically nonexistent.

RESOURCES

SOILS

The rich soils of North Dakota are one of its most valuable resources. The state is among the nation's top five producers of barley, flaxseed, wheat, rye, oats, sweetclover seed, and potatoes. Ramsey County is among the state's top ten producers of wheat and barley. According to the North Dakota Crop and Livestock Statistics, cooperatively published by the U.S. Department of Agriculture and the North Dakota State University Agricultural Experiment Station, approximately 94.0 percent of the County's total land is being used for farming and other associated uses. About 85 percent of all County farms are cash grain or other field crop operations; the remaining farms are livestock, poultry, dairy, or miscellaneous operations.

Nearly 200,000 acres of wheat and 110,000 acres of barley are planted annually. Other major crops include oats (25,000 acres), flaxseed (15,000 acres), and hay (20,000 acres). Combined head of livestock, cattle (15,000), sheep (5,500), and hogs (2,000) numbered approximately 22,500. The relatively few number of crop insurance claims that are filed would indicate that the harvested acres to planted acres ratio is high.

According to the 1969 Census of Agriculture published by the U.S. Department of Commerce, there were 888 farms in Ramsey County in 1969 (987 in 1964) with an average value of land and buildings of \$116 per acre (\$80 in 1964) and an average annual yield from sales of products of \$15,961 (\$13,068 in 1964).

The North Dakota Drift Prairie is predominantly subhumid grasslands of fertile loam and clay loam soil. The nearly level to gently rolling landscape of the southwesterly portion of the County is generally black soil, whereas the nearly level to undulating soils of the northeast are very limy loams and clay loams. Soil stratification in the southwest consists of a thick black surface layer (Chernozem) with other associated soils and subsurface layers of very limy subsoil (Calcium Carbonate Solonchak), with claypan or wet soils (Humic Gley and Planosol). Soil stratification in the northeast consists of a very limy subsoil (Calcium Carbonate Solonchak) and associated soils with a thick black surface layer (Chernozem), wet soils (Planosol), or saline soils (Solonchak).

A further description of soils and resulting agricultural quality throughout the County is given in the Comprehensive Plan for Water and Sewer Development prepared by North Central Consultants (June 1969, Pages 49-74). Various soil types are in direct relationship to agricultural productivity. In consideration of the fact that agriculture is the County's largest employer, agricultural productivity was considered in the two broad categories of crop lands and grazing lands for the purposes of this report. The General Soil Map of Ramsey County published in 1963 by the Agricultural Experiment Station of North Dakota State University contains a legend with 30 soil types. These were analyzed by the Consultant for logical grouping into four general

LEGEND:

**CROP LAND**

**CHARLES GATHERS
AND ASSOCIATES INC.
ARCHITECTS - PLANNERS
DENVER, COLORADO**

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 640, (1954) as amended, u.s.c.a. 461, administered by the north dakota state planning division.

MILES 

FIGURE

11 - 4

categories regarding their suitability for crops or grazing -- excellent, good, fair, and poor.

CROP LANDS

An inspection of crop lands for the County (Figure II-4) indicates that nearly 80 percent of the land is classified as either excellent or good. Plan development for the County should protect the natural assets of these lands from urbanization and natural deterioration due to floods, drouth, and other forces. Certain crops grow well in soils of the fair category; this fact should receive recognition as related to the Plan. Poor soils, which are largely located along the shoreline of Devils Lake, would possibly have their greatest potential if they were designated as recreational areas. Note that most poor croplands receive a better rating as grazing lands.

GRAZING LANDS

An inspection of grazing lands for the County (Figure II-5) indicates nearly all of the land is rated good. A comparison of crop land to grazing land indicates that the large areas of excellent cropland are rated as only good grazing lands. The large area of fair cropland along the north boundary of the County is rated as good grazing land, and the poor croplands along Devils Lake shoreline are classified as fair grazing lands. The two maps (Figures II-4 and II-5) show data which are used in this report as major factors in influencing the concepts of this plan.

HYDROLOGY

This analysis and investigation of water resources in Ramsey County includes a consideration of water location and quality, watershed protection projects, and legal drains. The discussion of water location and quality includes both surface water and ground water. Ground water can be defined as subsurface water.

SURFACE WATER

The nearly level to undulating potholed topography, which virtually lacks any natural drainage, is characterized with numerous closed lakes and ponds. Approximately 88,000 acres of these water areas cover Ramsey County (Figure VI-2).

At one time Devils Lake was the most attractive summer resort area in the State of North Dakota. In 1867, the first year of record, Devils Lake covered 140 square miles at an elevation of 1,438 feet. Over the years the rate of evaporation has been greater than inflow. Due to excessive evaporation during the drouth of the 1930's, the lowest recorded elevation was 1,400 feet in 1940 when the lake covered an area of only 10 square miles. Because of heavy precipitation during following years, the elevation of the lake in 1950 was 1,413.3 feet. Since 1950, the elevation of the lake has remained relatively constant.

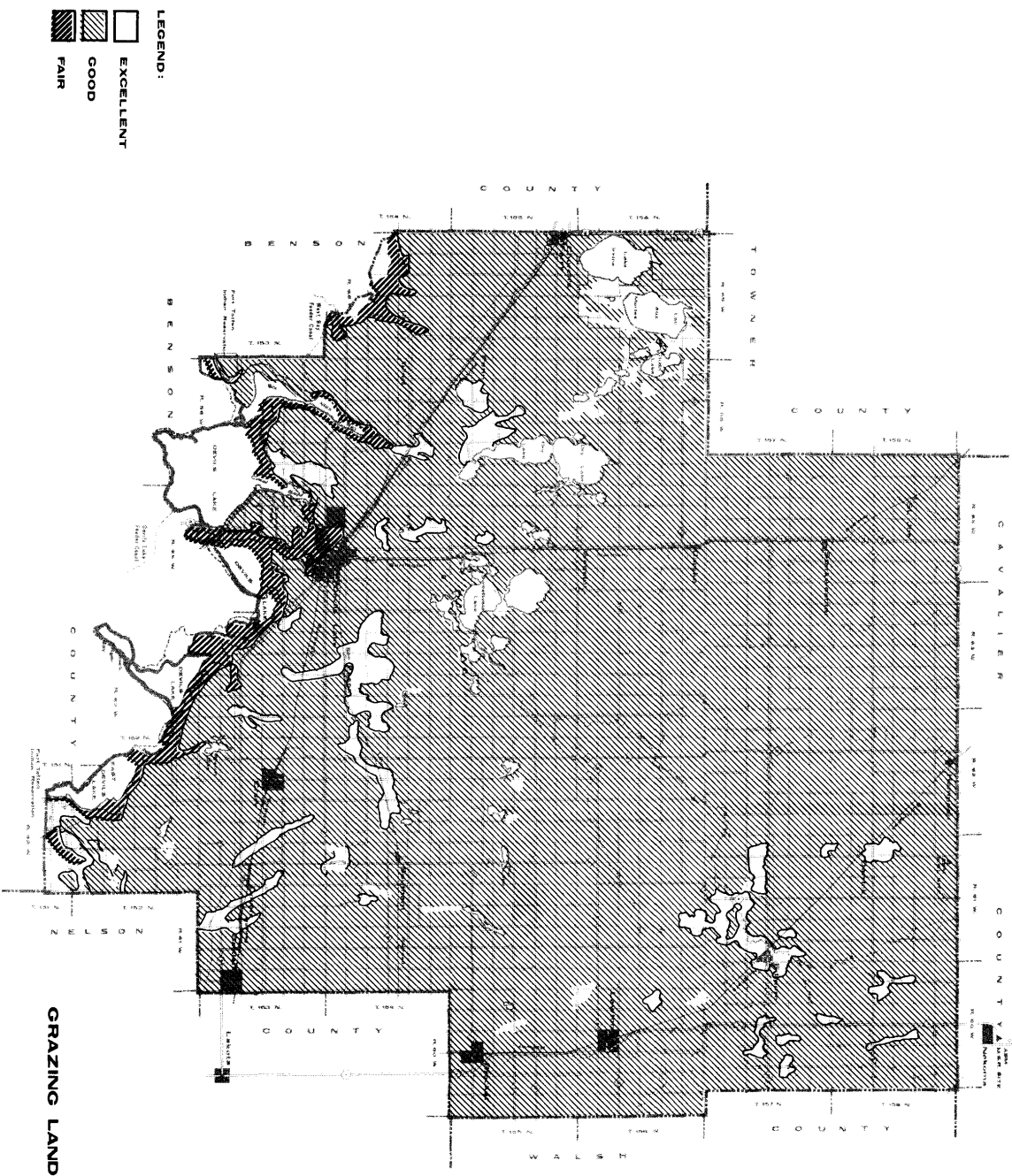
Because the lake has no outlet, the water has become quite brackish and saline. Plans of the Garrison Diversion Project, which will deliver fresh waters from the Garrison Reservoir, will reduce pollution of the lakes and revive the Devils Lake recreation area and its wildlife capabilities.

The larger lakes account for only 50 percent of the County's water areas; the other half occur in the form of numerous ponds and marshes. Heavy runoffs or sheetflooding during the spring thaw and rains fill localized pothole depression giving the County an appearance of being almost entirely under water. Under normal conditions most of these ponds may hold water for only a few days or weeks, others may hold water until mid-July or August, and still others may hold water year-round. Ponds which dry early in the growing season are usually late planted.

These wetlands play an important role in the life cycle of migratory waterfowl. Although instinct dictates that the adult birds raise their young on an established water body, they do tend to isolate themselves from other pairs of the same species until the young are hatched. Thus, it becomes apparent that it is not the gross water area which is most significant, but the number of separate individual water bodies. The State of North Dakota affords this type of habitat to an estimated 13 to 15 percent of all breeding duck populations in the United States and Canada. In Ramsey County alone, there are nearly 12,000 separate wetlands each with an average area of only half an acre.

An ensuing controversy has developed between the conservationist and the farmer over the use of the wetlands. The conservationists would like to maintain these areas as waterfowl refuges, and the farmers, who find the conservationist's attitude to be far too costly with regard to agricultural productivity, would rather drain and plant the wetlands. The Consultant feels that an adequate compromise could be reached that would satisfy and benefit both parties. A more complete discussion of this matter would be more appropriate at a later point in the report

RAMSEY COUNTY, NORTH DAKOTA



CHARLES GARNER
SOCIAL PLANNERS
ARCHITECTS
DENVER, COLORADO

The preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, U.S. Department of Housing and Urban Development, under the National Housing Act, section 701, as amended (U.S.C. 481, 482, 483) and the North Dakota State Planning Division.



MILES 0 1 2 3 4 5

and may be found in the chapter on the 1990 Land Use Plan.

GROUND WATER

Since the early settlement days, Ramsey County has been plagued with water supply problems. Generally, only small quantities of potable ground water are available. Surface waters in the area are too brackish and saline to serve as potable water, and most sources of water were dry or nearly dry during the drought years of the 1930's. The U.S. Geological Survey in cooperation with the North Dakota State Water Commission and the Ramsey County Water District began on investigation of water resources within the County in 1972. Results of these studies will not be available until late 1976.

Ramsey County lies entirely within the physiographic unit of the Drift Prairie. Surficial deposits consist of glacial drift (glacial outwash deposits south of the County) which is underlain by Pierre Shale. The Pierre Shale is, in turn, underlain by the Dakota Sandstone.

The glacial drift contains the major aquifers which are located in sand and gravel deposits ranging from a few acres to many square miles in arial extent and from a few feet to more than a hundred feet in thickness. Surficial deposits of glacial outwash are located south of the County; test drilling indicates that aquifers of the glacial outwash are the most productive. The City of Devils Lake draws its water supply from four wells with yields of 350 to 750 gallons per minute each located in the Warwick Outwash approximately 15 miles south and east of the City. The City should be commended for its foresight in meeting water supply demands of its growing population. Aquifers of the Pierre Shale and Dakota Sandstone are not as extensive or numerous as aquifers of the glacial drift or glacial outwash.

Chemical analysis of water quality indicates that water of the outwash deposits is of the best quality available in the area. It has a relatively small amount of mineralization and is of good quality for most uses, particularly irrigation, although it should be softened for municipal and some industrial uses. Water of the glacial drift is of questionable suitability for irrigation, and water of the Pierre Shale and Dakota Sandstone is definitely unsuitable. However, water of the glacial drift with the exception of the outwash deposits. Water of the Dakota Sandstone is soft but contains excessive amounts of dissolved solids and has very limited usefulness.

WATERSHEDS

At this time, watershed projects for the County have not been extensively developed. According to a 1972 publication of the U.S. Soil Conservation Service, the Starkweather Watershed Project has been authorized for installation and the Edmore Project has been authorized for planning. The Sweetwater Watershed is being reviewed before submittal for authorization for planning and the remaining area of the County has not yet been organized as a project.

The Edmore Watershed, which occupies some 237,400 acres, and the Starkweather Watershed, which comprises an area approximately equal to that of the Edmore Project, are located in the northerly portion of the County (Figure II-6) according to North Dakota Wetland Problems published in 1968 by the North Dakota State Water Commission. Both areas experienced frequent floods during the twelve or fifteen years preceding 1955; the Edmore area had twelve floodings in fifteen years, and the Starkweather area had seven floods in twelve years. Average annual crop losses in the Edmore area were 29,000 acres or \$511,000; losses in the Starkweather area were slightly less. In both areas the greatest flood damage occurred when April precipitation was excessively high or when the ground remained waterlogged from the preceding year.

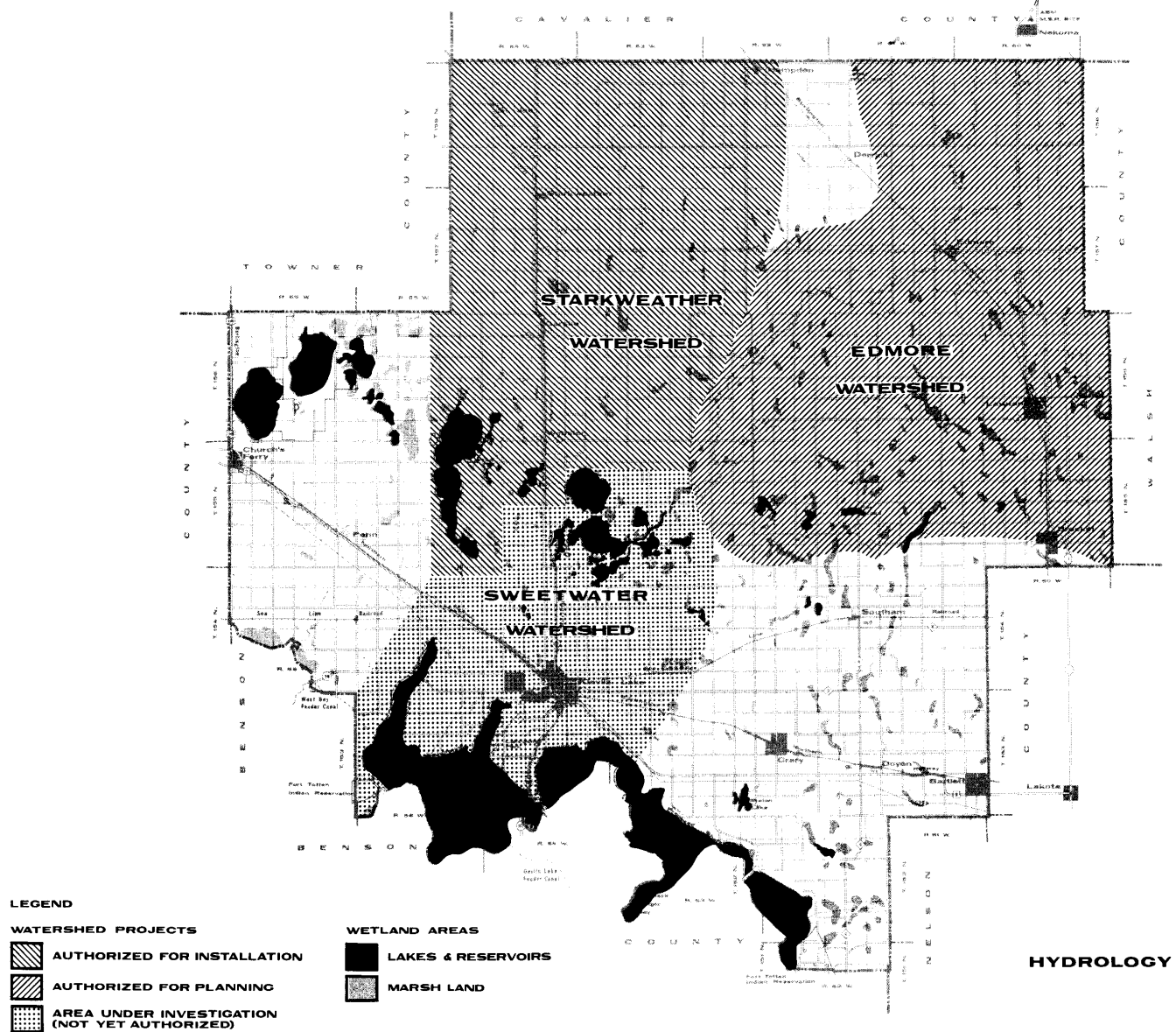
LEGAL DRAINS

If adequate drainage were available, much of the flooding and subsequent crop losses, mentioned above, could be substantially reduced. The establishment of legal drains provides a significant element of flood protection. The 1968 report of the North Dakota State Water Commission, An Inventory of Legal Drains in North Dakota, indicates there are no existing legal drains in the County at this time. The construction of legal drains as part of the watersheds currently approved for development or planning and the construction of additional drains as other watershed projects are developed could provide a significant element of flood protection. Engineering services for the planning and construction of legal drains are provided by the U.S. Soil Conservation Service and funds related to the construction of legal drains are available through the North Dakota State Water Commission.

RECREATION

As the work week and the work day continue to become even shorter, the residents of the County will have an increasing amount of time for personal enjoyment. The mobility of the people is continually increasing due to the increased dependability of the automobile, the modernization of highways, and the sophisticaton of other means of transportation. As a result,

RAMSEY COUNTY, NORTH DAKOTA



CHARLES GATHERS AND ASSOCIATES INC.
ARCHITECTS - PLANNERS
DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 640, (1954) as amended, u.s.c. 461, administered by the north dakota state planning division.



MILES 0 1 2 3 4 5 6 7

FIGURE
II-6

public recreational space plays a very significant role in both the County-wide and the community life. These influences have affected governmental and public attitudes regarding specific provisions for recreation in recent years, and recreation planning has become a diversified field.

The development of recreational opportunities and facilities within Ramsey County is a valuable resource, and it represents the creative efforts of private groups and individuals as well as public efforts at the community, County, and state level. Rural recreational facilities often share common land areas with wildlife protection zones, fish habitats, reservoirs, and flood plains. Under these conditions the human recreational uses must be managed and controlled in order to preserve an ecological balance between recreation and conservation.

Recreational facilities within the incorporated communities are more specialized than those in the rural areas. Urban recreational areas can be divided into three groups based on the intensity of use and the specialization of activity within the area. The first group includes ball parks, skating rinks, golf courses, and other active sports areas; the second group includes civic centers, picnicking areas, and camping grounds. The third group includes all open space areas. A more complete discussion of recreational facilities within the County is included with the chapter on Existing Land Use. Recommendations regarding the expansion of these facilities or the development of new facilities are included with the chapters on the 1990 Land Use Plan and Public Facilities.



Having surveyed Ramsey County's natural setting, inherent characteristics and resources in the previous Section, we now turn to the interactions and responses of the human element. In all cases, man is by necessity both dependent upon and creative toward his local environment. He subsists upon and migrates according to socio-economic successes and attractions. The total number of comfortable, productive livelihoods he manages to organize, attract, and support within a given geographic region determines his total number within that region. The market value of his sales, production, labor, organization, and efficiency -- his livelihood -- is constantly influenced by changing man-made values on a regional, national, or international scale. In recognition of this, the essential relationship of resident population to total local production, to broader values of that production is preserved throughout this economic and population study.

Ramsey County is currently engaged in a period of moderate economic and population expansion, following several decades of gradual decline. The primary attributes of this growth are continued polarization (clustering) of rural population toward the south in the direction of the developing Devils Lake economic complex -- and more moderately toward the northeast as the result of new economic activity generated there by the ABM System in the Hampden-Edmore-Nekoma area. These polarizations refer to approximately 15-20 percent of the total County population over the next two decades. A remaining 5 percent may be expected to retain their moderate flow of in and out-migrations. The stable, resident population (60 to 70 percent) may be expected to continue their natural progression toward greater organization of their economic productivities, greater alignment of their pursuits with local, regional, and broader markets, and toward an improving local life style. The measurable worth of their efforts in 1980 may be expected to become a total County population of 13,582, and a system of improved community and economic facilities and services. By 1990 the count may be expected to become 14,624 people with a further progression in terms of community, economic, and service functions. This report examines each major sector of the County economic spectrum which is participating in this gradual shift in settlement, development, productivity, and pursuit. Secondly, it comments upon various past, present, and future characteristics of the resident population in terms of age groups, migration patterns, and educational trends, and relates these to the whole. The total provides an overall understanding of the current and future economic and population characteristics of the County, upon which the remaining sections of this Plan are based.

BACKGROUND

The primary economic history of Ramsey County is ninety years long. Prior to the 1880s there were sparse economic activities limited to few participants, but it was in the 1880-1890 decade that the county's stable economy began to emerge. Railroads speculatively extended into the region, farming opportunities opened up, and thousands of new settlers moved in. Rail depots appeared at 5-7 mile intervals along the tracks -- eventually sixteen of them developed on the four

major rail lines that dispersed over the County. No section of farmland found itself more than sixteen miles from one of these depots, and most acreages were located within five miles of one. The depots grew naturally into small clusters of grain elevators, agricultural servicing and distribution operations, and this stable situation strongly prevailed for three to four decades.

By 1920 county population had become 15,427; by 1930 it was 16,252. Then the gradual decline in agricultural employment began, displacing from 500 to 1,000 county residents per decade. It was a regional phenomenon, even a national phenomenon common to agricultural areas. The displacement was brought about by declines in farm prices, technological changes to greater mechanization for all industries, and the fewer, larger trading centers which automotive transportation was making accessible to the general population. The benefits of this new industrialization concentrated themselves upon the larger cities. Rural populations almost everywhere in the nation decreased from 1935 on, the largest cities gained the most in the transition, and the smaller cities such as Devils Lake held on and grew moderately. Within Ramsey County the population of Devils Lake grew from 5,451 in 1930 to 7,078 in 1970, while the population of all the smaller towns combined decreased from 2,079 in 1930 to 1,231 in 1970. The rural population (those outside all town limits) decreased even more dramatically, from 8,722 in 1930 to 4,606 in 1970.

These transitions were all caused by shifts in local trading patterns, new employment opportunities, urban industrial development, and the higher wage rates afforded by growing urban industrial complexes both within and without the County. Yet as is well known, the giant urban complex is no panacea for the nation's industrial needs, nor does it always keep pace in economic growth with the migrations that descend upon it from rural areas. Far to the contrary, the rural and smaller city economies are still an important part of the backbone of the national and urban economies in terms of production.

It is true that a dramatic transition in the manpower-to-production ratio has been occurring in rural America for several decades - in fact, the most dramatic transition of the entire technological revolution. All current trends and U. S. Department of Labor projections indicate that this trend is due to continue for at least several more decades. Yet as it does, the value of agricultural production remains high, and its position in a national economic chain that demands food products remains assured.

For the city of Devils Lake certainly indications are for its continued improvement, expansion, and growth. For Edmore there are indications toward moderate growth. For the smaller seven incorporated communities in Ramsey County there is still a need for their collection, service, and distribution services as an important link between the urban and farm economies. Although farm population and employment are decreasing, productivity is holding steady, even increasing moderately. The farms are still expanding in average acreage. Average land acreage farmed and average crop production output per agricultural worker is still growing immensely, and undoubtedly this trend will continue at somewhere near its current rate of increase throughout the planning period addressed by this report.

1980 EXPECTATIONS

By 1980 total County population is projected to be 13,582 (Table III-A and Figure III-1). This will be its first increase since 1930. The primary reason for the increase will be due to Devils Lake economic expansion, not overall countywide expansion. To the contrary, rural population and employment may be expected to continue to diminish at approximately its current rate, losing about 1,000 people and 300 jobs per decade. Of the eight other incorporated towns in the county (other than Devils Lake), only Edmore is seen as a growth community. While this projection could become inaccurate in any of a number of cases -- where new industry, trade, or resources are discovered for the smaller communities, or where agricultural employment levels out, for instance -- by current indications all seven smaller communities in the county are projected for continued decreases at their historical rates of attrition.

The reasons for these projections stem from an examination of the County's economic base. The basic economy of any county is that segment of its local production which is exported from the county for broader consumption. The basic production brings in new income to the local economy in exchange for local goods and services. In 1880, Ramsey County basic production was almost totally agricultural. All other county industries were involved in servicing the agricultural sector or in providing for its dependents, and were therefore derivative industries.

Today Ramsey County's basic industry is still primarily agricultural (judging from 1970 employment statistics, approximately 47 percent), but it is becoming exceeded by non-agricultural exports contributed primarily by the Devils Lake urbanizing area. 1970 employment statistics indicated that professional services comprised 31 percent of the County's export employment, retail trade 16 percent, wholesale trade 3 percent, utilities and sanitary services 2 percent, and transportation 0.3 percent. As a total employer of personnel in the County, agriculture dropped from first place among 15 industry groups in 1950 and 1960 to third place in 1970 (Table III-B), exceeded by professional services and retail trade as the County's two highest employers of

TABLE III-A

RAMSEY COUNTY POPULATION BY INCORPORATED TOWNS 1940-1990

	1940	1950	1960	1970	1980	1990
Devils Lake	6,204	6,427	6,299	7,078	9,194	10,944
Edmore	453	458	405	398	458	480
Starkweather	225	229	223	193	163	133
Crary	267	235	195	150	105	60
Church s Ferry	244	223	161	139	117	95
Lawton	210	211	159	123	87	51
Hampden	193	203	159	114	69	54
Brocket	219	212	153	95	37	-
Bartlett	78	61	39	19	-	-
Rural	7,463	6,114	5,650	4,606	3,352	2,807
Total	15,626	14,373	13,443	12,915	13,582	14,624

Source: U. S. Census Bureau through 1970

Projections by Charles Gathers and Associates, Denver 1973

TABLE III-B

RAMSEY COUNTY EMPLOYMENT BY INDUSTRY GROUPS 1950-1970

Industry Group (in order of employment prominence in 1970)	1950	1960	1970
Professional Services	481	727	1,145
Retail Trade	887	941	926
Agriculture	1,862	1,289	880
Personal Services	222	224	210
Construction	228	253	205
Public Administration	177	199	199
Wholesale Trade	245	231	186
Finance, Insurance and Real Estate	94	116	183
Transportation	236	160	167
Manufacturing	158	125	103
Utilities and San. Services	89	64	84
Business and Repair Services	182	143	64
Communications	50	71	36
Entertainment and Recreation	48	38	25
Mining	11	0	0
Industry Not Reported	143	136	0
Total	5,113	4,717	4,413

Source: U. S. Census of Business

total manpower in that census year. While the urban industries of the County were not yet increasing in volume or employment at a rate which totally offset the County's losses in agricultural employment, their rate of increase was quite optimistic, and by 1980 should surpass the rate of decline of rural jobs. As Devils Lake's proportion of the County's total basic production increases, a corresponding increase in its derivative industry activity also is natural (Table III-C).

TABLE III-C
RAMSEY COUNTY EMPLOYMENT BY LOCATION 1950-1990

	1950	1960	1970	1980	1990
Devil's Lake	2,333	2,347	2,662	3,457	4,115
(% of total)	(45.6)	(49.8)	(60.3)	(72.4)	(80.0)
Remainder of County	2,780	2,370	1,751	1,320	1,028
(% of total)	(54.4)	(50.2)	(39.7)	(27.6)	(20.0)
County Total	5,113	4,717	4,413	4,777	5,143

Source: U. S. Census; projections by Charles Gathers & Associates, Denver 1973

Ramsey County's ratio of basic to derivative employees in 1970 was 1,503:2910 total employees, a ratio which reduces to 1:1.94. This means that on a countywide basis, the average basic industry worker (who exports his production from the County in exchange for income received from outside of the County) supported 1.94 derivative industry workers simply in the natural process of his living and working within the County. The ratio represented the average condition throughout the County in 1970 (Table III-D). Economic history indicates that basic to derivative employment rarely change within economic areas markedly, even over decades of time. They are among the most stable of general indicators of economic conditions that has yet been utilized for employment or population projections, and is, consequently, used here for projections to 1980.

It is interesting to note that Ramsey County's basic to derivative employment ratio is slightly higher than the ratio which is common to many agriculturally-based counties in its vicinity and throughout the midwestern states (with the exception of some few concentrated metropolitan areas in the midwest where the ratio is sometimes as high as 1:3.0).

An example of the County employment ratio in practice occurs in Edmore. According to the recent population magnitude of Edmore compared to the number of jobs in Ramsey County in 1970, it appears that the town and its nearby environs hosted approximately 184 jobs in 1970. While this figure is merely approximate (since the U. S. Census Bureau does not provide detailed employment data for cities smaller than 2,500 in total population) it is believed to be sufficiently close to the actual situation that it may be utilized for rough projection purposes.

In a situation normal to the County, 184 jobs would reduce to 62 basic jobs and 122 derivative jobs. Characteristic to most rural towns, the majority of the basic jobs would be those of the nearby farmers living inside or out of towns, whereas few of the in-city jobs would be basic, but most would be derivative.

Edmore in 1970 was easily the largest community in the outlying portions of Ramsey County and was sufficiently remote from major urbanizing areas throughout Northeastern North Dakota to supply the town with: (a) a large rural trade area devoid of significant competition and capable of expansion as other much smaller communities in the area proceed to lose their trade and service attraction in the years ahead; (b) a reasonably stable population level which, although it had decreased slightly over the preceding 20 years, had held population far more substantially than any of the other communities in its vicinity; (c) a reasonably good pattern of transportation access from all directions, both for long distance and local traffic; (d) an optimal location at the center of a large agricultural area, halfway between Park River (to the east), Cando (west), Langdon (north), and Devils Lake (south); and (e) a sufficiently well-developed reputation, commercial district, pattern of services, spectrum of community facilities, and residential capacity to remain a stable economic force in its locale for many decades into the future.

Along with the foregoing advantages, Edmore began to experience a new source of positive economic influence early in the 1970's. As the ABM system began construction (in nearby Cavalier and Pembina Counties primarily, with some activities in northern Ramsey and western Walsh Counties as well), an estimated 110 people moved into Edmore on a temporary basis. The primary ABM base--the nearby MSR facility at Nekoma--was the main activity which had attracted them. 16 miles to the north, this MSR base was not only adjacent to Nekoma, but only 8 miles south of Langdon. Consequently Edmore was a poor third in locational attractiveness to incoming ABM personnel assigned to the MSR base, but it still realized a cer-

TABLE III-D
COMPARISON OF RAMSEY COUNTY AND NATIONAL EMPLOYMENT
BY INDUSTRY GROUP 1970

Industry Group (In order of national pro- minence in 1970)	Ramsey County workers per In- dustry	Average* National Distribu- tion of 4,413 workers	Ramsey County Basic Employ- ment	Ramsey County Deriva- tive Em- ployment	County Rank	Basic Rank
Manufacturing	103	1,197		103	10	
Retail Trade	926	684	242	684	2	3
Professional Services	1,145	676	469	676	1	2
Personal Services	210	288		210	4	
Public Adminis- tration	199	283		199	6	
Construction	205	257		205	5	
Finance, Insur. and Real Est.	183	212		183	8	
Agriculture	880	172	708	172	3	1
Business and Repair Services	64	172		64	12	
Transportation	167	163	4	163	9	6
Wholesale Trade	186	137	49	137	7	4
Communications	36	53		36	13	
Utilities and San. Serv.	84	53	31	53	11	5
Entertainment and Recreation	25	35		25	14	
Mining	0	31		0		
Total	4,413	4,413	1,503	2,910		

*Based on 1970 National Employment by Industry Percentages: Mfg 27.1; Ret. Tr. 15.5; Prof. Serv. 15.3; Pers. Serv. 6.5; Public Ad. 6.4; Constr. 5.8; Fin., Insur., Real Est. 4.8; Ag. 3.9; Bus. & Rep. Serv. 3.9; Transp. 3.7; Wh. Tr. 3.1; Comm. 1.2; Utils. & San. Serv. 1.2; Entertain. & Rec. 0.8; Min. 0.7.

Basic: Derivative Ratio

Basic Employment: Derivative Employment = 1503 : 2910 = 1: 1.94

Employment Multiplier

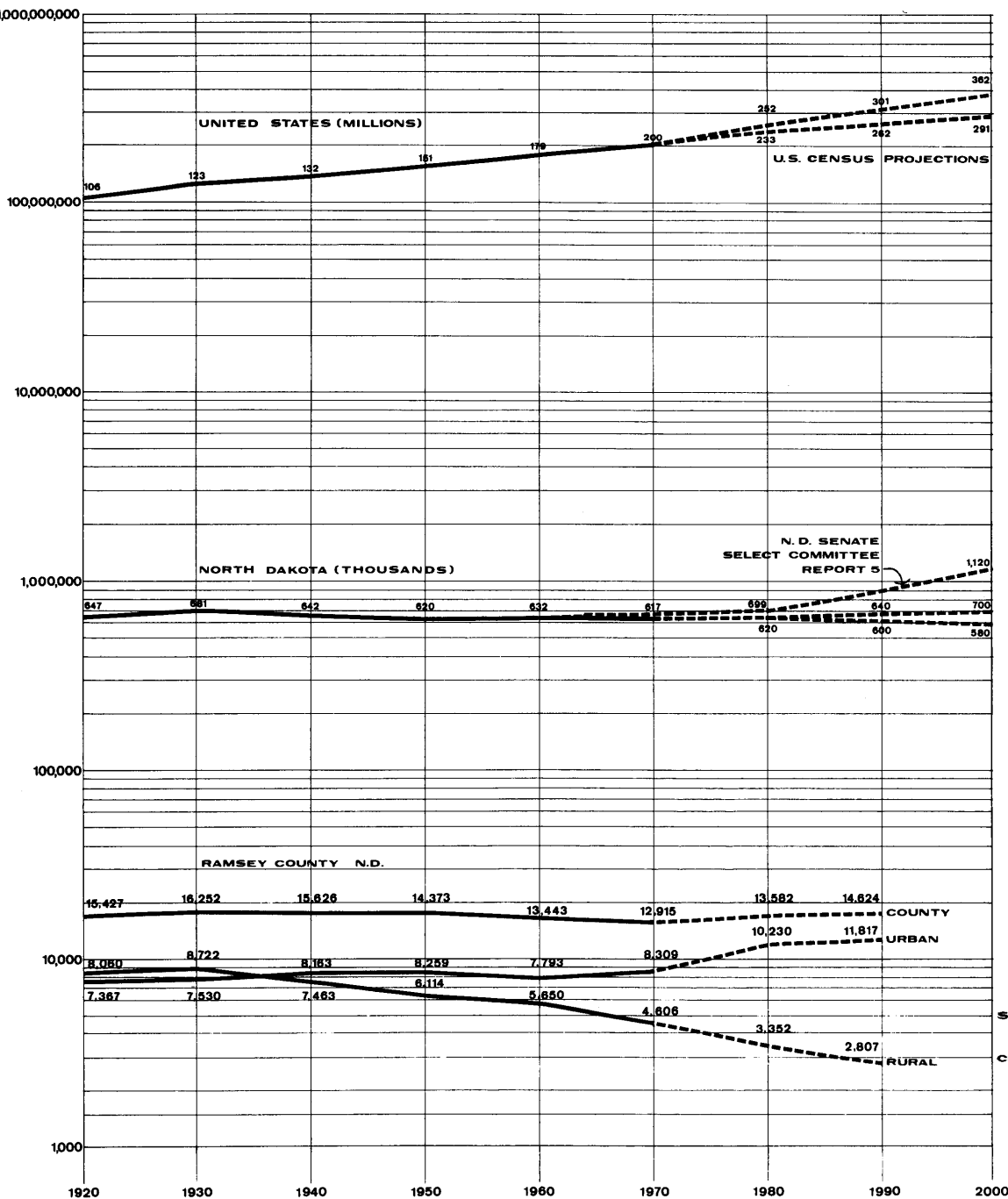
Basic Employment: Total Employment = 1503 : 4413 = 1: 2.94

Source: U. S. Census Bureau, Charles Gathers & Associates, Denver 1973

tain portion of the increased trade and service opportunities created by the high initial influx of construction workers and their families who came to build the facilities.

In conjunction with the ABM System Command, the Army Corps of Engineers published two Community Impact Reports (April, 1970 and November, 1971) predicting the probable population and community facilities increases which some towns in the ABM region would realize over the long term due to the installation, testing, and operation of this new regional basic industry. In these reports the fact was developed that by 1976 the construction and testing phases of the system's work plan would be completed, and by that time the total ABM work force and its associated population would have decreased considerably, and also would have moved onto military bases being constructed adjacent to the ABM installations. The consensus of the final Report was that the last permanent contingent of population in the region would settle primarily on the ABM bases, and secondarily in Langdon, Cavalier, Walhalla, and Nekoma. It was admitted that several other nearby communities in the region, including Edmore, might also attract a few of the permanent operational personnel associated with the system, but not many. Since a projection involving such a large number of people over an unlimited time period must anticipate future development beyond the scope of normal predictability, the Corps of Engineers allowed Edmore "O to some" future ABM residents over the long term, and was somewhat discouraging in tone regarding the promise of Edmore as a permanent ABM community.

POPULATION GROWTH 1920-1990



SOURCES:
U. S. CENSUS
STATE OF NORTH DAKOTA
CHARLES GATHERS & ASSOCIATES

CHARLES GATHERS AND ASSOCIATES INC.
ARCHITECTS - PLANNERS
DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 650, (1954) as amended, u.s.c. 401, administered by the north dakota state planning division.

**FIGURE
III-1**

Despite this prediction, however, the ABM system in the region north of Edmore will exert a number of permanent regional influences. Primary among these is that of resident ABM population, and resident basic employment, as has been noted. Secondary among these, but still significant, are ABM service and trade opportunities. ABM employees living on ABM bases will not carry out all of their trade and service transactions on a military base with limited provisions for such activities. While most of their external trade and service needs will be fulfilled by Langdon, Cavalier, Walhalla, and Nekoma businesses this external trade and service component is one which is easily as open to competition as any other ABM benefit. While it is easy to see that Edmore's existing size and location place it in either third or fifth place with respect to trade and service for the MSR base (Milton and Osnabrock being other potential competitors in distance, but not in size), over the long term it is still obvious that even a small percentage of the total basic economic activity generated by the new MSR base at Nekoma will act to improve Edmore's trade and service business volume. These influences may be expected to positively effect the town's employment level and population level beyond the expectations which the community might have had without the inception of this new basic industry to the north.

Edmore thus stands at a crossroads in its history. The city may make positive efforts to capture ABM trade and/or ABM resident population on a permanent basis; or it may choose to ignore the ABM influence, and to dismiss it as too remote a potentiality to pursue. In many respects such city aspirations and attitudes are too subtle to include in economic base data; yet as a general conclusion Edmore can and should pursue an active growth policy of moderate proportions throughout the 1972 - 1990 period. Unlike the remaining towns in the outlying areas of Ramsey County, Edmore is of a size, stature, and location to be able to afford such a policy, and as other ramifications of this Plan illustrate, Edmore is the logical rural service center of northern Ramsey County in terms of schools, recreation, health facilities, law enforcement, and other public needs, as well as in terms of commercial and industrial functions.

As a result of all of the above influences, a reasonable employment growth rate for Edmore by 1980 is 11 percent. This growth rate implies an increase of 7 in the Edmore trade areas' basic employment (formerly 62; estimated to increase to 69), and an increase of 14 in its derivative employment (formerly 122; estimated to increase to 136). Judging from the decreases in rural employment (outside all city limits) and population throughout Ramsey County, these increases may have to be exclusively within the city of Edmore itself, and they may have to be more forceful increases than 11 percent. While Edmore's trade area is generally expanding, the agricultural employment and population within this expanding area of influence may be decreasing faster than the land area is increasing. The optimistic factor is that despite basic agricultural decreases, there is a strong chance for new retail trade, wholesale trade, entertainment and recreation, business and repair services, and professional services exports due to a developing regional prominence for the town - and due also to its favorable location with respect to the MSR base. All of these alternatives should be fully explored by Edmore business concerns, since the city is so vital both today and in the distant future to the northern portion of Ramsey County.

As Edmore's employment spectrum increases, so also may its population be expected to increase. On a Countywide basis, in 1970 the average job-holder in Ramsey County supported not only himself, but 1.93 non-workers - these including older retired people, housewives, children, and the like. In the entire County 4,413 persons worked (or 34 percent of the entire County population), whereas 8,502 did not (or the remaining 66 percent). While this proportion was very close to North Dakota State and national proportions, a declining birth rate in all quarters, including the County, suggests that in the distant future a larger proportion may work. By 1980, however, this change may be sufficiently dramatic to alter general projections. Thus Edmore's addition of 21 new jobs by 1980 should increase its trade area population from 540 in 1970 (town, 398; rural environs, 142) to 571 in 1980 (town, 458; rural environs, 113). Then an estimated 4 new jobs by 1990 would result in a trade area population of 582 (town, 480; rural environs, 102).

While Edmore grows moderately, the smaller towns and rural areas continue to lose population. Devils Lake is of course the real winner in this race. In 1950 the city accounted for 2,333 of the County's 5,113 total jobs, or about 46 percent. A decade later (1960) its job count had improved by only 14 new jobs, but the County's total count had dropped by 396; Devils Lake now accounted for close to half the total jobs in the County (2,347 for the city versus 2,370 for the remainder of the County). 1970 saw Devils Lake climb farther ahead in this employment race. It added 315 new jobs to its internal (inside the city limits) count for a 15 percent internal improvement; the remainder of the County lost 619 jobs in the same period of time, and Devils Lake then employed 60 percent of the County's total work force.

By 1980 Devils Lake should be further ahead, with 3,457 jobs to the remainder of the County's 1,320. This would be an increase of 705 jobs in the city and a decrease of 431 in the remainder

of the County, giving the city 72 percent of the County's total employment. This projection is consistent with Devils Lake's advancing stature regionally as a wholesale and retail trade center, health facility, professional center, governmental center, educational center, and possibly industrial and manufacturing area. Labor business, and investment in the city should benefit during the 1970-1980 decade from Garrison Diversion and ABM expenditures in the region as a whole. The assurance of rising recreational, residential, professional, educational, business, trade, and industrial stature for the city in the mid-1980's, when the Garrison Diversion waters begin to enhance the nearby lakes and irrigate some 106 square miles of farmland 20-30 miles south and southeast of the city, should assist in this continued growth.

By virtue of the improvement in the number of total jobs in Devils Lake by 1980 the city's population should climb to 9,194, or 67 percent of the County's total population. Almost identical to its advance in jobs, Devils Lake's percentage of County population has formerly increased from 40 percent in 1940, to 45 in 1950, to 47 in 1960, to 55 in 1970, to a projected 67 in 1980. The year 1980 will be only a milepost in this progression, however, because 1990 will reveal even further progress along similar lines.

1990 EXPECTATIONS

By 1990 the Devils Lake Restoration Segment of the Garrison Diversion Project should be completed and in operation (estimated 1987-1990 completion). It is believed that almost all irrigation segments of the total Garrison Diversion Irrigation System throughout the State will be operative by this time also, although specific phasing information on the farmland irrigation segment of the diversion project is currently unknown. By the year 1990 irrigation of 250,000 acres of North Dakota farmland is expected to be completed. These acreages include 7 different project areas located in Bottineau and McHenry Counties at the extreme northwest; Sheridan County to the west; Benson, Eddy, and Nelson Counties to the south and southeast, and Sutsman, Lamoure, Dickey, and Sargent Counties in the southeast. Two of these seven project areas are located immediately south and southeast of Devils Lake in Benson, Eddy, and Nelson Counties, in the New Rockford (32.7 square miles) and the Warwick-McVie (73.8 square miles) areas. Put together, the land area to be affected by this nearby irrigation will be 106.5 square miles.

The exact year these acreages will be phased into irrigation is not yet known, but there is a strong possibility that the irrigation will be completed about 1990. The U. S. Bureau of Reclamation projects the recreational and economic advantages to be afforded the Devils Lake area by the lake restoration as being considerable; at the same time the city is assuredly placed in favorable competition with the cities of New Rockford (70 pop. 1969) Warwick (168), McVie (583), and Lakota (964) for the improved agricultural business opportunities and generally improved economy which will be afforded by the farmland improvement segment of the Diversion project.

Because of the current uncertainty of Bureau of Reclamation scheduling of the farmland improvement segment of the Diversion Project, economic and population projections of the Devils Lake area to 1990 are necessarily uncertain. The exact timing of the project will be essential for more accurate projections when this information becomes available. It is estimated that total employment in the city will be in the neighborhood of 4,115, 80 percent of the County's total 5,143 jobs (1,028 outside of the city) by 1990. This represents an improvement of 758 city jobs (a 22 percent increase) between 1980 and 1990, and a decrease of 292 out-of-the-city jobs (a 6 percent decrease in the County) over the same period. City population under these conditions would be approximately 10,994 (74.5 percent of the County's total) at that time, whereas total County population would be 14,624. As in 1980, the primary increase occurs in the city. Edmore continues a moderate rate of growth; the rural areas and smaller towns all continue to decrease at approximately their current rates of decrease. The total picture is of a County even further dominated by the city of Devils Lake than it is today, of Edmore's becoming somewhat more stable and secure than currently, of the rural areas continuing to refine their production practices to employ a smaller -- and decreasing -- work force, and of the smaller communities declining slowly as the service and convenience centers for these widespread rural operations. The possibilities occur that by 1990 perhaps U. S. agriculture in general will have undergone a reform as yet unknown, or perhaps it will reach a point of stabilization and improving incomes per worker by that time. The related possibility that by 1990 all seven of the County's smaller towns will have regrouped and reorganized their functions also can occur. Perhaps they could regroup and consolidate their services in two to three locations by that time, and achieve a moderate economic stabilization by doing so. Perhaps some will have realized new potentials by that time from new industrial plants, or the addition of nursing or retirement homes will have stabilized these towns. These possibilities can only be speculative in 1972. Obviously current trends denote that there are a multitude of choices being posed for rural America, and the rural areas of Ramsey County are not alone in this respect. By 1980 perhaps more evidence will indicate more positive, cohesive courses of action for rural communities and agricultural areas at that time, beyond the planning advanced in this report.

The above general projections regarding total employment and total population for various areas of Ramsey County are now related to the causative factors behind these generalizations.

WORK FORCE, EDUCATION, AND MIGRATION

Ramsey County's work force participation rate is very close to national rates. Unemployment rates for the County are commonly close to national rates also. The only major deviation from national statistics regarding work force participation occurs in the 18-24 year old age groups, where a much higher percentage of the County's potential labor force (those aged 16 and older) is finishing high school and going on to college than is common nationally (see Table III-E) and therefore the rates of labor force participation in these age groups is much lower than national rates. While the average number of years of education of the over-25 population of the County (Table III-F) is about 2 months fewer than the rapidly increasing national average of 12.2 years in 1970 (increasing at a rate of approximately 2 years of education per decade), the County's population appears to be catching up with the nation in this respect. With 79 percent of its 18-19 year old population enrolled in school in 1970, and approximately 27 percent of its 20-24 year old population enrolled, the County stands to improve its net education standard considerably over the coming years.

TABLE III-E
WORK FORCE PARTICIPATION BY AGE GROUP, 1970

Age group	Percent of Age Group Participating			
	Male		Female	
	Ramsey Co.	U.S.	Ramsey Co.	U.S.
16-17	28.2		33.6	
18-19	55.2	57.5	46.0	43.7
20-21	80.3		52.3	
22-24	86.2	85.1	61.3	57.5
25-34	93.8	95.0	37.8	44.8
35-44	94.5	95.7	40.3	50.9
45-55		92.9		54.0
55-64	84.0		44.0	
65 and older	26.1	81.5	10.5	42.5
		25.8		9.2
16 and over	70.6	72.9	36.2	42.8

Source: U.S. Census Bureau

TABLE III-F
EDUCATION OF THE ADULT POPULATION, U.S. - RAMSEY COUNTY, 1950-1970

	Median school years completed by population 25 years of age and older:		
	1950	1960	1970
U.S.	9.3	10.5	12.2
Ramsey County	9.5	10.0	12.0

Distribution by educational levels in percent of total population:

Years of education acquired	1950	1960	1970
0-4 (elementary)	U.S. 4.1	8.3	5.3
	Ramsey Co. 6.9	3.7	3.6
5-11 (elementary - high)	U.S. 48.4	57.1	28.5
	Ramsey Co. 56.7	55.9	44.2
12-15 (high - college)	U.S. 34.3	41.1	55.2
	Ramsey Co. 31.7	36.3	44.3
16 + (college +)	U.S. 6.2	7.7	11.0
	Ramsey Co. 4.6	4.2	7.9

Source: U.S. Census Bureau

While the educational standards for the County are improving, however, the economic elements of the County must take increasing notice of this worthy characteristic. While the younger work force seems far more attentive to educational pursuits than earlier, at least much of this attentiveness is due, at least in part, to the fact that many younger residents of the County know full well that economically they cannot hope to pursue the small-scale farming operations of their fathers. They elect either large-scale farm management or simply higher education for non-agricultural and frequently urban occupations as logical pursuits of study and preparation. The recent history of the County's younger population indicates that migration among this group is more common than in any other age group in the County. The 5-14 year old population in 1950 numbered 2,813. By 1960 this group had aged ten years, but it had also lost over 1,000 of its number over the same time period. By 1970 it had decreased another 500 in force, and was depleted to a mere 45 percent of its original force in 1950. It was now the 25-34 year old population; numbering 1,258. The 55 percent decrease was far more than the County's overall population decrease of about 10 percent over the same 20 years.

The result of this characteristic today is a depleted younger work force - and younger population of the County - and more older population over 55 years of age. The 25-55 year old population is 6 percent fewer than is common nationally; and the 55-and-older population is 5 percent more. A 1 percent oversupply in the 15-24 year old population in 1970 makes up the rest of the equation. This latter group is generally acquiring more formal education than is common nationally. If the County can accommodate their employment needs in the coming years, its age-distribution curve will more nearly parallel national levels.

In the interim the County is pressured to provide economical living alternatives for its older population commensurate with its needs. Many of the County's older population are rural residents living on farms, and their needs are already reasonably met. But where they are urban residents and not homeowners, they become more accessible to the pressures of inflation and housing shortages than the younger population. This phenomenon is discussed further in the section on housing.

EMPLOYMENT BY OCCUPATION GROUP

Despite the fact that national occupational groupings are extremely generalized (into four major groups), a survey of these characteristics proves illustrative of Ramsey County's employment patterns. Of the four occupation groups (Table III-G), blue-collar workers were the most prevalent nationally in 1950, comprising 39.1 percent of the employed. Second were 2,343 white collar workers, with 37.5 percent of all jobs; third, farmworkers with 12.4 percent; and last, service workers with 10.9 percent. By 1970 this spectrum had shifted considerably. White collar workers had increased to 48.3 percent and now made up almost half the national employment spectrum. Blue collar workers had decreased to 35.3 percent; service workers had increased to third place with 12.3 percent; and farmworkers had dropped to last place with 4 percent.

The County's employment transition over this same time period progressed along similar lines. Farmworkers naturally made up a much larger segment of the County's employment spectrum than was common nationally - 36.2 percent in 1950; they decreased faster than the national rate of decrease to second place in the County in 1960 and 1970, dropping from 36.2 percent to 27.1 percent, to 19.6 percent. By 1980 the farmworker category should continue to drop in the County's occupation spectrum, generally in line with the national spectrum.

County white collar workers have held very close to national proportions over the entire thirty year space. Service workers have also held closely to national proportions. The primary difference between the County's occupation groupings and the nations' is that whereas nationally the blue collar workers have predominated (in 1950) and then declined slightly to second place in magnitude, in Ramsey County the farmworkers have undergone the same fate until 1970. County blue collar workers, on the other hand, have held at about 18-19 percent of the total employment all along. But as farmworkers continue to decrease in the coming decades, one of the primary areas the County should expect to develop is the blue-collar group.

TABLE III-C
EMPLOYMENT BY OCCUPATION GROUPS, U.S. - RAMSEY COUNTY, 1950-1970

<u>U. S.</u>	<u>Percent of labor force</u>	<u>Ramsey County</u>	<u>Percent of labor force</u>	<u>Number of employees</u>
1950:				
Blue-collar workers	39.1	Farmworkers	36.2	1,852
White-collar workers	37.5	White-collar workers	33.0	1,690
Farmworkers	12.4	Blue-collar workers	19.6	1,005
Service workers	10.9	Service workers	8.8	453
1960:				
White-collar workers	43.1	White-collar workers	38.4	1,812
Blue-collar workers	36.3	Farmworkers	27.1	1,280
Service workers	12.5	Blue-collar workers	18.5	874
Farmworkers	8.1	Service workers	12.9	609
1970:				
White-collar workers	48.3	White-collar workers	44.4	1,960
Blue-collar workers	35.3	Farmworkers	19.6	863
Service workers	12.3	Service workers	18.8	829
Farmworkers	4.0	Blue-collar workers	17.2	761

Source: U.S. Census Bureau



As in other areas of the United States, the early settlement of the rich grassland prairies was devoted almost entirely to agricultural development. With the continued movement of settlers to the grasslands of the mid-west, thriving agricultural trade centers developed. Subsequently, communities and towns developed offering many physical, cultural, and commercial advantages. This traditional trend in American history is also true of the development in Ramsey County.

The dynamic and progressive changes of land use from vacant to agricultural, commercial, residential, and industrial uses were primarily the result of economic needs. For many decades, and with a considerable extent inclusive of the present, a relatively uncomplicated arrangement of land uses existed within the County. The Economic Base and Population Study of the report suggests that the trend of increased farm acreages and subsequent movement of population to larger communities will continue in the foreseeable future.

The assimilation and analysis of information pertaining to the existing land use of an area is an important tool of comprehensive planning. This section of the report includes a description of the manner by which the inventory data was gathered, an overall picture of the existing County land use, a description of rural land uses, and a discussion of urban land uses.

METHODOLOGY

Considerable information on land use was available from the State Highway Planning and Research Division, various USGS maps, US Department of Agriculture, and State and County agencies. The remaining data and the updating of other available information was accomplished in the field with the Consultant's survey teams.

Proper analysis of land use requires a rather detailed classification system. Although inventory data regarding the two basic land use types, rural and urban, was gathered in different manners, a classification system was developed for each that would complement the other. The Consultant's survey team made a parcel by parcel, structure by structure inventory and classification of urban land, and they studied and located grazing lands, crop lands, wooded areas, wetland areas, and public facilities.

The land use classification of the inventoried field data are as follows:

RESIDENTIAL This classification includes all residential uses, but distinction is made between single-family, multi-family (two or more dwellings in a structure), and mobile home or trailer units. Units on unplatted land are assumed to be on one acre tracts.

COMMERCIAL This type includes retail sales, professional and business offices, and service establishments. Where commercial is mixed with residential or industrial or other uses, the predominant use was selected for the property.

INDUSTRIAL. This includes manufacturing plants, warehouses, wholesale establishments, junk yards, dumps, railroads, airports, gravel pits, highway equipment yards, sewage and water treatment plants, and the like.

PUBLIC AND SEMI-PUBLIC. This includes municipal buildings, schools, parks, churches, hospitals, cemeteries, fire stations, and the like.

OPEN. This classification includes all agricultural land, wooded areas, wetland areas, vacant, and unclassified land.

ROADS AND STREETS. These include federal, state, and county highways as well as streets in incorporated towns.

THE COUNTY AS A WHOLE

A study of the existing land use of the County as a whole indicates that approximately 761,490.5 acres or 98.0 percent of the total land area is classified as agricultural or open, a direct relationship to a highly agriculturally orientated economy typical of most North Dakota counties. Only 15,474.5 acres or 2.0 percent of the total land area is classified as developed area (Table IV-A).

Rural land uses total 770,371.7 acres or 99.0 percent of the total land area and include 12,076 acres of developed land and 758,295.7 acres of agricultural and open land. Rural developed area land uses include farmhouses, roads, and highways. The latter includes croplands, waterfowl and wildlife areas, reservation lands, wetlands, wooded areas, and other open land. Industrial power and transmission lines are located throughout the County, and a crude oil pipe line crosses the County east-west somewhat parallel with U.S. Highway 1.

TABLE IV - A

RAMSEY COUNTY N. D. EXISTING LAND USES

Developed Land Uses** (acres/percent)	Devils Lake*	Edmore	Starke-Weather	Crary	Churches Ferry	Lawton	Hampton	Brocket	Bartlett	Urban Total	Rural Total	County Total
Single-Family Residential	579.2A 19.8%	22.3 24.6	15.3 26.7	14.6 23.7	20.0 34.5	15.3 24.8	12.6 24.5	16.3 26.9	3.8 3.9	699.5 20.6	1,548.0 12.8	2,247.5 4.5
Multi-Family Residential	7.2 0.2	0.6 0.7	0.5 0.9	0.3 0.6						8.6 0.3		8.6 0.0
Mobile Home Residential	40.5 1.4	2.2 2.5	0.5 0.9		0.5 0.8	0.5 0.8				44.3 1.3		44.3 0.3
Commercial	99.0 3.4	4.1 4.6	1.8 3.1	0.7 1.1	1.8 3.1	7.5 12.2	4.2 8.2	3.4 5.6		122.6 3.6		122.6 0.8
Industrial	144.1 4.9	20.5 22.7	10.8 18.8	5.4 9.7	5.6 9.7	4.5 7.3	4.8 9.3	3.3 5.5	1.2 4.4	198.6 5.8		198.6 1.3
Public and Semipublic	1,324.0 43.2	15.1 16.7	9.8 17.1	2.3 3.7	3.9 6.7	6.2 10.0	9.0 17.5	2.8 4.6	1.6 5.9	1,374.8 40.5		1,374.8 8.9
Roads and Streets	735.5 25.1	25.5 28.2	18.6 32.5	40.3 65.3	26.2 45.2	27.7 44.9	20.8 40.5	34.7 57.4	20.7 75.8	950.1 27.9	10,528.0 87.2	11,478.1 15.4
Total Dev. Area	2,929.5 100.0	91.3 100.0	57.3 100.0	61.5 100.0	58.0 100.0	61.7 100.0	51.4 100.0	60.5 100.0	27.3 100.0	3,398.5 100.0	12,076.0 100.0	15,474.5 100.0
Dev. Area/100 Persons	41.4	22.8	29.7	41.0	41.7	50.2	45.1	63.7	143.7	40.9	262.2	119.8
Agricultural and Open	634.6	108.2	35.5	546.2	231.6	578.3	26.2	419.5	612.7	3,194.8	758,295.7	761,490.5
Total Area	3,564.1	199.5	92.8	607.7	289.6	640.0	79.6	480.0	640.0	6,593.3	770,371.7	776,965.0

Urban land totals 6,593.3 acres or 1.0 percent of the total land area and includes 3,398.5 acres of developed area and 3,194.8 acres of agricultural or open land. Developed areas include single-family and multi-family residences, mobile home residences, and some subdivision type development south of the city of Devils Lake. Urban commercial land uses are generally located in the business district of each town or near a highway intersection near town. Industrial and grain storage is largely located along a railroad siding either in or near a town. Sewage and water treatment plants are located outside, but near the town limits; and the towns are served by industrial power and transmission lines. Urban public and semi-public land uses include churches, schools, municipal buildings, football fields, parks, and the like.

RURAL USES

Rural land uses consist of 1,548 acres of residential farmsteads, 10,528 acres of roads and highways, and 758,295.7 acres of agricultural and open land (Table IV-A). Since there is really no distinctive difference between rural and urban agricultural and open land usage, these two classifications could be combined giving a total of 761,490.5 acres. Agricultural land uses would include 370,665 acres of harvested cropland, 307,055 acres of other related croplands (includes cropland used for soil-improvement crops, crop failures, cultivated summer follow and idle cropland). Open land uses would include 14,928 acres of waterfowl and wildlife refuge areas, 4,320 acres of reservation lands, 43,500 acres of wetlands, 7,400 acres of wooded areas, and approximately 13,622.5 acres of other open land (Figure VI-1).

According to the 1969 Census of Agriculture published by the U. S. Department of Commerce, there are 888 active farms in the County with an average size of 846 acres. The Consultant's land use survey indicates that 252 farmhouses were vacant. These vacancies are a result of the general trend toward increased farm sizes and a reduction in the size of the agricultural labor force. In some instances, the farm family lives in a nearby town and commutes to the farm for work. The move to town eliminates the inconvenience of traveling to schools, doctors, retail outlets, and others; plus, the town offers better protection from winter winds, better snow removal, and better church and recreational facilities.

An analysis of the trend over the past decades of increased farm sizes, mechanization of farms, and production per acre should provide a reasonably accurate estimate as to how this trend will continue in the foreseeable future. Thus, the 888 farms in the County in 1969 with an average size of 846 acres, an average value of land and buildings of \$117 per acre, and an average annual yield from sales of products of \$13,961 per farm would appear, on a straight line projection, by 1990 to be 490 farms with an average size of 1,156 acres, an average value of land and buildings of \$243 per acre, and an average annual yield from sales of products of \$21,983 per farm (Table IV-B). However, several factors could alter these projections, such as (1) the gradual reduction of agricultural acreage could reverse itself due to a greater demand for agricultural productivity, (2) the decline in the number of farms could change, and likewise, (3) the average size of farms could increase at a slower rate than projected. Also recent negotiations between the United States and Russia and China for purchase of wheat and other agricultural products could alter such estimates substantially.

One important conclusion that may be extracted from the above analysis is that fewer people are going to be needed to operate farms in the County. This decrease should be a challenge to the

TABLE IV-B RAMSEY COUNTY, N. D. FARM SIZE, NUMBER, AND PRODUCTIVITY 1959 - 90

Year	Area Harvested (1,000 Acres)	Number of Farms (Approx.)	Average Farm Size (Acres)	Average Farm Value Land & Bldgs. (\$)	Average Value per Acre Land & Bldgs. (\$)	Average Sales Per Farm @ \$19.00 Acre Yield (1969 Base) (\$)
1959	433	1,079	698	40,266	57	9,609
1964	371	987	784	62,084	80	13,068
1969	350	888	846	98,680	117	15,961
1975	325	775	934	133,728	153	17,746
1980	304	680	1,008	162,935	183	19,171
1985	283	585	1,082	192,142	213	20,538
1990	262	490	1,156	221,349	243	21,983

Source: U S Dept of Agriculture and estimates by Charles Gathers and Associates, Inc., Denver 1973

people of the County to encourage more manufacturing, especially of an agricultural related nature, in order to overcome unemployment and under-employment. Opportunity for employment will help to maintain sufficient population to justify stores, shops, professional and other services people look for today in their place of residence.

Within the County there are 14,928 acres of waterfowl and wildlife protection areas under the jurisdiction of either the U. S. Bureau of Sport Fisheries and Wildlife (BSFW) or the North Dakota State Game and Fish Department. The 14,928 acres under the jurisdiction of these two wildlife bureaus include 9,662 acres in the western portion of the County near Lake Aux Morres, 3,219 acres in the northern portion of the County, and 2,047 acres situated east of the City of Devils Lake. Reservation land totals 4,520 acres and includes the Fort Totten Indian Reservation and the Gilbert C. Grafton State Military Reservation. These are all classified as open land.

INCORPORATED TOWN USES

The greatest concentrations of residential, commercial, industrial, and public and semipublic land uses are located within the Incorporated towns (Figure VI-1). The existing land uses of each town (except Devils Lake which was included in a separate contract) have been field surveyed, mapped, and totaled in acres for each category of land use (Table IV-A).

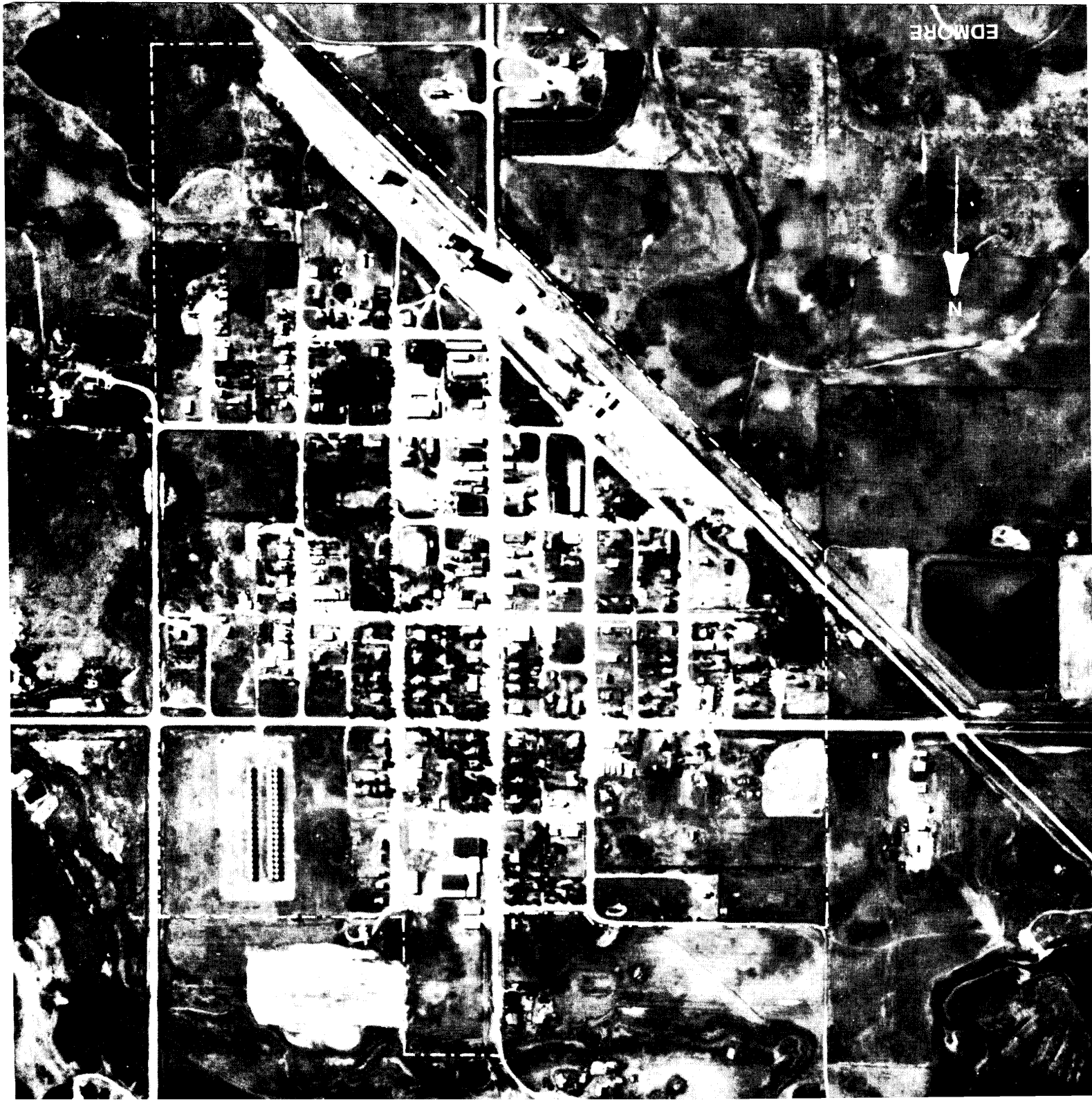
The analysis of the existing land use and the tabulation of the number of developed acres for 100 persons were used in the formulation of the proposed land uses for each town. For comparative purposes the existing land use and 1990 land use are illustrated opposite each other in the 1990 Land Use Plan section of this report. A description of the character of existing development for each town follows.

DEVILS LAKE

A comprehensive planning report has been submitted by R. W. Beck and Associates of Denver, Colorado, for the City of Devils Lake and, thus, is not included in this planning contract. However, a brief description of the land use follows in order to formulate an overall picture of land use within the County as related to planning procedures. Devils Lake with a 1970 population of 7,078 is the County's largest town and the County seat. The square and rectangular blocks in a grid system of streets and avenues is served east-west by U.S. Highway 2 and State Highway 20. Burlington Northern Railway provides freight service north-south, and the Soo Line provides service east-west. There has been, and is expected to continue, a growing development of commercial and industrial land uses. Residential land uses include single-family residences, multiple-family residences, mobile home, and some subdivision type development south of the incorporated limits. The City of Devils Lake has sewage lagoons and chlorination of the water supply, and it is the location of the County's only commercial airport.

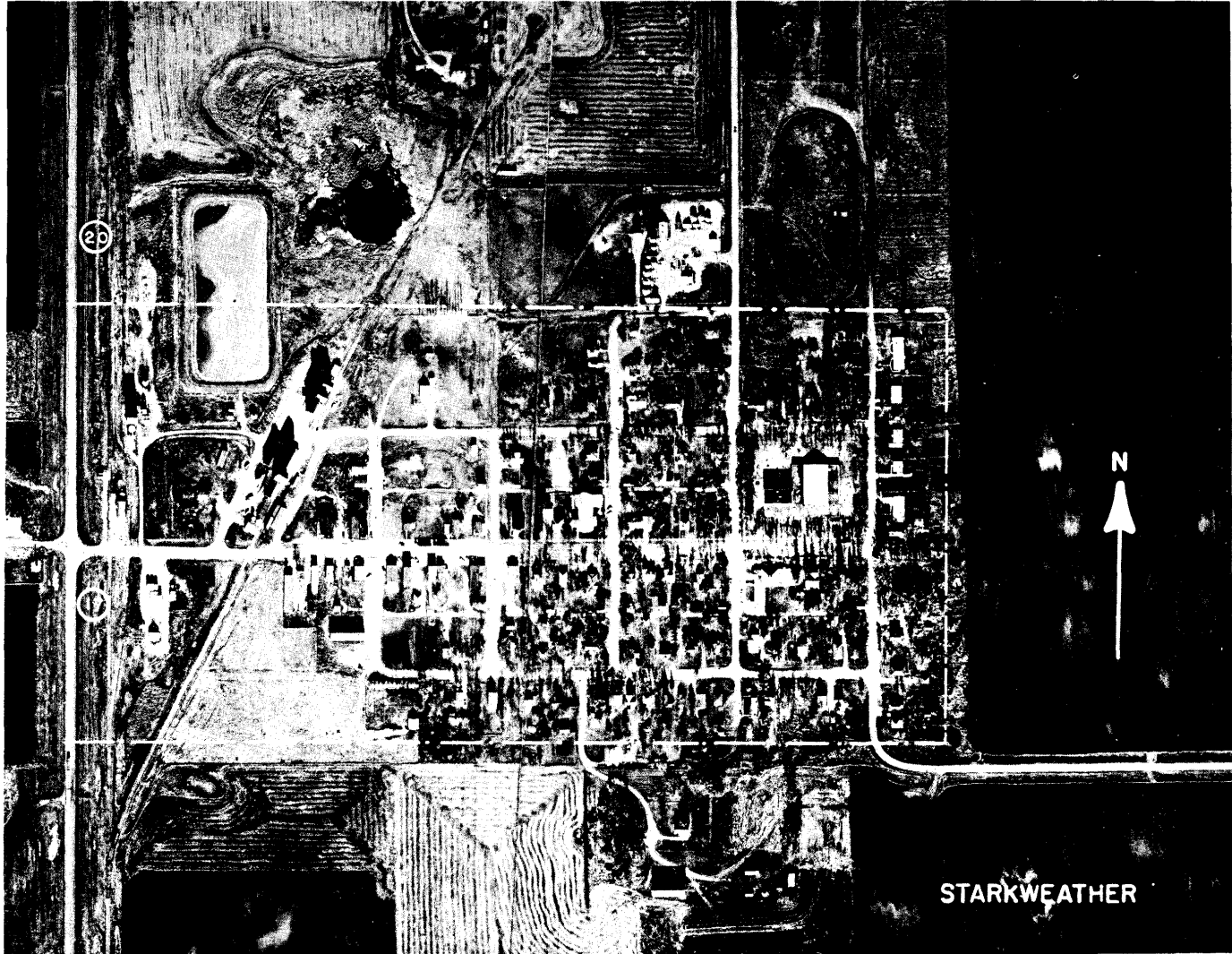
EDMORE

Edmore, the second largest town with a 1970 population of 398, is approximately centered in the northeastern quarter of the County and is crossed at Fifth Avenue by State Highway 17 in an east-west direction. The grid system of streets and avenues dictates a square and rectangular block pattern with the exception of the area adjacent to the Burlington Northern Railway which crosses the town limits southeast-northwest (Figure VI-4). Some industrial growth has developed alongside of the railway. The business district, which is intermingled with some residential and public and semipublic land uses, is located north of the railroad and approximately centered east-west. Residential land uses include single-family residences and some mobile homes and multi-family housing. Public and semi-public land uses include a school, city hall, community hall, rest home, parks, and churches. A sewage lagoon is located west of town.



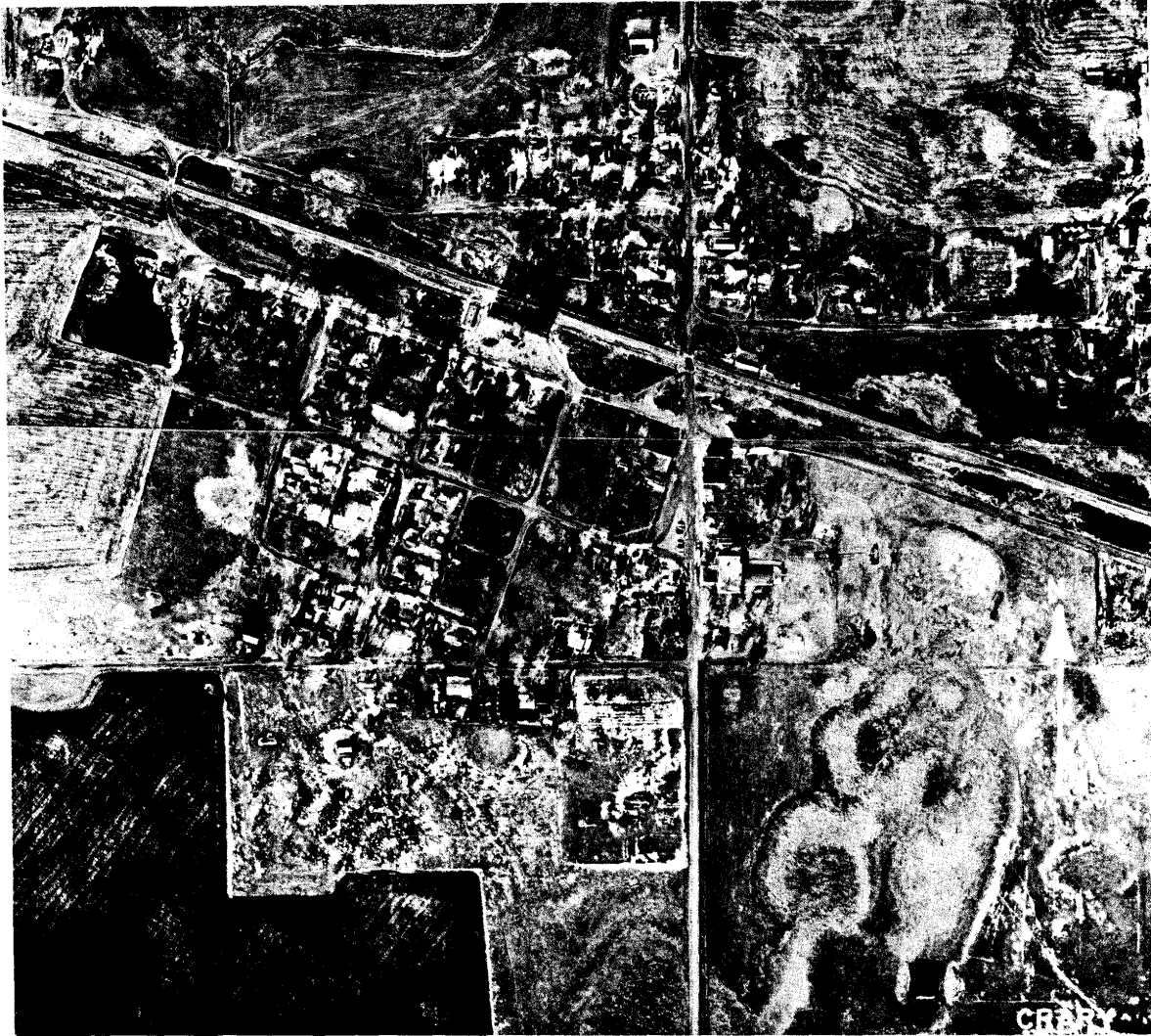
STARKWEATHER

Starkweather with a 1970 population of 193 is located in the northwestern portion of the County. Both State Highway 20 and the Burlington Northern Railway pass north-south alongside the town's west limits. The town has a square and rectangular block pattern. Some industrial growth has developed along the railroad siding (Figure VI-5). A small business district has developed to the east of the industrial area and along either side of Main Street. Residential land uses are fairly well grouped and include single-family residences and some mobile homes and multi-family residences. Public and semi-public land uses include a football field, park, city hall, post office, school, and churches. This is one of the five towns in the County with a sewage lagoon.



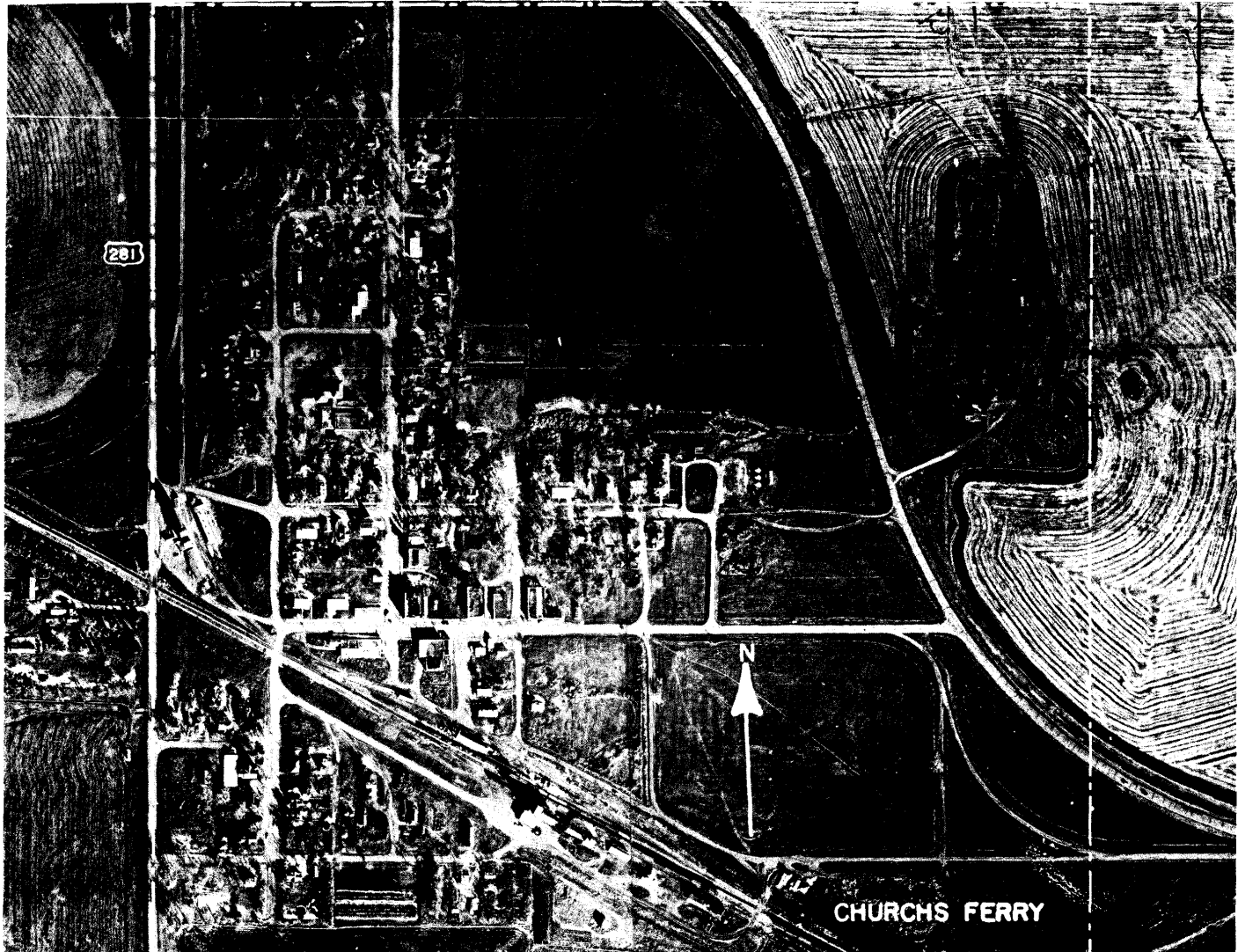
CRARY

Crary with a 1970 population of 150 is located approximately 10 miles east and 3 miles south of the city of Devils Lake. It is served by Burlington Northern Railway, which passes through the center of town in a general east-west direction, and U. S. Highway 2 which is approximately 1-1/2 miles south of the center of town (Figure VI-6). The square and rectangular block pattern results in a grid system of streets. A rather undesirable relationship has developed with the intermingling of varied land uses and vacant lots and buildings on both sides of the railroad tracks. The greatest amount of land use is residential. Both industrial and commercial land uses have not developed as well as might be desired; this is particularly true of commercial uses. Public and semipublic uses include a school, ball field and two churches.



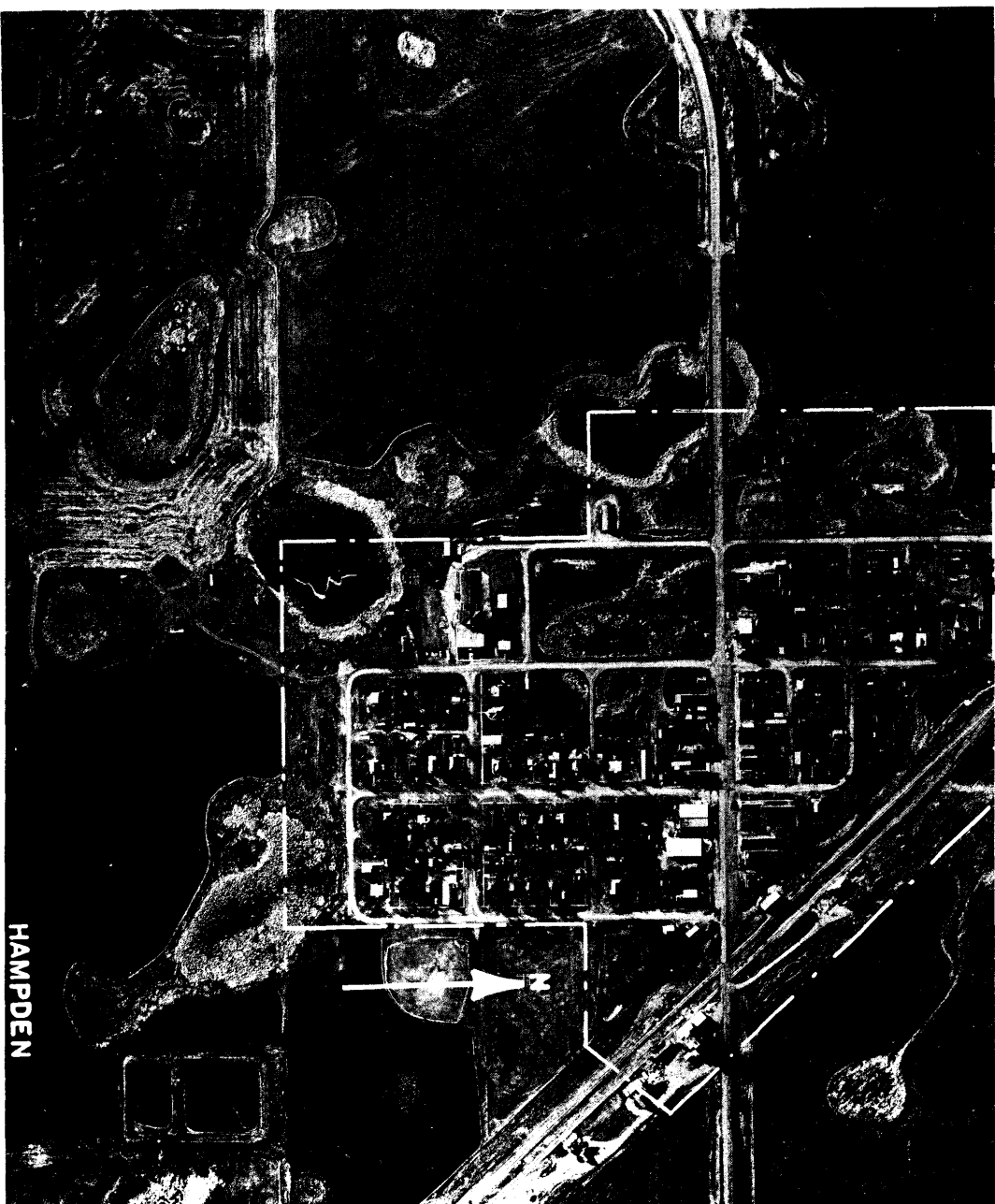
CHURCHS FERRY

Churchs Ferry with a 1970 population of 139 is located along the western County line just north of U. S. Highway 2 and slightly south of Lake Irvine. The Burlington Northern Railroad mainline passes through the town east-west with a spur to the north off of the mainline (Figure VI-7). A square and rectangular block pattern indicates a grid system of streets. Although some residential land use has developed south of the railroad track, a good relationship of land uses exists within the majority of the developed area north of the tracks. Industrial uses have developed along the railroad tracks, and the central business district located along Third Street and Depot Street separates the residential area from the railroad tracks and industrial uses. Residential uses include single-family residences and some mobile homes. Public and semi-public land uses include a school, meeting hall, and a church.



HAMPDEN

Hampden with a 1970 population of 114 is located just south of the Ramsey-Cavaller County line and about a half mile from Couth Highway 3 (KC-3). The grid system of streets and avenues form a square and rectangular block pattern with the exception of the land adjacent to the Burlington Northern Railway which crosses southeast-northwest at the northeast edge of town (Figure VI-8). Industrial land uses are primarily located near the railroad tracks, with the exception of the sewage lagoon which is just south and east of town. Although commercial land uses are somewhat scattered, the main business district is situated along Main Street west of the industrial area. The remaining developed area is comprised of residential and public and semi-public land uses. The latter includes a park, ball park, school, meeting hall, and churches.



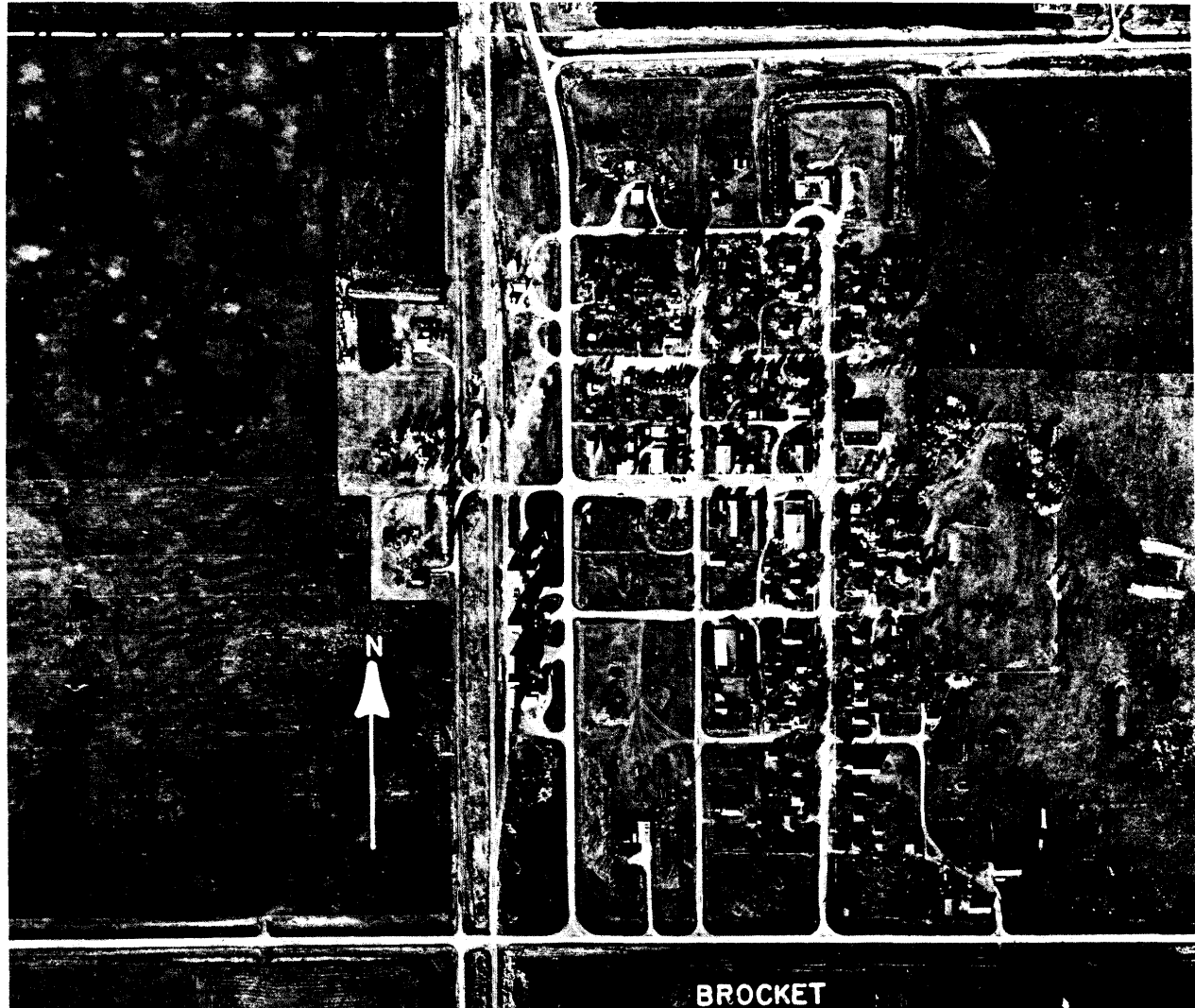
LAWTON

Lawton with a 1970 population of 123 is located south and somewhat east of Edmore and about 3-1/2 miles west of the County's eastern boundary line. The central area of the town has square and rectangular blocks. The Burlington Northern Railway crosses the town in a north-south direction. The north-south State Highway 1 (ND-1) approaches the eastern edge of town from the south, curves slightly westward across the northwest corner of town, and then heads due north (Figure VI-9). The developed area lies between the railroad and the highway. Industrial land uses are adjacent or near either the railroad or highway, and commercial uses are along the highway or along either side of Main Street near the railroad industrial area. Residential land uses include single-family residences and some mobile homes, and public and semi-public land uses include a park, fire station, meeting hall, and two churches. A sewerage system has been recently installed, and the possibilities of installing a municipal water supply system are currently under investigation.



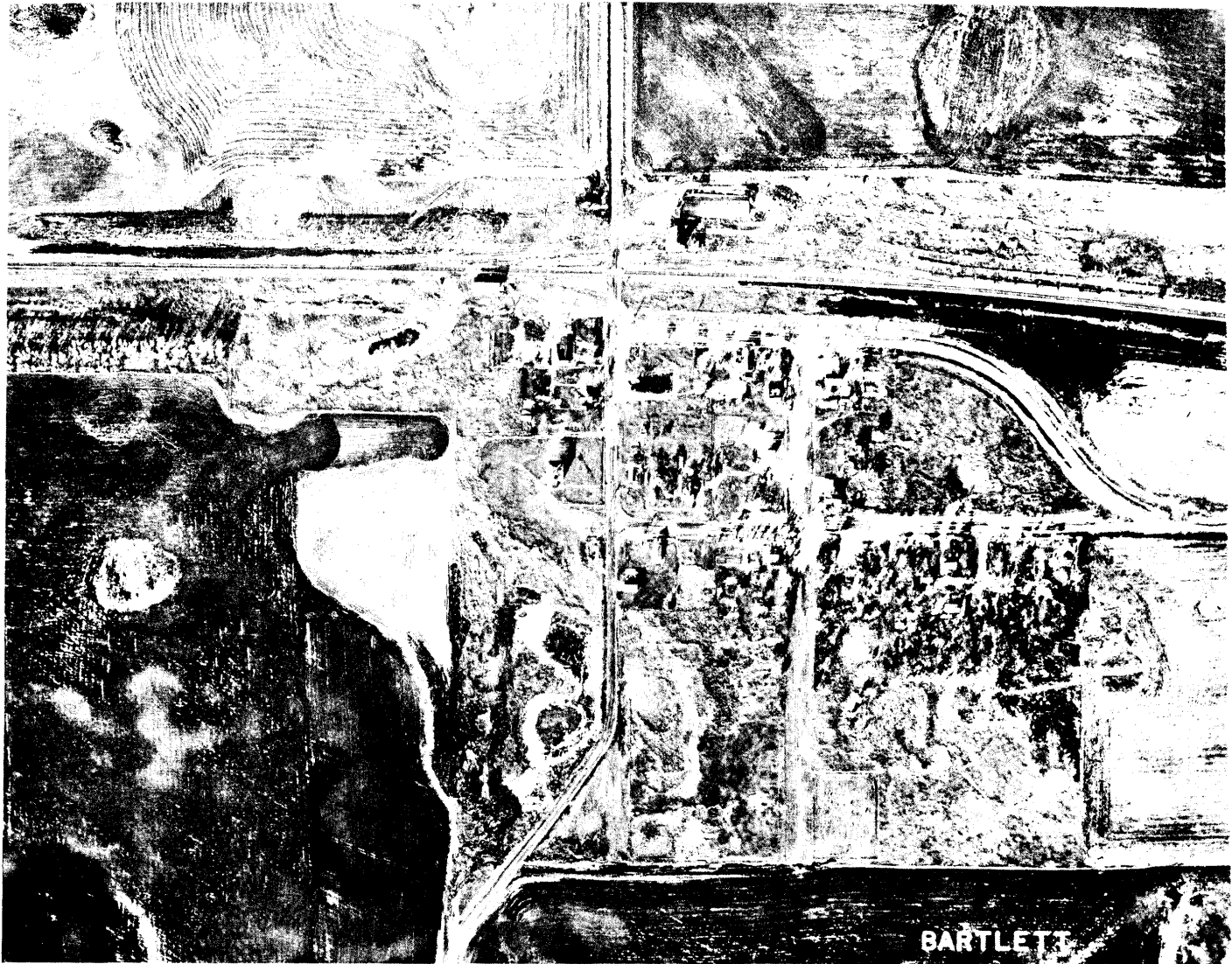
BROCKET

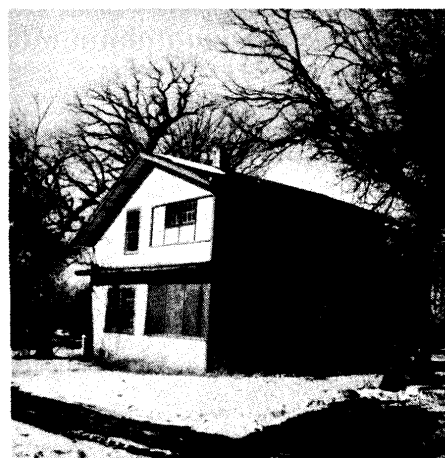
Brocket with a 1970 population of 95 is located in east-central Ramsey County about 3 miles from the Ramsey-Walsh County line. RC-7 serves the town east-west just south of the town's developed area, and ND-1, which is east of town, serves the area north-south (Figure VI-10). A square and rectangular block pattern results in a grid street system. Industrial land uses are located along the railroad track, along First Avenue, and near the intersection of Third Avenue and RC-7. The commercial district is located along Main Street between Railroad Avenue and Second Avenue. The remaining developed area includes residential and public and semipublic land uses. The latter includes a fire station, school, and churches.



BARTLETT

Bartlett with a 1970 population of 19 and resulting limited development is located near the southeast corner of the County. It is served by the Burlington Northern Railroad and U. S. 2, both east-west (Figure VI-11). The former passes through town and the latter just south of town. A grid system of streets results in a square and rectangular block pattern. The limited development includes some industrial and public and semipublic land uses and a small residential area. Public facilities includes a school and a post office.





This last section on the background for the Plan includes a survey of existing housing, the identification of existing housing problems, the identification of major obstacles related to the solution of these problems, and a statement of current activities related to housing. With this background information a broad statement of objectives and a proposed housing activities program for the next three years (1973-1975) were developed to formulate an implementive action program and to determine future housing needs. In 1969, a housing study was included in the Devils Lake Comprehensive Plan prepared by R. W. Beck and Associates. This study analyzes the housing in the County as a whole, including data from the City of Devils Lake as reported on in its comprehensive plan.

The Ramsey County Housing Authority was established in 1971 and since 1972 has operated 40 family and 53 elderly turnkey housing units in Devils Lake. Three of the five members of the Authority are from Devils Lake, one from Edmore, and one from Starkweather.

HOUSING SURVEY

A structure by structure field survey in late 1970 by the Consultant indicated the condition of residential and nonresidential buildings in all incorporated towns except Devils Lake. The method of grading structures developed by the U. S. Housing and Urban Development (HUD) was used in the Consultant's survey. Categories of housing included sound (S), deteriorating (d), and dilapidated (D).

Based on the fact that the survey was an exterior inspection only and the opportunity was not provided to make an interior inspection of buildings for such items as plumbing, heating, electrical, structural soundness, flooring, stairs, insulation, and the like, it appears that at least 20 percent of the deteriorating units and all dilapidated units should be categorized as substandard homes. This would indicate that of the 4,390 total housing units there are 1,120 substandard units (Table V-A). Mobile homes, which were counted, but not rated according to the three categories, were generally found to be in good condition and have been included with the count of sound housing.

HOUSING PROBLEMS

Rural housing problems include a declining population, insufficient funds for home rehabilitation and prevalence of substandard housing. With the expected continued decline of rural population due to larger and more mechanized farms, the problems related to increased number of vacancies and decreasing desire or ability of some rural home owners to properly maintain their homes will quite likely increase. In many cases, rural home owners do have the desire

to maintain their homes, but they have lacked sufficient funds of their own or have had difficulty obtaining loans for home rehabilitation.

According to the 1969 North Dakota Highway Department Traffic Flow map and the Consultant's 1970 field survey rural farm and non-farm dwelling units total 1,548 (Table V-A). Assuming that all dilapidated and an estimated 20 percent of the deteriorating units are in a substandard condition, 424 units of the total 1,548 homes are substandard. There are 252 vacant rural housing units.

The existence of a County-wide, citizen supported housing program provides the opportunity to make an organized, rather than an individual, request for funds. Such funds, which are available through the Farm Home Administration for the construction of new farm homes and the rehabilitation of existing ones, should be directed only toward those structures which will not be vacated in the foreseeable future. A more complete study should be made in regard to this matter.

Many of the same basic problems, with the addition of conditions of physical and social blight, exist in some sections of the towns. Insufficient funds and substandard housing have had their most pronounced effects upon communities with the greatest decline in population. Unless substantial measures are taken to alleviate the situation, the magnitude of these problems will quite likely increase.

Based on the assumption that all dilapidated and 20 percent of the deteriorating urban housing units are in a substandard condition, 696 units of the total 2,842 urban homes are substandard (Table V-A). Using the same criteria, there are 553 substandard units in the City of Devils Lake and 143 substandard units in the remaining incorporated towns. These figures could vary if the estimate of 20 percent of deteriorating units as substandard should vary.

Generally, the smaller the town the greater the percentage of housing units which are in a substandard condition. The magnitude of this problem generally increases in towns which are losing population at a greater rate than others. Many older homes, particularly in the smaller communities, were built without indoor plumbing or electrical lighting and would not qualify

TABLE V- A
RAMSEY COUNTY, N.D. HOUSING CONDITIONS, 1972

	Housing Units			
	<u>Sound*</u>	<u>Deteriorating</u>	<u>Dilapidated</u>	<u>Total</u>
Devils Lake	1,258	641	425	2,324
Edmore	26	108	18	152
Starkweather	13	59	4	76
Churches Ferry	8	46	11	65
Crary	3	44	8	55
Lawton	10	32	7	49
Hampden	5	42	10	57
Brocket	2	46	2	50
Bartlett		8	6	14
Urban Total	1,325	1,026	491	2,842
Rural	206	1,148	194	1,548
County Total	1,531	2,174	685	4,390

Sources: Charles Gathers and Associates, Field Survey
U. S. Census of Housing, 1970

*Includes mobile homes

as standard housing today unless these deficiencies were substantially corrected. An inspection of interior conditions, which is beyond the scope of this study, should be made of structures contemplated for renewal, including code enforcement, rehabilitation, or redevelopment.

Most causes of blight have interrelations between physical and social aspects. Thus, while physical evidence of blight may be apparent in only a portion of a town, the impact of adverse effects are felt throughout the community. By definition, blight is the condition in which physical, social and economic factors, singly or in combination, produce an environment within a given portion of a community which is deleterious to the health, welfare, or physical well-being of individuals living, working or otherwise having contact with the effected area. Blighted areas require a greater amount of public services, such as fire and police protection. They do not return an equitable portion of tax revenue for the services required, and they are not as apt to attract new business, industry, or population growth.

Rehabilitation or redevelopment of these areas will require not only the removal of the obvious physical results of blight, but an understanding and elimination of its causes as well. Rarely will any single factor be the sole cause of blight, but rather a number of factors in varying degrees will combine to render the undesirable conditions.

Overcrowding by converting single-family dwelling units to multi-family units or boarding homes creates many overload problems. Not only do such conversions place additional strains upon community facilities, but also upon plumbing, electrical, and heating services for individual buildings.

Mixed and incompatible land uses range from scattered commercial or industrial uses within a residential neighborhood to scattered residential uses within a commercial or industrial area. Incompatible land uses have a more pronounced effect upon an area in that they downgrade both types of land use in terms of appearance, function, and value.

A lack of good municipal and community services are also characteristic of a substandard neighborhood. Poor schools, inadequate housing for the elderly and low income families, inadequate open space for recreation, poor maintenance of streets, inadequate control of traffic volumes, and the lack of water or storm sewer drainage all contribute to substandardness of a neighborhood, lower property values, and result in deterioration and neglect.

The problems mentioned above are not as pressing in the City of Devils Lake as they are in the other urban and rural areas. Although the quality of housing in Devils Lake is better than that in other towns (Table V-A), some substandard housing does exist within certain areas of the City. Although some housing development and rehabilitation has taken place within the City, it has not been as vigorous as might be desired. Providing the additional housing required for the expected population increase presents opportunities to solve housing shortages and other substandard housing problems.

With a County-wide, citizen supported housing program many of the rural and urban housing problems can be recognized and dealt with under the direction of the Ramsey County Housing Authority.

OBSTACLES

Having surveyed the existing housing and having studied basic housing problems, the major obstacles, as related to the solution of these problems should be identified. These obstacles include a declining population in certain areas and insufficient housing rehabilitation funds.

Although the population of Devils Lake, Edmore, and the County total population are expected to increase in the future, the declining population trend of the remainder of the County is expected to continue. As a result, the confusion or neglect caused by an increasing number of vacancies and the associated decreasing desire or ability of remaining home owners to properly maintain their homes will quite likely increase, if measures are not taken to reverse this trend.

Insufficient funds has been an obstacle to many home owners who have the desire to maintain their homes, but they have lacked sufficient funds of their own or have had difficulty obtaining loans for home rehabilitation. With a good citizen supported housing program many of the housing problems and related obstacles can be recognized and dealt with under the direction of the Ramsey County Housing Authority.

CURRENT HOUSING ACTIVITIES

Housing activities which have been recently completed or stand as current activities include the following:

"Ramsey County Housing Authority - This organization was recently expanded to include not only the City of Devils Lake but the County as a whole under State statutes. Activities completed by the Devils Lake Housing Authority included the completion of "44 low income housing units and 53 housing units for the elderly. They are planning to expand their housing program over the next few years to provide additional low income units. The Authority will cooperate with any agency, as they have with the Odd Fellows to construct 56 housing units for the elderly, to secure housing for displaced individuals as well as expanding the housing available within the community for low income individuals.

Devils Lake Chamber of Commerce - The Chamber of Commerce works with the municipal government in developing community programs. During the past years they have encouraged and sponsored programs to provide necessary information and have worked hand in hand with the City in providing greater street planning and recreation for the community. Also their office staff and committees are available to support any necessary community endeavor.

Devils Lake Jaycees - This is an organization of young men which works in the community service area and have continually served the City in providing the manpower for various City projects which could not have been completed if the manpower had to be hired.

Devils Lake City Commission - The City Commission is the controlling body as to all expenditure of funds, the raising of funds, the approval of all municipal planning and development functions. It provides the leadership in all municipal functions.

Act Committee - This Committee of the Chamber of Commerce serves as a coordinating body of all organizations within the community providing service in all phases of community development and improvement. The ACT Committee and various sub-committees have been officially named by the City Commission as the Citizen's Advisory Body. The City of Devils Lake has accomplished a great deal during the past under such organizational structure and there appears no reason to change."

The preceding material in quotation marks is from the 1970 Devils Lake Plan by R. W. Beck and Company of Denver.

OBJECTIVES

With the preceding background information a broad statement of housing objectives for the next three years related to the solution of existing housing problems should include the following:

Create citizen awareness of the existing housing and neighborhood problems.

Provide standard housing for each person in the County.

Systematically eliminate all substandard housing over a 20 year period (or sooner).

Establish (or extend) a Workable Program for Community Improvement for the County for the next three years (1973-1975).

Correct inadequacies related to housing such as overcrowding, mixed and incompatible land uses, lack of municipal and community services, and poor street systems.

WORKABLE PROGRAM

The Workable Program for Community Improvement is based on the recognition that the Federal and local relationship is one of partnership in the task of community improvement and that Federal funds for renewal and housing projects cannot, by themselves, be effective unless localities exercise the full range of their powers in community efforts on a sustained and coordinated basis to the objective of preventing and eliminating substandard housing and other conditions of blight.

The specific requirements of the Workable Program are based on the statutory objectives of the Housing Act of 1949, as amended and are designed to provide a flexible framework for organizing community efforts to eliminate and prevent slums and blight and to encourage needed renewal. The Workable Program calls for progress in the following four areas:

Code Adoption and Enforcement. The adoption of housing, building, and related codes, and development of an effective code enforcement program which is at least adequate

to deal with areas having high priority need for enforcement, including both blighted areas and basically sound but deteriorating neighborhoods, and which is geared toward eventual community-wide compliance with such codes.

Planning, Programming, and Budgeting. The establishment of a continuing public planning, programming, and budgeting process which develops action programs within a comprehensive planning framework for overcoming the major physical, social, and economic problems related to the slum and blighted areas of the community, and for establishing and preserving a well-planned community with suitable living environments for family life.

Housing and Relocation. The development of a centralized or coordinated program for assisting in the relocation of all persons and business concerns displaced by public action in the community and the development of a program to expand the supply of housing for low and moderate-income families on the basis of equal opportunity.

Citizen Involvement. The establishment of programs designed to achieve meaningful involvement of citizens, including poor and minority groups, in planning and carrying out HUD-assisted programs related to the Workable Program.

IMPLEMENTATIVE ACTION

A good implementive action program to solve existing housing problems and obstacles should pursue the points described in the Workable Program. To comply with the Code Adaption and Enforcement portion of the Workable Program, it is recommended that the County adopt the Uniform Building Code and other related codes, as well as a housing code. To comply with the Planning, Programming, and Budgeting portion of the Workable Program the County should adapt the Plan, Zoning Resolution, and Subdivision Regulations contained herein. The Housing and Relocation portion of the Workable Program should be implemented by providing relocation assistance where needed, for relocation resulting from any governmental action within the County. Citizens Involvement portions of the Workable Program should include the organization and establishment of a citizens' Advisory Committee for codes, planning, relocation, housing, and related subjects. If the workload becomes too burdensome for the volunteer committeemen to cover all such subjects, separate citizens advisory committees may be formed for each subject or groups of subjects.

FUTURE HOUSING NEEDS

Although the request for a study of future needs other than a request for a statement of housing objectives and a proposed housing program for the next three years was not specifically included in the contract for this Study, a suggested proposal for future housing needs (1970-1990) has been included here (Table V-B).

TABLE V-B
RAMSEY COUNTY, N.D. HOUSING NEEDS, 1970-1990

	Housing Units			
	Devils Lake	Other Urban	Rural	County Total
1970				
Sound	1,258	67	206	1,531
Deteriorating	641	385	1,148	2,174
Dilapidated	425	66	194	685
Total	2,324	518	1,548	4,390
Density (Persons/H.U.)	3.0	2.4	3.0	3.0
1980				
Sound	2,160	110	345	2,615
Deteriorating	955	335	680	1,970
Dilapidated	0	0	130*	130
Total	3,115	445	1,155	4,715
Density (Persons/H.U.)	2.95	2.3	2.9	2.9
1990				
Sound	3,025	225	570	3,820
Deteriorating	750	165	430	1,345
Dilapidated	0	0	0	0
Total	3,775	390	1,000	5,165
Density	2.9	2.2	2.8	2.8

Sources: Charles Gathers and Associates, Field Survey
U. S. Census of Housing

*Assumed vacant

Over the past few decades the national trend in housing has been toward reduced family sizes and a related decline in the number of persons occupying a housing unit. This trend has also been true in Ramsey County, but it has been somewhat more pronounced in the smaller towns and rural areas. The projection for the required number of future housing units in the County was developed under the assumption that this national trend should apply to Ramsey County in approximately the same proportions that it is nationally.

The table for future housing needs was divided into four categories: the City of Devils Lake, other urban, rural, and a County total. A more complete study of particular housing requirements in each of these categories, which is beyond the scope of this Study, should be completed by the County Housing Authority.



The foregoing background of physical, social, and economic conditions constitute the basis for the Plan. The three principal elements of the Plan include:

The 1990 Land Use Plan which indicates the location, type, and density of future development in the County.

The Major Thoroughfare Plan which indicates the future network of highways and other means of transportation required for the movement of people and goods through the County.

The Public Facilities Plan which indicates the necessary additions to or new public facilities required for the County.

The formulation of the Plan was based on the background information, the desires and aspirations of the County residents, and the principles of sound planning. The following sections of this chapter are more specifically related to the discussion of the 1990 Land Use Plan and include a statement of objectives for the Plan, a description of future land needs, and the proposed Land Use Plan.

OBJECTIVES

The major objectives of the Plan are to provide for the best use of land and the related development of public facilities and major thoroughfares; the combination of which provides a means of developing a more orderly pattern of growth for the County. The Plan recognizes not only the supply and demand for land for urban and rural uses, but it also recognizes the financial ability of the County to implement such a plan. A more detailed description of objectives for the Plan are as follows.

Foster good quality residential and related development. Sound residential development is not only healthful, safe, inspiring, and a source of community pride, but is also a source of economic stability, employment growth, and an attraction to the development of commercial, industrial, and public and semi-public areas. Conversely, low quality housing in poorly planned neighborhoods is a blighting influence that deters economic growth and is detrimental to the fiscal position of the County.

Conserve prime agricultural land. Land of high agricultural value should be retained for agricultural use and only the low value agricultural land should be developed for urban and other non-agricultural uses.

Encourage urban growth in three geographic service areas: Devils Lake, Edmore and Starweather. Economies of scale can best be realized by encouraging the

highest degree of development and municipal services within fewer and larger communities. Decentralization of the population in more and smaller communities would result in duplication and inefficiencies of urban services. Consequently, costs of facilities would be higher on a per capita basis. Nevertheless, smaller communities are important for local service requirements.

Improve the six smaller communities to provide daily needs of areas served. Improvements proposed include better arrangements of land uses, correction of sub-standard housing, water and sewerage system extensions and improvements, and street improvements. The smaller communities provide an important daily service to the people in and near them that should be maintained and enhanced.

Create districts to assure adequate water supply and sanitary sewerage systems. Channeling major portions of urban development in fewer locations makes adequate water and sewerage facilities economically feasible. The creation of districts accompanied by appropriate planning for water and sewerage systems on a County-wide basis, where feasible, should result in adequate dependable supplies of water at a reasonable cost along with minimum pollution danger.

Reserve land for future highway requirements. The highway system of the County is well established but needs improvements to accommodate the anticipated future traffic. General improvements should include widening certain highways and the improvement of highway facilities to reduce dangers, mostly at railroad crossings.

Reserve land for park and recreation purposes. The extension of the recreation industry can be a more important part of the economy of the County. Areas suitable for recreational purposes along lakes, forested areas, or steep or rocky hillsides should be preserved for outdoor recreation.

Enhance prospects for local business and industry. The trend in the County of more manufacturing, the increase in businesses resulting from agriculture and growth of agricultural orientated industry is to be encouraged. Accompanying employment resulting from such growth will provide the people of the County with more and better retail, professional and governmental services.

The implementation of the Plan can only become a reality if it is approved and adopted by various governmental functions. The Ramsey County Planning Commission and the County Board of Commissioners should assume the responsibility of initiating the approval of the Plan and coordinating their efforts with other governmental functions as the Plan is implemented. Rather than listing each local interest group, some of the major groups include the town planning commissions and the County School Board. State functions include the Water Commission, Highway Department, Department of Health, Outdoor Recreation Agency, and others. Nationally there is the Department of Agriculture, Department of Defense, Department of Housing and Urban Development, Environmental Protection Agency, Farmers Home Administration, Soil Conservation Service, and others.

These organizations have been contacted repeatedly for information in formulating the Plan, and their input has contributed substantially to the soundness and practicality of the Plan. During the stages of approval, adoption, and implementation, their support and coordination is essential.

FUTURE LAND NEEDS

As indicated in the Economic Base and Population Study of this report, the total county population, which has been gradually decreasing over the past few decades, should increase in the future. Continued growth, in somewhat larger proportions, is expected for the City of Devils Lake, and some growth, a reversal of an existing trend, is anticipated for Edmore. The present trend of a declining population is expected to continue in the remaining urban and the rural areas.

Almost all the towns in Ramsey County have been forced to some degree to compete with the rising standard of services and facilities instituted primarily by larger cities both regionally and nationally. While in most cases the County's communities have managed to compete fairly successfully with these rising standards in schools, churches, parks, recreational facilities, libraries, police and fire protection, etc., there is continuously a need to reexamine and update facilities. The County's high proportion of older population is one area of particular interest; other areas are the historic trends of rural and of youth outmigration. Over all, however, the needs of the entire population are of primary interest wherever they may best be served.

The accumulated knowledge concerning physical features, existing land use, the economic base

and population, housing, and transportation serve as input to organize the different land uses into a logical relationship that will provide for orderly growth within the County. Since nature has already provided the major ingredients of soil, sunshine, and water for agricultural use, the proposed land use plan needs only to conserve these areas as agricultural land use.

Similarly, the organization of land for public and semi-public land use has also been provided by nature. Land located near and around lakes, ponds, and wooded areas are ideal for wildlife habitats, fishing, hunting, camping, picnicking, hiking, and the like. Conversely, the outdoorsman requires supplies, food, gear, and other necessities from nearby towns. This suggests a need to relate public open space areas to the nearby towns as part of the organization process.

The more intensive uses of land, which are largely located within or near the incorporated towns, require a greater amount of organization in order to develop a homogeneous relationship of land use. These should be organized to provide not only for the compatibility of land uses but also for future expansion. Where necessary certain existing residential land uses which are incongruously mixed with areas which are predominately industrial or commercial should be relocated.

Not only should individual land uses be properly organized, but they should also be collectively arranged in such a manner that they complement each other. The relationship of residential to non-residential land uses should be such that schools are readily accessible from residential areas without children having to pass through areas with incongruous land uses. Schools and parks should be within a pleasant walking distance of residential areas. The proximity of commercial and industrial land uses to highways and/or rail service, as the case may be, is an important part of the organization process.

The need for transportation has been and should continue to be an influencing factor in the development within the County. Private transportation to employment centers, recreational areas, entertainment and shopping centers, medical and other professional services, and the like is a necessity. Transportation of commercial and industrial goods is available by rail and truck. Other than the recently established inter-city railroad passenger route from Chicago to Seattle of the National Railroad Passenger Corporation (Amtrak), nearly all other passenger rail services have been discontinued. As it crosses North Dakota, the Amtrak makes one regular stop in each direction daily at Grand Forks, Devils Lake, Minot, and Williston.

PROPOSED LAND USE PLAN

The Plan provides direction in making many private and public development decisions in the years ahead and yet should not be considered as a static framework. The Plan recognizes the changing nature of the County and the region of which it is a part, and should be a flexible guide for future growth with the public interest as a prime consideration. The Plan is not a goal in itself, but rather an integrated set of policies, proposals, and recommendations for guiding private and public decisions.

The public policy expressed in the Plan serves to answer many private decisions to be made by land owners, investors, developers, producers, and consumers through land use controls and through public investment in public facilities. The location and timing of new public facilities, especially highways and sewerage and water systems, can be instrumental in shaping the pattern of development throughout the County. Since the long-term character and rate of growth cannot be forecast accurately, the Plan needs periodic review on a comprehensive basis for all of its elements to be continuously useful and effective. This cannot be overemphasized in view of the uncertainty due to changes occurring regionally, nationally, and world-wide.

THE COUNTY AS A WHOLE

The population trend described in the Economic Base and Population Study of this report indicates that the past trend of a declining County population should reverse itself and the total population should increase in the future. The growth is not expected to be large by 1980, but by 1990 it should nearly equal or surpass 1950 population figures (Table III-A). For the City of Devils Lake, indications are for its continued improvement, expansion, and growth. For Edmore there are indications toward moderate growth. For the smaller seven incorporated communities there is still a need for their service and distribution functions as an important link between urban and farm activities. Although farm population and employment are decreasing, productivity is holding steady, even increasing moderately.

The result of these combined population shifts over a period of years will be an expansion and intensification of the "developed", or "built-up", land areas currently occupied by farmsteads and rural residences. Community land uses expand according to the nature of the specific land

use, whether residential, commercial, industrial, public/semi-public, or roads, streets, etc. These specific uses have been inventoried for each community and projected according to principles defined for each use and town later in this chapter. In general, the developed areas of these communities occupying a total of approximately 3,398 acres in 1970 (Table IV-A), will occupy a total of approximately 5,543 acres by 1990 (Table VI-A). A comparison of these land use figures with population projections for the communities reveals that in general developed land use expands more rapidly than population. The reason for this more rapid expansion is the fact that in several of the County's towns there is presently a deficiency of one type of land use or another, which is corrected in the Plan.

In contrast to the developed community land areas throughout the County, developed rural land area is projected to decrease. In 1970 roughly 12,076 acres of rural land was in "developed" usage, providing for farmsteads, rural residences, industrial uses (airports, dumps, etc.), and transportation uses (roads, highways, and railroads). Transportation accounted for about 80 percent of the "developed rural" total, and is described in greater detail in the Major Thoroughfares Plan. By 1990 the latter use is expected to occupy approximately the same number of rural acres as it currently does, but industrial uses, farmsteads, and residences are expected to occupy a far smaller number of these rural acres. Developed land uses outside corporate limits in the County should decrease to approximately 11,471 acres by 1990.

TABLE VI- A
RAMSEY COUNTY N. D. 1990 LAND USES

Developed Land Uses* (acres, percent)	Devils Lake	Edmore	Stark- Weather	Crary	Churches Ferry	Lawton	Hampden	Brocket	Bartlett	Urban Total	County Rural	County Total
Single-Family Residential	955.7A 20.8%	68.5 32.2	25.8 24.2	35.8 26.2	31.5 26.6	34.0 26.3	20.5 19.4	21.2 23.2	7.8 20.5	1,200.8 21.7	943.4 8.2	2,144.2 12.6
Multi-Family Residential	11.9 0.3	13.5 6.3	1.8 1.7	3.0 2.2	3.5 3.0	4.8 3.7		2.0 2.2		40.5 0.7		40.5 0.2
Mobile Home Residential	66.8 1.5	5.0 2.3	3.8 3.6	3.0 2.2	3.8 3.2	2.5 1.9				84.9 1.5		84.9 0.5
Commercial	153.5 3.3	11.0 5.2	4.0 3.7	3.0 2.2	4.8 4.1	13.8 10.6	4.3 4.1	5.0 5.5		199.4 3.6		199.4 1.3
Industrial	223.4 4.9	58.8 27.6	37.3 34.9	47.5 34.8	32.5 27.5	30.0 23.1	37.3 35.2	19.5 21.4	6.7 17.6	493.0 8.9		493.0 2.9
Public and Semipublic	2,052.2 44.5	29.8 14.0	15.5 14.5	4.0 2.9	16.0 13.5	16.8 13.0	22.8 21.6	8.8 9.6	2.8 7.4	2,168.7 39.1		2,168.7 12.7
Roads and Streets	1,140.0 24.7	26.3 12.4	18.6 17.4	40.3 29.5	26.2 22.1	27.7 21.4	20.8 19.7	34.7 38.1	20.7 54.5	1,355.3 24.5	10,528.0 91.8	11,883.3 60.8
Total Dev. Area	4,603.5 100.0	212.9 100.0	106.8 100.0	136.6 100.0	118.3 100.0	129.6 100.0	105.7 100.0	91.2 100.0	38.0 100.0	5,542.6 100.0	11,471.4 100.0	17,014.0 100.0
Agricultural and Open				471.1	171.3	510.4		388.8	602.0	2,143.6	757,807.4	759,951.0
Total Area	4,603.5	212.9	106.8	607.7	289.6	640.0	105.7	480.0	640.0	7,686.2	769,278.8	776,965.0

Source: Estimates by Charles Gathers and Associates, Denver, 1973

*Includes Developed Area outside present city limits

RURAL LAND USES

Rural land uses in 1970 occupied approximately 99 percent of the land area in Ramsey County, whereas community uses occupied approximately 1 percent. Agriculture has traditionally dominated County rural land use, with the minor exceptions of lakes, rivers, and wetland areas (88,000 acres or about 11 percent of the County's rural area in 1970), and rural "developed areas" (around 12,000 acres, or about 12 percent of the County's rural area). The rural land uses are described below.

AGRICULTURAL

Due to the richness of the soil and the importance of the agricultural economy, the land designated as agricultural land use occupies as much area as possible. As discussed in the Physical Features and Natural Resources Study of this report, only a small percentage of the total land area is rated as poor soil for crops (Figure II - 4), and no land is rated as poor for grazing (Figure II - 5). A somewhat larger percentage of land, but still relatively small in comparison to the total land area, is rated as fair soil for crops or grazing. The greatest percentage of the total land area is rated as either good or excellent for crops or grazing (approximately 80 percent of the County land area); nearly all of this land is classified as agricultural in the Plan (Figure VI-2). The County Existing Land Use (Figure VI-1) is included here for comparison. Poor soils, largely located along the Devils Lake Chain, may be ideal locations for public and semipublic land uses.

PUBLIC AND SEMIPUBLIC

In an age of growing public mobility and increasing leisure time, the potentialities of open space preservation and recreational development have become increasingly significant with relation to present and future populations and economics throughout the nation. At the same time the national and international issue of wildlife preservation has become particularly significant in areas such as Ramsey County, where large flocks of migratory birds frequently gather, nest, and reproduce. Linked with the two above phenomena is the fact that in many areas of the nation it has already become too late to set aside and protect areas of natural beauty and environmental significance for public and semipublic use, and for wildlife development. In Ramsey County this situation has not yet occurred, and in fact the U. S. Bureau of Outdoor Recreation, the U. S. Bureau of Sport Fisheries and Wildlife, the North Dakota State Game and Fish Department, and the County itself have already begun responsible programs of open space acquisition, development, and protection for public and semipublic uses.

Information regarding the proposed development of recreational, fish and wildlife, open space and industrial areas related to the Garrison Diversion Project was available in the Supplemental Report on the Garrison Diversion Unit published as a revised edition by the Department of Interior, Bureau of Reclamation, in 1965. Hopefully by 1980, approximately 74,000 acre-feet of water will be annually diverted from the Garrison Reservoir via the Warwick Canal and The Devils Lake Feeder Canal for recreational, fish and wildlife, and industrial facilities (Figure VI-3). The initial phase of the diversion will raise and maintain the water surface elevation of Devils Lake to an elevation of 1,423 feet. Water surface elevations of the four proposed stepped water impoundments in the west arm of Devils Lake will range from 1,430 to 1,427 feet. Water will be pumped to these impoundments from the Six Mile Bay via the Fish and Wildlife Development Canal. Initial construction costs for the lake restoration will be a Federal expenditure estimated at \$7,706,000. Annual operational and maintenance costs are estimated at \$90,700.

Recreational Development

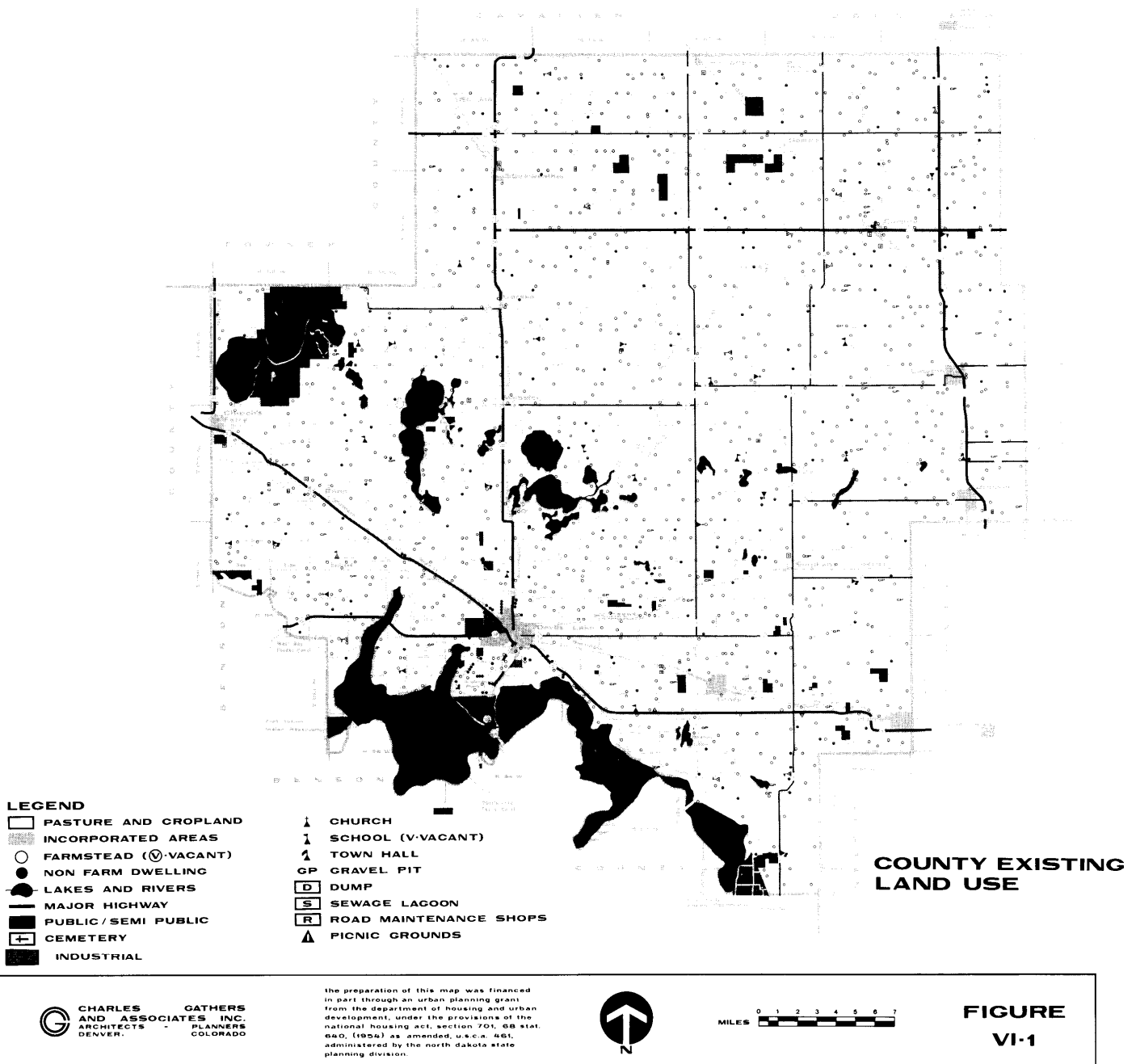
The restoration of Devils and Stump Lakes is the most significant recreational proposal included in the project plan. The proposed recreational areas, which are situated in one of the rare natural wooded areas of the state, will serve a large surrounding area. Initial construction costs for recreational development, as estimated by the National Park Service, will be a Federal expenditure and are estimated at \$1,750,000. Annual operation costs will be non-Federal expenditures and are estimated at \$106,500. Additional information regarding all phases of development and repayment schedules were included in the publication previously mentioned.

Proposed recreational development as part of the Garrison Diversion calls for the initial development of five recreational areas. Four of these areas will be located along the shoreline of Devils Lake in either Ramsey or Benson Counties, and one area will be located at Stump Lake in Nelson County. Another nine areas have been designated for future development if the need is shown. Seven of these are located along Devils Lake and two are located at Stump Lake. A more detailed description of the five sites proposed for initial development follows below.

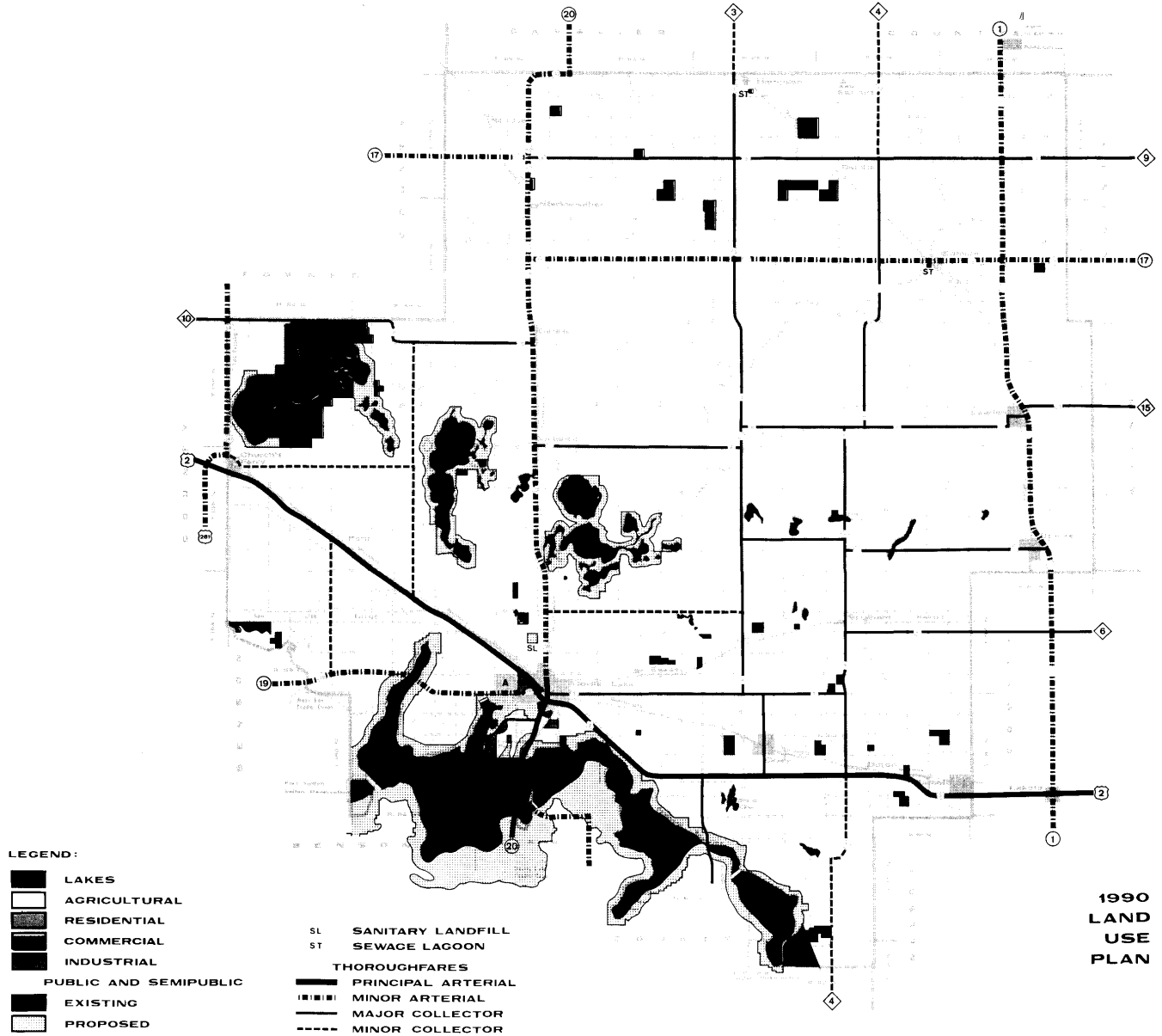
Creel Bay - Includes 500 wooded acres on the west side of Creel Bay about five miles southwest of the City of Devils Lake. This will be the largest recreational area in the entire Garrison Diversion Unit. Facilities will include camping areas, campers store, laundry and showers, field game areas, 1000-foot swimming beach with change house, picnic areas, marina store, boat launching ramp, parking for 1000 - 1200 cars, concessions, hot and cold pressurized water, sanitary stations, electric power, and telephones.

Ziebach Pass - 250 acres on the southwestern edge of the main body of Devils Lake accessible to eastern Benson County. Facilities will include camping areas, picnic

RAMSEY COUNTY, NORTH DAKOTA



RAMSEY COUNTY, NORTH DAKOTA



CHARLES AND GATHERS AND ASSOCIATES INC.
 ARCHITECTS PLANNERS
 DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 640, (1954) as amended, u.s.c.a. 461, administered by the north dakota state planning division.



MILES 0 1 2 3 4 5 6 7

FIGURE VI-2

areas, play areas, swimming beach with change house, concessions, boat launching ramp and docks, well and power, and parking.

Black Tiger Bay - 230 acres of Black Tiger Bay accessible to eastern Benson County. Facilities will include camp sites, picnic areas, swimming beach with change house, play areas, concrete boat ramp, marina, breakwater and docks, parking area, well with pressurized hot and cold water, power and telephone.

Stump Lake - 170 acres on West Stump Lake mainly serving Nelson County. Facilities will include camping sites, picnic areas, play areas, swimming beach with change house, boat launching ramps, docking facilities, concessions, well and pressurized water, power, and telephone.

Highway 2 - 30 acres near U.S. Highway 2 about 4 miles east of Devils Lake primarily for tourists. The emphasis will be on overnight camping and rest areas. Other facilities will include a well and pressurized water, sanitary station, picnic tables, courtesy boat docking, and parking.

Upon the completion of the initial development, the Tri-County Park Board will assume the control and maintenance of the recreational areas. The board was originally organized in 1957 by the County Commissioners of Benson, Nelson, and Ramsey Counties. It has a county commissioner and an appointed member from each county, and an at-large member for the three counties.

Open Space

The U.S. Bureau of Reclamation has proposed to acquire an additional 2,350 acres of land as part of the proposed Devils Lake restoration in order to protect surrounding landowners from inundation by the project. However, it is of insufficient width to protect the lakeshore from inappropriate obstructions, conflicting ownerships, and the kind of exploitation and development which has invaded formerly attractive lakes in many other parts of the U.S. For this reason it is recommended by this Plan that the County initiate programs to set aside a minimum lakeshore easement of one-quarter mile to retain as open space for public and semi-public use. This program should include land along the shoreline of Lake Irvine, Lake Aux Morres, Chain Lake, Dry Lake, and Sweetwater Lake (Figure VI-2). Such a program will retain these areas in a natural condition wherein it will foster wildlife activity and appeal to the maximum number of local residents, tourists, hunters, fishermen, and wildlife enthusiasts. The entire plan creates a continuous protected land and water area in which state and federal fish and wildlife management specialists may apply their skills in harmony with an appropriate amount of public recreation development. While fish, wildlife, and public recreation are each delicate management issues by themselves, the optimum condition under which each most readily thrives is that of an appropriate allocation of land and water area. In some instances additional land is also included to protect natural wooded areas and to include land adjacent to a nearby road or highway for access purposes.

Presently there are 14,928 acres of waterfowl and wildlife protection areas and 4,520 acres of reservation land giving a total of 19,448 acres of public and semipublic land. The U.S. Bureau of Reclamation plans to add some 3,360 acres to this total in its Devils Lake restoration program, and it is proposed by the County Land Use Plan that an additional 4,800 acres of open space be added to this total by County efforts, in order to create a grand total of around 27,600 acres of public and semipublic open space in the County (Figure VI-2). While this figure would represent a considerable increase in the County's existing rural parks and open space area (approximately doubling the current area), it represents only 3.5 percent of the County's total rural area, and in most cases is the most appropriate use for the land involved. The areas selected for open space are areas where poor soils for crops are indicated on County soil evaluation maps prepared by the U.S. Soil Conservation Service and where inspection of the land's characteristics indicate wooded areas and particular validity for open space preservation.

Although the recommendations for acquisition of public land include land located outside Ramsey County and beyond the scope of the contract for this Plan, it is the opinion of the Consultant that the inclusion of the shoreline and wooded areas south of Devils Lake is an important part of the above mentioned open space acquisition program. Because significant portions of this land lie within the boundaries of the Fort Totten Indian Reservation and Benson County, the acquisition of this land would primarily be the responsibility of Benson County; however, it should involve the cooperative efforts of the Ramsey and Benson County Planning Commissions, the Tri-County Park Board, and the Sioux Indian Tribe.

Appropriate zoning regulations, as included in the Appendices of this Report, to protect the lakeshore area from undesirable development and conflicting ownerships which have invaded other formerly attractive areas should be initiated as soon as possible. Also, a feasibility study investigating the possibilities of resort development within the Devils Lake complex is in order. This could be included with economic development considerations of the Indian reservation as is being done on other reservations in western states.

Fish and Wildlife

Based on information available from the U. S. Bureau of Sport Fisheries and Wildlife and the North Dakota State Game and Fish Department, the acquisition of water and land rights for the enhancement of fish and wildlife has been quite active. As discussed in more detail in the Existing Land Use Study of this report, a total of 14,928 acres in Ramsey County are currently under the direction of these two departments (Figure VI-1).

As has been mentioned earlier in this section, the acquisition and management of the County's fish and wildlife preserves has traditionally been the function of the U. S. Bureau of Sport Fisheries and Wildlife and the North Dakota State Game and Fish Department. In recent years these and other environmental organizations have successfully pointed out that wetland habitats have been vanishing too quickly throughout the nation, and that greater efforts are becoming required nationally to preserve important wetland migration routes, nesting areas, and feeding areas.

This realization at the national level has inspired the limitation of federal aid to farmland drainage projects, and an increased program of acquisition of wetland areas by the Bureau of Sport Fisheries and Wildlife. These changing administrative policies have hampered the efforts of farmers who formerly were able to initiate drainage projects to expand and improve their farmland. Not only have funds for the initiation of new drainage projects become limited, but many segments of natural drainage routes are becoming acquired by federal conservation interests, thus hampering farmers' efforts to further widen, deepen, or improve the drainage characteristics of these routes.

Many of the conservation efforts described above are currently somewhat vague in their objectives. There appears to be no specific agreement as to the wetland population level desired as the end product of these acquisition and protection policies; for if there were, the acreages and types of acreages desired to promote this ultimate level could be determined and planned. At the other extreme there appears to be a lack of specific data regarding the ultimate need of farm production and farmland throughout the U. S., North Dakota, or Ramsey County, and so therefore the planning guidelines for protected wetlands versus drained farmland are poorly developed in the early 1970's. The result is a distinct need for an organized approach to administration of this question throughout the U. S., preferably on a regional basis. Farmers, economists, and conservationists should have equal representation in the long term determination of solutions to this issue, and it is probably that eventually an amicable solution will be determined which will satisfy both groups.

The value of fish and wildlife habitats is discussed below as quoted from the Garrison Diversion Unit - Summary Report on Fish and Wildlife prepared by the U. S. Department of Interior, Fish and Wildlife Service and published in November, 1962.

"During years of average to high precipitation the many potholes and marshes of the Garrison Diversion Unit area produce large numbers of waterfowl. The area lies within the prairie pothole region which produces a large share of the ducks produced in the contiguous United States. It is the only important nesting area in the United States for some important species. Large flocks of ducks and geese use the water areas during migration periods. The Oakes, Lamoure, Warwick-McVillie, and Devils Lake segments of the Unit are very heavily used by geese which traverse this portion of the state during migration periods. Several hundred thousand blue and snow geese use the James River sub-flyway during spring and fall migration, while many thousands of Canadian geese migrate through the entire area. Some flocks, particularly in the Oakes, Warwick-McVillie, and Devils Lake Areas, are favored resting sites for large flocks of whistling swans which migrate through North Dakota. Many species of shore birds and other non-game birds pass through the area during migration, and large numbers remain to nest.

"Since the greatest loss to wildlife expected to result from the irrigation project is the loss of wetland production habitat, the greatest emphasis in the fish and wildlife development plan is on development of wetlands of various types. Such marsh areas are also of considerable value to big game, upland game, fur animals, migrating waterfowl, and many non-game species of wildlife as well. In some areas, fishing waters will be created or improved.

"The proposed wildlife developments are of three general types. In the first group are the major areas which generally are fairly large in size and which will be developed with water-control facilities to permit intensive management of marsh and water habitat. The second group includes areas relatively small in size in which development generally will consist of providing a dependable water supply, but without intensive management. A third type of development consists of the



The "Potato Prairie" regions of Ramsey County are normally farmed
so intensively that the County's flatter areas.

planting of a limited amount of woody and herbaceous vegetation on selected sites on project lands to provide cover for upland game and big game.

"An increase in waterfowl hunter-days is expected to result both from irrigation development and from the development of fish and wildlife areas. This increase is estimated to amount to 7,700 hunter-days on irrigation-associated areas and 28,600 hunter-days on fish and wildlife development areas.

"The restoration of Devils Lake is the principal feature which will bring about large fishery benefits. Once this lake is restored with fresh water, the fishing potential will be substantial, and it can be expected that the Devils Lake chain of lakes eventually will provide some of the best fishing waters in this part of the country. An average of about 340,000 fisherman-days annually out of a total of 500,000 estimated for the entire projects are expected to be expended at Devils Lake after the lake is restored and water quality is improved."

INDUSTRIAL

The provision of industrial waters for the Devils Lake area is another important facet of the Garrison Diversion Unit. As discussed in the report previously mentioned, deliveries will be made at canal-side, and all users will be required to construct all work needed to treat the water and transport it to points of use. Because the irrigation canals will operate only seasonally, users taking water from the project will need their own off-season storage works. Average revenue of about \$19.15 per acre-foot of raw water diverted for municipal and industrial use will provide repayment, in 50 years at 2-7/8 percent interest, of costs allocated to this purpose. This will include a portion of the operation, maintenance and repair costs for the unit. The Plan provides for industrial space west and south of the City of Devils Lake for the development of industrial uses (Figure VI-2).

Other rural industrial land uses include the development of sanitary landfill facilities (Figure VI-2). Such sanitary landfills should be fenced off with a gate which is kept closed and locked during non-operating hours, and far enough from highways to avoid being an eyesore and screened from view by landscaping where necessary. The cost of a bulldozer and at least two operators should be spread over as many users as possible. Thus, a regional approach to solid waste disposal is discussed in the Public Facilities section of this Plan. The selection of sites for future landfill should be based on the capacity of the land to accept the physical demands required from a sanitary landfill operation.

URBAN LAND USES

Land requirements, as determined by population increases or decreases for the towns are more than adequately provided for in the proposed land use plans for three principal reasons. First, since growth is not anticipated to cease at the end of the planning period, 1990, additional space for expansion was provided as necessary. Second, providing only the exact amount of land for land use requirements prevents a choice of sites for development. Third, space is provided in the Plan for unforeseen development that could take place. Without these considerations, the Plan could become a rigid document instead of the flexible yet workable instrument intended.

Interpretation of the Plan should begin with sound reasoning, especially when it is compared with existing land use. For instance, an individual industrial land use in a residential area may not be provided for in the Plan as a proposed industrial land use. Thus, it becomes a non-conforming use in a residential area and may remain as such unless it is destroyed by disaster or is acquired through eminent domain for a public facility. Another example may be land indicated for a proposed higher density residential use although the demand may not actually occur until the latter stages of the twenty-year planning period. Meanwhile, such land may continue to be used under its present classification.

Although an increase in future population is not expected in many of the towns, proposed developed land uses generally include a larger amount of land than the existing land uses in order to provide a means of controlling future development, which in many cases is not anticipated at this time. The more significant recommendations for future land use are in terms of industrial, multiple family, mobile homes, and public and semipublic land uses. Industrial land uses are increased as an incentive for new industry and industry located throughout a town to locate or relocate within the proposed area. Multiple family residential areas are in most cases located near the commercial core. Because they are located within an easy walking distance of the commercial district, these higher density residential areas would be a good location for elderly housing. Funds are available through the Housing and Urban Development Department for such development. Mobile home parks are proposed for nearly all the towns, and the owners

of mobile homes presently scattered throughout a town should be encouraged to relocate within the proposed area where adequate facilities for this type of housing are available. Public and semipublic land uses are also expanded and in many cases include proposed open space areas to separate residential land uses from industrial land uses. These areas should be planned with shrubs and the like.

The 1990 Proposed Land Use Plan for each town is described below. Perhaps one of the principal objectives in formulating the plan for each town was to achieve the "filling in" of available vacant spaces, where feasible, before considering annexation of new lands or providing municipal services to peripheral lands, especially water and sewerage services. Through the adoption and enforcement of such a policy the public cost of streets, utilities and other public services can be held to a reasonable limit and will prove to be a compatible relationship between the need for tax revenue and the taxpayer. Where urban development has taken place outside of and adjacent to city limits, annexation of same should be accomplished as early as practicable and where such development is recommended in the Plan, annexation should occur before the adjacent area is developed.

DEVILS LAKE

Because a 1988 Land Use Plan was included in the Comprehensive Plan for Devils Lake, North Dakota, as prepared by R. W. Beck and Associates in 1969, the request for a detailed study of land use in Devils Lake was not included in the contract for this Plan. However, because Devils Lake is the largest and the most rapidly growing town in the County, the information related to developing a comprehensive picture of land use in the County has been included here.

Indications are that the current trend of economic and population growth will continue in the future. In addition, the prospects for the development of new business and industry related to the proposed development of recreational facilities as part of the Garrison Diversion are very good. The City of Devils Lake, which is located only a few miles from many of the proposed recreation sites, is highly accessible via U. S. Highway 2, North Dakota 20, and Amtrak of the Burlington Northern Railway.

Although the 1988 Land Use Plan prepared by R. W. Beck and Associates was most comprehensive, it is the Consultant's opinion that certain additions are in order to update the above-mentioned plan. The Devils Lake Airport should be expanded to provide additional land area for the increasing amount of air traffic, the more extensive use of larger aircraft, and the construction of new facilities. In view of the direction of the prevailing winds, this expansion should be to the northwest and southeast. The proposed public and semi-public land use south of the airport and the industrial land use east of the airport will serve as a buffer between the airport and residential land uses. Because the preceding recommendations are general in nature, no additional land is actually shown on the 1990 Land Use Plan. The implications and the implementation methods of this recommendation should be reviewed under a more detailed study. For clear zones around the airport, especially northwest and southeast of the northwest-southeast runway, a joint airport zoning board could be created in accord with State Law 1945, Chapter 40 Section 1, RC 1943, 1957, Supp. Section 2-04-03. The political entity could be the City of Devils Lake alone or jointly with the County or jointly with the township(s) involved. Two members from each political subdivision constitute the joint airport zoning board.

EDMORE

The Town of Edmore, which is located in the northern portion of the County and is served by North Dakota Highway 17 and the Burlington Northern Railway, has been and should continue to be an attractive urban center for business and industry. Because growth is expected to continue beyond the 1990 planning period, the proposed land use plan was developed in such a manner that it can be quite readily expanded (Figure VI-4). As indicated in the Economic Base and Population Study of this report, approximately seven families are expected to take up residence in Edmore due to the ABM installation at nearby Nekoma. This factor was included in the development of the proposed land use plan with other growth factors.

Recommended residential land uses include the expansion of existing areas and the development of additional single-family, multiple-family, and mobile home residential areas. Single-family residential areas remain relatively unchanged although they have been expanded to include a sizable portion of vacant land both inside and outside existing areas. Suggested multiple-family residential areas include the expansion of two existing areas and the recommended development of two additional areas. Expanded areas include the existing area north of the school and the area on which the rest home is located to allow for the expansion of the rest home facilities. The proposed additional areas include the area east of Adams Street and north of Sixth Avenue and the area between Fifth and Sixth Avenues along either side of Grant Street. Because the Grant Street location is situated near the business district, it would serve as a good location for elderly housing. The mobile homes presently scattered throughout town should be relocated within the proposed mobile home park between Fifth Avenue and Sixth Avenue on the east edge of town.

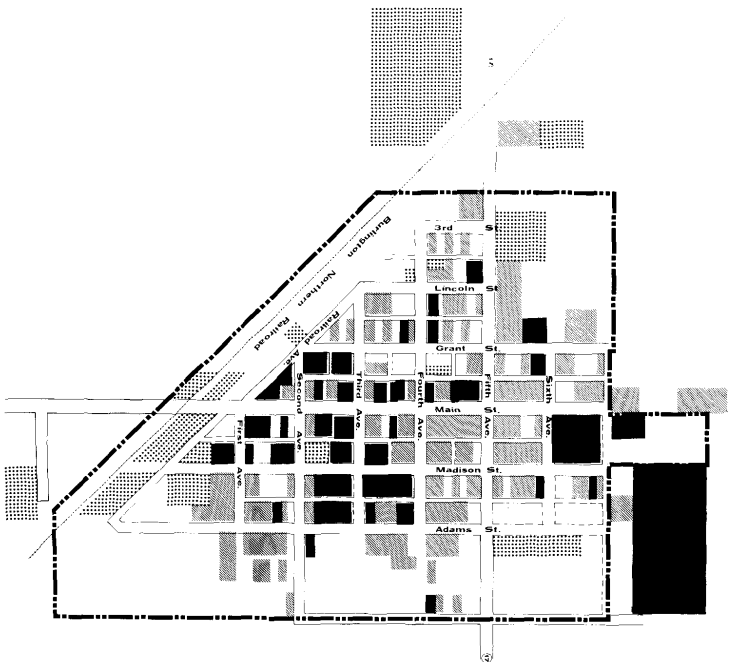
Future commercial and industrial land uses are proposed in view of their present pattern of development. An expanded general business district is suggested along Main Street between Fifth Avenue and Railroad Avenue, and highway commercial functions should be encouraged on Fifth Avenue at the west edge of town. An expanded industrial area takes advantage of a mostly vacant tract of land along either side of the railroad tracks. The industrial land uses presently scattered throughout town should be encouraged to relocate therein.

Existing public and semipublic land uses have been expanded in order to provide adequate park and recreational areas and to develop buffer areas between residential and industrial land uses. Park and recreational areas include the expansion of the school yard and the ball park on the north edge of town, the expansion of the park near the business district and rest home, and the proposed development of a new park on the south side of town. Buffer areas, which should be developed as open spaces, are located along Railroad and Fifth Avenues.

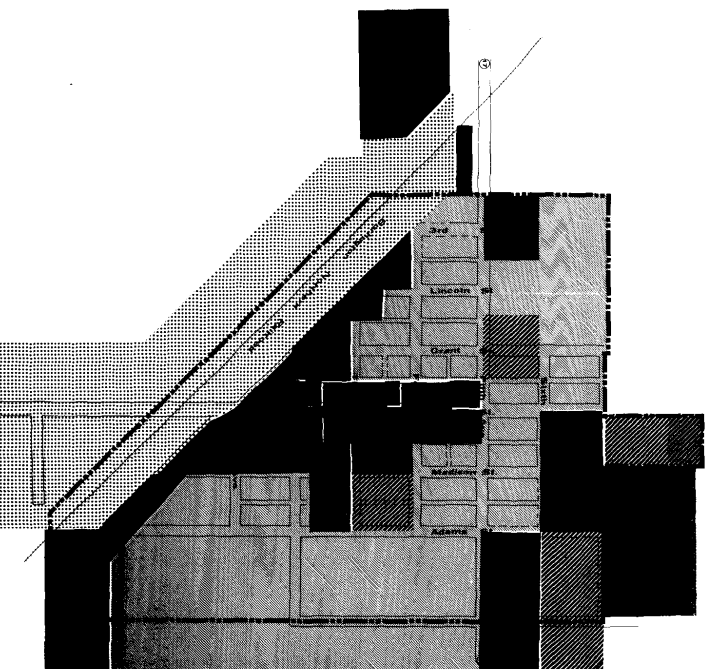
Inspection of the proposed land use plan as a whole indicates that slightly over twice as much land can potentially be developed as compared to the existing land use. The demand for additional land can be met by filling in vacant lots in platted areas and by the platting of new areas in vacant tracts as the need arises. All additional platting should be done in such a manner that a good design and arrangement of streets and lots is developed. In view of this fact and the fact that a fairly high volume of traffic uses Fifth Avenue, or North Dakota Highway 17, it is the recommendation of the Consultant that this street should be widened. Non-conforming land uses should be encouraged to relocate, especially in situations where incompatible land uses exist. Further beautification can be developed by integrating tree and shrubbery plantings with the proposed park and open spaces.

Fifth Avenue serves as an urban collector highway through Edmore. The crossing of the Burlington Northern tracks of the highway at grade should be studied in the future for possible highway or rail traffic volume increases that could become hazardous, but which are not serious at this time. This applies also at the grade crossing of Main Street. Based on the principle that a town should have at least two rail line crossings in case of an accident at one of them, both should remain in service.

EDMORE, NORTH DAKOTA



1972 EXISTING



1990 PLAN

LEGEND:
SINGLE FAMILY RESIDENTIAL
MULTIPLE FAMILY RESIDENTIAL
MOBILE HOME RESIDENTIAL



COMMERCIAL
INDUSTRIAL
PUBLIC/SEMPUBLIC



LAND
USE

CHARLES GATHERS
ASSOCIATES
ARCHITECTS
DENVER, COLORADO

The preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, U.S. Department of Housing and Urban Development, section 701, 88 stat. 650, (1974) as amended U.S.C. 461, administered by the north dakota state planning division.



FIGURE
VI-4

STARKWEATHER

Starkweather is located in the northwestern portion of the County. Served by ND Highway 20, it is the third largest community in the County (pop: 193) and enjoys a reasonable base of business and trade activities. The community has experienced a moderate decline in population over the past four decades, and is not generally identified as a location for high growth in the future. Nevertheless the land use plan for the city (Figure VI-5) allows for the contingency that despite general predictions, residents and businesses in Starkweather must allow for possible growth and expansion, and responsible land use planning must allow for such individual initiative.

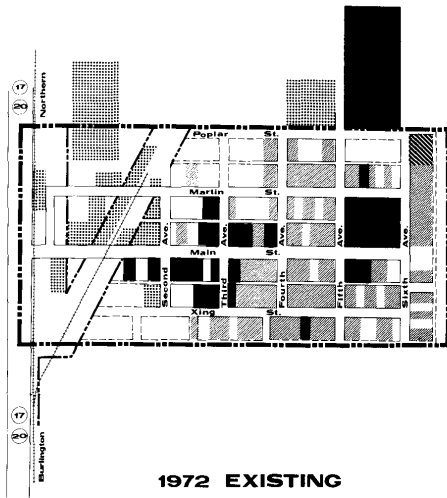
Residential land uses remain largely as they presently exist although they have been somewhat expanded (Figure VI-5). The more significant changes in residential land uses are in terms of multiple-family and mobile home residential areas. The multiple-family residential area located near the school has been expanded, and a mobile home park is proposed for the presently vacant land in the aforesaid area. The owners of the mobile homes presently located throughout the town should be encouraged to relocate within the proposed mobile home park. An additional multiple-family residential area is proposed for the vacant land just south of the commercial core. Because of its location it would be a good area for housing for the elderly.

Commercial and industrial land uses also remain largely as they presently exist. Both of these areas which have been expanded to include a sizeable portion of vacant land are accessible by way of Main Street, North Dakota Highway 20, and the Burlington Northern Railway.

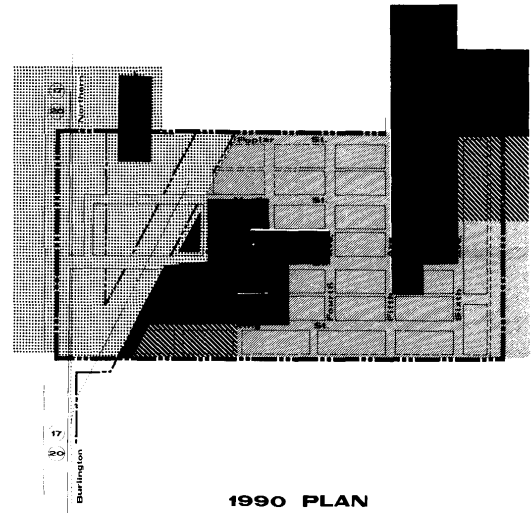
The most significant change in public and semi-public land use is the extension of the park system to include the area between the existing football field and the school. This area would provide additional playground area for the school. The public and semi-public land located just east of the commercial core has been slightly expanded, and two buffer areas have been proposed for the land along the railroad right of way to buffer the residential uses from the industrial land uses. All three of these areas should be planted with shrubs and grass. A further recommendation of the Consultant is that all proposed developed area land uses presently located outside of the city limits should be annexed to the town.

Starkweather is strategically located geographically to remain an important service city to northwestern Ramsey County. The original layout was done wisely and the town is attractive as a place to live. A program to build on these amenities should be encouraged by getting light industry or other jobs, improving housing, and paving streets.

STARKWEATHER, NORTH DAKOTA



1972 EXISTING



1990 PLAN

LEGEND:

SINGLE FAMILY RESIDENTIAL
MULTIPLE FAMILY RESIDENTIAL
MOBILE HOME RESIDENTIAL



COMMERCIAL
INDUSTRIAL
PUBLIC/SEMIPUBLIC



LAND
USE



CHARLES
AND ASSOCIATES
ARCHITECTS
DENVER

GATHERS
INC.
PLANNERS
COLORADO

the preparation of this map was financed
in part through an urban planning grant
from the department of housing and urban
development, under the provisions of the
national housing act, section 701, 66 stat.
640, (1954) as amended, u.s.c.a. 461,
administered by the north dakota state
planning division.



FIGURE
VI-5

CRARY

Crary is located in south-central Ramsey County, and is serviced by U. S. Highway 2 and the Burlington Northern Railway. For reasons of possible need for additional land for unexpected growth, a greater percentage of land is indicated for proposed development as compared to existing land use for the town of Crary. Although land uses of various natures are fairly well developed, a problem of land use relationships does exist because the railroad passes through the middle of town. In many cases this situation necessitates the undesirable movement of people across the railroad tracks. This condition is particularly dangerous for children. The land use plan, discussed below, proposes a solution to this problem.

Residential land uses include single-family, multiple-family, and mobile home residential areas (Figure VI-6). The recommended plan suggests that single-family residences should be located in the area south of Main Street and west of Eastern Avenue and Water Avenue. All new single-family housing should locate within this area, and the single-family residences presently located within the proposed industrial area can continue as non-conforming land uses although their owners should be encouraged to relocate. Multiple-family and mobile home residential uses are proposed for the presently vacant land south of Water Street and east of Eastern Avenue.

Recommended commercial and industrial land uses are quite extensively expanded as compared with existing land use. The expanded commercial area should provide sufficient land for the development of new commercial business. The expanded industrial area should likewise provide additional land for the development of new industry, and it should help to discourage any further development of residential areas north of the railroad tracks. The closure of Main Street at the west end of the proposed developed area is recommended to eliminate the hazards associated with the movement of vehicular traffic across the railroad tracks at grade.

The public and semi-public land uses are also expanded to provide additional park and recreational land. County Highway 3 should continue to serve Crary as an urban collector and be protected at the rail grade crossing with lights, audio warning, and automatic gates, as proposed by the State Highway Department.

CRARY, NORTH DAKOTA



LAND USE

FIGURE VI-6

CHURCHS FERRY

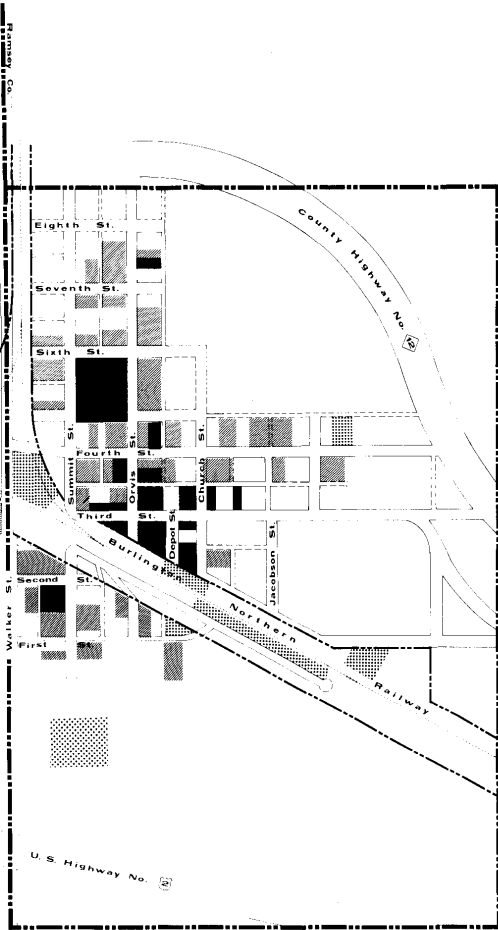
Churchs Ferry is located along the western edge of the County at the intersection of U.S. Highway 2 and U.S. Highway 281. Although its opportunities for retail business are somewhat hampered because Devils Lake is only eighteen miles away, the potential does exist for the development of new industry with good rail and highway services at hand. As in the case of many of the towns within the County, the pattern of existing land use provides a good framework for the development of the proposed land use plan.

Proposed residential land uses remain largely as they presently exist, although they have been somewhat expanded (Figure VI-7). The small number of homes located south of the tracks and within the proposed industrial area can continue as non-conforming land uses. However, their home owners should be encouraged to relocate as the opportunity provides itself within the proposed single-family, multiple-family, or mobile home residential areas on the northeast side of town. Because of its location near the business district, the higher density residential areas would be a good location for multi-family or elderly housing.

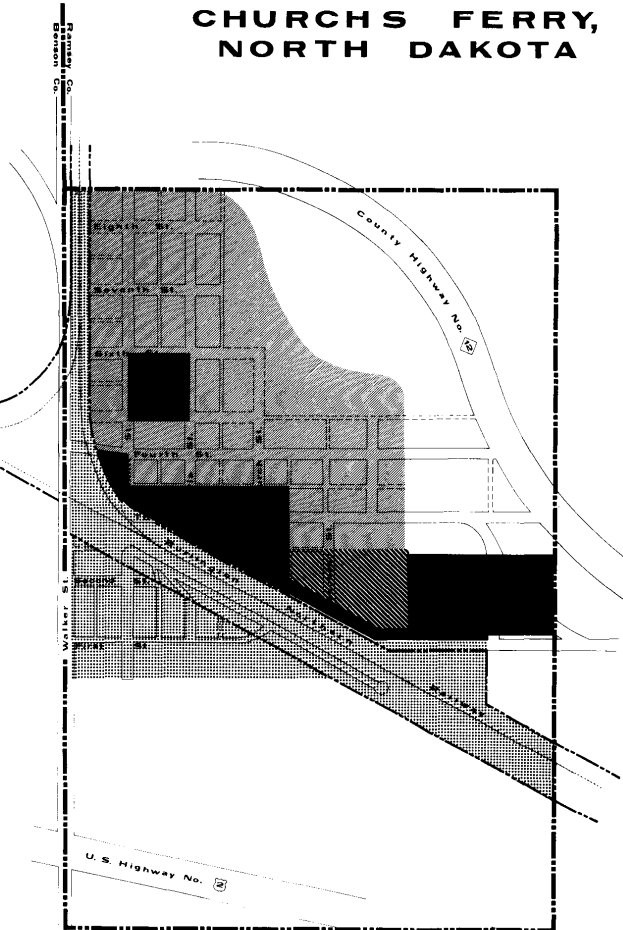
As recommended for other towns, both the commercial and industrial land uses are expanded to provide additional area for the development of new business and industry. The expansion of the industrial area should also help to discourage the future development of any residences in the area south of the railroad tracks.

The plan also provides an excellent opportunity for the development of additional public and semi-public land uses. The most significant addition to the existing public and semi-public use is that of the land located between Summit Street and Walker Street (U.S. Highway 281). This provides an opportunity to expand the school yard, develop a more adequate park system, or construct buildings of a public or semi-public nature. In addition, an open space is proposed for the area north of the railroad tracks to separate residential land uses from industrial land uses, and other open space is proposed for the area along Ramsey County Highway 2(RC-2) to prevent any residential land uses from developing along the County Highway. Walker Street is recommended to be the only crossing of the high-speed train right of way on the Burlington Northern line where adequate crossing protection (signals and gates) are provided. Thus, the Summit Street crossing and the one 1,700 feet southeasterly are recommended to be closed.

CHURCH'S FERRY, NORTH DAKOTA



1972 EXISTING



1990 PLAN

LEGEND:

SINGLE FAMILY RESIDENTIAL
MULTIPLE FAMILY RESIDENTIAL
MOBILE HOME RESIDENTIAL



COMMERCIAL
INDUSTRIAL
PUBLIC/SEMPUBLIC



LAND
USE



CHARLES AND ASSOCIATES INC.
ARCHITECTS - DENVER
GATHERS INC.
PLANNERS - COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 640, (1904) as amended, u.s.c.a. 461 administered by the north dakota state planning division.



FIGURE
VI-7

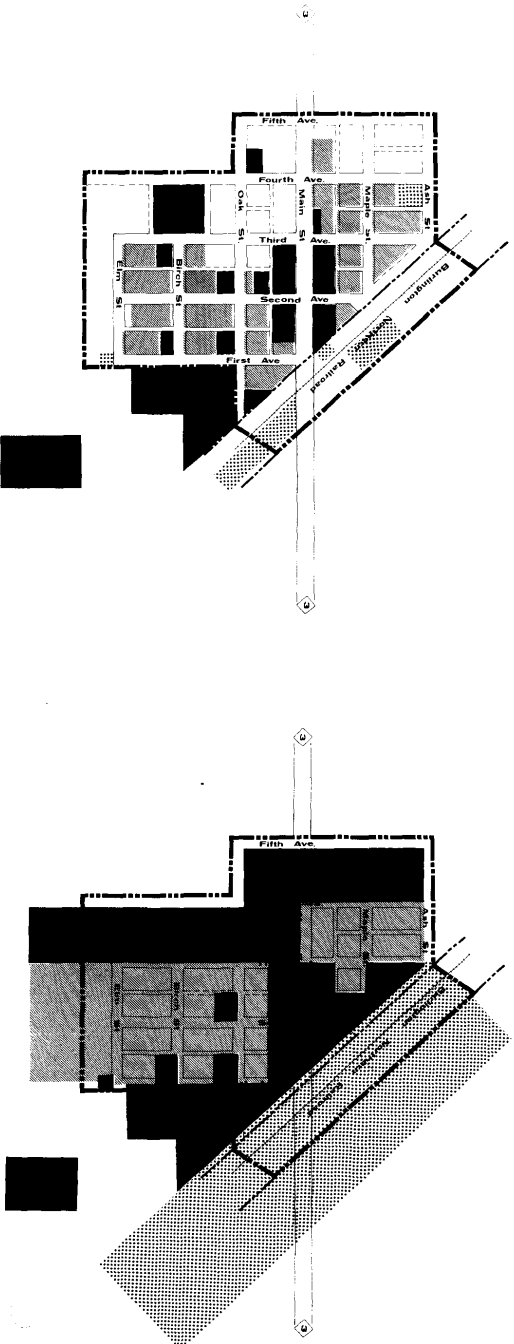
HAMPDEN

Hampden is located near the northern County line and approximately centered along that line, and it is served by Ramsey County Highway 16, Ramsey County Highway 3, and the Burlington Northern Railway. Although the pattern of existing land use provides a good framework for developing the proposed land use plan, a problem does exist in the development of that plan. n.

Much of the area along the town's western limits is wetland or swamp, and as a result it would be better if this area were restricted from construction. Other than the school and meeting hall presently located within this area, it is recommended that this area should be designated for future park or recreational development (Figure VI-9). A thorough investigation of soil suitability for construction should be made in view of any future construction related to the proposal. An open space area is recommended for the land west of the railroad tracks, and north of the commercial area to separate residential land uses from industrial land uses. Other public and semi-public land uses which remain as they exist are the park, ballpark and churches.

Residential, commercial and industrial land uses remain essentially as they exist, although they have been expanded to provide additional land for any future development. Any proposed developed areas presently located outside the town limits should be annexed for control purposes.

HAMPDEN, NORTH DAKOTA



1972 EXISTING

1990 PLAN

LEGEND:

SINGLE FAMILY RESIDENTIAL

COMMERCIAL

INDUSTRIAL

PUBLIC/SEMI-PUBLIC

LAND USE

CHARLES GATHERS AND ASSOCIATES, INC.
ARCHITECTS - PLANNERS
DESIGNERS

The preparation of this map was financed in part through an urban planning grant from the U.S. Department of Housing and Urban Development, under the provisions of the national housing act, section 701, 68 stat. 100, 42 U.S.C. 1471, administered by the north dakota state planning division.



FIGURE VI-8

LAWTON

Lawton is located in east-central Ramsey County and is served by North Dakota Highway 1, Ramsey County Highway 8, and the Burlington Northern Railway. The pattern of existing land use provides a logical framework for the development of the proposed land use plan.

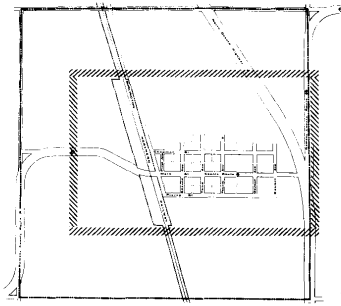
Residential land uses remain largely as they presently exist, although they have been somewhat expanded (Figure VI-9). A multiple family residential area is proposed for a location near the central business area just east of the railroad tracks. Because this higher density area is located within walking distance of the commercial district, it would be a good location for elderly housing. A mobile home park is proposed on the east side of town between Davison Avenue and Eastern Avenue. The owners of the mobile homes presently scattered throughout town should be encouraged to relocate within the proposed park where adequate facilities would be available.

Commercial and industrial land uses which are both presently located in two areas have been expanded. These areas include a central business district to serve the town, industrial land uses located along side of or near the railroad track and highway industrial and commercial areas located along North Dakota Highway 1.

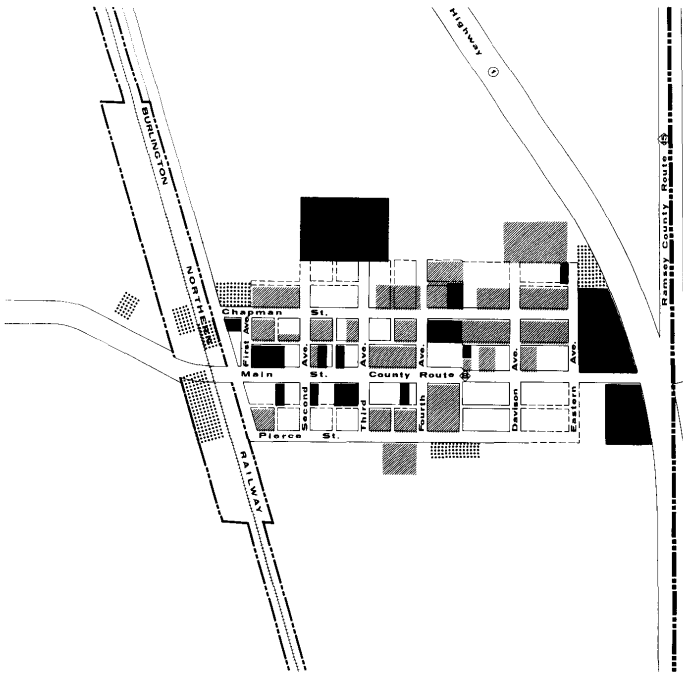
Public and semi-public land uses have also been expanded. Additional park and recreational area is suggested for the vacant land between the existing baseball field and the railroad tracks. An open space area is recommended for the area east of the proposed industrial area and south of the proposed commercial core. Both of these land uses mentioned above would provide a means of separating residential land uses from industrial land uses. The public and semi-public land uses presently occupied by the fire station and the meeting hall have also been expanded.

DEVELOPED AREA

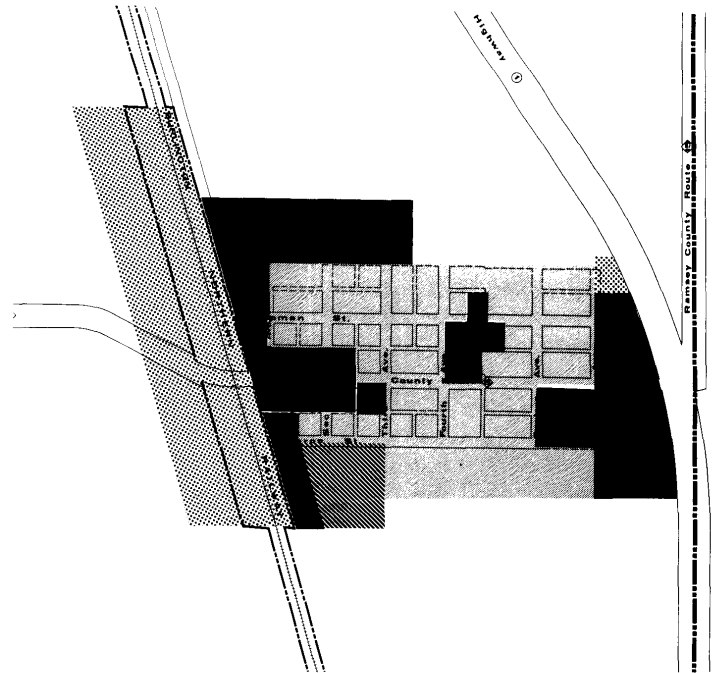
LAWTON, NORTH DAKOTA



KEY MAP



1972 EXISTING



1990 PLAN

LEGEND:

SINGLE FAMILY RESIDENTIAL
MULTIPLE FAMILY RESIDENTIAL
MOBILE HOME RESIDENTIAL



COMMERCIAL
INDUSTRIAL
PUBLIC/SEMIPUBLIC



LAND
USE



CHARLES AND ASSOCIATES INC.
ARCHITECTS - PLANNERS
DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 66 stat. 640, (1954) as amended, u.s.c.a. 461, administered by the north dakota state planning division.



FIGURE
VI-9

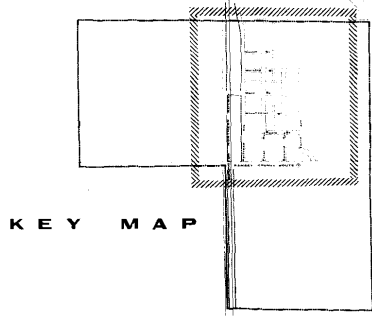
BROCKET

Brocket is located in the east-central portion of the County and is served by North Dakota Highway 1, Ramsey County Highway 7, and the Burlington Northern Railway. In general, proposed land uses remain essentially as they presently exist.

Residential, commercial, and industrial land uses have been expanded to provide land for future development if the need should arise and to develop a more orderly relationship of land use (Figure VI-10). A proposed multiple family residential land use is recommended for an area immediately south of the commercial core. Because it is within walking distance of the commercial core, the area would be a good location for elderly housing. Industrial land uses presently located throughout town should be encouraged to relocate within the proposed industrial area.

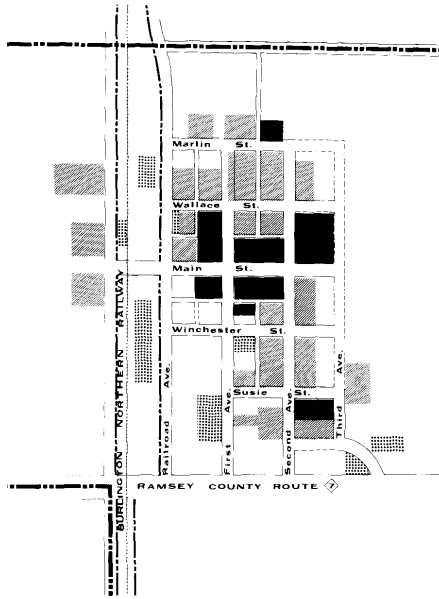
Public and semi-public land uses remain essentially as they are presently. The more significant additions are the proposed open space areas separating residential and industrial land uses.

DEVELOPED AREA

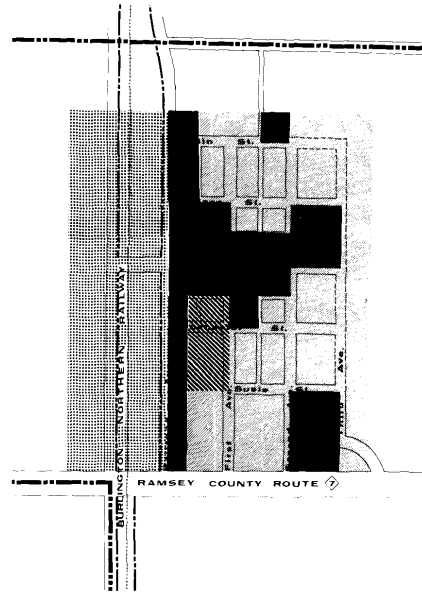


KEY MAP

BROCKET, NORTH DAKOTA



1972 EXISTING



1990 PLAN

LEGEND:

SINGLE FAMILY RESIDENTIAL
MULTIPLE FAMILY RESIDENTIAL
MOBILE HOME RESIDENTIAL



COMMERCIAL
INDUSTRIAL
PUBLIC/SEMIPUBLIC



LAND
USE



CHARLES AND ASSOCIATES INC.
ARCHITECTS - PLANNERS
DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 940, (1954) as amended, u.s.c.a. 461, administered by the north dakota state planning division.

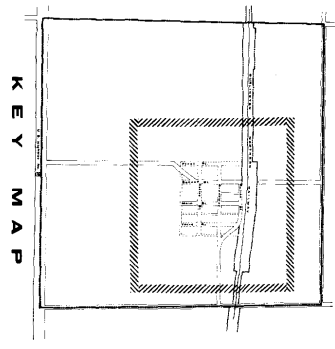


FIGURE
VI-10

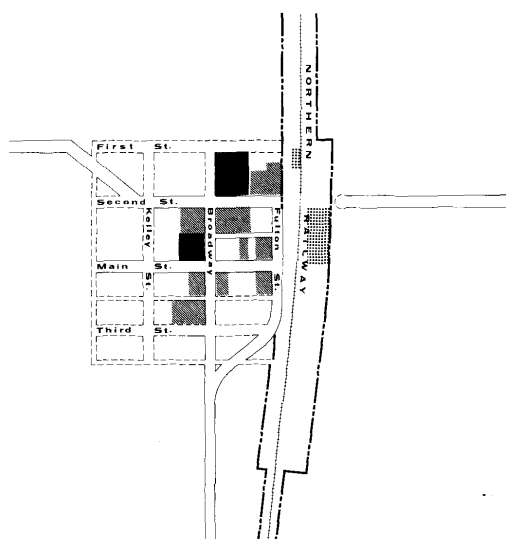
BARTLETT

Bartlett is located in the southeastern portion of the County and is served by U. S. Highway 2 and the Burlington Northern Railway. The existing development is rather limited. Although no population increase is anticipated, the proposed land use plan indicates the areas wherein any future development should occur if that should be the case (Figure VI-11). The Second Street and the other grade crossing of the Burlington Northern main line at the east city limits should be closed as soon as practicable and traffic using these crossings routed to the protected crossing at Lakota or the Cray crossing when protection recommended there is installed. This is the Amtrak high-speed line presenting considerable hazard to vehicular traffic.

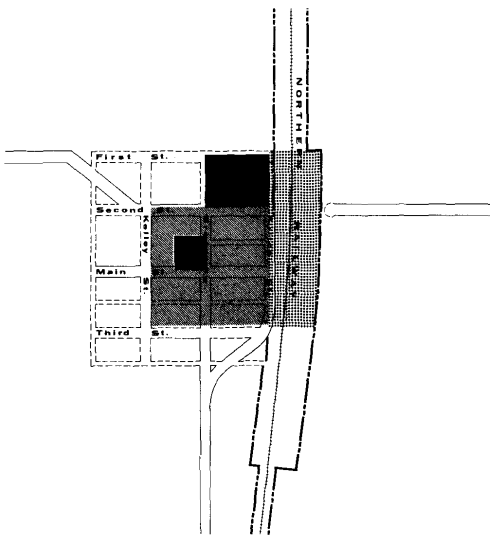
DEVELOPED AREA



BARTLETT, NORTH DAKOTA



1972 EXISTING



1990 PLAN

LEGEND:
SINGLE FAMILY RESIDENTIAL

INDUSTRIAL
PUBLIC/SEMI-PUBLIC

LAND
USE

CHARLES
AND ASSOCIATES, INC.
DENVER, COLORADO

The preparation of this map was financed from the department of housing and urban development, under the provisions of the 9450, (SRS) as amended, U.S.C. 4815 administered by the north dakota state planning division.

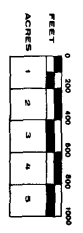


FIGURE
VI-11

The eastern extremity of East D
harvested for future recreation



This element of the Comprehensive Plan includes the transportation system of the County in relation to highways, railways, and airways. The proposed major highway thoroughfare system (Figure VI-2) is shown with the 1990 Land Use Plan for purposes of direct comparison and study of the interrelationship between highways and land use. This element of the Plan considers transportation objectives, existing transportation system, transportation trends, coordination with land uses, recommended highway standards, and the 1990 major thoroughfare plan.

OBJECTIVES

Transportation affects the character of the County by influencing the accessibility of land for various uses, the density of population, housing character and type, and the location and intensity of land utilization for shopping and work areas. By controlling the relative accessibility of an area to markets and resources, transportation exerts a strong influence on economic growth.

Because of these factors, transportation is an important planning tool to government. Most decisions about the location, function, investment, and timing of transportation facilities are made by government -- local, state, and federal. It is obvious from the long-range influence on a community and the amount of investment and life span of transportation facilities that they should be carefully planned to meet future needs and community goals.

The importance of the highway in our society today is two-fold. No longer is it merely a means of transporting people and goods (although in the County the highway is the principal means of transportation); it has also become an important influence on land use. In the latter connection, the effects have been both positive and negative. In their service capacity and long-range effect on development patterns, the role of highways must be understood and anticipated. The highways of the County, through careful planning, may be used to open new areas of the County for development. They can also be located so as to restrict or impede development in these areas where urbanization would place an undue burden on the ability of the County to supply public services. Thus the highways of the County, in addition to providing transportation services, must be located so that they facilitate the Land Use and Public Facilities Plan.

For a major thoroughfare plan to be realistic the following goals are recommended as a basis for the plan:

1. Accommodate a majority of traffic movements on relatively few, well improved facilities. This means that a realistic level of service should be established for planning purposes and that the major thoroughfare plan should be developed to accommodate the resulting traffic demands.

2. Utilize to the maximum extent practicable the existing major thoroughfare system. Because many millions of dollars have been invested in the major transportation facilities within the County, these existing facilities should form the basic framework for any proposed major thoroughfare system.
3. Be compatible with other elements of the Comprehensive Plan for the area and provide the most effective means for movement of people and goods to places of work, residence and recreation. Transportation represents only one element of the total urbanizing environment and, therefore, must be compatible with and responsive to other factors and elements which comprise the land use pattern.
4. Provide the most economical system to meet travel desires for the design year (1990 for the County and its incorporated places) with proper consideration for future expansion. Increased needs for local transportation facilities will continue beyond the design year 1990. It is therefore, desirable that the present plans for transportation service requirements not only be adequate to the design year but also provide a foundation for decisions on transportation needs beyond 1990.

The above objectives are applicable to railroad and air facilities as well as highways even though the latter accounts for the great majority of the total transportation function in the County. Following is a description of each of the transportation functions.

EXISTING SYSTEM

The existing transportation system in the County is described under the headings of railways, highways, and airways.

RAILWAYS

The railroad system plays an important roll in transporting agricultural goods to and from agricultural centers throughout the County. The Chicago, St. Paul and Sault Ste Marie (Soo Line) and the Burlington Northern Railway are the railway lines which serve the major towns and agricultural centers within the County.

Although rails are important for development of the County in coming years, major improvements in railroad services are not anticipated in the Plan, mainly because highway transportation is continually assuming more of the transportation workload in the County.

The Burlington Northern has three main lines in the County. One serves Devils Lake, extending east to Grand Forks and beyond, and west to Minot and Williston and beyond. A spur from this line at Devils Lake running north through the center of the County and another at Lakota passing through the northeast section of the County terminate near the Canadian border. Railroads across the country are troubled by a shortage of freight cars and especially grain cars which affect the economic welfare of the County. Grain elevators are usually filled to capacity awaiting shipment. Burlington Northern reports 1,000 new grain cars are on order, an indication of eventual solution to or relief in this problem.

The Soo Line has east-west service across the County through Devils Lake, extends westerly to New Town, North Dakota, and easterly to Oslo, Minnesota and points east.

Only one of these lines now provides passenger service. The National Railroad Passenger Corporation, referred to as Amtrak, has contracted with Burlington Northern to be part of the Chicago to Seattle high-speed Amtrak passenger service. This route crosses North Dakota through Grand Forks, Devils Lake, Minot, and Williston. Amtrak should prove to be an important passenger transportation facility to the people of the County.

HIGHWAYS

The backbone of the highway system in the County consists of US 2 east-west through Devils Lake connecting with I-29 at Grand Forks, 90 miles to the east, and US 281 north-south along the westerly side of the County connecting with I-94 at Jamestown 98 miles to the south. The North Dakota State Highway Department rates US 2 as a principal arterial and US 281 as a minor arterial.

Other major highways through the County are State Highways 1 and 20 (ND 1 and ND 20) in a north-south direction and ND 17 and ND 19 east-west. These four routes are rated by the State Highway Department as minor arterials.

The other major thoroughfares in the County are County highways and are rated by the State Highway Department as either major or minor collectors.

The network of secondary highways (not in the major thoroughfare system) is of equal impor-

tance to many residents of the County. This system consists of the roads that traverse most of the section lines in the County. Goods and services are transported within the County using these roads as a farm to market function and for other trip purposes. As of December 31, 1970 the total mileage of roads under County control was 281.8 miles of which 252.4 miles were Federally aided. The organized township roads in the County total 1,153.4 miles.

Transcontinental bus service for the County comes from Greyhound Bus Line and Highway Two Express Line. These two lines have regular scheduled daily service between Grand Forks and Minot through Devils Lake via US 2 and serve all points in the County along US 2.

AIRWAYS

The only commercial airline serving the County is North Central Airlines at Devils Lake. The service is one flight daily to and from Grand Forks, Minneapolis, and Chicago. The principal aeronautics operations, besides commercial passenger flights, are private aircraft, crop dusting, flying lessons, charter flights, and emergency air services.

The Devils Lake Municipal Airport located just over two miles west of town has paved runways and runway lighting. The airport has air-taxi, air-freight, and air-express service and is listed in the 1972 National Airport System Plan as a hub type N, System role F2 (current sub-role C-3) with a proposed maximum runway length of 6,300 feet. The two existing runways are approximately 4,300 feet each with one in a northwest-southeast orientation and the other northeast-southwest. The airport is square shaped and surrounded by agricultural land uses except in the southeasterly section where some industrial land uses have located.

TRANSPORTATION TRENDS

Several trends in the transportation industry that should be described here include rail passenger services, truck services and private automobiles.

Railroad passenger service has been available in the County for years, and even though passenger lines are going out of service continually across the country, Amtrak (National Railroad Passenger Corporation) may reverse this trend in localities influenced by their system. The County, being on the main Chicago-Seattle Amtrak route through Grand Forks and Williston with a regular scheduled stop at Devils Lake should receive benefit from this service.

In recent years there is a trend toward more use of truck service and less use of the railroads. A steady increase in truck registration each year since 1955 through 1970 has occurred in spite of the downward trend of population during this period.

Passenger car registration was on the increase during most of these same years indicating a greater use of private automobiles in both business and pleasure driving (Table VII-A). The County's steady decline in population since 1940, is anticipated to stabilize and begin to reverse. This trend will have a direct effect on increased vehicle registration of all types. This means more vehicle registration fees, more gasoline tax revenue, and added funds for improvements of local highways.

The importance of highway safety cannot be overemphasized and the major thoroughfares plan for the County should be so designed that recommendations are made toward greater safety measures. As an example, there are 31 grade crossings of arterial or collector highways at railway lines in the County. Recommendations for adequate protection at grade crossings should be an important part of the thoroughfare plan.

A recreational trend in the transportation field that is not new but growing constantly is pleasure driving in scenic areas. This applies already to County Highway 1 along the shores of Devils Lake and Creel Bay. An even more appropriate application is the proposed new shoreline of Devils Lake when the Garrison Diversion Project has raised the level of the lake. Future roads along the expanded lake system could be used for pleasure driving, bicycling, and vehicular access to fishing, hunting, and camping areas. The present network of highways provides much of the mileage of such a road system. Therefore, added stretches of highway connecting with the present system could be minimal.

COORDINATION WITH LAND USE PLAN

The fundamental purpose of the transportation plan is to provide proper communication between various land uses, both existing and proposed. Therefore, coordination of the transportation system with land uses is essential, not only to provide for connections as direct as practicable between concentrated areas of land use where traffic generation is high, but to insure, as well, the type of transportation facility which will accommodate such traffic safely and efficiently with minimum delay. This applies to a lesser extent to rail and air transportation in the County than to highway use, which is increasing in volume at a faster pace.

The highway system of the State Highway Department has apparently recognized this principle

of land use and highway coordination as manifested in the 1990 Statewide System of Arterial and Collector Highways dated March 1, 1971. This Major Thoroughfare Plan for the County is based largely on the proposed long range Statewide System in order to implement all facets of Statewide and County highway planning.

TABLE VII-A

RAMSEY COUNTY MOTOR VEHICLE REGISTRATION 1955-70

Year	Passenger Cars	Trucks	Motorcycles	Official	Commercial Trailers	Mobile Homes	Other	Total Registration
1955	4,688	1,968	13	46	-	-	4	6,719
1956	4,783	2,059	12	47	-	-	4	6,905
1957	4,897	2,158	15	49	-	-	4	7,123
1958	5,006	2,224	20	50	-	-	10	7,310
1959	5,139	2,289	26	64	-	-	14	7,530
1960	5,130	2,270	26	80	2	35	15	7,558
1961	5,234	2,260	21	94	29	38	14	7,690
1962	5,288	2,269	33	101	15	34	12	7,752
1963	5,480	2,401	58	104	19	33	15	8,110
1964	5,602	2,566	86	120	18	39	17	8,448
1965	5,767	2,708	134	143	15	63	27	8,857
1966	5,750	2,788	174	157	16	67	24	8,976
1967	5,651	2,839	213	177	13	54	26	8,973
1968	5,605	2,960	199	194	9	29	28	9,024
1969	5,719	3,084	199	205	30	45	39	9,321
1970	5,788	3,209	233	223	123	48	312	9,936

Source: North Dakota State Highway Dept.

One important relationship of transportation to land use is the amount of traffic being carried on the highways of the County. Traffic volume counts of it; State Highway Department are made periodically and recorded on traffic flow maps. The latest counts available (1970) in the County indicate the highest annual average daily traffic (AADT) as 3,250 vehicles in 24 hours south of Devils Lake (city) on State Highway 20. The lowest count on this route was at the north end with a count of 330 AADT. US 2 traffic varies from 2,700 at Devils Lake to 1,250 just south of Church's Ferry. When traffic counts get lower than 100 or even 200 AADT, the road probably does not belong in the major thoroughfare system.

One of the objectives of the thoroughfare system is to serve land uses with fewer but better highways. This principle advocates use of the relatively few tax dollars for highways where they will benefit the greatest number of persons.

RECOMMENDED HIGHWAY STANDARDS

The standards recommended for highways in the County include standards adopted by the FHWA (Federal Highway Administration) for US2 and US 281 and standards of the North Dakota State Highway Department for ND 1, 17, 19 and 20. The County highway standards should parallel the State standards where applicable or the Bluebook of AASHO (American Association of State Highway Officials) entitled A Policy on Geometric Design of Rural Highways. Actually the standards of the FHWA and the State coincide in most if not all respects in the design, construction, and maintenance of principal arterials (US2) and minor arterials (US 281, ND 1, 17, 19 and 20). This statement should be modified to the extent that a highway may reach standards proposed in stages as traffic demand warrants. An example of this is US 2 as a two-lane highway until traffic volumes justify its ultimate status as a four-lane divided highway.

Standards for Ramsey County highways (RC 1 etc) should closely parallel State standards supplemented with Bluebook standards for major collectors (RC1, 2, 3, 4 [part], 5, 6, 7, 8, 9, 10, and 15) and minor collectors (RC 4 [part], 11, 12, 13, and 14). These County highway numbers are selected for this study in some cases and are not necessarily official numbers.

Recommended highway cross section standards (Figure VII-1) are set forth for rural and urban highways. The rural include principal and minor arterials and major and minor collectors. The urban highways include urban collectors and minor residential streets in the towns. The designation of the rural highways as State Highway Department cross sections may need interpretation; not every feature shown in the cross sections is necessarily a State standard. Shoulders, for example, may be inordinately expensive or even impossible under certain circumstances and drainage ditch contours may need to be radically different than shown. However, the general cross section ideas presented are only an objective to achieve where applicable.

The urban collector should be altered in business districts to omit the planting strip and let the sidewalk extend from the property line to the curb. The 10-foot wide lane at the curb may be used for local traffic or parking when not needed as a moving traffic lane.

The urban minor street may omit the 8-foot parking lane on one side of the street where space restrictions are encountered or the 3-foot planting strip may be sacrificed or both in tight space situations.

1990 MAJOR THOROUGHFARE PLAN

The recommended transportation system for the County to accommodate traffic anticipated in 1990 (Figure VII-2) is designed to meet the expected requirements by that time. Many of the improvements, however, will need to be staged for construction during the period leading up to 1990. The system includes airports, railway lines, and highways.

AIRPORTS

The existing Devils Lake Municipal Airport, as mentioned above, is listed in the 1972 National Airport System Plan and is proposed to remain in its present location. As indicated in the 1990 Land Use Plan, land is recommended to be acquired or zoned for a clear or controlled zone around the airport. A limited type of industrial zone could apply here with appropriate restrictions on height of buildings. The location on State Highway 19 provides good access directly to the airport. Devils Lake, and other points in the County. Nearly everyone living in the County is within an hour's drive or less of the Devils Lake Airport and, consequently, an additional airport is not recommended in the County at this time.

RAILROADS

The three Burlington Northern and one Chicago, St. Paul, and Sault Ste Marie (Soo) railway freight lines in the County are recommended to continue in use. Freight service should be part of the consideration for transportation facilities at the new industrial areas proposed in the town plans where rail service is already available. Individual town plans, particularly Devils Lake, recommend relocation or abandonment of certain spur lines. This is not to be interpreted to mean that rail service should be discontinued or reduced, but rather that development and use of lands served by rail facilities be in harmony with the Land Use Plan.

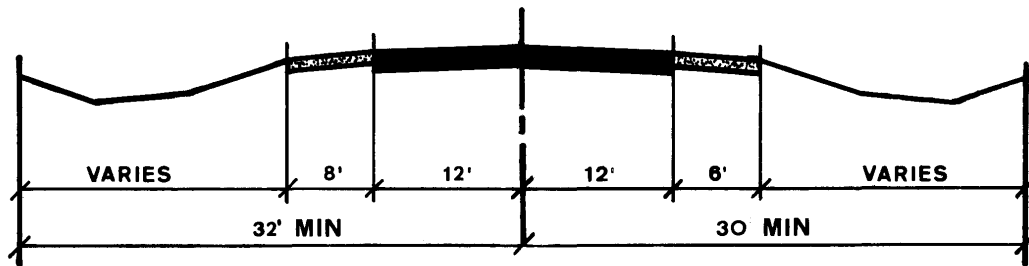
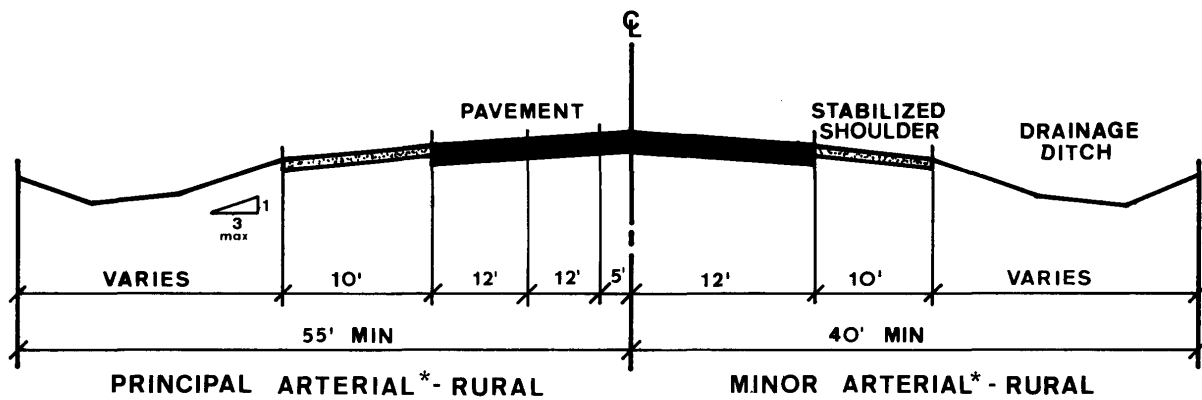
The Burlington Northern is part of the Amtrak system, as previously mentioned, with regular daily scheduled passenger service at Devils Lake on the Empire Builder overnight to Seattle and Chicago. This all-weather transportation service is no small part of the advantages Devils Lake offers and enhances the economy of the County as well.

HIGHWAYS

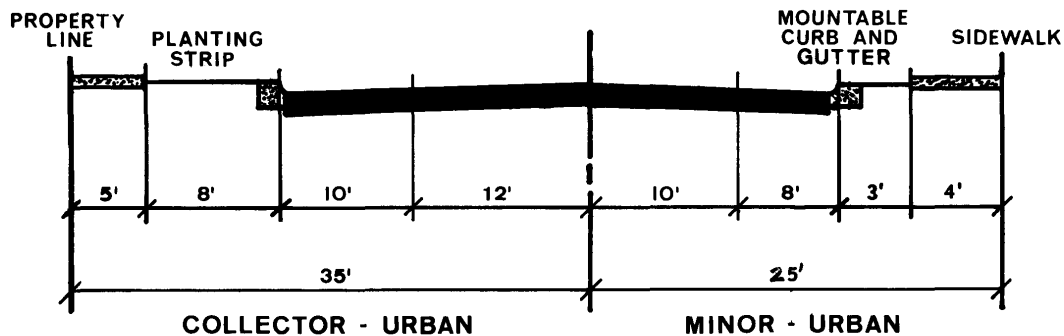
The recommended highway portion of the Major Thoroughfare Plan (Figure VII-2) is substantially as indicated in the Statewide System of Arterial and Collector Highways for 1990. There are several deviations from this system, on the grounds of lack of traffic to continue the routes as part of the system.

The arduous journey to market on dirt roads with farm and ranch products in horse-drawn wagons only a few decades ago is now simplified and speeded up by trucks and paved roads. The market was closer and farms smaller then, and now the towns (and markets) are fewer, the farms larger and more mechanized, and the routes more firmly established along fewer roads.

Stretching public funds available for highways over all the routes everyone would like to have improved would mean inadequate amounts for most routes. The fewer the routes in a given



MAJOR COLLECTOR*-RURAL MINOR COLLECTOR*-RURAL
 * N.D. HIGH. DEPT. DESIGNATION



HIGHWAY CROSS SECTION STANDARDS

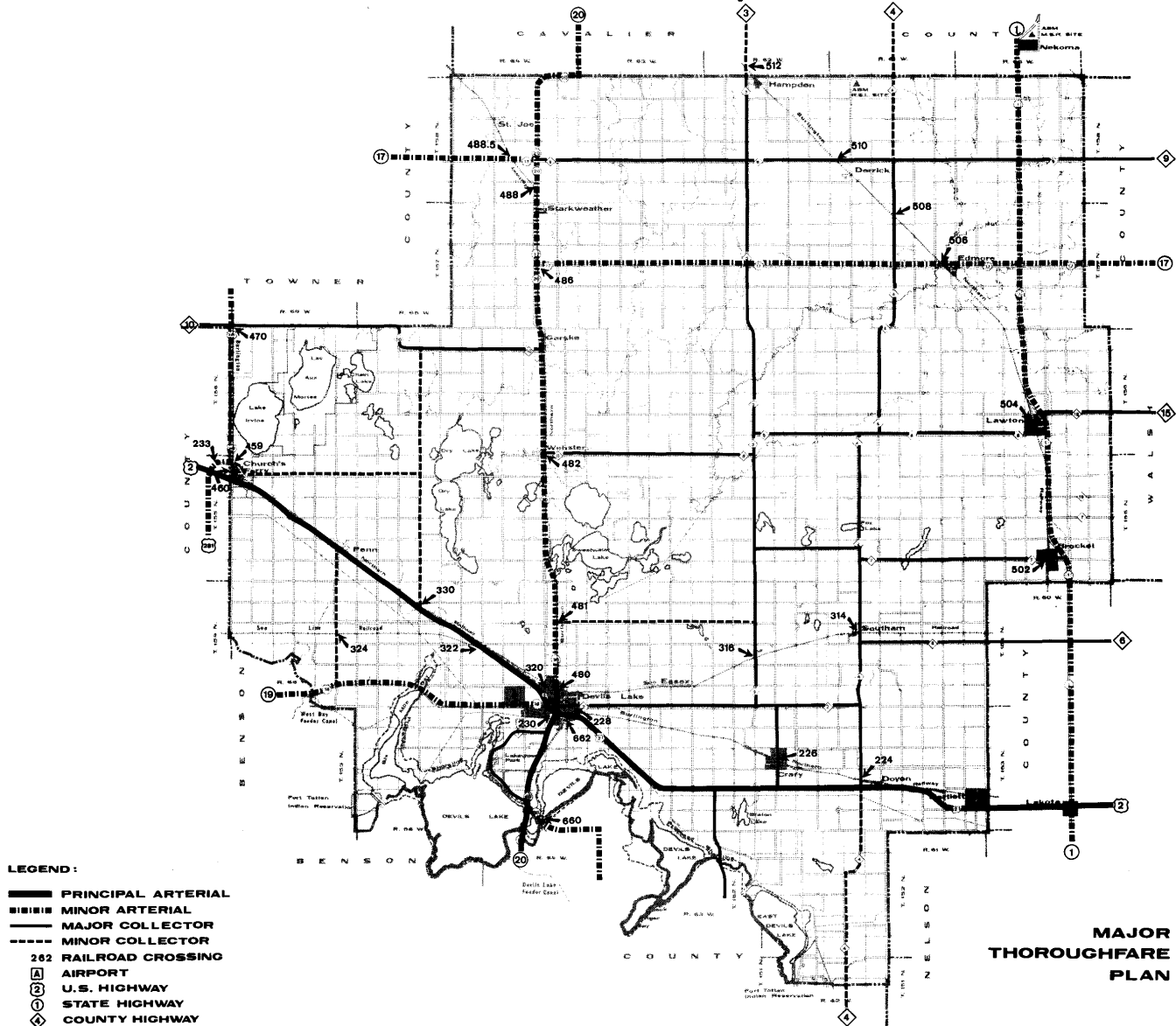


CHARLES AND ASSOCIATES INC.
 ARCHITECTS - PLANNERS
 DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 680, (1954) as amended, u.s.c.a. 481, administered by the north dakota state planning division.

FIGURE VII-1

RAMSEY COUNTY, NORTH DAKOTA



CHARLES AND ASSOCIATES INC.
ARCHITECTS
DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 704, 68 stat. 640, (1954) as amended, u.s.c.a. 461, administered by the north dakota state planning division.



MILES 0 1 2 3 4 5 6 7

FIGURE VII-2

system the more funds per route mile are available for maintenance and new improvements. Consequently, a system with a major thoroughfare within a few miles of any point in the County should serve the people well and provide them with better roads than a system with more mileage but not as well maintained roads.

The recommended system (Figure VII-2) includes all of the highways in the County in the 1971 State Highway Department System of Arterial and Collector Highways, except for a few major and minor collectors at different points in the County. This does not mean that these few routes omitted from the major thoroughfare system would not continue to be used. They would continue in use, as well as other useful roads. Every point in the County is 5 miles or less from a major thoroughfare. The recreational areas are easily accessible from major thoroughfares.

The numbering of County highways in a diamond shaped symbol (Figure VII-2) is proposed for study purposes of the recommended system of highways in this report only and not to be considered as replacement numbers for any highway. Many other rural roads will and should continue in use where they are essential to serve certain areas of the County.

The highway system is planned to serve the RSL-ABM System site near Hampden, the agricultural areas, the incorporated towns and peripheral areas, as well as the new recreation facilities resulting from the Garrison Diversion Project. The entire highway system is recommended to be brought up to State Highway Department standards where this has not already been accomplished. Special consideration should be given these facilities in coordination with annual review of the County budget and scheduling of construction for capital improvements.

The protection of highway crossings of railroad lines at grade for the 24 grade crossings on U. S., State, or County routes (Table VII-B) have been analyzed for highway-railway hazard incidence (product of highway and railway daily traffic). Following are the recommendations of this analysis:

- 1 Crossbucks should be replaced with automatic swinging red flashing light signals with audio warning at the following locations:

Crossing

322 Soo Line at US 2 at 4 miles NW of Devils Lake
226 Burlington Northern at RC 3 at Crary
459 Burlington Northern at US 281 at Churchs Ferry.
480 Burlington Northern at ND 20 at Devils Lake

- 2 Signals should be supplemented with automatic warning gates at the following locations:

Crossing

320 Soo Line at ND 20 at Devils Lake
322 Soo Line at US 2 at 4 miles NW of Devils Lake
480 Burlington Northern at ND 20 at Devils Lake
226 Burlington Northern at RC 3 at Crary

The above recommendations are subject to more detailed study of rail traffic or contemplated reduction of it. If rail service were proposed for termination or reduction on certain lines in the County sometime in the future, a re-evaluation of these recommendations would be in order. Conversely, if train or highway traffic increase beyond present volumes, the signals and gates could be required sooner.

The recommended highway system for the County reduces the number of highway-railroad grade crossings on the major thoroughfare system from 31 to 24. Especially important is the reduction of major thoroughfare grade crossings of the Burlington Northern east-west main line which has 6 trains per day including high speed freights and the twice daily Empire Builder of the Amtrak system. The 87 grade crossings at rail lines of roads not on the major thoroughfare system should be closed wherever feasible and traffic routed to the nearest major thoroughfare crossing where crossing protection would be adequate.

The highway grade separations at rail lines in Devils Lake are commendable and, as traffic warrants, grade separations should also be considered at crossings 233, 320, 322, and 480 within the planning period to 1990.

In summary, the Major Thoroughfare Plan is designed to accommodate existing and future traffic in the County more safely and more expeditiously. Funds for recommended improvements should be available from State and Federal sources programmed over the years ahead.

The Major Thoroughfare Plan is organized to serve the land uses recommended above in the 1990 Land Use Plan as well as the facilities described below in the 1990 Public Facilities Plan.

TABLE VII-B RAMSEY COUNTY ND HIGHWAY AND RAILROAD CROSSINGS

Railroad	Crossing	Highway	Trains per day	1970 ADT	Hazard Index	Location	Existing (and Recommended) Crossbuck	Signal	Protection Gates Underpass
SoO	314	RC 4	2	230	460	Southam (FAS 768)	X		
SoO	316	RC 3	2	95	190	Robville (FAS 180)	X		
SoO	320	ND 20	2	1,300	2,600	Devils Lake		X	(X)
SoO	322	US 2	2	1,440	2,880	Devils Lake (4 m NW)	X	(X)	(X)
SoO	324	RC 13	2	65	130	Ramsey	X		
BN	224	RC 4	6	75	450	Doyon (FAS 388)	X		
BN	226 (1)	RC 3	6	225	1,350	Craty (FAS 766)	X	(X)	(X)
BN	228	US 2	6	450	2,700	Devils Lake			X
BN	230	ND 20	6	3,000	18,000	Devils Lake			X
BN	232	RC 11	6	55	330	Grand Harbor (FAS 391)	X		
BN	233	US 281 (business)	6	550	3,300	Churchs Ferry (FAS 242) (Walker Street)		X	X
BN	459	US 281 (business)	2	500	1,000	Churchs Ferry (FAS 242) (Walker Street)	X	(X)	
BN	460	RC 12	2	90	180	Churchs Ferry (FAS 746)	X		
BN	470	RC 10	2	70	140	Maza	X		
BN	480	ND 20	1	2,275	2,275	Devils Lake	X	(X)	(X)
BN	481	RC 14 (at ND 20)	1	150	150	Devils Lake (4 m N)	X		
BN	482	RC 8	1	220	220	Webster (FAS 182)	X		
BN	486	ND 17	1	330	330	Starkweather (3 m S)	X		
BN	488	ND 17 & 20	1	575	575	Starkweather (1 m N)	X		
BN	488.5	ND 17	1	300	300	Starkweather (3 m NW)	X		
BN	502	RC 7	1	130	130	Brocket (FAS 768)	X		
BN	504	RC 8	1	35	35	Lawton (FAS 697)	X		
BN	506	ND 17	1	675	675	Edmore (FAP 17)	X		
BN	508	RC 4	1	150	150	Edmore (FAS 181)	X		
BN	510	RC 9	1	100	100	Derrick (1 m NW)	X		
BN	512	RC 3	1	300	300	Hampden (FAS 180)	X		
BN	660	ND 20	2	480	960	Ft. Totten	X		
BN	662	US 2	2	2,200	4,400	Devils Lake			X

Source: North Dakota State Highway Dept. and Charles Gathers & Associates, Denver 1972

(1) Signal and gates already scheduled by State Highway Dept.



Public facilities are the natural outgrowths of common local needs and desires which have acquired organized local expression. These facilities grew from common needs to an organized effort to effectuate lasting solutions to these needs. In almost all cases these numerous facilities represent the efforts of a multiplicity of local, County, state, and federal organizations and concerned individuals. In most cases they also rely heavily upon consistent local management, planning, support, and enthusiasm, and to date these efforts in Ramsey County are commendable.

Ramsey County's public facilities are essentially very well developed and appropriate to the needs of the local populace. In only a very few areas of public facility functioning do current deficiencies appear. In a few other areas long-term needs and opportunities are seen in communities where population growth is occurring over the long term, and these situations are noted and commented upon as they occur in this inventory and review of the County's public facilities systems where new funding, expansion, and construction -- or curtailment of facilities -- are implied by this Plan. The scheduling and funding of these efforts are discussed in the Public Improvements Plan in the following chapter.

Ramsey County's many public facilities are grouped into six functional categories for purposes of this inventory. The functions presented include those of (1) protection, or the common need for organized law enforcement and fire protection provisions; (2) health facilities, which include hospital facilities, clinics, ambulance services, rest homes, and the physicians, dentists, optometrists, nurses, and technicians necessary to achieve a valid local health care program; (3) education, which includes the schools, classrooms, buses, teachers, and entire school system organization of the County; (4) government facilities, which range from city to County facilities associated with the administration of local governmental services; (5) utility and convenience, which include the mechanical systems of water, sewer, electricity, telephone, fuel; and solid waste disposal necessary for civilized convenience and amenity; (6) cultural, religious, and recreational facilities, which include the churches, parks, libraries, and other specialized recreational and cultural facilities so essential to community activity and well-being. While this spectrum is considerably diverse in its scope, the activities, organizations, functions, and services examined express the total spectrum of public-oriented activity throughout the County.

PROTECTION

Police protection for the County is provided by the Lake Region Law Enforcement Center. It is based in Devils Lake and serves six counties in northeast North Dakota -- Rolette, Towner, Cavalier, Benson, Eddy, and Ramsey. Nelson County has contracted with the Enforcement Center for some services. The agencies that are included in the Center and provide service to Ramsey County specifically include the Devils Lake Police Department, the Ramsey County

Sheriff Department, the North Dakota Crime Bureau, the North Dakota Highway Patrol, and the North Dakota Truck Regulatory. An ambulance service, City and County Justice Courts, and records, communication, and incarceration facilities for 44 persons are also provided by the Law Enforcement Center. The entire range of this police protection system is sufficiently widespread to serve all the County's residents. While the existing law enforcement facilities are certainly adequate to serve additional population increases for several years, there is a possibility that additional personnel or facilities may become necessary in the more highly populated areas such as Devils Lake, Lakewood Park, and Edmore by 1980. Although no additions to the present system are recommended, the law enforcement system should be periodically reviewed.

The County's police protection system is fully adequate for the County's current size and population distribution; this same definition applies to the County's fire protection system. All nine of the County's incorporated areas sponsor volunteer fire departments, and these provide adequate facilities, equipment, and personnel to afford protection for the towns' residents and businesses. Being community based, these volunteer departments immediately serve approximately 75 percent of the County's residences and almost all of its retail, commercial, and industrial establishments.

While the County's incorporated communities are all well protected from undue fire damage, the County's rural areas (which contain about 25 percent of its population, or 2,773 people in 1970) are variously protected. Four rural fire districts in the County provide formal fire protection services to 18 percent of the County's rural land area, or 222 square miles of the County's total 1,214 sections. The largest of these rural fire districts is that of Starkweather, which protects some 150 square miles (in Klingstrup, Royal, Hammer, Sullivan, Webster, DeGroat, and Overland Townships) in the northwestern corner of the County. The next largest rural district (Devils Lake) covers 54 square miles including Creel Township. Two additional districts of much smaller size are based in adjoining counties, but cover portions of Ramsey County as well. The Minnewaukan (Benson County) Rural Fire District protects 10 square miles of Ramsey's Pelican Township in the southwestern portion of the County; and the Tolna (Nelson County) Rural Fire District protects 8 square miles of Odessa Township, in the southeastern corner of the County.

The remaining 82 percent of Ramsey County's rural land area is not formally protected from fire damage, although local community-based fire departments do make efforts to provide good protection outside the city limits wherever reasonable. With more and more rural farmsteads being vacated every year, an apparent decrease in the demand for rural fire protection is generally occurring. Despite this general trend, however, the fewer rural farms being operated today frequently represent a much larger investment in equipment and buildings than was common in years past. Thus the need for rural fire protection occurs at fewer locations today than formerly, but the need is greater at these few locations than formerly. Whether farmers' increased fire insurance costs in the rural areas begin to encourage the expansion and formalization of rural fire protection or not will eventually determine the course of formalized rural fire districts. In areas where the rapport between local farmers and their local volunteer fire department is kept good, the need for formalization of these districts is not urgent. Devils Lake possesses a fire insurance rating of 6, which is average for a city of its size. Edmore has a rating of 9, which is also appropriate for its size. Adherence to sound building codes throughout the County is a practical method of reducing fire damage and fire insurance rates and is the only recommendation in this Plan with respect to the excellent volunteer fire protection system.

HEALTH

Ramsey County's health facility system is currently very well developed with respect to both North Dakota State and national standards. The fact that the City of Devils Lake is such a prominent community in the Central-Northeastern region of the state has apparently worked very much in the County's favor with respect to health care provisions for the County's immediate population. Devils Lake's Mercy Hospital (127 beds) is of sufficient capacity to provide for the bed care needs of the County's population above national average levels. A recent (1969) national hospital bed count revealed that nationally there was an average of one hospital bed provided for each 127 U.S. residents. North Dakota's statewide count in the same year revealed one bed per 101 residents, a much higher ratio than that of the U.S. as a whole. Ramsey County's 1970 ratio was one bed per 102 residents, or close to the state average.

Despite this ample provision of hospital facilities for the immediate local population, however, the fact that Devils Lake is a regional economic and population center endows the city and the County with additional regional responsibilities and opportunities with regard to hospital development. A 1971 statewide inventory of hospital facilities with regard to population and service areas (Toward A Health Status Assessment of North Dakota, Social Science Research Institute, University of North Dakota) points out that an optimum regional

health care plan for Central-Northeastern North Dakota would make the Devils Lake Hospital the most important central hospital facility of a nine-hospital network linking up hospitals in Cando, York, Maddock, Harvey, Fessenden, Sheyenne, New Rockford, and Lakota. By this plan, all eight of these subsidiary hospitals would work closely with the central Devils Lake Hospital in a six-county regional health care program. By current population levels the Devils Lake Hospital is only 16 beds below sufficient capacity to adopt this plan at present, and to serve the six-county region (Towner, Wells, Benson, Eddy, Nelson, and Ramsey) with a 143-bed hospital offering the most specialized services in the region. By 1980 it would become necessary for the hospital to better than double its current bed capacity in order to supply the 292 beds necessary for the "6, 6 beds per 1,000 population" level recommended by the Health Care Status report for an above-average program (based upon a six-county population estimate of 44,300 by 1980); by 1990 the total hospital bed count would need to be 313 (based upon a population estimate of 45,600 for the six counties by 1990). While this plan is only one of the four possibilities presented by the statewide study, it represents the optimum health care program that the City of Devils Lake might pursue, and is worthy of serious consideration by local health and public officials.

In addition to hospital facilities, Ramsey County's ambulance facilities are currently well developed also. One County ambulance service is based in Devils Lake and the other is in Edmore. The two are sufficient for emergency preparedness according to statewide standards, and improvements would only be based upon local preferences for greater emergency coverage.

The County's five rest home facilities are above both North Dakota and national averages in terms of their bed capacities with relation to County population: the County's 256 rest home beds provide an average of one bed for every 30 County residents, a ratio slightly more than twice the North Dakota overall ratio (one bed per 109 persons in 1969) and almost ten times the national ratio (one bed per 488 persons in 1969). Primarily these facilities are centered in Devils Lake with four of the County's five homes located there containing 223 of the County's 256 rest home beds. The fifth facility is located in Edmore, the Memorial Rest Home, containing 33 beds. The locations of these facilities appear appropriate with the economic development and population concentrations that currently exist in the County. There is a strong possibility that Devils Lake may continue to develop strongly as a center for rest home and retirement provisions as one aspect of its improving regional stature in health care and recreational amenities. The County at large may expect to benefit from this growth as it occurs.

In addition to ample hospital facilities, rest homes, and ambulance services, Ramsey County possesses one clinic located in Devils Lake and a reasonable count of medical personnel. As of April, 1972, there were 178 medical and para-medical personnel located in the County, including 6 dentists, 4 optometrists, 11 physicians, and 138 nurses and technicians. Considering population centers, Devils Lake's contingent of these personnel is average for a city of its size. The personnel count is directly in line with national average counts for dentists (one dentist per 2,128 population), and slightly above the North Dakota State average (one dentist per 2,632 population). The physician count (11) was only about half the number that would serve the number of people who live in the County on a national average basis (one physician per 613 persons, compared with Ramsey County's one physician per 1,174 persons). By current national health standards the County should currently add 10 physicians to its quota, for a total of 21. By 1980 one more would be appropriate, and by 1990 a count of 25 physicians would be appropriate to serve the County population according to national average levels of service. Current North Dakota State levels of service indicate that only one additional physician (bringing the count to 12) would be necessary to achieve State levels at present, and this number would be adequate to 1990.

Since Devils Lake possesses the potential of developing as a regional health center, national levels of practice should prevail wherever possible. Improved and additional hospital facilities can be the keystone of this development.

An additional service that is available to the County is provided by the Human Services Center. The Center operates in a six-county region which includes Rollette, Towner, Cavalier, Benson, Eddy and Ramsey Counties. Agencies that are affiliated with the Services Center include the Department of Vocational Rehabilitation, Area Social Services Center, Children's Village, Retired Senior Volunteer Program, Parole and Probation Board, Federal Demonstration Research Project (Human Services Project), Mental Retardation Program, and the State Youth Authority. A Social Security Office is proposed to be included with the Center. The Area Social Service Center provides marriage counseling, youth counseling, and psychiatric services. The State Youth Authority handles many of the problems associated with juvenile offenders. The Federal Demonstration Research Project, which is also known as the Human Services Project, serves as a general administrator to determine what the responsibilities of each agency will be and how their efforts combined will provide a total service.

EDUCATION

In general, Ramsey County's educational system is exceptional with respect to most Northeastern-Central North Dakota - statewide, or even national - educational systems. According to the 1970 U. S. Census of Population, 31 percent more Ramsey County residents are attending the later years of high school (the 18-19 year old age group) than was common nationally. Whereas only 48 percent of the 18-19 year old population attends school nationally, in Ramsey County 79 percent attends. By virtue of a visionary higher educational program in Devils Lake, attendance figures in the 20-24 year old age group in the County are exceptional also. Whereas 21.5 percent of the U. S. population in this age group attends school, in Ramsey County 27 percent of the resident population in this age group attends. Of the 25-34 year olds, 6 percent — or roughly the same proportion as is common nationally — attends school.

Despite the high rate of local high school completion and junior college participation, however, it has been a noticeable phenomenon that many of the better County-educated youth in the past have later migrated out of the County in the adult working years of their lives, leaving behind a larger proportion of their less-educated contemporaries to man the economic machinery of the County. While Ramsey County has supported a clearly above-average educational system and while this has distinctly benefitted the County economy and adult work force in many instances, the school-to-work-force transition is still the most significant area where educators and businessmen must continually convene to achieve greater continuity. Are the courses of instruction being offered in the County's schools appropriate training for the best absorption of the students into the local economic machinery, or would new adaptations improve this absorption rate? Or are the scholastic programs better adapted to local absorption than local businessmen tend to realize? These are worthy topics of continuous local consideration, which would benefit both sides of such a discussion continuously.

Ramsey County is in the enviable position of hosting one of the finest and most progressive junior colleges in North Dakota — Lake Region Junior College — outstanding not merely because of its academic programs, but also because of its progressive vocational training programs. Whereas almost all other North Dakota counties are severely handicapped in their ability to retain and train their more outstanding youth past the high school level, Ramsey County stands among the state's twelve counties which have been sufficiently fortunate and visionary with respect to educational achievement to be able to sponsor a higher level of youth retention and instruction. In this respect the County stands far ahead of a number of more highly populated or industrialized areas of the State which have bypassed the crucial issue of higher education.

Despite the fact that Ramsey County stands reasonably favored in terms of academic systems, however, the full potentials of its higher education system have not yet been locally realized. Progressive education systems with a high level of local adult participation and interest have been known eventually to branch out and benefit local business, industry, and total economic development far beyond the original expectations which normally accompany the development of a local college. The continued and accentuated public and private interest and participation in the development of Lake Region Junior College can well become a keystone of the total growth of County and Devils Lake economy and population for many years to come.

The present physical condition of Lake Region Junior College is excellent. One clear indication of this fact is the growing enrollment in this institution, which has increased from 450 students in 1967-68 to 638 in 1971-72 and 666 in 1972-73. Sufficient space for a projected enrollment of 850 students by 1974 is provided, and the college is continuing its development toward an enrollment capacity of 1,500 to 1,800 by 1990. The fact that not only the State of North Dakota but the Devils Lake School District has participated strongly in this development process has aided immeasurably in the constructiveness of this program.

Whereas the college level educational system of Ramsey County is uniformly exceptional, however, marked discrepancies occur in the ranks of the County's elementary and secondary educational structure. While the Devils Lake School District has pursued a very progressive program of improvements and consolidation of elementary and secondary schools in recent years, the County's outlying school districts have proceeded to improve and consolidate at a much more cautious pace. In many respects this discrepancy is somewhat appropriate. The most highly populated and economically developing area in the County can easily be expected to be far more implementive than its sparsely - developed neighbors. Slightly over half the County's total taxable valuation lies within the Devils Lake School District; thus this single district can normally enjoy a school budget that is in the vicinity of a million dollars a year. In achieving this annual school budget, however, the Devils Lake School District is not normally forced to extract as high a tax

rate as is common in several of the smaller, less economically-developed school districts in the outlying areas of the County. In 1969, for example, school mill levies in the Starkweather, Churchs Ferry, and Hampden School Districts were all 20 percent higher than the levy being charged in the Devils Lake School District (51 mills in the three outlying districts, versus 42.5 in the Devils Lake District).

Despite the fact that the Devils Lake School District enjoys a much larger annual budget than the five outlying school districts also administered by the County school system, however, the per-pupil expenditure in this district is uniformly lower than that of the outlying districts. In 1965 its per-pupil expenditure per year (\$385) was 6.5 percent less than that of its nearest competitor, the Edmore District (\$412), and 34 percent less than that of the County's highest per-pupil expendor in that year, the Hampden District (\$583). By 1969 all of these costs had increased by an average of 34 percent, but the Devils Lake District was spending 19 percent less than its closest cost-competitor (the Crary District) which spent \$602 per pupil in that year compared with the Devils Lake District's \$488, and 39 percent less than the County's two highest per-pupil expensors in that year, the Starkweather and Churchs Ferry Districts (\$802).

An examination of tax rates, school budgets and per-pupil costs per year is of course only one of the many considerations which may be applied to school system management. Among the many parameters which may be applied, a comparison of budgets and per-pupil expenditures normally relates but one aspect of the total information which may be conveyed regarding school systems. In the case of Ramsey County, however, these budgetary comparisons are particularly significant because the multiplicity of data indicates that not only does the Devils Lake District provide the largest educational system (80 classrooms, for instance, out of the County's total 141) for the largest number of children in the County (about 2,000 of the County's 3,000 school children) and for the largest land area included in one school district in the County, but it also provides the most up-to-date classrooms, best school facilities, and finest total educational program in the County as well. The Devils Lake Schools have a 1-A accreditation by the North Central Education Association, which is the highest existing accreditation in Ramsey County. The remaining five districts vary between 3-A (the lowest rank of accreditation) and none.

In comparison with the Devils Lake School District, the Hampden, Churchs Ferry, and Crary districts are from one third to one half its size. The Starkweather and Edmore districts are roughly two-thirds its size. As a result, currently the Edmore and Starkweather districts enjoy student enrollments ranging between 200 and 400 students each. While their annual school budgets are severely limited in comparison to Devils Lake's, still these budgets normally range between \$150,000 and \$250,000 per year. Thus these two districts have been financially equipped to adopt higher scholastic standards than the County's three smallest school districts. Among these improved standards, the two have adopted a one-grade-per-classroom system in their central facilities which is not found in the County's smaller three school districts. Lawton Elementary, which is an older branch of the Edmore School System, has not yet adopted this system; but the central school in the district -- Edmore Elementary-High School -- has.

The three remaining school districts in the County still practice a system of combining two or more grades into one classroom. This practice varies from the Churchs Ferry District, where a total of 8 classrooms are provided to serve all 12 grades, to the Crary District, which provides 10.

All of the above characteristics indicate the same conclusion: The size of any school district ultimately determines how well its schools serve its resident population, and at what cost. In general the larger the school district, the better are its facilities, services, and accreditation rating. Yet the per-capita cost of providing this educational system is decreased due to the economies of scale which a larger school system serving a larger land area and population is able to realize.

Despite this general characteristic, there are upper limits to the gains which may be realized by increasing the size and scale of school districts. Busing distances cannot reasonably be extended beyond an hour at the maximum and wherever possible they should be kept far below this limit. An example of cost-savings and improved quality of education provided by extensive busing programs and fewer, larger schools is easily provided by the Devils Lake School System, however, and this example is worthy of contemplation by the outlying school districts in Ramsey County.

In order to provide the most adequate school facilities and educational services at reasonable costs to local residents, national educational experience indicates that wherever busing distances do not become extreme, minimum elementary school enrollment should be approximately 200, and minimum high school enrollment should be approximately 300 to 400.

Comparing Ramsey County's ten public elementary schools and six public high schools with these parameters, five (or half) of the County's ten elementary school structures meet

these standards, and only one of the County's six high school structures does. By 1972-1973 enrollments, the four Devils Lake elementary schools (Central, 494; Minnie H., 251; Prairie View, 466; and Sweetwater, 222) are above the 200 level, and the elementary school portion of the Edmore school (190) is near the recommended level. The five others (Lawton, 50; Cray, 112; Hampden, 69; Starkweather, 148; and Churchs Ferry, 64) are so far below the recommended level that some form of alteration in districting is implied.

Of the County's six high school structures, only Devils Lake Central's 679 enrollment is above 400. The remaining five high schools (Cray, 56; Edmore, 143; Hampden, 33; Churchs Ferry, 35; and Starkweather 77) all serve enrollments of less than half the recommended level. Thus their difficulties in supplying sufficient classrooms, facilities, and accreditations becomes more apparent despite the fact that all five of these school districts have been administering mill levies from 19 to 34 percent higher than the Devils Lake district has been.

Observation of the County's current population distribution provides the above information. Even more important is consideration of the County's future population distribution in 1980 and 1990. With more people living in the Devils Lake area as time goes on, the Devils Lake School District will be forced to expand its educational system appropriately. With fewer and fewer rural residents living in the remainder of the County (outside incorporated areas), rural busing service use is decreasing. While this service is an inevitable necessity, the number of children using buses is decreasing. With fewer and fewer people living in the County's six smaller towns (all the towns except Devils Lake and Edmore), the depleted enrollments in the Cray, Churchs Ferry, Hampden, and Starkweather schools appear due to continue decreasing. Projections of the school-age population in all of the outlying school districts to 1980 and 1990 reveal that where these enrollments are already quite small, no dramatic improvements in this overall situation seem due to occur. Even in Edmore the population increases due within the town itself are not sufficient to increase high school enrollment up to the recommended standard.

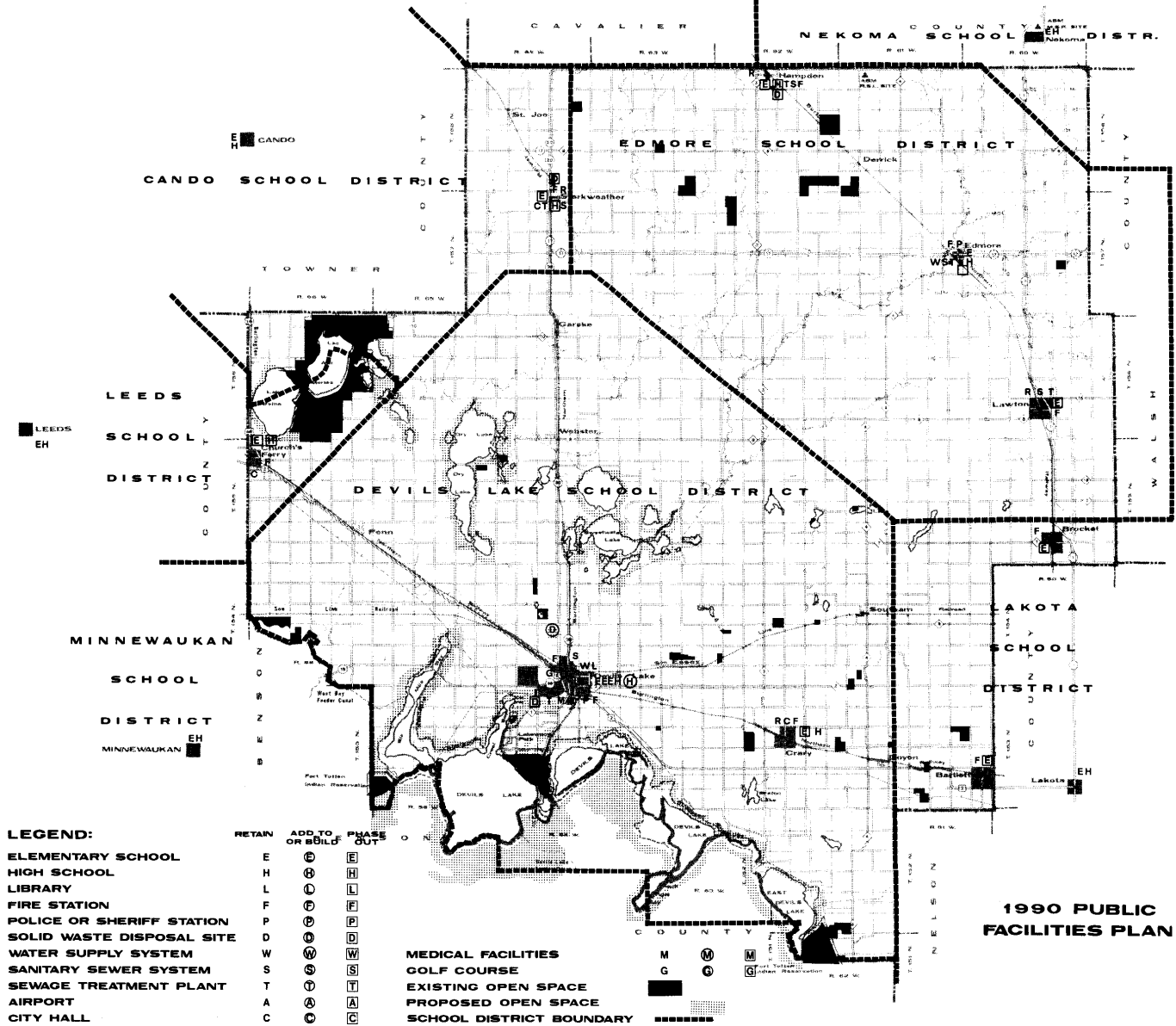
The solution to the above situations is eventually to re-district the County's school districts into fewer, larger districts which would be served by fewer, larger schools, with more school buses delivering children to them. The result should be a uniformly higher quality educational system at a lower per-capita cost to County taxpayer residents. At the same time, the County's population concentrations at Edmore and Devils Lake are significant in this planning, and certainly the condition and capacity of the County's existing schools is significant in this planning as well.

Observing the extent of Ramsey County's existing school districts, their sizes and shapes are not only extremely varied, but extend into adjoining portions of every one of the five counties (Cavalier, Towner, Benson, Nelson and Walsh) which surround it. This practice is far from unusual in the state. Inter-county exchanges of students and school mill levies is often the most appropriate method of serving the educational needs of students who live in remote small towns or rural areas in one county, closer to a school in the next county than to any facility located in the home county. Exchanges such as this will continue. Schools in all five counties adjoining Ramsey County are undergoing realizations and redistrictings similar to those occurring in Ramsey County. The Lakota (Nelson County) School District, currently serving Brockert, Bartlett and much of Ramsey County's southeast corner is proposed to be expanded to include a slightly greater portion of Ramsey County. The Nekoma (Cavalier County) School District is also being proposed to be expanded to include the northeastern corner of Ramsey County. These and other redistricting decisions affecting the peripheral areas of the County are based upon evaluations of the population projections, school budgets, school enrollments, busing distances, and the like, in these adjoining counties as well as within Ramsey County. Four additional considerations appear: (1) The Leeds (Benson County) School District should eventually be expanded to serve the town of Churchs Ferry; (2) the Devils Lake School District should be expanded southward to serve a larger portion of Benson County's rural area below Devils Lake; (3) the Edmore School District's eastern boundary in Walsh County should be altered slightly; and (4) the Cando (Towner County) School District boundary should eventually be extended into the two northwestern corners of Ramsey County above the Sweetwater Lake Chain, and to include the town of Starkweather. These recommended changes are delineated on the Public Facilities Plan (Figure VIII-1), as well as in the in-county alterations explained further below.

Over the past six years the enrollment in Ramsey County elementary and secondary schools has ranged from 3,200 to 3,600 students. The lowest enrollment recorded since 1965 occurred in the 1966-67 school year, when only 3,281 students were enrolled. The highest occurred in the 1970-71 school year, when 3,652 were enrolled. As a percentage of total population living within the County's school districts, school enrollment comprised between 25.5 and 28.4 percent of total resident population and averaged 26.7 percent of that population.

The distribution of this student population is particularly significant to school planning. Students living in communities are usually able to walk, either to the school itself or to a central pickup point for busing. Picking up rural students is more involved. The County's schools

RAMSEY COUNTY, NORTH DAKOTA



CHARLES AND ASSOCIATES INC.
ARCHITECTS
DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 640, (1954) as amended, u.s.c.a. 401 administered by the north dakota state planning division.



0 1 2 3 4 5 6 7
MILES

FIGURE VIII-1

employed 36 buses in 1968 to transport 1,412 students daily, or almost half the total student enrollment in the County. Each bus traveled an average of 80 miles per day carrying an average of 39 children per bus. Thus the average morning pickup trip was 40 miles per bus, or 20 miles out and 20 to return. With frequent stops, a trip such as this takes an hour for the student living at the remotest point on the route.

According to the distribution of the County's rural population in 1970, there were an average of 3.8 persons living in each rural square mile of the County at that time, 1.0 of whom were enrolled in school. If all these students had been distributed evenly around the County's land area, they each would have lived 1.0 miles apart.

By 1980 this distribution may be expected to become even more sparse, with an average of 2.8 total persons living on each square mile, 0.73 of whom would be students; thus each would live an average of 1.35 miles from the next student. By 1990 the distribution may become 2.3 persons per square mile, 0.6 of whom will be students in County schools; thus each would live an average of 1.6 miles from the next student. While these distributions are merely theoretical, they provide a reasonable basis for computing land areas for school districts.

By 1980 the total elementary and secondary school population in Ramsey County's existing school districts should total between 3,600 and 3,700 students. Overall the increases over 1970 enrollment levels will not be heavy. As was revealed in the Economic Base and Population chapter of this Plan, however, the countywide total figure is somewhat misleading, in that it conceals the heavy population shifts occurring within the County itself. Devils Lake residents comprised about 55 percent of the enrollment in County schools in 1970, or 1,890 of the 3,627 pupils. They may easily comprise 67 percent of County school population in 1980, or around 2,455 of the projected 3,600 - 3,700 students. Edmore's resident school population may increase by 14 - 16 more students from 106 in 1970 to about 120 in 1980. The smaller towns and rural areas that lie within the County's six school districts contributed 1,631 students to County schools in 1970 or 45 percent of the total enrollment at that time. By 1980 these same areas may contribute only 29 percent of total County enrollment, or between 1,000 and 1,100 students. Retaining schools in smaller communities where the population density both within and near the city limits is low and declining is a financial burden on the taxpayer. Yet schools must always be located in a pattern which will not isolate any area of County population from reasonable access, nor isolate a single family. Economy and convenience dictate that schools should be located as close to the population center of the population served as is appropriate.

Utilizing minimum school enrollment standards of 200 in elementary and 400 in secondary, it is apparent that in 1970 there was a need in Ramsey County for 13 or less elementary schools and 3 or less secondary schools, compared to the 11 elementary and 6 secondary facilities which actually were in operation. Since the Devils Lake District accommodated 59 percent of County high school enrollment (in one public and one private high school), there were only 431 high school students in the remainder of the County's school districts needing accommodation, or approximately enough for one optimally-sized high school facility. There exist, however, five undersized high schools serving this enrollment. Devils Lake's six elementary schools (four public and two parochial) served 75 percent of County elementary school enrollment, leaving 635 students for the remaining County schools to accommodate, or enough for only three optimally-sized elementary schools. There exist, however, seven undersized elementary schools in the County's five outlying school districts.

While the above situation is merely historic, the 1980 situation is one which County residents may act to resolve. Utilizing Ramsey County's existing school districts and projected population trends as a guide, by 1980 it is anticipated that Devils Lake's schools will be accommodating many more County students than in the early 1970's. Thus there should be need for only one high school rather than the existing five to serve the outlying population of the County; and only three elementary schools rather than the existing seven should provide adequate facilities.

These figures clearly imply that the existing pattern of six separate school districts serving the total County population is too many districts to provide the best economies in school operation. By population, only two high school districts and four elementary school districts are necessary. Since the County's six school districts are so widely dispersed geographically, however, the consolidation of all of them into two high school districts would place some rural students farther away from Ramsey County schools than they would be from schools in neighboring counties. The same characteristic applies to consolidation of elementary school districts. The geographical location and accessibility of Edmore, as well as its population level, make this community the most logical location for the County's outlying schools, and the Edmore School District should be expanded to its maximum feasible busing limit (see Figure VIII-1) in order to increase its student enrollment closer to recommended levels. The existing Crary School District (as shown) should be primarily taken into the Devils Lake School District, with the exception of the eastern portion, which should be served by the Lakota Dis-

trict. The existing Churchs Ferry District should be divided into three parts, the southeastern portion being served by the Devils Lake District, the western portion (including the community of Churchs Ferry) being served by the Leeds District, and the northern portion by the Cando District. The Cando District should also serve the town of Starkweather. The eastern portion of the existing Starkweather School District and the entire Hampden School District should be included in the Edmore District.

These redistricting recommendations do not necessarily imply immediate school closures. To the contrary, the existing school buildings at Starkweather, Churchs Ferry, and Hampden are all in good condition, and they are all sufficiently large to continue as elementary school facilities functioning within larger high school district for as long as that practice is justified. In the case of Starkweather, current enrollment appears to justify this practice at present, and any upward trend in local population could justify retaining this school as an elementary facility for many years into the future.

The geographical location and accessibility of Edmore, as well as its population level, make this community the most logical location for the County's outlying schools, and the Edmore School District should be expanded to its maximum feasible busing limit (see Figure VIII-1) in order to increase its student enrollment closer to recommended levels. The existing Crary School District (as shown) should be primarily taken into the Devils Lake School District, with the exception of the eastern portion, which should be served by the Lakota District. The existing Churchs Ferry District should be divided into three parts, the southeastern portion being served by the Devils Lake District, the western portion (including the community of Churchs Ferry) being served by the Leeds District, and the northern portion by the Cando District. The Cando District should also serve the town of Starkweather. The eastern portion of the existing Starkweather School District and the entire Hampden School District should be included in the Edmore District.

This total plan is aimed toward substantiating the lagging enrollments in Cando, Leeds, and Lakota, as well as in Edmore. Similar to Edmore, the resident populations and geographic locations of all three of the communities located just outside Ramsey County are sufficient to justify -- even to require -- that schools be maintained there, yet the sizes of their enrollments is currently below the recommended level which can provide the best educational system for the tax expenditure. Just as educational economy and quality are goals within the Ramsey County school system, the same higher quality for a lower per-capita cost applies to the Lakota, Leeds, and Cando districts. A further consideration is that the schools in these communities are simply closer to many Ramsey County residents than are the schools in Devils Lake and Edmore, and their convenience is greater.

According to the redistricting of Ramsey County's school districts (Figure VIII-1), the land area included in these districts is: Edmore, 437 square miles; Devils Lake, 724.5 square miles. 1970 student populations compared with projected student populations within the proposed districts for 1980 and 1990 are as follows:

	1970	1980	1990
Edmore	Elm. (1-8) 219	H.S. (9-12) 130	Elm. (1-8) 334 H.S. (9-12) 136
Devils Lake	Elm. (1-8) 1,935	H.S. (9-12) 749	Elm. (1-8) 2,148 H.S. (9-12) 877
			Elm. (1-8) 2,402 H.S. (9-12) 981

It is seen, therefore, that the discontinuance of four school buildings (Lawson Elementary, and the Starkweather, Hampden, and Crary High School/Elementary schools) would consolidate the County's school system to a point of greater efficiency, less cost, and higher quality. It is noticeable that this Plan reduces the eventual total number of school buildings in Ramsey County to six--five (three elementary, one junior high, and one high school) in Devils Lake and one (elementary and high school) in Edmore.

The existing 15-classroom Edmore school would need the addition of five new classrooms to accommodate the increased enrollment which city growth and an expanded school district would create for the facility by 1980. A more sophisticated busing program would need to be planned to serve the larger school district proposed. If the existing Starkweather School is retained in operation as an elementary facility until this time, there is a strong possibility that its use could postpone or eliminate the need for these additions to the Edmore school for many years.

Similarly, Devils Lake schools would need to step up their expansion programs slightly to absorb the student increases created by enlarging the Devils Lake School District. Fortunately, the school expansion plans outlined in the city's Comprehensive Plan of 1968 are fully adequate to accommodate the increased school district size and corresponding enrollment increases which would accompany the district enlargement. The recommendation in the

Devils Lake Plan to convert the city's existing high school into a junior high school, and to construct a new high school, would accommodate the increases particularly well.

In conclusion, it is seen above that Ramsey County is engaged in a dynamic period of population shift. This trend has particular meaning to school economies, buildings, and district boundaries. The County is not alone in considering these issues, and for this reason should actively engage in inter-county and regional school planning activities in order to further refine the construction and redistricting proposals presented herein.

During the seven or more years there are to adjust to the above recommendations, the County should explore the potential benefits of a Countywide education agency with authority to change school district boundaries within the County yearly, if necessary, to make full use of existing adequate school plants, to postpone the time when new school capacity is needed, and to keep busing within reasonable time limits.

Valuable advice and statistical data that influenced the above analyses and recommendations were made available to the Consultant by Dr. Lowell Jensen, Director, Program Planning and Evaluation, State Department of Public Instruction, who also offered the following points of view:

"I have reviewed the plans which you have presented (for Ramsey County) and am pleased to report that I find nothing wrong with the procedures and processes that you have employed. I have compared projections which you have made with some of the projections which have been made through the school census from this office and find that they are comparable.

"I would, however, like to express the feeling which I have concerning this type of planning procedure. I think it is safe to say that all of the recommendations are based upon cost data, geographical considerations, populations projections, and other factors which do not necessarily reflect the effectiveness of an educational experience. However, one cannot assume, for example, that because a school has an enrollment of 400 that it is any better than a school of 75 in terms of the abilities of the students which are educated. I would suggest that this limitation of the planning process be pointed out to groups which might use the results."

GOVERNMENT

Ramsey County is currently well equipped with governmental facilities at both the County and community level. The County Courthouse in Devils Lake is in excellent condition and is used to capacity at present. The City Hall in Devils Lake is of a much older vintage, offering inadequate space at present for city offices and functions. Programs are currently underway in the city to alleviate this problem, however, either to lease or build additional space or to construct a new facility as part of the Devils Lake Civic Center Complex. Since the city is not a specific part of the County Plan, this information is presented merely as comparative background material. The recommendations for a new civic center complex are completely outlined in the Devils Lake Comprehensive Plan.

Of the eight communities specifically included in this County Plan, the four largest (Edmore, Starkweather, Crary, and Churchs Ferry) all maintain city halls of modest proportions. Only in Edmore is the need foreseen to eventually improve, expand, or renovate the existing structure as additional needs demand. Otherwise it is noticeable that according to the educational plan (above), eventually the schools in Starkweather, Crary, Churchs Ferry, and Lawton may eventually become available for use for purposes other than education. Therefore these structures could be adopted as city hall facilities, if the residents of these communities so desired.

In general it is not recommended by this Plan that any of the County's four smaller communities (other than Edmore, Starkweather and Crary) maintain city hall facilities, since the community populations of these smaller communities (all under 100 in 1980 and beyond) do not appear to warrant the expense necessary to maintain such a facility. Individual preferences and unforeseen circumstances could alter this recommendation, however, and thus essentially the decision is as it always should be - at the community level.

UTILITIES

The utilities afforded Ramsey County residents and business are generally on a par with current services of this type nationally. Only if major (and unexpected) changes occur in national distributions of these services in the 1980's and 1990's would this

situation change. Otherwise Ramsey County residents can expect that their utilities systems afford them the convenience, sanitation, and amenity that is normal in geographic areas of its type, both currently and into the future.

In the past advancing technology, increasing population (in a few areas), and increasing social and environmental awareness have brought about some alterations in Ramsey County's pattern of utilities distribution, and this progression will continue. The city of Devils Lake and its environs, for instance, has been forced to plan ahead regarding the separation of its storm sewer and sanitary sewer systems - in order to gain greater sanitary sewerage and sewage treatment capacity. Extensions of this city's water and sewer lines to its areas of new population expansion - to the south in particular - have also become serious local issues. The most pressing of these issues currently is the fact that some raw sewage in the residential area south of the city is allowed to flow directly into Devil's Lake and Creel Bay. While this situation does not fall strictly under the jurisdiction of the Ramsey County Plan, nevertheless it is the most outstanding circumstance of unwarranted pollution and environmental neglect in the County, and deserves mention in this light. While the offenders are not numerous, it is significant that the Devils Lake chain is currently a closed lake system with no surficial outflow and only a very slight rate of underground outflow. Thus the pollution contributed to this lake system has a very negative effect upon its water quality, and the need for extending sanitary sewer lines from the city of Devils Lake to this area cannot be overemphasized.

The Devils Lake chain is destined for future restoration for domestic water, irrigation, recreational and wildlife purposes by the Garrison Diversion Project. Despite the fact that improved inflow and outflow has been designed in order to clear up the lakes' waters and improve their desirability, this inflow-outflow design was conceived in order to provide residents of the area with increased opportunities for recreation and wildlife activity. Consequently, it is one recommendation of this Plan that immediate action programs be launched concerning adequate sewage treatment in the area immediately south of the city of Devils Lake.

The second highest priority area for water and sewer improvement in the County is Edmore. The city's 1958 water and sewerage system currently is in adequate condition, and may only need minor extensions in order to serve the new growth which the city may experience as a result of its projected economic growth. In the County Water and Sewer Comprehensive Plan by North Central Engineers published in June, 1969, the general statement was made that "if the ABM project affects this area, a boom is expected and the lagoon will have to be enlarged." Approximately six months after this statement was published, the U. S. Army Corps of Engineers reviewed Edmore's sewage treatment capacity in an ABM Impact Study published April, 1970, and stated that the system was adequate to serve 750 permanent residents, and only slightly over half this number (363) were utilizing the system at that time. Thus, Edmore has been forewarned by one considered opinion and reassured by another. While this Plan does not include a specific recommendation for enlarged sewage treatment facilities in Edmore, it does recommend that the city of Edmore carefully evaluate its treatment facilities against the city's projected population growth by 1980 and 1990 in order to ensure its adequacy, and launch appropriate efforts if deficiencies are found.

A similar recommendation is necessary with reference to Edmore's municipal water supply system. Normally a system which supplies a city with 65,000 gallons per day (as reported in the ABM Impact Report) would support a maximum population of 650 persons. This would therefore be completely adequate for Edmore residents until 1990 at the city's projected rate of population growth. The Army Corps of Engineers reported that the system's 1969 rate of usage was 60,000 gallons per day on a monthly average, however. According to this alarming usage rate (about 50 percent above normal) the resident population of Edmore was using water at an average rate of 151 gallons per day and the municipal system was functioning at 92 percent capacity. Also according to this usage rate, the maximum population of the city would be 411, which the city is projected to attract by 1976. Consequently, close evaluation of this situation is recommended for Edmore, and appropriate action if the need is verified.

Aside from the situations mentioned above, the water and sewer provisions for the remainder of Ramsey County are in good condition and are in no identifiable danger of overload. Of the County's seven smaller communities, three (Starkweather, Lawton, and Hampden) have installed municipal sewerage systems and none have installed municipal water systems. While these municipal sewerage systems theoretically provide these communities with greater convenience and appeal, it is not evident in the population trends of these communities that the new facilities have actually aided in their appeal.

While community appeal and convenience are at least one consideration with respect to water and sewer planning, however, of more urgent overall importance is sanitation. Wherever there is danger of groundwater pollution and contamination of drinking water, the installation of municipal sewerage systems becomes of vital importance to the commun-

ity. Among Ramsey County's smaller communities and rural areas, this danger appears to be minimal at present, and decreasing. Individual septic tanks are well maintained. Drinking water is obtained from individual wells of from 50 to 150 feet in depth, and its quality is uniformly good. Since these individual installations have sufficed during more populous decades in the past - and since the 1990 projected population of all the County's smaller communities is insufficient to warrant the installation of additional sewerage systems it is recommended that new installations be installed only if population growth trends become imminent for one community or another, or if pollution possibilities are discovered. If growth and renewed community appeal occur because of economic factors, systems should be installed. If a possibility of pollution is discovered, they also should be installed. Otherwise they should not.

Ramsey County's solid waste disposal system is currently an improved and well-functioning system. Where small city dumps were formerly utilized near several communities in the County, today these communities contract with haulers who utilize Devils Lake's sanitary landfill for the disposal of solid waste. This system is far more environmentally sound than the older system of city dumps, since these older dumps are normally highly contaminated areas which attract rodents, emit undesirable odors, and frequently allow prevailing winds to spread their contents over neighboring properties. Recently the State of North Dakota has wisely ruled against dumping or burning trash in open areas, and thus the sanitary landfill has now become the State standard of solid waste disposal. The old community dumps, evident near Edmore, Starkweather, and Hampden, must thus be eliminated. Each should be eradicated as soon as possible in order to allow the land eventually to be utilized for other purposes.

Although a vast improvement over the older "city dump" system, the current practice of hauling solid waste to Devils Lake's sanitary landfill site is in need of slight revision. The current landfill site is only 1 1/4 miles west of the city, and impending urban growth accentuates the value of this and adjoining properties for future residential, commercial, or industrial growth. Thus, a new and more remote location is in order. One is recommended (Figure VIII-1) in accord with the geologic suitability of the site for a sanitary landfill in Section 21 two miles north of the City of Devils Lake on 100 acres. The existing

smaller site should be utilized until it is filled. During this interim period detailed study of the geologic, topographic, and locational characteristics of the recommended new site should be launched in order to determine its absolute suitability for eventual use. As is evident from examination of Figure II-6 and Table II-B, the North Dakota State Geological Survey has discovered no land areas in the County which it considers as generally excellent for sanitary landfill suitability. The best general rating received by any land area in the County is "fair" for such purposes. Detailed examination of specific potential sites is absolutely necessary in order to avoid groundwater pollution, a consequence which could result from the use of a poorly located landfill site.

CULTURAL, RELIGIOUS, AND RECREATIONAL

Ramsey County hosts a respectable assortment of cultural and religious facilities, and a rapidly improving recreational status. The eight communities in the County outside Devils Lake have 14 churches. Starkweather and Hampden contain 3 each; Edmore, Cray and Churchs Ferry each contain 2; and Brocket and Lawton contain one each. Only Bartlett has none, but the proximity of Lakota fulfills this need adequately.

Cultural facilities in the County are largely maintained by private organizations such as fraternal groups, private clubs and the like. The County's schools provide school libraries. Devils Lake provides the County's adult library facility, which is constantly in the process of larger book acquisitions in order to more fully serve the needs of all the County's residents.

Adult library service in Ramsey County, according to State Librarian Richard J. Wolfert, is currently provided through three means: (1) Mail service from the State Library in Bismarck, (2) Walk-in service at the Devils Lake Public Library, and (3) Walk-in service at the Lake Region Junior College, Devils Lake. There is no bookmobile service in Ramsey County.

According to Mr. Wolfert, the Devils Lake Library is funded by a 4 mill levy on city property while the service to nonstudents presently provided by the junior college is purely a courtesy, as it is not compensated by rural residents who use it. As of 1972 the Devils Lake Public Library had 12,093 and the junior college 12,900 adult volumes.

The North Dakota State Plan for Library Development formulated by the North Dakota State Library Commission contains general guidelines and specific standards for the development of a system of library and school media resources within the state and with links beyond the state level. For statewide library planning as well as for other purposes Ramsey County is part of Region 3 which is composed of six counties including Ramsey, Benson, Cavalier,

Eddy, Rolette, and Towner Counties.

The Comprehensive Plan for Devils Lake calls for the construction of a new public library in that city. In a letter to the Consultant dated February 13, 1973, Mr. Wolfert also made the following recommendations:

"Library service for students is a responsibility of the school district in which the student is enrolled and should be adequate to meet the needs of the curriculum.

"Library service for adults can only come from the City of Devils Lake, either by a contractual arrangement of by a city-county library. Should the public library and the library of the Lake Region Junior College merge into one facility (as some leaders have proposed) only then can library service for adults be on a sound foundation for future growth. Fragmented library service is too costly and too poor a quality in small populated communities, such as in Ramsey County.

"The County of Ramsey should support library service by a mill levy on real property and contract with the Devils Lake Public Library for service (see North Dakota Century Code 40-38-01/09). There are no state funds available for public library service at the local level."

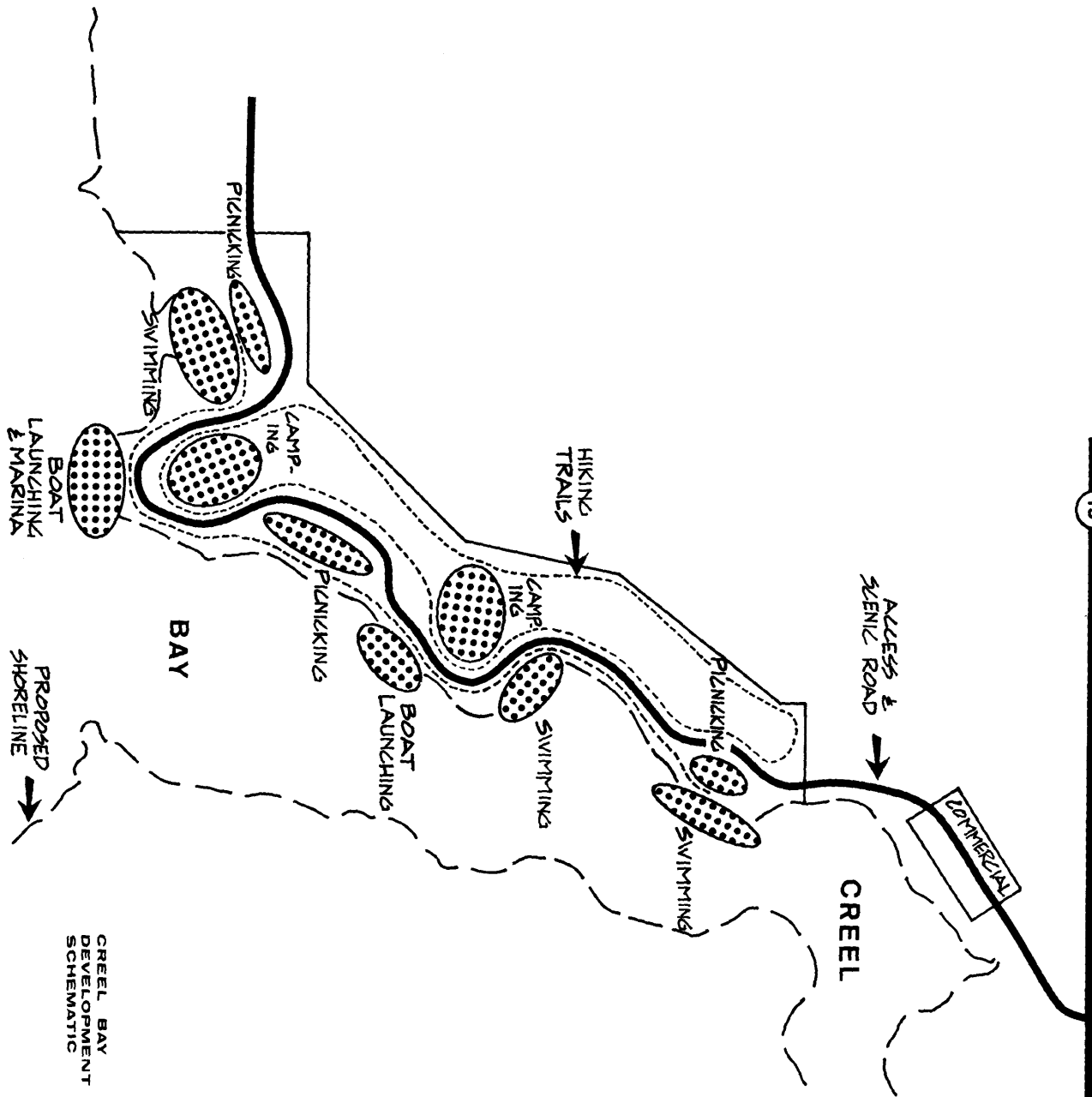
The Consultant generally concurs with Mr. Wolfert's recommendations in making the following proposals:

- 1) The County should cooperate in developing the Devils Lake Public Library as a city/county library.
- 2) A regional study involving all six of the counties of Region 3 should be undertaken with the aim of developing the Devils Lake Library as the regional library with bookmobile and mailing services.
- 3) School libraries should be brought up to state standards.
- 4) The mail service from the State Library should be continued.

As has been discussed in the chapter on the 1990 Land Use Plan for the County and the nine incorporated communities, public recreational space plays a very significant role in both Countywide and community life currently, and is becoming more and more significant in terms of its contribution to city and County economies and life styles both today and in the future. The relationships between a local economy, its population level, and its recreational provisions are subtle ones. Recreation has been increasing as a participating function in terms of visitor-days, visits, man-hours, demand for facilities, and equipment sales nationally for a number of decades. These influences have affected governmental and popular attitudes regarding specific provisions for recreation very strongly in recent years, and recreation planning has become a diversified field. As has been discussed under rural land uses in Ramsey County, recreation provisions in outlying areas often share common land areas with wildlife protection zones, fish habitats, reservoirs, and flood plains. Under these conditions the human recreational uses must consistently be managed and controlled in order to preserve an ecological balance.

With the restoration of Devils Lake and the acquisition of perimeter parklands by the federal government, the Devils Lake area will be one of the best developed recreation complexes in the upper midwest region. Because the Devils Lake area will attract a much higher level of usage than the smaller parks within the County, careful planning, development, and management will be required. Ensuring the quality and integrity of the entire complex of governmental ownerships (federal, state, Tri-County, and County) demands not only ensuring sufficient land acquisition (including the one-quarter mile shoreline easement and the acquisition of wooded areas located near the lake), but also the encouragement of well-designed recreational space and facilities within the public lands scheduled for development by the Bureau of Reclamation (Figure VI-3). These recreation areas will require development for high use levels and a variety of activities including camping, picnicking, hiking, swimming, fishing, waterskiing, and boating. A schematic development plan for Creel Bay suggests a logical relationship of the various activity areas (Figure VIII-2). This schematic could serve as a model for planning activity centers within the other proposed sites for recreational development. The Federal Bureau of Outdoor Recreation is a funding source which is normally interested in the development of recreation and open space areas of this type. It would be advisable for the County and the Tri-County Park Board to initiate the development of sites in advance of the Garrison Diversion Project and to integrate as wide a variety of uses as the sites will accommodate.

Where agriculture, conservation, and recreation normally compete for land area in rural environments, wildlife conservation and agriculture are not usually staunch competitors for space inside communities. Needs for recreational space are not only more intense within



CHARLES CATHERS AND ASSOCIATES, INC.
ARCHITECTS PLANNERS
DESIGNERS
COLUMBIA

The preparation of this map was financed in part through an urban planning grant awarded by the National Housing and Urban Development Administration, Department of Housing and Urban Development, Office of Community Development, National Housing Act, Section 701, 801 and 901, and the Urban Planning Division.

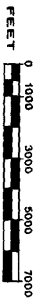


FIGURE VIII-2



Camp Grafton and the Devils Lake Municipal Golf Course are two major landmarks of the wooded Lakewood Park area east of Creel Bay.

city limits than in rural areas, but they are also more specialized. Ball parks, hockey rinks, swimming pools, golf courses, and other active sports areas and facilities normally consume one portion of community open space. Highly used areas such as civic centers, picnicking, and play zones commonly occupy another portion. Passive open spaces occupy another. The three types of uses must be balanced against one another in order to provide a convenient arrangement of non-conflicting spaces, and these should be coordinated with existing and proposed commercial, residential, industrial, and public/semi-public developments, as well as transportation routes. Finally, improvements and additions to these spaces and facilities must be coordinated with community growth, change, and budgetary capacity to accommodate public improvements in recreational space and facilities. While space acquisitions are not usually expensive actions in comparison to most public improvements, they can become burdensome if not pursued ahead of the expansion of private development in a community. Many other recreational improvements are relatively inexpensive in comparison to other community improvements, but major facilities such as swimming pools are comparable to public buildings in cost. For this reason they usually require broad community support and funding assistance. In terms of community benefit, however, the appeal of facilities of this type are usually substantial.

In 1972 Ramsey County's rural parks system dwarf its community parks system in size; yet many of these community parks are quite well located and appropriate for the uses they serve. Out of the eight communities covered in detail in this County Plan, five maintain at least one community park and three of these (Edmore, Hampden, and Starkweather) maintain community ballparks as well. Crary (which has a single ballpark) and Lawton provide one park each. Only Church's Ferry, Brocket, and Bartlett do not currently provide city park facilities. In all three of these latter communities existing schools provide sufficient park acres to allow reasonable recreation facilities and space, plus the density of private homes is such that considerable recreation space is allowed.

The parks in Starkweather, Hampden, Edmore, Crary, and Lawton supply picnic facilities. Those in Hampden and Edmore provide camping spaces as well. Edmore also hosts a curling club and roller skating rink, and has plans to develop a lake north of town for swimming.

County golf facilities are found in Devil's Lake, which has a nine-hole course under ownership of the Devil's Lake Country Club. Archery ranges and two separate trap shooting ranges are also located in the Devil's Lake area. Swimming beaches are maintained at two of the County's rural parks, at Kavanaugh Lake and Lakeview. The City of Devil's Lake also provides a public swimming pool.

Generally the community parks in the eight towns concentrated upon in this Plan are quite adequate for most normal recreational purposes which are desired at the smaller community level.

In five of these communities the Proposed Land Use chapter of this Plan expands these public acres somewhat. These expansions are as follows: Starkweather, 3.2 acres; Crary, 2.3 acres; Edmore, 2.2 acres; Hampden, 1.8 acres; and Church's Ferry, 1.2 acres. While modest in proportion, these alterations are important in order to shape these community plans and provide the acreages of park space recommended by national and North Dakota State recreation standards. These standards are based upon current and projected population levels, which are computed on a one acre per 40 population basis.

PUBLIC IMPROVEMENTS PLAN

The foregoing chapters of this Plan have first examined the existing resources of the County, its prevailing patterns of land use, housing, transportation, economic developments and population. Secondly it has proposed improved patterns of land use, circulation and public facilities functioning. In the public improvements plan the means to achieve these desired goals and the scheduling of these improvements is addressed. Whereas the public improvements plan directs itself to the "hardware" of the total County Plan--the actual physical facilities which make up an essential segment of the total--the remaining chapters on implementation and regulations address the ongoing topic of Plan administration.

SUMMARY

The first area of physical improvements addressed by this Plan has been that of major thoroughfares. County receipts from gasoline taxes combined with federal and state participation in highway and transportation improvement expenses normally provides an annual budget capable of absorbing the improvements discussed in the chapter on major thoroughfares. Thus, transportation improvements including highway improvements are not included in this public improvements plan.

One of the most ambitious proposals in this Ramsey County Plan is that of new County wide open space acquisitions adjacent to existing and proposed lake shorelines throughout the southern and central portions of the County. These proposed land acquisitions include approximately 8,160 acres of land. The U. S. Bureau of Reclamation intends to acquire some 3,360 acres of this total as part of the Garrison Diversion Project; the County would be responsible for the acquisition of 4,800 acres of additional open space. In very few cases is the land that is proposed for open space acquisition valuable, productive agricultural property. On the contrary, the largest share of it is partially wooded land or marginal cropland subject to periodic wetland conditions. The most recent (1969) Census of Agriculture survey of Ramsey County farm values reveals that the average value of an acre of Ramsey County farmland was \$116.63, including farm buildings. Since few farm buildings occur within the proposed open space zones, and since this is generally poorer farmland, a rough cost-per-acre figure of \$67.50 (a 25 percent reduction of the Census figure) provides a total cost figure of \$420,000 for acquisition of the 4,800 acres of County open space acquisition based only on agricultural land values. Correct phasing and application of Federal and State policies regarding open space acquisition can substantially reduce the expenditures necessary at the County level to transfer this property into public open space status. It must be emphasized; however, that prior to any acquisition of land appraisals must be made which will establish true land values. As time goes on the values of marginal agricultural land will continue to rise which emphasizes the value of early acquisition of lands to be used for public recreational and open space purposes.

The most apparent of these programs is that of the North Dakota State Department of Outdoor Recreation, which outlines in its Outdoor Recreation Plan the Devils Lake Area in general as a park zone, including numerous wooded areas. Full participation from the State level (estimated at 25 percent of cost) backed by Federal participation (estimated at 50 percent) in open space acquisition would reduce Ramsey County's necessary total financial commitment to \$105,000.

Instead of total, one-step acquisition, alternative programs include those of (1) phased acquisition with full participation by State and Federal sources, (2) phased acquisition with partial participation by these sources, and (3) non-acquisition of the property (or of portions of it), and use of alternative measures of open space provision. The third alternative, while generally the least desirable in terms of providing for public use, still provides reliable "holding measures" in favor of maintaining open space. The first of these is the zoning of the land for open and agricultural uses only. Second among these is the encouragement of natural open space maintenance in these areas through taxation adjustments which reward such activities on the part of the individual landowners.

The above alternatives suggest the full range of measures available on the part of the County to maintain open areas. For illustrative purposes this Plan suggests that alternative (1) phased acquisition with total Federal and State participation, is the most acceptable program for all concerned parties. Thus one third of the total County parks proposal--preferably the Devils Lake, Lake Irvine, and Lake Aux Mortes segments first--would be acquired by 1980. The next one-third would be purchased by 1985; and the final portion by 1990. This schedule would create an expenditure for the County of approximately \$35,000 each five years (at recent land prices) as is shown in the Proposed Public Improvements Schedule (Table IX-A). Care should be exercised in this program first to acquire those parcels of land which may increase in price the most radically in the long run. As with any land acquisition program, consistently rising land prices impose an urgency on this program to move it forward as rapidly as is feasibly possible.

TABLE IX-A
PROPOSED RAMSEY COUNTY PUBLIC IMPROVEMENTS SCHEDULE

Location	Improvement	Type	Year Required	Estimated Cost	Priority
Edmore	City water-sewer system	20 extensions	1980	\$8,000	1
	City park	enlargement	1980	\$11,000	1
	School	5 new classrooms	1980	\$125,000	1
	City water-sewer system	12 extensions	1990	\$4,800	1
Starkweather	City Park	Enlargement	1980	\$16,000	1
Crary	City park	Enlargement	1980	\$11,500	1
Churchs Ferry	City park	Enlargement	1980	\$6,000	1
Lawton	None				
Hampden	City Park	Enlargement	1980	\$9,000	1
Brocket	None				
Bartlett	None				
N. of Devils Lake	County sanitary landfill	New site	1980	\$11,600	1
Rural Area	County park (1/3)	Acquisition	1980	\$ 35,000	1
	County park (1/3)	Enlargement	1985	\$ 35,000	2
	County park (1/3)	Enlargement	1990	\$ 35,000	2

Source: Charles Gathers and Associates, Inc., Denver 1973

The remaining items mentioned in the Proposed Public Improvements Schedule reflect all significant expenses touched upon in the Public Facilities Plan. The estimated costs and year required are presented merely as general indicators as to magnitude of expense and timing, and should not be regarded as absolute indicators either of expense or timing. In all cases the timing of individual improvements is a function of local need and desire; similarly costs must be individually assessed with reference to specific local conditions far beyond the scope of this Plan.

The priority ratings given each improvement are also general. A rating of "1" indicates an anticipated high level of priority at the time indicated. A rating of "2" suggests a lower level of priority. Since local priorities necessarily are based upon conditions which periodically fluctuate, regular reviews and needed alterations in the County Public Improvements Schedule are the most responsible and effective methods of utilizing the information and format presented in this table. It is only when a Public Improvements Schedule is regarded as a "working document" that it provides its maximum service.

The improvements are summarized as to public entity responsible for them and as to priority rating (Table IX-B).

FEASIBILITY

A summary of the above improvements has established the total estimated cost by the year required, major category, and priority (Table VI-B). The earliest group of improvements are those scheduled for development from the present to 1980 at an estimated cost of \$233,100. For the 1980 to 1985 period there are \$35,000 worth of improvements. The last group of expenditures for improvements is during the 1986-1990 period and amounts to \$39,800. The total expenditure for all improvements during the planning period is estimated at \$307,900. There are indications that the proposed public improvements plan is feasible, and that the broadening of the tax base will occur due to the development of recreational benefits as part of the Garrison Diversion Unit and the addition of new homes together with the new commercial and industrial facilities required to support the new residential development.

Not all of the various improvements are items of a direct responsibility of the County. For example, schools are operated and budgeted by special districts, sewerage facilities are usually operated with revenue bonds, and parks are often operated as a district, but must have budget approval from the County or a city as the case may be.

Nonetheless, these various facilities are essential to efficient operation of the County and its cities and the various sources of revenue to finance improvements, regardless of jurisdiction, still reflect on property valuations and the rate of taxation which the citizenry can afford. Thus, it is prudent to include all major improvements which will be needed regardless of the specific fund or district which may be involved.

TABLE IX-B
RAMSEY COUNTY, NORTH DAKOTA PUBLIC IMPROVEMENTS SUMMARY

	1980	1985	1990
County	\$ 46,600	\$ 35,000	\$ 35,000
Sewer-Water District	\$ 8,000	-----	\$ 4,800
School District	\$125,000	-----	-----
City	\$ 53,500	-----	-----
Priority 1	\$233,100	-----	\$ 4,800
Priority 2	-----	\$ 35,000	\$ 35,000
Total	\$233,100	\$ 35,000	\$ 39,800

The Public Improvements Plan should be reviewed annually by the Planning Commission to evaluate the program schedule, adjust the program to the changes in income and expenditures that are bound to occur, and when appropriate, prepare a revised program for ensuing years.

A number of advantages are inherent in public improvements planning as follows:

Assists both public and private organizations and citizens in making decisions on construction of public improvements.

Through scheduling activities over a long period of time, projects can be timed to make the best use of personnel and equipment.

Land needed for improvements may be purchased in advance, thus yielding savings in cost.

Plans for projects may be prepared in advance so that advantage may be taken of federal and state financial assistance.

A balanced program of bonded indebtedness for major expenditures can be anticipated which should result in the maintenance of a sound financial rating.

Changes in the property tax rate may be programmed, thereby giving the citizen confidence in public programs, and providing all taxing districts with an opportunity to better plan their financing.

The community is protected against the influence of pressure groups representing special interests which may attempt to receive special consideration for their projects at the expense of more needed improvements.

Continuity of public improvements can be maintained despite administrative changes.

The Comprehensive Plan may be implemented more effectively if public improvements are used to encourage development in accordance with the plans and discourage development to the contrary.

FINANCING IMPROVEMENTS

A number of methods are used to finance public capital improvements. The exact methods used to finance specific projects will depend on a thorough financial analysis. Of particular importance is the general fiscal policy to be adopted by the County. Some of the more common methods of financing capital improvement projects are as follows:

Bond Issues--General obligation bonds pledge the credit of the public body and normally require voter approval at a referendum. Revenue bonds pledge the income from a project and are self-liquidating.

Special Assessments--Some projects benefit some property owners more than others. Special assessments are based on the concept that when property owners benefit from a particular area improvement, they should share in the cost of that improvement. Special assessments are most frequently used for street improvements such as curbs, gutters, sidewalks, storm sewers, sanitary sewers, water mains, etc. The major disadvantage to this form of financing is that costs are normally high because of difficulty in marketing special-assessment bond issues and because of high administrative, legal, auditing, court, and clerical expenses.

Pay-As-You-Go--Many communities utilize current revenues to finance capital improvement projects. The sources of these revenues are general taxes such as property tax, sales tax, income tax, licenses and fees, utility revenues, etc. The main advantage to this method is that interest charges are saved; the main disadvantage is that some projects may be unduly delayed until sufficient funds are accumulated. With the current inflationary trend, the cost of delaying a project because of rising prices may more than offset the interest charges saved.

Lease-Purchase--Some communities utilize a lease-purchase arrangement. This is most commonly used for capital improvement projects such as buildings. The municipality has the facility built by a private firm and then leases it. At the end of the lease period, the title is then turned over to the municipality. The main disadvantage is that the cost to the municipality is often high; however, lease-purchase is sometimes utilized to avoid having to issue bonds or to avoid legal debt limits.

Joint Financing--If a public facility could benefit other jurisdictions, joint means

of financing the project should be explored. The basic idea behind this method is similar to special assessment financing. All people benefited by a project should share in its cost.

Government Aid--Many state and federal programs provide financial assistance to local government. This assistance can be a major source of funds for the capital improvements program. When contemplating the use of outside aid, it is important that priorities still be maintained. A project should not be undertaken just because funds are available.

PUBLIC FINANCES

The income of a county or community is directly related to the amount of real and personal property tax paid by property owners. Property taxes in turn are based on assessed valuation and the rate of tax levy imposed. Since a comprehensive schedule of proposed public improvements cannot be implemented without a means of financing, it is necessary to coordinate the schedule of improvements with the ability of the community to proceed with the various recommendations in a financially sound manner. The trend analysis of the tax structure, mill rates and bonded indebtedness provide a general guideline of expenditure rates for capital improvements. These trends along with the economic base study and employment projections herein give a good indication of what the long term fiscal ability of the County may be, thereby indicating the degree to which proposed improvements may be developed.

The estimated County population by 1990 of 14,624 would need to pay an average of \$21.05 per person for the \$307,900 of improvements for the entire County proposed herein. If provided for on a pay-as-you-go basis. If spread over 20 years, this amount would average \$1.05 annually per person or about \$3.70 per family. If 20 year bond issues were used for the improvements these costs at 5 percent interest over 20 years would be \$1.10 per person annually or about \$3.80 per family per year.

The management of Ramsey County appears efficient and the fiscal status sound. Public facilities in the County are in accord with adequate standards for the most part and the additional facilities proposed are largely to take advantage of opportunities ahead in the tourist and recreation industry. These facilities should pay for themselves in increased business and taxes and should be considered more of an investment than a duty or obligation. Also they may be financed on a pay-as-you-go basis without resorting to bond issues in most instances by only slight increases in the current mill levy. The future of Ramsey County looks promising as a place to live, do business, and enjoy the natural recreational advantages.

METHODS

This Comprehensive Plan for Ramsey County is a guide for the on-going physical development of the County and a practical and functional answer to existing and anticipated needs. Detailed analyses have produced the recommendations herein and practical decision making and some value judgments on the part of public officials as they interpret the Plan will result in orderly growth of the County. Then the proposals herein will be manifested through a process of positive action and interagency and public cooperation known as plan implementation.

Zoning is a basic and useful, though admittedly imperfect, tool of implementation of the Plan. Zoning has been in use for years in virtually every city and most counties in the country. The Plan provides for the use of this tool by means of recommended County and city zone district maps tailored to support the respective proposed land use plans. Suggested legal instruments to be used in administration of the Plan are included below in the Appendix as Zoning Regulations and Subdivision Regulations. Zoning alone, however, will not make the Plan a reality. Continued vigilance on the part of each public official responsible for administering zoning regulations is essential for the Plan to be implemented. Zoning is essentially a negative measure since it forbids undesirable uses of an area, but cannot guarantee in every case that desired ones will actually result. There is a zoning regulation for the County and a separate one included as a model for the incorporated towns in the County in the Appendix. Recommended procedures for use of these regulations and other suggestions as to ways in which the Plan might be implemented follow.

A first step to implement the Comprehensive Plan would be for the Board of County Commissioners to adopt the Plan as the official guide for growth of the County and the basis for its zoning regulations. The Plan should then be used by the County Planning Commission and concerned public officials at all levels to guide public decisions affecting the physical development of the County.

The people of the County, should be urged to become familiar with the Plan, to cooperate in its implementation, and to assure a supportive and advisory role with respect to the Plan. Wide publication of the Plan is an important beginning step in this direction. Advisory citizens groups should be organized and existing citizen organizations utilized to gain

grass-roots support for the Plan. This type of informational program can facilitate public acceptance of the Plan and help make its implementation more relevant and efficient.

North Dakota State Law strongly endorses zoning as an adjunct to planning and grants zoning powers to several levels of government including counties, townships, municipalities and regional bodies with representatives from each. The efforts of each level are essential for coordination with those of all others to prevent conflicts and to produce a result that is desirable financially and functionally. Herein lies much of the value of a county-wide comprehensive plan -- that is, it provides a composite plan of which the various sub-jurisdictions are parts and sets the context within which they can plan their individual futures. Regional planning encompasses several counties usually and permits solutions of problems on an inter-county basis, often of great benefit to the people. The County should see itself as a part of a larger whole. As can be seen from the scale of some of the proposals in the Plan, such as the regional recreation plans, educational plans, and transportation plans, the cooperation of many people at various levels of government and at places remote from one another is required for its implementation.

The towns with planning commissions should adopt those parts of the Plan including zoning proposals, which affect them. Some of the towns that do not currently have their own planning commission or zoning codes should establish a planning commission and adopt the Plan and zoning regulations. Other towns should relinquish to the County their power to zone as provided for by State Law (S. L., 1955, ch. 119, par. 20; R. C. 1943, 1957, Supp., par. 11-3320) thus allowing the County to do so in accordance with the Plan. Furthermore, such zoning codes as are currently in existence in the County should be reviewed as to their compatibility with the implementation of this Plan and amended where necessary.

The recommendations and model regulations set forth in this Plan should serve as the basis for implementation and amendment of existing zoning and subdivision regulations for the County and incorporated cities. The zoning regulations include numerous details often too complicated to remember and relate to each other. Consequently, a digest in tabular form (Table X-A) should prove helpful in zone district selections, checking plats, and analyzing requests for zone changes. A word of caution is that the synopsis is so condensed that it should not take the place of the full zoning regulations in the appropriate use of the document and in making final decisions regarding zoning.

One other recommendation for more effectual Plan implementation concerns annexation. Those areas shown as desirable for development beyond the city limits of any town in the County during the planning period to 1990 should be annexed to the town well before such development begins. Where development has already started annexation is even more urgent.

RELATED MEASURES

Other regulatory measures are available to the County and towns which can be combined with zoning to develop a system of standards for the protection of the health, welfare, and safety of the people of Ramsey County and the enhancement of their environment.

Subdivision regulations for the control of development of space adjacent to existing municipalities are an important supplementary development control. The section in the Appendix on Subdivision Regulations below provides a model set of such regulations to be used by the County to guide future development.

Some of the more important related regulatory measures are housing, building, plumbing, electrical, fire prevention and similar codes. Some of these are in use in the County already. There are nationally recognized model codes available for adoption by the County and towns. A partial suggested list follows and is recommended for adoption by the appropriate officials of jurisdictions currently without them:

Uniform Building Code (Short Form)
International Conference of Building Officials
60 South Los Robles
Pasadena, California 91101

American Standard National Plumbing Code
 ASA A40.8 - 1955
 The American Society of Mechanical Engineers
 29 West 39th Street
 New York, New York 10018

TABLE X-A SYNOPSIS OF RAMSEY ZONE DISTRICTS

Zone District		Permitted Uses *	Bldg. Height Limit in ft.	Min. Area		Min. Lot Frontage in ft.	Min. Yard in ft.			Max. Density du/netA	Parking Spaces
County	Towns			Floor in SF	Lot in Ac.		Front	Rear	Side		
O (Open)	O (Open)	Farming, Public	35	800	1/2 (1/du)	200 (125'/du)	50	25	15		1/du
A (Agri)	A (Agri)	Farming, Public	35	800	do	do	50	25	15		1/du
S-D (Shoreline Develop)		Single Fam, Multi Fam, Public	45	800 (350 in multi- fam)	10,000	50	50	20	15	14	1/du (1/4 church seats)
R-1A (Resi Suburb)		Single Fam Public	35 (du) 45 (other)	800	10,000 (1/2 A w/o util.)	75	30	15	15	5	1/du (1/3 hosp beds)
R-1 (Resi Sin Fam.)	R-1 Resi-Sin Fam.)	Single Fam, Public	do	800	7,000	50	20	10	8	7	1/du
R-2 (Resi Multi)	R-2 (Resi Multi)	Single Fam Public	45	350 (800 for 1 du)	2,500/du (7,000 for 1 du)	50	25	10	10	5 (Towns 20)	1/du
R-3 (Resi Mobile Home)	R-3 (Resi Mobile Home)	Mobile homes, Public	25	300	5,000 (5 A min total)	40	20	10 (50 on State or Fed Hwy)	10	8.7	1/du
	C (Comm- ercial)	Retail, Services R-2 Uses	75 (6 stor)	0	0	0	0-25	0	0		1/400 sf floor area
C-1 (Hwy Com.)		Hwy Com.	45 (3 1/2 stor)	0	0	0	50	0-30	0-25		do
C-2 (gen'l com)		Retail, Service, C-1 & R-2	75 (6 stor)	0	0	0	0-25	0	0		do
	I (Ltd ind)	Ltd. ind (no resi)	75 (6 stor)	0	0	0	0	0	0		1/2 empl
I-1 (Ltd. ind)		Ltd ind, C-2 (no resi)	75 (6 stor)	0	0	0	0	0	0		do
I-2 (Gen'l ind)		Gen'l Ind, I-1, (no resi)	75 (6 stor)	0	0	0	0	0	0		do

*See zoning regulations for complete description of uses.
 Source: Charles Gathers and Associates, Inc., 1973

National Electric Code
National Fire Protection Association
60 Batterymarch Street
Boston, Massachusetts 02110

Fire Prevention Code,
American Insurance Association
85 John Street
New York, New York 10038

Uniform Housing Code
International Conference of Building Officials
50 South Los Robles
Pasadena, California 91101

The State of North Dakota has enacted a useful and effective urban renewal statute (North Dakota Planning and Zoning Legislation, chapter 40-58) that should also be brought to the attention of municipal governing bodies as it grants extensive powers to them to engage in urban renewal projects designed to correct substandard and blight conditions within their jurisdictions. Included in this law are ordinances granting powers to local governing bodies for repair, closing, or acquisition and demolition of dwellings and other structures unfit for human habitation and use.

State enabling legislation is enacted on airport zoning regulations (North Dakota Planning and Zoning Legislation, chapter 2-04), which should be employed if a situation warrants.

The list of codes, laws and other instruments available to assist comprehensive plan implementation should also include easement proceedings and outright fee-simple acquisition for highways, recreation areas, open space and other land uses of benefit to the people, and administrators should use their imagination in employing them singly or in combinations to achieve the desired effects.

FORMS

Suggested forms which would be of use to the County or towns in their administration of zoning and subdivision regulations follow the appropriate regulations. Any of the forms may be adopted with appropriate changes in wording for use at the city level, but they are included here, only with the County zoning and subdivision regulations.

CONCLUSIONS

The Plan provides the basic guidelines for public and private action, and should enable the County to achieve its objectives in its development over the next twenty years. Through the detailed basic data accumulated and analyzed in formulating the Plan, it is believed that the recommendations contained herein can best fulfil the requirements of the County.

At various places throughout this report recommendations have been made for the staging of development for many types of facilities. The maps and text of the Land Use Plan show, in a general manner, how the County should develop by 1990. However, development of the Plan should be a continuing process over the planning period. In order that adjustments may be made from time to time as actual development occurs, the Comprehensive Plan has been made flexible and reasonable to administer.

Adoptive action alone will not achieve the benefits to be derived from the Plan. These will come about only if the Plan is used consistently as the basis for public and private decisions in the development of the County. For example, land use proposals should be developed according to the recommendations of the Land Use Plan. These are best implemented through an adopted pattern of zone districts. Where there is conflict, changes in the Land Use Plan or amendments to the adopted zoning regulations should be granted only after a full review of the objectives and principles of the Land Use Plan. If it is found that new planning principles or objectives are needed, these new decisions should serve as the basis for actions of the County Planning Commission and, in turn, the Board of County Commissioners.



APPENDIX A COUNTY ZONING REGULATIONS

APPENDIX A

ZONING REGULATIONS

FOLLOWING IS THE TEXT OF A PROPOSED ZONING REGULATIONS WHICH COULD BE USED AS A GENERAL GUIDE FOR REVIEW AND DEVELOPMENT OF A FINAL ZONING REGULATION FOR ADOPTION BY RAMSEY COUNTY, NORTH DAKOTA. THE PURPOSE OF THIS ZONING REGULATION IS TO COORDINATE THE PROPER ZONING OF LAND IN CONFORMANCE WITH PROPOSED ZONE DISTRICTS AND COMPREHENSIVE PLANNING WITHIN THE COUNTY.

A REGULATION ENACTING ZONING REGULATIONS RESTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES AND LAND; PROVIDING SPECIFIC REGULATIONS REGARDING MINIMUM LOT AREA AND MINIMUM USABLE OPEN SPACE PER DWELLING UNIT, MINIMUM OFF-STREET PARKING, MINIMUM YARDS, AND MAXIMUM BUILDING HEIGHT; DIVIDING RAMSEY COUNTY INTO DISTRICTS FOR SUCH PURPOSES AND ADOPTING A MAP OF SAID ZONING DISTRICTS; FURTHER, DESCRIBING VARIOUS USES AND BULK REQUIREMENTS; PROVIDING PROCEDURES FOR OBTAINING VARIANCES AND AMENDMENTS TO THE ZONING RESOLUTION AND MAP; PROVIDING REGULATIONS FOR NON-CONFORMING USES AND BUILDINGS; DESCRIBING METHODS OF ENFORCEMENT AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS; DEFINING CERTAIN WORDS; AND SETTING FORTH DETAILS IN RELATION THERETO; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Board of County Commissioners of Ramsey County finds that Chapter 11 - 33 of the North Dakota Century Code empowers the County to enact zoning regulations and to provide for their administration, enforcement and amendment;

WHEREAS, the Board of County Commissioners deems it necessary, for the purposes of promoting the health, safety, morals, public convenience, general prosperity and public welfare of the County to enact such regulations;

WHEREAS, no resolution exists to provide the necessary controls and flexibility in order to be responsive to modern building and development techniques;

WHEREAS, the Board of County Commissioners, pursuant to the provisions of Chapter 11 - 33 of the North Dakota Century Code has appointed a County Planning Commission to recommend the boundaries of the various County zoning districts and appropriate regulations and restrictions to be established therein;

WHEREAS, it is in the public interest that a Zoning Regulations be adopted as herein set forth;

WHEREAS, the Board of County Commissioners has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County;

WHEREAS, the County Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the Board of County Commissioners;

WHEREAS, the Board of County Commissioners has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has published proper notice for adoption of zoning regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RAMSEY COUNTY, NORTH DAKOTA, THAT THE FOLLOWING ZONING REGULATIONS ARE HEREBY APPROVED AND ADOPTED.

Adopted this _____ day of _____, A.D. 19 _____
by the Board of County Commissioners,
Ramsey County, North Dakota.

Signed _____
Chairman

ATTEST: _____
County Auditor

SECTION NO. & TITLE	PAGE NO.
SECTION 1 - Title	A-1
SECTION 2 - Purpose and Intent	A-1
SECTION 3 - Authorization	A-1
SECTION 4 - Rules of Language Construction	A-1
SECTION 5 - Interpretation	A-1
SECTION 6 - Definitions	A-1
SECTION 7 - Area of Jurisdiction	A-4
SECTION 8 - Establishment of Zone Districts	A-4
A. District Boundaries	A-5
B. Applicability of District Regulations	A-5
C. Introduction to Specific Regulations	A-5
SECTION 9 - Regulations for O - Open District	A-5
A. Uses Permitted By Right	A-5
B. Conditional Uses	A-6
C. Building Height Limit	A-8
D. Area Regulations	A-8
SECTION 10 - Regulations for A - Agriculture District	A-8
A. Uses Permitted By Right	A-8
B. Conditional Uses	A-8
C. Building Height Limit	A-10
D. Area Regulations	A-10
SECTION 11 - Regulations for SD - Shoreline Development District	A-10
A. Uses Permitted By Right	A-10
B. Conditional Uses	A-11
C. Building Height Limit	A-11
D. Area Regulations	A-11
SECTION 12 - Regulations for R-1A Residential Suburban Single Family District	A-12
A. Uses Permitted By Right	A-12
B. Conditional Uses	A-12
C. Building Height Limit	A-12
D. Area Regulations	A-13
SECTION 13 - Regulations for R-1 Residential Single Family District	A-13
A. Uses Permitted By Right	A-13
B. Conditional Uses	A-13
C. Building Height Limit	A-13
D. Area Regulations	A-14
SECTION 14 - Regulations for R-2 - Residential Multiple Family District	A-14
A. Uses Permitted By Right	A-14
B. Conditional Uses	A-14
C. Building Height Limit	A-15
D. Area Regulations	A-15
SECTION 15 - Regulations for R-3 - Residential Mobile Home District	A-16
A. Uses Permitted By Right	A-16
B. Conditional Uses	A-16
C. Building Height Limit	A-16
D. Area Regulations	A-17
SECTION 16 - Regulations for C-1 - Commercial District	A-17
A. Uses Permitted By Right	A-17
B. Conditional Uses	A-18
C. Building Height Limit	A-18
D. Area Regulations	A-18
SECTION 17 - Regulations for C-2 - Commercial District	A-18
A. Uses Permitted By Right	A-18
B. Conditional Uses	A-19
C. Building Height Limit	A-19
D. Area Regulations	A-19
SECTION 18 - Regulations for I-1 - Industrial Limited Use District	A-20
A. Uses Permitted By Right	A-20
B. Conditional Uses	A-20
C. Building Height Limit	A-20
D. Area Regulations	A-20
E. Industrial Performance Standards	A-21
F. Other Regulations	A-21
SECTION 19 - Regulations for I-2 - Industrial General District	A-21
A. Uses Permitted By Right	A-21
B. Conditional Uses	A-22
C. Building Height Limit	A-22
D. Area Regulations	A-22
E. Industrial Design Standards	A-22
F. Other Regulations	A-23
SECTION 20 - Design Requirements and Procedures for Planned Unit Developments	A-23
A. Standards and Design Requirements	A-23
B. Procedure	A-24
C. Review and Approval	A-25
D. Failure to Meet Development Schedule	A-26
E. Development Review	A-26
F. Completion of Planned Unit	A-26

<u>SECTION NO. & TITLE</u>	<u>PAGE NO.</u>
G. Variance	A-26
H. Conformance with Subdivision Regulations	A-26
I. Subdivision and Resale	A-26
SECTION 21 - Special Regulations	A-27
A. Off-Street Parking	A-27
B. Outdoor Advertising Signs	A-28
C. Additional Height and Area Regulations	A-29
D. Non-Conforming Uses	A-31
E. Basic Considerations for Conditional Use	A-31
F. Flood Control Regulations	A-32
G. Vacations	A-32
SECTION 22 - Adjustment of Regulations	A-32
A. Adjustment by Board of County Commissioners	A-32
B. Appeals to District Court	A-33
SECTION 23 - Building Regulations, Building Inspector	A-33
A. Creation of Office	A-33
B. Powers and Duties of Inspector	A-33
C. Building Permits	A-33
D. Plats	A-33
E. Application, Approval and Requirements; Issuance of Permits	A-33
F. Building Permit Fee	A-34
G. Enforcement	A-34
H. Certificate of Occupancy	A-34
I. Records	A-34
SECTION 24 - Fees	A-34
A. Rezoning Fee	A-34
B. Fees for Outdoor Advertising Signs	A-34
C. Building Permit Fees	A-34
D. Fees for Planned Unit Development	A-35
SECTION 25 - General Provisions, Legislative Provisions, Penalty	A-35
A. Interpretation, Purpose and Conflict	A-35
B. Amendments	A-35
C. Notice of Hearing for Zoning Map Amendment	A-35
D. Legislative Provisions	A-36

Figure A-1, County Zoning Map
Forms AF-1 through AF-8

A-37

PROPOSED ZONING REGULATIONS
RAMSEY COUNTY, NORTH DAKOTA

Section 1. Title

These Regulations shall be known and may be cited as the Zoning Regulations of Ramsey County, North Dakota.

Section 2. Purpose and Intent

The regulations and restrictions established herein have been made in accordance with a comprehensive plan, which plan is designed to:

- Lessen congestion in the streets;
- Secure safety from fire, panic and other dangers;
- Promote health and the general welfare;
- Provide adequate light and air;
- Prevent the overcrowding of land;
- Avoid undue concentration of population; and
- Facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements.

And such regulations have further been made with reasonable consideration as to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County.

Section 3. Authorization

The Zoning Regulations and Zoning Map of Ramsey County, North Dakota are by authority conferred by the North Dakota Century Code, Chapter 11 - 33.

Section 4. Rules of Language Construction

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure", except as may otherwise be specified. The term "used" shall mean "used or intended to be used, or arranged or designed for use". The term "occupied" shall mean "occupied or intended to be occupied, or arranged or designed for occupancy". The word "including" shall mean "including but not limited to". The word "shall" is mandatory and not directory.

Section 5. Interpretation

Certain words and phrases are defined; and certain provisions shall be interpreted as herein set out, when not inconsistent with the context. The word "building" includes the word "structure"; the word "used" includes the words "occupied", "arranged", "designed", or "intended to be used"; the word "construct" includes the words "erect", "reconstruct", "alter", "move in", and "move upon".

Section 6. Definitions

For the purpose of this regulation, certain terms and words are hereby defined and shall have the following meanings unless it shall be apparent from the context that a different meaning is intended.

Accessory Uses and Structures: A use naturally and normally incidental to a use by right, and complying with all of the following conditions:

- A. Is clearly incidental and customary to and commonly associated with the operation of the use by right;
- B. Is operated and maintained under the same ownership as the use by right;
- C. Includes only those structures or structural features consistent with the use by right;
- D. The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the gross land area utilized by all the uses by right;
- E. May include home occupations, as defined by this Regulation

Alley: A public, dedicated right of way used primarily as a service or secondary means of access and egress to the service side of abutting property.

Apartment: A room or suite of rooms in a multiple dwelling used or designed for occupancy by a single family.

Basement: A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulations if subdivided and used for dwelling purposes.

Building: See structure.

Building Area: That portion of the lot that can be occupied by the principal use, thus excluding the front, rear and side yards.

Building Height of: The vertical distance from the average finished grade at the building set-back to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Inspector: The Building Inspector of Ramsey County, North Dakota.

Building Set-Back: An imaginary line extending across the full width or side of a lot, parallel with the street right-of-way line or property line and outside of which no building or structures shall be constructed.

Cellar: A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement.

Commission: See Planning Commission

Conditional Uses: Such uses are allowed by permit only. The permit must be granted upon proof that certain conditions and performance standards as set forth by the Ramsey County Planning Commission or Board of County Commissioners will be complied with.

County: Ramsey County, North Dakota.

District: A section or sections of Ramsey County for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform and are individually identified on the official zoning map of Ramsey County.

Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling, Single Family: A building have accommodations for and occupied exclusively by one family.

Dwelling, Multiple Family: A single building having accommodations for and occupied exclusively by more than two families.

Dwelling Unit: A building or portion thereof designed to be used as a living place or dwelling including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint. The term dwelling unit shall also include a mobile, modular or manufactured home which has been attached to a permanent foundation; and which has been added to the ad valorem tax rolls to be considered as a taxable property. The arrangement of rooms in each dwelling unit shall be such as to prohibit the division of one dwelling unit into two or more dwelling units.

Family: One individual or group of two or more persons related by blood or marriage, living together as members of a single housekeeping unit and doing their cooking in a single kitchen on the premises, as distinguished from a group occupying a boarding and rooming house, lodging house, hotel, club, fraternity or sorority house.

Feed Lot: A parcel of land whereon there is contained an operation of feeding or raising animals in excess of ten head per acre and in excess of 500 head per parcel of land.

Floor Area: The total number of square feet of floor space within the exterior walls of a building, not including space in cellars, basements, carports or garages.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. Corner lots shall have only one frontage. Frontage for a single use which may extend for more than one platted lot shall be the total linear distance of all lots of the use along one side of a street, and shall be considered as a single frontage.

Garage, Private: An accessory building or portion of a main building designed or used for the storage of not more than four vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Public: A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, in which any sale of gasoline, oil and accessories is only incidental to the principal use.

Garage, Repair: A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

Grade Level: The average of the ground levels of a lot, prior to construction thereon, measured at the center of all walls of a building.

Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Home Occupation: Any non-residential use conducted entirely within a dwelling unit, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes

and does not occupy more than twenty (20) percent of the total floor space of the dwelling unit. For purposes of the Regulations no commodity shall be sold in connection with the home occupation except that which is prepared in the dwelling or except that which is furnished in connection with services rendered therein. No mechanical equipment shall be used in connection with the home occupation which shall be objectionable to the surrounding residence districts and any equipment permitted in this section, shall be properly protected, or grounded as necessary.

Hotel or Motel: A building used as a transient abiding place for persons who are lodged for compensation.

Institutions: A building occupied by a non-profit corporation or non-profit establishment for public use.

Junk Yard: An area two hundred square feet or more, or any area not more than fifty feet from any street, used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

Lot or Parcel: A piece, plot or area of land, of contiguous assemblage as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and/or accessory buildings thereto or for other use, together with such open spaces as may be required under this regulation and having its frontage on a street or officially approved place.

Lot, of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Ramsey County, North Dakota, or a parcel of land, the deed to which has been recorded in the Office of the Register of Deeds of Ramsey County, North Dakota, prior to the adoption of these regulations.

Mobile Home: Any vehicle or similar portable structure originally constructed to have no foundation other than wheels, jacks, or skirrings and so designed or constructed to permit occupancy as living or sleeping quarters and shall have been issued a manufacturer's statement of origin.

Mobile Home Park: Any lot or parcel of land on which a mobile home is parked.

Mobile Home Space: A parcel of land within a mobile home park designed for the accommodation of one mobile home.

Modular or Manufactured Home: Any portable structure originally constructed to have no foundation other than facilities for placement or erection of the structure on site so designed or constructed to permit permanent occupancy as living quarters. (Also see "dwelling unit".)

Net Density: The ratio of total floor area (excluding basements) to total buildable land area, excluding public streets and street rights of way, required open space areas or other public use areas, and open parking areas.

Net Area: The land area devoted to uses permitted within the zone district, not including streets, parking areas or required useable open space areas.

Net Residential Area: The land area devoted to residential uses, not including streets, parking areas, or required useable open space areas.

Nonconforming Building: A building or portion thereof, legally built prior to the effective date of this regulation or any amendment thereto, which does not conform with the regulations of the district in which it is located.

Nonconforming Use: A land use building lawfully occupied prior to the effective date of this resolution or any amendment thereto, by a use which does not conform with the regulations of the district in which it is located.

Nursing Home, Convalescent Home: A home for the aged or infirmed where occupants are provided with food, shelter, and care for hire or compensation.

Off-Street Loading Space: A space not a part of a public thoroughfare, designed for the loading and unloading of vehicles servicing buildings adjacent thereto.

Off-Street Parking Space: An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Permit: A document issued by Ramsey County granting permission to perform an act or service which is regulated by the County.

Person: Any individual, firm, copartnership, corporation, company association, joint stock association, the State of North Dakota or any political subdivision thereof, and includes any trustee, receiver, assignee, or other similar representative thereof.

Planning Commission: The Planning Commission of Ramsey County, North Dakota.

Public Hearing: A legally advertised meeting held by the Planning Commission or Board of County Commissioners at which time citizens' opinions may be voiced concerning the subject of the hearing.

Register of Deeds: The Register of Deeds of Ramsey County, North Dakota.

Right of Way: The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

Road: See Street.

Service (Filling) Stations: Any building or premises where automotive fuels are stored underground and made available for sale and dispensing, through fixed equipment into fuel tanks of motor vehicles and where automotive lubricants, supplies and accessories and related services to motorists may or may not be available except that if the sale and dispensing of automotive fuels is incident to the conduct of a public garage, the premises are classified as a public garage.

Set-Back: The required distance, and the land resulting therefrom, between the edge of the right of way of a public roadway, or some other designated line, and the closest possible line of a conforming structure.

Signs: Any outdoor advertising device having a permanent location on the ground, or attached to or painted on a building, including bulletin boards, billboards, and poster boards, or any device designed to inform or attract attention.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof ducting and wall face not more than three (3) feet above the top floor level, and in which space not more than 60% of the floor area is or may be finished off for use.

Street: All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to public or private easement therefor.

Structure: Any object constructed or installed by man, including but without limitation, buildings, tower, smokestacks, and overhead transmission lines.

Structural Alterations: Any substantial change in a structure such as the supporting members of a building, bearing walls or partitions, columns, beams, or girder, or any complete rebuilding of a roof or exterior walls.

Travel Trailer: Any trailer designed for occupancy which is 33 feet or less in length and 8 feet or less in width and not used as a dwelling unit.

Use by Right: A use which is listed as a use permitted by right in any given zone district in this regulation. Uses permitted by right are not required to show need for their location.

Usable Open Space (Public or Quasi-Public): Open area designed and developed for uses including, but not limited to, recreation, courts, gardens, parks, and walkways. The term shall not include space devoted to streets and parking and loading areas.

Yard, Front: A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the main building or any projections thereof. The front yard shall be on the side of the lot which has been established as frontage by the house numbering system.

Yard, Rear: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard, Side: A yard extending from the front yard to the rear yard and being the space between the side lot line and the side of the main building including any projections.

Zoning District: A zoned area in which the same zoning regulations apply throughout.

Section 7. Area of Jurisdiction

Pursuant to Chapter 11-35-02 of the North Dakota Century Code, Ramsey County shall have exclusive jurisdiction and power to zone all lands in the unincorporated area of the County.

Section 8. Establishment of Zone Districts

In conformity with the intent and purpose of the Regulations, Ramsey County, North Dakota is hereby divided into separate "Zone Districts" as set forth below in order to classify, regulate, restrict and separate uses of land and structures, lot dimensions and areas, yard widths and depths, percent of lot coverage and open spaces, lot area required for dwelling units and other structures, spacing of buildings, and the height and bulk of structures.

O	Open District
A	Agricultural General
S-D	Shoreline Development
R-1A	Residential Suburban Single Family
R-1	Residential Single Family
R-2	Residential Multiple Family
R-3	Residential Mobile Home
C-1	Highway Commercial
C-2	Commercial General
I-1	Industrial Limited-Use
I-2	Industrial General

X
The boundaries of said districts are shown upon the map attached hereto and made a part of this Regulation being designated as the Zoning Map of Ramsey County, North Dakota and said map and all notations, references and other information shown thereon, shall be as much a part of this Regulation as if the matters and information set forth by said map were all fully described herein.

A. District Boundaries. For determination of the boundaries of the districts shown on the Zoning Map, the following rules shall apply.

1. Where such boundaries are indicated as following or approximately following the center line of existing streets, alleys, or other platted rights of way, or extensions of the same, such center lines shall be construed to be such boundaries.
2. Where such boundaries are indicated as following or approximately following lot lines or property lines, such lot lines or property lines shall be construed to be such boundaries.
3. In unsubdivided property or where a district boundary divides a lot or parcel of property, the location of any such boundary, unless the same is indicated by dimensions shown on the district map, shall be determined by the use of the scale appearing on such map.
4. The Board of County Commissioners shall, upon application or upon its own motion, determine the location of boundaries in cases where uncertainty exists, after the application of the rules.

B. Applicability of District Regulations. Except as may be otherwise provided herein:

1. No building shall hereafter be erected, reconstructed, altered, enlarged or moved, nor shall any building or land be used for any purpose other than for a use permitted herein, in the district in which located, except that these regulations shall not prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming.
2. No building shall hereafter be erected, reconstructed, structurally altered, enlarged or moved so as to exceed the building height limit established herein for the district in which located.
3. No lot shall be so reduced or diminished, nor shall any structure be so enlarged or moved, as to reduce or diminish the yards, lot area or open space required herein in the district in which located.
4. No yard or other open space required herein for any building shall be considered as providing a yard or open space for any other building, and no yard or open space on an adjoining lot or parcel of property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
5. Every building hereafter erected shall be located on a lot, as defined herein, and in no case shall there be more than one main building on one lot except as may be otherwise provided herein.
6. Every building containing one or more dwelling units or guest rooms shall be erected on a lot at least one line of which abuts for not less than twenty-five feet along a public street or along a permanent, unobstructed easement of access to the lot from a public street, said access being approved by the Board of County Commissioners as adequate for the purpose.
7. Off-street parking spaces in all districts shall be provided in accordance with the requirements for specific uses set forth in Section 21 of this
8. Signs for permitted uses in all districts shall be in accordance with the requirements set forth in Section 21 of this

C. Introduction to Specific District Regulations. Regulations for the districts established by this Regulation are set forth in Sections 9 through 19 hereof; provided, however, that such exceptions to any such regulations or such additional regulations as are set forth in other Sections hereof shall apply; provided, further that the Board of County Commissioners may, under certain conditions, vary these regulations and approve the issuance of permits for the establishment of certain uses, all as set forth in Section 22. The district regulations set forth in Section 9 through 19 hereof are subject to such exceptions, variances, additions and provisions as are set forth in other sections hereof. Certain regulations applicable to pre-established uses that do not conform to the provisions contained herein are set forth in Section 21.

Section 9. Regulations for O - Open District

ABOLISHED? SEE MINUTES - Have to use for AG. Zone uses

The regulations set forth in this section, or set forth elsewhere in this Regulation when referred to in this section, are the District Regulations in the O - Open District.

A. Uses Permitted by Right:

1. Ranching, farming, dairying and general agriculture including the sale of the product of the farm but not including feed lots or animal sale barns.
2. Single family dwelling units related to an individual ranch or farmstead.

3. Home Occupations.
4. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
5. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
6. Fish hatcheries.
7. Roadside stands for operation during six months of the year for the sale of products produced on the farm.
8. Riding academies and stables provided:
9. Storage of agricultural products, provided the storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line.
10. Accessory buildings and uses customarily incident to the uses permitted in this district.

B.

Conditional Uses:

1. Hospitals and sanitariums for contagious or infectious diseases, penal or mental institutions, nursing homes.

2. Cemeteries and mausoleums.
3. Electric substations and gas regulator stations.
4. Fire stations, police stations and telephone exchanges.
5. Sanitary land fills.
6. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
7. Commercial and public parking lots.
8. Radio and television towers.

a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.

b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

8. Airports, provided:

- a. They do not endanger the immediate area.
- b. They meet all local, State and Federal regulations.

9. Rock crushers, concrete and asphalt mixing plants, sand and gravel pits or any other such excavation or surface mining shall be allowed provided they meet the following requirements.

a. When the application is filed, the applicant shall provide a plan showing the land proposed for excavation. This plan shall show the contours of the land on at least two (2) foot contour intervals, any improvements thereon and to a distance of three hundred (300) feet in all directions from the subject.

b. Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated re-use of the land, what restoration or curing of the land is planned and the contours on at least two (2) foot intervals.

c. No excavation or processing of excavated materials shall be permitted nearer than thirty (30) feet to the boundary of adjacent property nor nearer than one hundred twenty-five (125) feet to any existing residence unless by written agreement the owner or owners of such adjacent property consent to a lesser distance and the Board of County Commissioners approves such lesser distance. The Board of County Commissioners may set a greater distance than above mentioned, when in their opinion it is justified.

d. The Planning Commission shall specify the degree of slopes of banks for all excavations, the depth of and the distance from any public structures when excavations are made in or near stream beds. When excavations are near or adjacent to irrigation canals or ditches the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks from public rights of way when excavation is contemplated near such rights of way.

- e. Sand and gravel shall be excavated in such a manner so as to assure the convenient restoration of the land and to hold to a minimum any adverse effects to adjacent land as a result of piling or storing the overburden material.
- f. The sand and gravel shall be excavated in such a manner so as to leave an average of two (2) feet of undisturbed sand or gravel, as evenly as possible, over the entire excavation tract, to provide a water bearing strata for any existing ground water, and more if the Planning Commission deems necessary.
- g. After an excavation has been completed, the operator shall spread evenly over the bottom of the excavation the excess waste materials. He shall then spread evenly the topsoil to a minimum depth of eighteen (18) inches. The topsoil shall be spread last so as to produce a new surface for the purpose of growing crops, trees, shrubs, etc. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.
- h. An excavation operation shall maintain haulage roads within the premises covered by the permit and such roads shall be kept in a reasonably dust-free condition when said dust would be injurious to bordering premises. The Planning Commission shall specify the conditions in each instance to insure this requirement. The hours of operation, unless otherwise specified by the Planning Commission shall be from 6:00 A. M. to 10:00 P. M., or unless a national emergency arises or special permission is granted by the Commission.
- i. Rock crushers, concrete and asphalt mixing plants may be permitted providing the Board of County Commissioners finds that the following facts prevail:
 - (1) The use is accessory to the sand and gravel operation and,
 - (2) in the finished product the operator uses the product of the sand and gravel pit on which the operation is proposed. The Planning Commission may set out additional conditions under which these operations may be permitted and the said conditions may vary by location due to abutting land uses.
- j. The applicant shall furnish evidence of a bank commitment of credit in favor of Ramsey County or bond or certified check, in an amount calculated by the Planning Commission to secure the site restorations as required in this Section. Guidelines for calculating the amount of said bank commitment of credit, bond or certified check could be a sum equal to the number of acres covered by the permit, multiplied by five hundred (\$500) dollars. The minimum amount of such should be \$1,000 and the maximum amount, \$25,000. The County Commissioners shall have the power and authority to provide for an alternative method of identifying the County in lieu of the above mentioned methods.
- k. Prior to the granting of a permit the property shall be posted for a period of thirty (30) days. This posting shall consist of a sign or signs, the number of which shall be determined by the Building Inspector, of a size three (3) feet by four (4) feet, posted four (4) feet above grade, with lettering not less than two (2) inches in size, placed in conspicuous locations visible from the public right of way.
- l. At least thirty (30) days prior to the public hearing, the Building Inspector shall advertise by legal publication in the official newspaper, the time and place of the public hearing.
- m. There shall be a fee of twenty-five (\$25) dollars payable at the time of application of the permit to defray the cost of posting the property and advertising the public hearing.
- n. Upon the granting of a permit by the Planning Commission the following fee schedule shall apply:

One acre or less	\$ 200.00
More than one acre to and including two acres	\$ 300.00
More than two acres to and including three acres	\$ 400.00
More than three acres to and including four acres	\$ 500.00
More than four acres to and including five acres	\$ 600.00
More than five acres to and including ten acres	\$1,000.00
In addition, land in excess of ten acres (per acre)	\$ 25.00

The above fee schedule shall apply to each individual ownership of land which is included in the operation.
- o. All permits shall be in full force for a period of five (5) years from the

date of issuance thereof unless a shorter time is set by the Commission. Such temporary permits may be renewable by the Planning Commission for the same period of time or less, without further notice, hearing or posting of the property involved; provided, however, that the operator has complied with all the terms and conditions of the original permit. A renewal of a permit shall be considered as a new permit with respect to fees.

p. The Planning Commission shall have the power to cancel permits upon proof of violation of any of these regulations.

q. Rock crushers, concrete and asphalt mixing plants, sand and gravel operations or any other such excavations which are temporary operations (six months or less) shall not be subject to any of the regulations of this section, except, they shall be required to obtain a permit from the Board of County Commissioners.

C. Building Height Limit:

Except as provided in Section 21, the height regulations are as follows:

1. No dwelling or other structure, except for agricultural use, shall exceed two and one-half stories or thirty-five (35) feet in height.
2. There shall be no height limitations for agricultural buildings.
3. Minimum height regulations lesser than those provided herein may be set forth by special airport zoning regulations for buildings in an airport approach zone.

D. Area Regulations:

Except as provided in Section 21, the area regulations are as follows:

1. Minimum floor area. Eight hundred (800) square feet per dwelling unit.
2. Minimum lot area.
 - a. One (1) acre per dwelling unit.
 - b. One-half (1/2) acre for all other uses permitted by right.
 - c. For all conditional uses, one (1) acre unless otherwise specified by the Planning Commission.
3. Minimum Lot Frontage.
 - a. One hundred twenty-five (125) feet for each dwelling unit.
 - b. Two hundred (200) feet for other principal structures.
4. Minimum Front Yard.
 - a. Measured from the front property line there shall be a front yard of not less than fifty (50) feet for all principal structures, unless otherwise specified by the Planning Commission.
5. Minimum Rear Yard.
 - a. Measured from the rear property line every principal building shall have a rear yard of not less than twenty-five (25) percent of the depth of the lot and for every accessory building there shall be a rear yard of not less than ten (10) feet.
6. Minimum Side Yard.
 - a. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet on each side of the lot.

Section 10. Regulations for A - Agricultural General District

The regulations set forth in this section, or set forth elsewhere in this Regulation when referred to in this section, are the District Regulations in the A - Agricultural General District.

A. Uses Permitted by Right:

1. All uses permitted by right in the O - Open District.

B. Conditional Uses:

1. All conditional uses permitted in the O - Open District and subject to all regulations as set forth therein.

a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability

of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.

b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

2. *Definition*
Feed lots. Provided they meet the following requirements:
No unusual amount of odor or noise shall be disseminated beyond the boundaries of the premises on which the use is located.

b. Storage of manure shall not be permitted within one hundred fifty (150) feet of any lot line.

c. All corrals, pens and buildings shall be located at least one hundred fifty (150) feet from any lot line.

d. When the application for feed yards is filed with the Board of County Commissioners the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:

1. Topographic map showing two foot contours.
2. Drainage plan.
3. Location of existing utilities and proposed utility extensions.
4. Letters of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service or from the Ramsey County Health Department concerning satisfactory wells and septic tanks.
5. Plat showing dimensions and locations of all structures, existing or proposed, on the tract of land.
6. Parking and loading plan defining off-street parking and loading areas. Such plan is subject to Section 21, A of this resolution.
7. Driveway plan indicating all interior driveways, curb cuts and area for maneuvering trucks.
8. Petition signed by at least seventy-five (75) percent of the property owners within a two (2) mile radius of the site of the proposed feed lot.
9. All plans, plat plans and petitions as required must be submitted to the Planning Commission for approval at least thirty (30) days prior to the hearing date before the Board of County Commissioners.

3. Auction barns and livestock sales rings provided they meet the following requirements:

a. Auctioning of farm implements shall be conducted as a secondary "service" or "convenience" to the livestock auction and shall, in no manner, be conducted as a primary business.

b. Parking or storage area for farm implements must be screened and enclosed by a chain link fence at least six (6) feet high. No piece of farm equipment shall remain on the premises for more than fifteen (15) consecutive days except for machinery used for maintenance of the livestock sales ring and premises.

c. All corrals, or pens for live animals shall be placed at least two hundred (200) feet from any public street or public road and shall be to the rear of main buildings.

d. The area shall include adequate off-street parking for automobiles as well as trucks and shall be designed to provide adequate truck maneuvering space for both loaded and unloaded trucks.

e. Livestock sales rings shall not be operated in any manner so as to impair or in anywise affect the public health, safety or welfare; or to operate said livestock sales ring in any manner as to be a public nuisance.

f. No unusual amount of odor or noise disseminated beyond the boundaries of the premises on which the use is located shall be permitted.

g. No more than ten (10) percent of the total number of animals present for sale at any one auction shall be kept on the premises for more than ten (10) consecutive days following each auction.

h. The special permit for operation of a livestock auction ring, as provided in these Regulations, shall be revoked, if inspection by the Board of County Commissioners or its representatives reveals that the feeding and keeping of animals, as in the manner of a feed lot, is the primary use of the premises.

i. Storage of manure shall not be permitted.

j. Use of a building or structure (temporary or permanent) for restaurant or "coffee shop" purposes shall be permitted during the days of the sale only. Structures used for such purposes shall be subject to all regulations of the Ramsey County Building Code and Health Department.

- k. When the application for livestock auction rings are filed with the Board of County Commissioners the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
1. Topographic map showing two foot contour intervals.
 2. Drainage plan showing method of handling drainage problems including storm sewer drainage location, if necessary.
 3. Location of existing utilities and proposed utility extensions.
 4. Letters of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service, or from the Ramsey County Health Department concerning satisfactory wells and septic tanks.
 5. Plat showing dimensions and locations of all structures, existing or proposed on the tract of land.
 6. Parking plan defining off-street parking areas. Such plan is subject to the provisions of this regulation.
 7. Driveway plan indicating all interior driveways, curb cuts and areas for maneuvering trucks.

C. Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No dwelling or other structure, except for agricultural use, shall exceed two and one-half stories or thirty-five (35) feet in height.
2. There shall be no height limitations for agricultural buildings.
3. Minimum height regulations lesser than those provided herein may be set forth by special airport zoning regulations for buildings in an airport approach zone.

D. Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum floor area. Eight hundred (800) square feet per dwelling unit.
2. Minimum lot area.
 - a. One (1) acre per dwelling unit.
 - a. One-half (1/2) acre for all other uses permitted by right.
 - c. For all conditional uses, one acre unless otherwise specified by the Planning Commission.
3. Minimum Lot Frontage.
 - a. One hundred twenty-five (125) feet for each dwelling unit.
 - b. Two hundred (200) feet for other principal structures.
4. Minimum Front Yard.
 - a. Measured from the front property line there shall be a front yard of not less than fifty (50) feet for all principal structures, unless otherwise specified by the Planning Commission.
5. Minimum Rear Yard.
 - a. Measured from the rear property line every principal building shall have a rear yard of not less than twenty-five (25) percent of the depth of the lot and for every accessory building there shall be a rear yard of not less than ten (10) feet.
6. Minimum Side Yard.
 - a. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet on each side of the lot.

Section 11. Regulations for S-D, Shoreline Development District

The regulations set forth in this section, or set forth elsewhere in this Regulation when referred to in this section, are the District Regulations in the S-D, Shoreline Development District.

A. Uses Permitted by Right.

1. Single family dwellings
2. Two or multiple family dwellings provided there shall be at least two thousand five hundred (2,500) square feet of lot area per dwelling unit.
3. Churches, provided that each church is set back (30) feet from side lot lines.
4. Golf courses, provided buildings and structures incidental to the course are located not less than three hundred (300) feet from the nearest residence.
5. Lodges and resorts
6. Golf courses.
7. Marinas, boat launching and rental facilities.
8. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreation facilities.
9. Educational, religious or philanthropic institutions or camps, but not including penal or mental institutions.

AN ACTIVITY IN WHICH ONE ENGAGES

10. Home occupations.
11. Roadside stands for operation during six months of the year for the sale of products produced on the farm.
12. Riding academies and stables provided.
13. Storage of agricultural products, provided the storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line.
14. Accessory buildings and uses customarily incident to the uses permitted in this district.

B.

Conditional Uses.

1. Hospitals and sanitariums for contagious or infectious diseases, penal or mental institutions, nursing homes.
2. Cemeteries and mausoleums.
3. Electric substations and gas regulator stations.
4. Fire stations, police stations and telephone exchanges.
5. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
6. Private commercial and public parking lots.
7. Mobile homes located in an organized mobile home court, provided they meet the requirements set forth in the R-3 District of this regulation.
8. Greenhouses and nurseries, provided that storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line and the lot, tract or parcel of land contains at least three (3) acres.
9. Fish hatcheries.
10. The growing and preservation of trees, provided that storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line.
11. Accessory buildings and uses customarily incident to the uses permitted in this district.

a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.

b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C.

Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No dwelling or other structure shall exceed three and one-half stories or forty-five (45) feet in height.

D.

Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum Floor Area. Eight hundred (800) square feet for each single family and two family dwelling unit and three hundred fifty (350) square feet for each multiple family dwelling unit.

2. Minimum Lot Area.

a. Ten thousand (10,000) square feet per dwelling unit.
b. For all conditional uses, ten thousand (10,000) square feet unless otherwise specified by the Planning Commission. However, the lot area shall be subject to the minimum sanitary requirements of the North Dakota Department of Public Health and the local health authority.

*NEW 20,000 sq. ft.
STATE HEALTH CODE*

3. Minimum Lot Frontage.

a. Fifty (50) feet.

4. Minimum Front Yard.

a. Measured from the front property line there shall be a front yard of not less than fifty (50) feet for all principal structures, unless otherwise specified by the Planning Commission.

5. Minimum Rear Yard.

a. Measured from the rear property line every principal or accessory building shall have a rear yard of not less than twenty (20) percent of the depth of the lot and for every accessory building there shall be a rear yard of not less than ten (10) feet except for accessory structures used for the storage, docking, etc., of boats which shall be exempt from this requirement.

6. Minimum Side Yard.

- a. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet on each side of the lot.

7. Density.

- a. Density shall not exceed fourteen (14) dwelling units per acre of net residential area.
- b. Upon submission and approval of a Plan which details dwelling unit type and location; minimum lot area, width and yard requirements may be waived. This zone district is specifically designed to accommodate a Planned Unit Development approach incorporating a variety of housing types, but not uses within the same area. Complete information regarding development, maintenance and disposition of lands held for common use must be presented and approved by the Planning Commission and the Board of County Commissioners. Procedures for submission and approval of a Planned Unit Development under this Section 11 shall be as set forth in Section 20.
- c. Minimum land area for application of the density provision in the S-D, Shoreline Development District shall be five (5) acres.

Section 12. Regulations for R-1A, Residential Suburban Single Family District.

The regulations set forth in this section, or set forth elsewhere in this Regulation when referred to in this section, are the District Regulations in the R-1A, Residential Suburban Single Family District.

A. Uses Permitted By Right.

1. Single family dwelling units.
2. Home occupations.
3. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
4. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
5. Domestic animals, provided such animals are household pets and that kennels are not maintained.
6. Fences, hedges and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
7. Accessory buildings and uses customarily incident to the uses permitted by this district.

B. Conditional Uses.

1. Electric substations and gas regulator stations.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
 - a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
 - b. The Planning Commission may in addition prescribe any additional conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No dwelling or other structure shall exceed two and one-half stories or thirty-five (35) feet in height.
2. No other structure shall exceed three (3) stories or forty-five (45) feet.

D. Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum Floor Area. Eight hundred (800) square feet per dwelling unit.
2. Minimum Lot Area.
 - a. Ten thousand (10,000) square feet per dwelling unit. If not served by public utilities, minimum lot area shall be one-half (1/2) acre.
 - a. For all conditional uses, ten thousand (10,000) square feet unless otherwise specified by the Planning Commission.

3. Minimum Lot Frontage.

- a. Seventy five (75) feet.

4. Minimum Front Yard.

- a. Measured from the front property line there shall be a front yard of not less than thirty (30) feet for all principal structures, unless the property fronts on a State Highway, the minimum shall then be fifty (50) feet.

5. Minimum Rear Yard.

- a. Measured from the rear property line every principal or accessory building shall have a rear yard of not less than fifteen (15) feet.

6. Minimum Side Yard.

- a. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet on each side of the lot.

7. Density.

- a. Density shall not exceed five (5) dwelling units per acre of net residential area.
- b. Upon submission and approval of a Plan which details dwelling unit type and location; minimum lot area, width and yard requirements may be waived. This zone district is specifically designed to accommodate a Planned Unit Development approach incorporating a variety of housing types, but not uses within the same area. Complete information regarding development, maintenance and disposition of lands held for common use must be presented and approved by the Planning Commission and the Board of County Commissioners. Procedures for submission and approval of a Planned Unit Development under this Section 12 shall be as set forth in Section 20.
- c. Minimum land area for application of the density provision in the R-1A, Residential Suburban Single Family District shall be five (5) acres.

Section 13. Regulations for R-1, Residential Single Family District.

The regulations set forth in this section, or set forth elsewhere in this Regulation when referred to in this section, are the District Regulations in the R-1, Single Family Residential District.

A. Uses Permitted By Right.

1. Single family dwelling units.
2. Home occupations.
3. Churches, schools, libraries, community centers, public parks and other public or quasi-public recreational facilities.
4. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
5. Domestic animals, provided such animals are household pets and that kennels are not maintained.
6. Fences, hedges, and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
7. Accessory buildings and uses customarily incident to the uses permitted in this district.

B. Conditional Uses.

1. Electric substations and gas regulator stations.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
- a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
- b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No dwelling or other structure shall exceed two and one-half stories or thirty-five (35) feet in height.
2. No other structure shall exceed three (3) stories or forty-five (45) feet in height.

D. Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum Floor Area. Eight hundred (800) square feet per dwelling unit.
2. Minimum Lot Area.
 - a. Seven thousand (7,000) square feet per dwelling unit.
 - b. For all conditional uses, seven thousand (7,000) square ft. unless otherwise specified by the Planning Commission.
3. Minimum Lot Frontage.
 - a. Fifty (50) feet.
4. Minimum Front Yard.
 - a. Measured from the front property line there shall be a front yard of not less than twenty (20) feet for all principal structures, unless otherwise specified by the Planning Commission.
5. Minimum Rear Yard.
 - a. Measured from the rear property line every principal or accessory building shall have a rear yard of not less than ten (10) feet.
6. Minimum Side Yard.
 - a. Measured from the side property lines there shall be side yards of not less than eight (8) feet on each side of the lot.
7. Density.
 - a. Density shall not exceed seven (7) dwelling units per acre of net residential area.
 - b. Upon submission and approval of a Plan which details dwelling unit type and location; minimum lot area, width and yard requirements may be waived. This zone district is specifically designed to accommodate a Planned Unit Development approach incorporating a variety of housing types, but not uses, within the same area. Complete information regarding development, maintenance and disposition of lands held for common use must be presented and approved by the Planning Commission and the Board of County Commissioners. Procedures for submission and approval of a Planned Unit Development under this Section 13 shall be as set forth in Section 20.
 - c. Minimum land area for application of the density provision in the R-1, Residential Single Family District shall be five (5) acres.

Section 14. Regulations for R-2, Residential Multiple Family District.

The regulations set forth in this section, or set forth elsewhere in this Regulation, when referred to in this section, are the District Regulations in the R-2, Multiple Family Residential District.

A. Uses Permitted By Right.

1. Single family dwelling units.
2. Two or multiple family dwelling units.
3. Home occupations.
4. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
5. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
6. Domestic animals, provided such animals are household pets and that kennels are not maintained.
7. Fences, hedges, and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
8. Accessory buildings and uses customarily incident to the uses permitted in this district.

B. Conditional Uses.

1. Electric substations and gas regulator stations.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.

- a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
- b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No dwelling or other structure shall exceed three and one-half stories or forty five (45) feet in height.

D. Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum Floor Area. Eight hundred (800) square feet per single family and two family dwelling unit and three hundred fifty (350) square feet for each multiple family dwelling unit.

2. Minimum Lot Area.

- a. Seven thousand (7,000) square feet for each single family dwelling unit.
- b. A lot, upon which there is erected a two or multiple family dwelling, shall contain not less than two thousand five hundred (2,500) square feet per unit; however, in no instance shall such a structure be built on a lot containing less than seven thousand (7,000) square feet.
- c. A lot upon which there is erected a private club or lodge, boarding or lodging house, fraternity or sorority, shall contain not less than nine thousand eight hundred (9,800) square feet.
- d. A lot having an area less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family dwelling or by any permitted non-residential use.
- e. For all conditional uses, seven thousand (7,000) square feet unless otherwise specified by the Planning Commission.

3. Minimum Lot Frontage.

1. A lot occupied by a single, two or multiple family dwelling or conditional use shall have a minimum frontage of fifty (50) feet.
2. A lot occupied by a boarding or lodging house, private club or lodge, fraternity or sorority, shall have a minimum frontage of seventy (70) feet.
3. A lot having a frontage less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family dwelling or by any permitted non-residential use.

4. Minimum Front Yard.

- a. Measured from the front property line there shall be a front yard of not less than twenty-five (25) feet for all principal structures, unless otherwise specified by the Planning Commission.

5. Minimum Rear Yard.

- a. Measured from the rear property line every principal or accessory building shall have a rear yard of not less than ten (10) feet.

6. Minimum Side Yard.

- a. Measured from the side property lines there shall be side yards of not less than ten (10) feet on each side of the lot.

7. Density.

- a. Density shall not exceed twenty (20) dwelling units per acre of residential area.
- b. Upon submission and approval of a Plan which details dwelling unit type and location; minimum lot area, width and yard requirements may be waived. This zone district is specifically designed to accommodate a

Planned Unit Development approach incorporating a variety of housing types, but not uses, within the same area. Complete information regarding development, maintenance and disposition of lands held for common use must be presented and approved by the Planning Commission and the Board of County Commissioners. Procedures for submission and approval of a Planned Unit Development under this Section 14 as set forth in Section 20.

- c. Minimum land area for application of the density provision in the R-2 Residential Multiple Family District shall be five (5) acres.

Section 15. Regulations for R-3, Residential Mobile Home District.

The regulations set forth in this section, or set forth elsewhere in this Regulation when referred to in this section, are the District Regulations in the R-3, Mobile Home Residential District.

A. Uses Permitted By Right:

1. Mobile homes designed for occupancy by one family.
2. Home occupations.
3. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
4. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
5. Domestic animals, provided such animals are household pets and that kennels are not maintained.
6. Fences, hedges and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
7. Accessory buildings and uses customarily incident to the uses permitted by this district.

B. Conditional Uses.

1. Electric substations and gas regulator stations.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
 - a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
 - b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No mobile home or other structure shall exceed two stories or twenty-five (25) feet in height.

D. Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum Floor Area. Three hundred (300) square feet per mobile home.
2. Minimum Lot Area.
 - a. Five thousand (5,000) square feet per mobile home.
 - b. For all conditional uses, five thousand (5,000) square feet unless otherwise specified by the Planning Commission.
 - c. Any newly created free-standing Mobile Home Residential District shall contain at least five (5) acres of land.
3. Minimum Lot Frontage.
 - a. Forty (40) feet.
4. Minimum Front Yard.
 - a. Measured from the nearest edge of the roadway there shall be a front yard of not less than twenty (20) feet for all mobile homes, unless otherwise specified by the Planning Commission. For mobile home courts

fronting on a State or Federal Highway, the required front yard shall be fifty (50) feet.

5. Minimum Rear Yard.

- a. There shall be twenty (20) feet between mobile homes or accessory buildings, or if measured from the rear property line, every mobile home shall have a rear yard of not less than ten (10) feet.

6. Minimum Side Yard.

- a. There shall be twenty (20) feet between mobile homes or accessory buildings, or if measured from the side property line every mobile home shall have a side yard of not less than ten (10) feet on each side of the lot. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet.

E. Design Requirements.

The Mobile Home Residential District may be created upon petition for an amendment to the Zone Map. When petitioning for this zone change, there shall be provided a site design by a registered engineer, architect or qualified planner, complete in detail showing the following:

1. Location and legal description.
2. Entrance to and exits from the court.
3. Vehicular roadways, driveways and pedestrian walks. All roads shall be designed and built to County specifications.
4. Plans, showing size and arrangement of mobile home lots and stands, location of roadways, service and utility buildings.
5. Topography map showing original and final contours at two (2) foot intervals.
6. Provisions for drainage.
7. Area set aside for recreation, clothes washing and drying, storage, and off-street parking.
8. Fencing and screen planting on the premises.
9. Plans for water supply and distribution.
10. Plans for sewage collection and disposal.
11. Provisions for trash and garbage storage and removal.
12. Plans for underground gas, electric, and phone service connections to each space.
13. Typical lot plan.
14. For each mobile home lot there shall be provided:
 - a. Recreational area in the amount of three hundred (300) square feet.
 - b. Space for mechanical washing and clothes drying facilities in the amount of twenty-five (25) square feet.
 - c. One off-street parking space for each lot.

15. Service and utility buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, water and sewage provisions must meet with the approval of the North Dakota Department of Public Health and the local health authority.

16. The applicant shall consult with the school district officials and secure a written statement to be submitted with the application as to the impact on the school district caused by the increased number of school children from the increased residential density of the mobile home court.
17. Statement of conformance with the Federal Housing Administration's Minimum Property Standards for Mobile Home Courts. The Zoning Regulations will govern where more restrictive.

Section 16. Regulations for C-1 Highway Commercial District.

The regulations set forth in this section, or set forth elsewhere in this Regulation, when referred to in this section, are the District Regulations in the C-1, Highway Commercial District.

A. Uses Permitted by Right.

1. New and used automobile sales and storage lots.
2. Undertaking establishments.
3. Service stations and automobile repair garages.
4. Truck stops.
5. Tire store sales and service including vulcanizing, but not involving manufacturing on the premises.
6. Food storage lockers not including slaughtering on the premises.
7. Milk distributing stations, but not involving bottling on the premises.
8. Commercial recreation, including bowling alleys, drive-in theaters, dance halls, skating rinks, refreshment stands, golf driving ranges and miniature golf courses.
9. Retail stores for the sale of automobile parts and accessories, souvenirs, curios, film, magazines and other products customarily sold to meet the needs of the motoring public, but not including junk, salvage, or automobile wrecking yards.
10. Hotels, motels, restaurants, taverns and package liquor stores.

11. Equipment sales and storage.
12. Automobile parking lots.
13. Accessory buildings and uses customarily incident to uses permitted in this district.
14. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
15. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
16. Roadside stands for operation during six months of the year for the sale of products produced on the farm.
17. Accessory buildings and uses customarily incident to the uses permitted in this district.

B. Conditional Uses.

1. Enterprises or businesses of the same nature or class as those listed above in Paragraph A, "Uses Permitted By Right", which in the opinion of the Planning Commission, as evidenced by a regulation of record, are not more obnoxious or detrimental to the welfare of the area than those listed in said Paragraph "A".
2. Electric substations and gas regulator stations.
3. Fire stations, police stations and telephone exchanges.
4. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
 - a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
 - b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No structure shall exceed three and one-half stories or forty-five (45) feet in height.

D. Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum Floor Area. No minimum requirements.
2. Minimum Lot Area. No minimum requirements.
3. Minimum Lot Frontage. No minimum requirements.
4. Minimum Front Yard. Measured from the front property line there shall be a front yard of not less than fifty (50) feet, except for motor fuel pumps which shall not be erected less than twenty-five (25) feet from the front property line, except on a State or Federal highway, where motor fuel pumps shall not be erected closer than fifty (50) feet from the front property line.
5. Minimum rear yard. A rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than twenty (20) feet in depth for a two story building or less than thirty (30) feet in depth for a three story building.
6. Minimum Side Yard. No side yard is required, except on corner lots, in which case there shall be a side yard of not less than fifteen (15) feet on the street side. If the street side is a State or Federal highway the side yard shall be twenty-five (25) feet. Motor fuel pumps shall not be erected closer than twenty-five (25) feet from the side property line.

Section 17. Regulations for C-2 Commercial General District.

The regulations set forth in this section, or set forth elsewhere in this Regulation, when referred to in this section, are the District Regulations in the C-2, General Commercial District.

A. Uses Permitted By Right:

1. All uses permitted by right in the C-1 District.
2. All uses permitted by right in the R-2 District.
3. All businesses of a retail or service nature.

4. Wholesaling of products providing storage space does not exceed one thousand five hundred (1,500) square feet of floor area.
5. Business, professional and semi-professional offices.
6. Medical clinics and pharmacies operated in conjunction with a clinic.
7. Barber and beauty shops.
8. Club or lodge (nonprofit).
9. Community service agency.
10. Day nursery or child-care center.
11. Accessory building or use (not involving open storage), when located on the same lot.
12. Commercial and public parking lots.
13. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
14. Educational, religious and philanthropic institutions, but not including penal or mental institutions.

B. Conditional Uses.

1. Enterprises or businesses of the same nature or class as those listed above in Paragraph A, "Uses Permitted By Right", which in the opinion of the Planning Commission as evidenced by a resolution of record, are not more obnoxious or detrimental to the welfare of the area than those listed in said Paragraph "A".
2. Enterprises or businesses of a retail trade nature which in the opinion of the Planning Commission, as evidenced by a resolution of record, are not of a different intensity of use or character, nor are more obnoxious or detrimental to the welfare of the area than existing businesses.
3. Electric substations and gas regulator stations.
4. Fire stations, police stations and telephone exchanges.
5. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.

a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.

b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No structure shall exceed six stories or seventy five feet (75) in height.

D. Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum Floor Area. No minimum requirements.
2. Minimum Lot Area. No minimum requirements.
3. Minimum Lot Frontage. No minimum requirements.
4. Minimum Front Yard. No minimum requirements except for motor fuel pumps which shall not be erected less than twenty-five feet from the front property line.
5. Minimum Rear Yard. No minimum requirements.
6. Minimum Side Yard. No minimum requirements.

Section 18. Regulations for I-1, Industrial Limited - Use District.

The regulations set forth in this section, or set forth elsewhere in this Regulation, when referred to in this section, are the District Regulations in the I-1, Limited - Use Industrial District.

A. Uses Permitted by Right.

1. All uses permitted by right in the C-2 District.
2. Any kind of scientific research or manufacture, compounding, assembling, processing, fabrication, packaging or treatment of products, wholesaling, retailing associated with wholesaling, jobbing, warehousing, manufacturing or processing industries.
3. Any industrial or manufacturing operations within or without a building enclosure provided the following limitations are placed on all such uses:

- a. Unusual amounts of dust, fumes, odors, smoke, vapor, noise, lights and vibration shall conform to the industrial performance standards as set forth in paragraph E of this section 18. Proof of non-compliance shall be determined by measurements based upon standardized criteria established by noise and pollution experts and recorded by standardized instruments. If found to be in violation, the cost of said work and measurements shall be borne by the occupant of the use in violation of these regulations.
- b. Areas of outdoor storage and storage of equipment shall be concealed from view from abutting rights-of-way and adjoining residential districts.
4. Accessory buildings and uses customarily incident to the uses permitted by this district.

B. Conditional Uses.

1. Electric substations and gas regulator stations.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
4. Junk yards provided they are enclosed by a solid wall or fence at least six (6) feet high.

a. For each instance the Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.

b. The Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Planning Commission.

C. Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No structure shall exceed six (6) stories or seventy-five (75) feet in height.

D. Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum Floor Area. No minimum requirements.
2. Minimum Lot Area. No minimum requirements.
3. Minimum Lot Frontage. No minimum requirements.
4. Minimum Front Yard. No minimum requirements except as may be specified by the Planning Commission.
5. Minimum Rear Yard. No minimum requirements except as may be specified by the Planning Commission.
6. Minimum Side Yard. No minimum requirements except as may be specified by the Planning Commission.

E. Industrial Performance Standards.

All industrial and commercial businesses whether established as a use by right or condition shall comply with the following standards to provide that these uses do not create any danger to safety in surrounding areas, do not cause water pollution and do not create offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property in which such uses are located, nor shall be operated in any manner so as to constitute a public nuisance or hazard.

1. Volume of Sound Generated. Every use shall be so operated that the volume of sound inherently and recurrently generated does not exceed sixty (60) decibels with a maximum increase of five (5) decibels permitted for a maximum of fifteen (15) minutes in any one (1) hour at any point of any boundary line of the property on which the use is located.
2. Vibration Generated. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
3. Smoke Emission. Every use shall be so operated that it does not emit smoke

exceeding a density of No. 1 on the Ringelman Chart.

4. Emission of Particulate Matter - Every use shall be so operated that it does not emit particulate matter exceeding 0.2 grains per cubic foot of flue gas at a stack temperature of 500° F.

5. Emission of Heat, Glare, Radiation and Fumes - Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the property on which the use is located.

6. Outdoor Storage and Waste Disposal -

- a. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same property as the tanks or drums of fuel are excluded from this provision.

- b. All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.

- c. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces.

- d. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive in addition to these regulations all storage of flammable, explosive or dangerous materials shall be subject to all applicable State Laws concerning storage of such materials.

7. Water Pollution - No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the Building Inspector, the North Dakota Department of Public Health and the local health authority and in compliance with the laws of the Environmental Protection Agency before operation of the facilities may begin.

All percolation tests or ground water resource tests as may be required by the North Dakota Department of Public Health and the local health authority before operation of the facilities may begin.

F.

Other Regulations.

Landscaping, buffer strips or setbacks as may be designated by the Planning Commission.

Section 19. Regulations for I-2, Industrial General District.

The regulations set forth in this section, or set forth elsewhere in this regulation when referred to in this section, are the District Regulations in the I-2, General Industrial District.

A.

Uses Permitted By Right.

1. Any kind of scientific research or manufacture, compounding, assembling, processing, fabrication, packaging or treatment of products, wholesaling, retailing associated with wholesaling, jobbing, warehousing, manufacturing or processing industries.

2. Any industrial or manufacturing operations within or without a building enclosure provided the following limitations are placed on all such uses:

- a. Unusual amounts of dust, fumes, odors, smoke, vapor, noise, lights and vibration shall be confined within the I-2 District. Proof of non-compliance shall be determined by measurements based upon standardized criteria established by noise and pollution experts and recorded by standardized instruments. If found to be in violation, the cost of said work and measurements shall be borne by the occupant of the use in violation of these regulations.

- b. Areas of outdoor storage and storage of equipment shall be concealed from view from abutting rights of way and adjoining residential districts.

3. Accessory buildings and uses customarily incident to the uses permitted by this district.

B.

Conditional Uses.

1. Electric substations and gas regulator stations.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
4. Junk yards provided they are enclosed by a solid wall or fence at least six (6) feet high.

- a. For each instance the Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.

- b. The Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Planning Commission.

C. Building Height Limit.

Except as provided in Section 21, the height regulations are as follows:

1. No structure shall exceed six (6) stories or seventy-five (75) feet in height.

D. Area Regulations.

Except as provided in Section 21, the area regulations are as follows:

1. Minimum Floor Area. No minimum requirements.
2. Minimum Lot Area. No minimum requirements.
3. Minimum Lot Frontage. No minimum requirements.
4. Minimum Front Yard. No minimum requirements except as may be specified by the Planning Commission.
5. Minimum Rear Yard. No minimum requirements except as may be specified by the Planning Commission.
6. Minimum Side Yard. No minimum requirements except as may be specified by the Planning Commission.

E. Industrial Performance Standards.

All industrial and commercial businesses whether established as a use by right or condition shall comply with the following standards to provide that these uses do not create any danger to safety in surrounding areas, do not cause water pollution and do not create offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences beyond the boundaries of the property in which such uses are located, nor shall be operated in any manner so as to constitute a public nuisance or hazard.

1. Volume of Sound Generated - Every use shall be so operated that the volume of sound inherently and recurrently generated does not exceed seventy (70) decibels with a maximum increase of ten (10) decibels permitted for a maximum of 15 minutes in any one hour at any point of any boundary line of the property on which the use is located.
2. Vibration Generated - Every use shall be so operated at the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
3. Smoke Emission - Every use shall be so operated that it does not emit smoke exceeding a density of No. 2 on the Ringelman Chart, except shade No. 3 is permitted for two (2) minutes of each hour.
4. Emission of Particulate Matter - Every use shall be so operated that it does not emit particulate matter exceeding 0.2 grains per cubic foot of flue gas at a stack temperature of 500° F.
5. Emission of Heat, Glare, Radiation and Fumes - Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the property on which the use is located.
6. Outdoor Storage and Waste Disposal -
 - a. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same property as the tanks or drums of fuel are excluded from this provision.
 - b. All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
 - c. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces.

- d. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be catchable by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
 - e. In addition to these regulations all storage of flammable, explosive or dangerous materials shall be subject to all applicable State Laws concerning such.
 7. **Water Pollution** - No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the Building Inspector, the North Dakota Department of Public Health, and the local health authority and in compliance with the laws of the Environmental Protection Agency before operation of the facilities may begin.
- All percolation tests or ground water resource tests as may be required by the North Dakota Department of Public Health and the local health authority must be met before operation of the facilities may begin.

F. Other regulations.

Landscaping, buffer strips or setbacks as may be designated by the Planning Commission.

Section 20. Design Requirements and Procedures for Planned Unit Developments.

A. Standards and Design Requirements.

1. Purpose
 - a. The Planned Unit Development (PUD) is a design and development technique within any zone district which allows flexibility in development will be able to accommodate imaginative ideas and site design as well as mixtures of uses subject to approval by the Planning Commission without being restricted to customary "standard" regulations. It is intended to promote a greater facility for open space, more functional use of land and placement of structures in appropriate relationships to each other, to open space and to common facilities.
2. **General Standards for the PUD**- The following general standards shall be observed regarding planning, design, and construction of the PUD:
 - a. The PUD shall be consistent with the Ramsey County Subdivision Regulations and with the intent of the Comprehensive Plan of Ramsey County and the policies therein.
 - b. The PUD shall be designed in a manner such that wherever possible it protects the environmental assets of the county including considerations of elements such as environmental pollution, streams and storm drainage courses and its relationship to its immediate surroundings.
 - c. The PUD design and construction plans shall take into account characteristics of soils, slopes, geological hazards and flood hazards in a manner intended to protect the health, safety, and welfare of potential users of the PUD. These aspects of the plan must be accompanied by a detailed soil engineering, storm drainage and flood report on the suitability of the area for the intended use before a building permit may be issued.
 - d. Design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space.

Setbacks and lot widths shall be as required by the Planning Commission to provide adequate access and fire protection and to insure proper ventilation, light, air and snow melt between buildings. As a general guide, twenty (20) feet between buildings is considered minimum.
3. **Requirements Regarding Site** - The following requirements shall be observed regarding the site of the PUD:
 - a. Planned open spaces within the PUD, including those spaces being used as public or private recreation sites or open space easements, shall be protected by adequate covenants running with the land, or by conveyances or dedications.
4. **Requirements Regarding Density and Design** - The following requirements shall be observed with regard to the densities allowed in the PUD:
 - a. **Open Space.** A minimum of twelve percent (12%) of the total PUD area shall be devoted to open-air recreation or other useable open space (public or quasi-public). "Useable open space" shall be defined as open area designed and developed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts,

gardens, parks, and walkways. The term shall not include space devoted to streets and parking and loading areas.

- b. Residential Density. The overall average density of the total residential area within the PUD shall not exceed the density limits as set forth for each district as follows:

O - one (1) dwelling unit per acre of net residential area.

A - one (1) dwelling unit per acre of net residential area.

S-D - fourteen (14) dwelling units per acre of net residential area.

R-1A - five (5) dwelling units per acre of net residential area.

R-1 - seven (7) dwelling units per acre of net residential area.

R-2 - twenty (20) dwelling units per acre of net residential area.

C-2 - twenty (20) dwelling units per acre of net residential area.

- c. Density of Other Uses. The overall average density of the total area devoted to all other permitted uses in the PUD shall apply to the net area devoted to uses excluding streets, street rights-of-way, and required useable open space.

- 5. Off-Street Parking. Off-street parking spaces shall be provided in the PUD according to the following:

- a. Single or multiple family dwelling units - at least one (1) space per unit.
- b. Hotels, motels, and lodges - one (1) space per unit plus additional parking as may be required for business, auditorium or other uses or activities as permitted in this district provisions for such uses are set forth in Section 21.

- c. Outdoor or mixed facilities and combinations of any permitted uses - sufficient number of spaces which will, in the determination of the Planning Commission, make reasonable and adequate provision for the highest expected volume of users. Such determination may be based upon the following:

- (1) the designed capacity of such facilities.
- (2) an overall plan for concentration or concentrations of parking with appropriate consideration of designed landscaping and relation to the surroundings.
- (3) trade-off, or alternating use of parking area(s) by uses occurring during different hours, seasons, or days.
- (4) demonstration of sufficient parking facilities must be made to satisfy other needs or uses as may be developed in the PUD. Also, the Planning Commission may set forth any additional parking requirements which, in their opinion, may be needed to satisfy the parking demand for any use developed in the PUD.

6. Circulation

- a. Circulation shall be determined by review of each PUD. The PUD must have an adequate internal street circulation system. Public streets must serve all Planned Units provided, however, that private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes, and each structure or use in the PUD provides off-street loading spaces or service courts.

B. Procedure.

The following procedure shall be observed when a planned unit development proposal is submitted for consideration.

- 1. Pre-Application Conference - A pre-application conference shall be held with the Planning Commission in order for the applicant to become acquainted with PUD procedures and related requirements.

- 2. Formal Application - An application for approval of a PUD may be filed by a person having an interest in the property to be included in the PUD. The application will be made on a form provided by the county and must include a statement by the owners of all property to be included. The application must be accompanied by a site plan and a written statement.

- a. Site Plan - A complete site plan showing the major details of the proposed planned unit prepared at a scale of not less than 1" = 100' shall be sub-

mitted in sufficient detail to evaluate the land planning, building design, and other features of the PUD. The site plan must contain, insofar as applicable, the following minimum information:

- (1) the existing topography of the land at 2 foot contour intervals.
 - (2) proposed land uses.
 - (3) the location of all existing and proposed buildings, structures, and improvements.
 - (4) the maximum height of all buildings.
 - (5) the density and type of dwellings.
 - (6) the internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
 - (7) the location, height, and size of proposed signs, lighting and advertising devices.
 - (8) areas which are to be conveyed, dedicated or reserved as general open space, common park areas, including public parks and recreational areas, and sites for schools or other public buildings.
 - (9) areas subject to a 100-year flooding cycle.
 - (10) a general landscape plan.
 - (11) the proportion of land to be left in a natural condition as major open space, stated in terms of acreage or square footage, as well as the ratio of open space in areas to be developed stated on a square feet per unit basis.
- b. Written Statement - The written statement to be submitted with the planned unit application must contain the following information:
- (1) a statement of the present ownership and a legal description of all the land included in the PUD;
 - (2) an explanation of the objectives to be achieved by the PUD, including building descriptions, sketches or elevations as may be required to describe the objectives;
 - (3) a development schedule indicating the approximate date when construction of the PUD or stages thereof can be expected to begin and be completed;
 - (4) a description of the proposed method of providing ongoing (permanent) maintenance of all non-private buildings, facilities, areas and thoroughfares, including show removal.
 - (5) a written statement by a licensed engineer(s) which shall describe and/or provide evidence of:
 - (a) the water source with adequate and dependable capacity to service the proposed development;
 - (b) the proposed method(s) of sewage treatment and the location of plant and outfall;
 - (c) the manner in which storm drainage shall be handled;
 - (d) the applicant may submit any other information or exhibits he deems pertinent that will aid in evaluating his proposed planned unit.

C. Review and Approval

1. Procedure to be followed for review and approval of a PUD within each zone district shall be as follows:
 - a. The Planning Commission shall review the preliminary development plan to determine that it complies with the PUD regulations and subdivision regulations.
 - b. Within 6 months following approval of the preliminary plan, the applicant shall file with the Planning Commission a final development plan. The Planning Commission may authorize the submission of the final development plan in stages. Upon approval of the final plan or portion thereof, the plan and all accessory documents shall be filed with the County Register of Deeds as a matter of public record. If the applicant has not submitted such plan within the period provided, the Planning Commission can and shall initiate proceedings to void all PUD development proposals for the subject land parcel for a period of one (1) year.
 - c. The final development plan as approved by the Planning Commission shall

be binding and shall not be changed during the construction of the PUD except upon application to the appropriate agency under the following procedures:

(1) Minor changes in locations, siting, bulk of structures or character of building may be authorized by the Planning Commission if required by circumstances not foreseen at the time the final plan was approved.

(2) All other changes in use, any rearrangement in lots, or changes in the provision of open space must be made by the Board of County Commissioners following a recommendation by the Planning Commission.

D. Failure to Meet Development Schedule:

1. If the applicant has not begun construction in the PUD within one year from the approval of the final development plan or otherwise has failed to meet the approved development schedule, the Planning Commission can and shall initiate proceedings to cancel approval of the PUD. Development, however, may proceed within the limits of the applicable zone district, but not within the provisions of the PUD technique. The Planning Commission may extend the development schedule for good cause shown by the applicant.

E. Development Review

1. At least once every 24 months following the approval of a PUD, the Planning Commission shall review all building permits which have been issued for the PUD and shall examine the construction which has taken place on the site. If they find that the rate of construction has not met the approved development program or if there is found to be violations of any of the provisions of this Resolution or the terms or conditions of the PUD approval, there shall be forwarded a report of this information to the Board of County Commissioners. The Board of County Commissioners shall review the report of violations submitted by the Planning Commission having first given notice to the PUD applicant. Upon review of the alleged violations, the Board of County Commissioners may, if it is deemed necessary, require that appropriate action be taken to remedy the violations, amend or modify the PUD, or revoke approval.

F. Completion of Planned Unit:

1. The Building Inspector shall issue a certificate certifying completion of the PUD, and shall note the issuance of the certificate on an office copy of the site plan;
2. After completion, the use of land and the construction, modification, or alteration of any buildings within the PUD will be governed by the approved site plan;
3. Except as follows, no changes may be made in the PUD after its approval:
 - a. minor changes in the location, size, siting, or character of buildings or structures may be authorized by the Building Inspector. No change authorized by the Building Inspector under this section may increase the size of any building or structure by more than ten percent;
 - b. all other changes in the PUD and PUD site plan must be made under the procedures that are applicable to the initial approval of a PUD.

G. Variance

1. The Board of County Commissioners may grant variances from the provisions of this Regulation where it can be demonstrated that the foregoing provisions create an undue hardship; that there are unique physical circumstances or conditions involved which are peculiar to the affected property; that a variance, if granted, will not alter the essential character of the area, or substantially or permanently impair the appropriate use or development of adjacent property. In granting any variance, the Board of County Commissioners may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Regulation.

H. Conformance with Subdivision Regulations

1. Any area proposed as a PUD shall be subject to the requirements for review and approval under the subdivision regulations. Such subdivision review procedures may be carried out concurrently with overall or staged review of the PUD as outlined in this section.

I. Subdivision and Resale

1. A PUD may be subdivided or resubdivided for purposes of sale or lease.
2. An application for approval of the subdivision or resubdivision must be made if the subdivision or resubdivision will create a new plat line. The procedures applicable to the initial approval of a PUD are also applicable to the approval

of a subdivision of a RUD.

3. The subdivision or resubdivision may be approved if it does not increase the dwelling unit density of the RUD and if the RUD, following the subdivision or resubdivision, is in compliance with the standards for RUD's provided in this section.

Section 21. Special Regulations.

The regulations set forth in this section, or set forth elsewhere in this Regulation, when referred to in this section are the special regulations.

A. Off-Street Parking

1. An off-street parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives or ramps, and have a vertical clearance of at least seven (7) feet.
2. All open off-street parking areas with four (4) or more spaces and all loading berths shall be:
 - a. Improved with a cement binder material of hard surface pavement to provide a durable dust-free surface.
 - b. Graded to dispose of all surface water within the area without damage, nuisance or hazard to adjacent premises.
 - c. Arranged and marked to provide for orderly and safe parking.
 - d. Provided with access road of 8 feet if a residence or 15 feet if a non-residential building from a public street or alley.
 - e. Screened by wall, fence or landscaping from the street or from any residential or institutional property.
3. Off-street parking or loading requirements shall be met on the same lot as the building served or on a lot within 200 feet thereof especially reserved for such parking purposes, except that off-street parking facilities for separate activities may be provided collectively on a separate lot if the total spaces provided are not less than the total requirements of the separate uses.
4. No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty (50) percent, or changed in use unless there is provided on the lot, space for the parking of automobiles or trucks in accordance with the following minimum requirements:
 - a. Bowling alley: four (4) parking spaces for each alley.
 - b. Business, professional or public office building, studio, bank, medical or dental clinic: three (3) parking spaces, plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
 - c. Church: one (1) parking space for each four (4) seats in the main auditorium.
 - d. College or school: one (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
 - e. Community center, library or museum: ten (10) parking spaces, plus one (1) additional space for each three hundred (300) feet of floor area in excess of two thousand (2,000) square feet.
 - f. Dwellings (Single or Multiple): one (1) parking space for each dwelling unit.
 - g. Hospital, sanitarium, home for the aged, or similar institutions: one (1) parking space for each three (3) beds.
 - h. Hotels: one (1) parking space for each three (3) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
 - i. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: one (1) parking space for every two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
 - j. Mortuary or funeral home: one (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors and individual funeral service rooms.
 - k. Private club or lodge: one (1) parking space for every ten (10) members.

1. Restaurant, night club, cafe or similar recreation or amusement establishment: one (1) parking space for each one hundred (100) square feet of floor area.
- m. Retail store or personal service establishment: one (1) parking space for each two hundred (200) square feet of floor area.
- n. Rooming house, lodging house, fraternity or sorority: one (1) parking space for each two (2) beds.
- o. Sports arena, stadium or gymnasium (except school): one (1) parking space for each five (5) seats or seating spaces.
- p. Mobile home: one (1) parking space for each mobile home plus one additional space for each four (4) lots.
- q. Theater or auditorium (except school): one (1) parking space for each five (5) seats or bench seating spaces.
- r. When the number of off-street parking or loading spaces required for a building cannot be determined from the preceding minimum requirements, the off-street parking requirements shall be determined by the Planning Commission, using as a guide the parking requirements for a mentioned use which most resembles the proposed use.

B. Outdoor Advertising Signs

General:

1. All signs shall be structurally safe and shall be securely anchored or otherwise fastened, suspended, or supported so that they will not be a menace to the safety of persons or property.
2. No sign, outdoor commercial advertising device or lighting device constituting a nuisance to an adjacent residential district because of lighting glare, focus, animation or flashing of a sign, lighting or advertising device shall be erected or continued in operation.
3. No "revolving beacon" or "fountain" signs shall be permitted in any district.
4. No sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic.
5. Ground signs shall not be located on public property except by specific approval of the governing body.
6. Temporary signs or banners on or over public property may be authorized by the governing body for a period not to exceed ten (10) days.
7. Signs projecting over a street, alley, or other public space shall project not more than ten (10) feet and be no closer than two (2) feet to a plumbline from curbline; clearance below such signs shall be a minimum of nine (9) feet.
8. Roadside marker signs advertising produce grown and sold on the premises on which they are located. Said signs shall not remain continuously erected more than six (6) months of any calendar year.

Residential districts and Residential Uses in the Shore Line Development:

9. One (1) identification sign shall be permitted per residential use provided such sign does not exceed two (2) square feet in area; said sign may be wall, pedestal, ground or projecting type (but not projecting over public property).
 10. One sign of a temporary nature, such as "for sale" or "for rent" shall be permitted per residential use provided such sign does not exceed six (6) square feet and is not lighted; said sign may be wall, pedestal or ground type.
 11. For mobile home parks, the "identification", "for sale" and "for rent" signs for each individual mobile home shall be applicable the same as for "conventional dwellings". For mobile home parks one ground, wall or pedestal sign shall be allowed. Said sign shall not exceed fifty (50) square feet.
- Commercial and Industrial Districts and Commercial Uses in the Shore Line Development District:

12. One general identification sign shall be permitted provided such sign does not exceed one hundred (100) square feet; said sign may be wall, pedestal, ground or projecting type. Each separate business may have a wall mounted sign which conforms to the architectural form of the structure thereto attached.

Agricultural and Open Districts:

13. Highway billboards, or other such highway oriented advertising devices shall be permitted, provided such signs and devices are located at least one thousand (1,000) feet from any existing advertising sign or device, regardless of politi-

cal boundaries, width of rights-of-way, existing highways, streets, roads or easements.

14. Prior to construction of any highway billboard or other such highway oriented advertising device, an Outdoor Advertising Structure Permit shall be obtained from the Building Inspector. Said permit shall be for a one (1) year term. Permit for all or any portion of a year shall be considered a permit for a full year. Said permit shall be renewed annually on or before December 31, provided that such renewal would not be adverse to the public health, safety or welfare. If the Building Inspector judges any sign to be in poor repair, not properly located, obstructing public right-of-way, or in any way adjudged to constitute a public hazard or nuisance, said sign may be removed by the Building Inspector. Permits shall be clearly visible and firmly attached to the lower one-fourth of the sign, and located four (4) feet above ground level. The fee for said Outdoor Advertising Structure Permit shall be as set forth in Section 24.

Public or Semi-Public Uses:

15. One identification sign shall be permitted per public or semi-public use provided such sign does not exceed ten (10) square feet in area; said sign may be wall, pedestal, ground, or projecting type.

Non-Conforming Signs:

16. Policy: It is reasonable that a time limit be placed upon the continuance of existing non-conforming signs. An amortization program permits the owner to plan during a period when he is allowed to continue the non-conforming signs while at the same time assuring that the district in which the non-conforming signs exist will eventually benefit from a substantial uniformity of permanent signs.
17. Definition of Non-Conforming Signs: A non-conforming sign shall be any sign which:

- a. On the effective date of this Regulation was lawfully maintained and had been lawfully erected, but which sign does not conform to the limitations established by this Regulation or the use of land in which the sign is located.
- b. On or after the effective date of this Regulation was lawfully maintained and erected in accordance with the provisions of this Regulation but which sign, by reason of amendment to this Regulation after the effective date thereof, does not conform to the limitations established by the amendment to this Resolution in the district in which the sign is located.
18. Continuance of Non-Conforming Signs: Subject to the termination hereinafter provided, any non-conforming sign may be continued in operation and maintained after the effective date of this Resolution provided, however, that no such sign shall be changed in any manner that increases the non-compliance of such sign with the provisions of this Resolution established for signs in the zoning district in which the sign is located; and, provided, further, that the burden of establishing a sign to be non-conforming under this Section rests entirely upon the person or persons, firm or corporation claiming a non-conforming status for a sign.

19. Termination of Non-Conforming Signs:

- a. By Abandonment - Abandonment of a non-conforming sign shall terminate immediately the right to maintain such sign.
- b. By Violation of the Resolution - Any violation of this Resolution shall terminate immediately the right to maintain a non-conforming sign.
- c. By Destruction, Damage or Obsolescence - The right to maintain any non-conforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed, from any cause whatsoever, or becomes obsolete or substandard under any applicable resolution of Ramsey County to the extent that the sign becomes a hazard or a danger.
- d. By Amortization - The right to maintain a non-conforming sign shall terminate in accordance with the following schedule:
- | Any sign which on the date the sign became non-conforming would cost the following amount to replace: | Shall be terminated within the following period after the sign became non-conforming: |
|---|---|
| \$ 0 to 100 | 90 days |
| 101 to 1,000 | 1 year |
| 1,001 to 3,000 | 2 years |
| 3,001 to 6,000 | 3 years |
| 6,001 to 15,000 | 4 years |
| 15,001 or more | 5 years |

C.

Additional Height and Area Regulations.

1. Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet, provided that the front yard depth shall be thirty (30) percent in excess of those specified in these regulations and further provided that the side yard on a corner lot shall be equal to the front yard requirements as stated hereinabove.
2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as herein contained.
3. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley at right angles, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as a part of the main building for the purposes of determining side and rear yards.
4. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.
5. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, cornices, and ornamental features which are not to exceed twelve (12) inches.
6. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
7. Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3-1/2) feet and where the same are so placed as not to obstruct light and ventilation.
8. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.
9. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard provided these projections be at least two (2) feet from the adjacent side lot line.
10. For the purpose of the side yard regulations, a two family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.
11. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
12. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one main building on the lot provided, however that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one story buildings, thirty (30) feet for two story buildings, and forty (40) feet for three or four story buildings.
13. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one story buildings, thirty (30) feet for two story buildings and forty (40) feet for three or four story buildings.
14. Where lots have double frontage, the required front yards shall be provided on both streets.
15. The required side yard on the street side of a corner lot shall be one-half (1/2) the required front yard on such street, provided that no adjacent structures front on the same street, in which case the entire required front yard must be provided, except that the building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.
16. The front yards heretofore established shall be adjusted in the following cases:
 - a. Where forty (40) percent or more of the frontage on the same side of a

street between two intersecting streets is developed with two or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.

b. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then:

(1) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest frontcorners of the adjacent building on each side, or,

(2) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

D.

Non-Conforming Uses

1. Non-Conforming Uses Discontinued: The lawful use or occupation of land or premises existing at the time of the adoption of these regulations may be continued, although such use or occupation does not conform to the provisions hereof, but if such non-conforming use or occupancy is discontinued for a period of more than two (2) years, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. If the State or County acquires title to any land or premises, all further use or occupancy thereof shall be a conforming use or occupancy.

2. Non-Conforming Uses Changed or Expanded:

a. Whenever the use of a building becomes a non-conforming use through a change in the Zoning Regulations or district boundaries, such use may be continued and if no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

b. No existing building devoted to a use not permitted by these regulations in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended or reconstructed unless such use is changed to a use permitted in the district in which such building is located. However, in order to provide for off-street parking and off-street loading, a non-conforming use of either building or land may be expanded by enlargement of either the building or land area by not more than twenty-five (25) percent of its size existing at the time of adoption of these regulations.

3. Non-Conforming Use Destroyed or Damaged: When a building, the use of which does not conform to the provisions of these regulations, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.

4. Unlawful Use Not Authorized: Nothing in these regulations shall be interpreted as authorization for, or approval of the continuance of the use of a building or premises in violation of any regulations in effect at the time of the effective date of these regulations.

5. Board of County Commissioners to Make Complete List: In accordance with the governing State Statutes, immediately after the adoption of this Regulation the Board of County Commissioners shall prepare a complete list of all non-conforming uses and occupancies existing at the time of the adoption.

E.

Basic Considerations for Conditional Use.

1. Any conditional use allowed in the various zone districts as provided by this Regulation shall be subject to the following basic considerations and other considerations as may be deemed necessary by the Planning Commission in order to protect the general health, safety, welfare and morals of the area in which a conditional use may be located.

2. That such use does not create any danger to safety in surrounding areas, does not cause water pollution and does not create offensive noise, vibration, smoke, dust, odors, heat, glare, snow storage problems, environmental problems, or other objectionable influences beyond the boundaries of the property on which such use is located.

3. That upon the discretion of the Planning Commission a written explanation may be required indicating methods to be used to minimize smoke, odors, dust, and similar environmental and snow storage problems which might result from

the operation of the proposed conditional use.

F. Flood Control Regulations.

The following regulations shall apply to all land in Ramsey County which in the opinion of the Planning Commission may be subject to flood hazard.

1. Prior to re-zoning any area, or prior to issuance of any building permit or prior to subdividing any land the following requirements shall be met and data furnished when required by the Planning Commission:
 - a. Two copies of an aerial photograph or a plan, including a study of the 100 year flood plain, certified by a competent engineer, which accurately locates the flood plain proposal with respect to the area limits, channel of stream, existing flood plain developments, together with all pertinent information such as the nature of the proposal for use of land, legal description of the property, fill limits and elevations, building flood elevation; and flood proofing measures.
 - b. A typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - c. Plan (surface view) showing elevations or contours of the ground; pertinent structures, fill or storage elevations, size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, soil types and other pertinent information.
 - d. Profile showing the slope of the bottom of the channel or flow line of the stream.
 - e. Specifications for building construction and materials for "flood proofing," filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities as may be required. A plan or statement certified by a registered professional engineer that the flood proofing measures are consistent with the flood protection elevation for the particular area for which the building permit is requested.
 2. The Planning Commission shall use the following basic criteria in determining when an area may be subject to flood hazard:
 - a. The effects upon the efficiency or capacity of the floodway area
 - b. The effects upon lands upstream, downstream and in the immediate vicinity
 - c. The effects upon the flood profile and flood heights
 - d. The effects upon the Flood Storage Area and lands beyond the Flood Storage Area
 3. The effects upon any tributaries to the main stream, drainage ditches or any other drainage facilities or systems
 - f. Whether the applicant would obtain an undue advantage compared to later applicants who might request a permit
 - g. Whether additional public expenditures for flood protection or prevention will be necessary
 - h. Whether the proposed use is a dwelling unit or will otherwise be inhabited
 - i. The potential danger to persons upstream, downstream and in the immediate vicinity
3. Flood proofing construction shall consist of the following minimum requirements or such additional requirements as may be deemed necessary by the Building Inspector to provide adequate flood proof construction.
 - a. Use of paints, membranes or mortars to reduce seepage of water through walls
 - b. Installation of pumps to lower water levels in structures
 - c. Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
 - d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

G. Vacations.

Whenever any street, alley or other public way is vacated by official action of the Board of County Commissioners, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

Section 22. Adjustment of Regulations.

The provisions set forth in this section, or set forth elsewhere in this Regulation when referred to in this section are the provisions for adjustment and variance of this Regulation.

- A. Adjustment by Board of County Commissioners: The Board of County Commissioners-

ers is authorized to adjust the application or enforcement of any provision of a resolution hereunder in any specific case where a literal enforcement of such provision would result in great practical difficulties, unnecessary hardship, or injustice, so as to avoid such consequences, provided such action shall not be contrary to the public interest or the general purposes hereof. This power also includes the determination of cemetery and airport locations. However, prior to any adjustment action by the Board of County Commissioners within the corporate limits of a city, the Board will forward to the appropriate governing body in writing by registered mail, at least twenty (20) days prior to any hearing or decision, all details, information, reasons and circumstances of the requested adjustment action. The Board will take no action until comments and recommendations from the governing body have been reviewed. If, however, said comments are not received from the governing body within fifteen (15) days following their receipt of the request for such comments and recommendations, the Board may proceed with a decision.

- B. Appeals to District Court: Any person or persons, or any board, department, or bureau of the County aggrieved by any decision of the Board of Adjustment may seek review by a court of record, of such decision, by certiorari in the manner provided by the laws of the State of North Dakota.

Section 23. Building Regulations, Building Inspector

- A. Creation of Office. There be and is hereby created in Ramsey County, North Dakota the office of Building Inspector. Said Inspector shall be appointed by the Board of County Commissioners at such salary and compensation as it shall determine.

- B. Powers and Duties of Inspector. The duties of the Building Inspector shall be generally the inspection of the alteration or erection of all buildings within Ramsey County. The Building Inspector shall also be charged with the enforcement of all codes, ordinances or resolutions in connection with the building of buildings, alteration of buildings or the moving of buildings within the County. The Building Inspector is hereby empowered to file complaints against any person, persons, firm or corporation for violating any of the provisions of any of the codes, ordinances or resolutions over which he has by this Regulation been granted jurisdiction, and he shall request the Ramsey County States Attorney to prosecute such violation without unnecessary delay. The Inspector shall be charged with such further duties as may from time to time be allotted to him by the Board of County Commissioners. The final determination of the Building Inspector may at all times be reviewed upon appeal to the Board of County Commissioners.

- C. Building Permits. Any person or persons intending to construct, re-construct or relocate a building or other structure or addition thereto, in Ramsey County, except for agriculture purposes, shall before proceeding with said work, or commencing any excavation in connection therewith, file in the office of the Building Inspector a written application in duplicate designating the kind of building, structure or addition which he intends to erect or make, materials of which the same is to be composed, and the legal description and location of the real estate, the part or portion of the real estate to be occupied by the building, other structure or addition, or improvement, the probable cost thereof and a detailed description of the type of construction and material used therein, and especially for each chimney, smoke stack, flue and fireplace to be erected or constructed in connection therewith, together with such additional plans and specifications as may be required by the Building Inspector, and shall obtain a permit therefor as hereinafter provided. The Uniform Building Code 1970 edition with amendments through 1972 as published and recommended by the International Conference of Building Officials, together with any amendments hereafter made thereto, three copies of which are on file in the Office of the County Auditor, and is hereby incorporated and made a part of this Section, the same as though spread at large herein. In construing the subject matter incorporated by reference herein, if any part of said subject matter shall conflict so that it cannot be reconciled with any other code, ordinance or regulation duly enacted by the local governing body the provisions of said regulations which legislate directly and specifically upon the precise matter in question shall prevail.

- D. Plans. Each application for a building permit shall be accompanied by a plat showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this Regulation. A record of applications and plats shall be kept in the Office of the Building Inspector.

- E. Application, Approval and Requirements; Issuance of Permits. The application shall be filed in the office of the Building Inspector who shall determine whether said application and proposed construction meets the requirements of this Regulation. If it is determined that the proposed work will conform to the Statutes of the State of North Dakota, this Regulation and the ordinances and regulations of the local jurisdiction and that no good cause of any nature exists why said work should not be done, said Inspector shall thereupon approve said building permit application and promptly issue a building permit. If the application be disapproved by the Building Inspector or if any citizen of Ramsey County shall file objection in writing with the County Auditor to the issuance of said permit, the County Auditor shall present said application, together with all plans and specifications, objections and findings, to the Board of County Commissioners at their next regular or special meeting and said Board then shall determine whether the permit shall be issued.

F. Building Permit Fee. At the time of issuance of any permit as aforesaid, the Building Inspector shall charge and collect in advance for issuance of said permit a fee to be established by the Board of County Commissioners and set forth in Section 24 of this Regulation. Said fee shall be the property of the County and shall be paid over to the County Auditor for credit to the General Fund.

G. Enforcement.

1. Where there are practical difficulties or unnecessary hardship in the way of carrying out the provisions of this section, the Board of County Commissioners, by resolution after due notice, may prescribe in a specific case a variation in the application of any provision in harmony with the general purpose and intent of this section so that the public health, safety and welfare may be conserved, and said Board may grant in the case of hardship or other unusual circumstance temporary and conditional permits, of not more than one year's duration for structures and uses not permitted by this Regulation, but which are necessary for the development of the area. However, prior to any such action the Board of County Commissioners shall request a full report and recommendations from the County Planning Commission. The Board of County Commissioners shall not take any action until comments and recommendations from the County Planning Commission have been reviewed. If, however, said comments are not received within fifteen (15) days following the request for such comments and recommendations, the Board of County Commissioners may proceed with a decision.
2. No building permit shall be issued for the erection of any building unless the plans conform to this Regulation and no building shall be erected in violation of or which shall not conform to the provisions hereof and no building shall be erected in violation of or which shall not conform to the provisions hereof under any permit heretofore issued, unless construction thereof shall have been commenced in good faith prior to the enactment of this Regulation.
3. No utility of any type shall be constructed in any location in Ramsey County; nor shall any utility be installed, "hooked up" or provide service to any structure until a permit has been issued by the Building Inspector; and no permit shall be issued unless the proposal is in full accordance with this Resolution, except in those instances where a variance has been granted by the Board of County Commissioners. All applications for permits shall be accompanied by a map or drawing as may be applicable showing the location of the proposed utility or utility installation.
4. Every building permit issued by the Building Inspector under the provisions of this Regulation shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within sixty (60) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time for a period of one hundred twenty (120) days after the work has commenced. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.
5. The Building Inspector may in writing, suspend or revoke a permit issued under provisions of these Regulations whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of these or other regulations.

H. Certificate of Occupancy. Subsequent to the effective date of this Resolution, no new building shall hereinafter be occupied or used without a Certificate of Occupancy which has been issued by the Building Inspector. Such Certificate shall be issued within five (5) days after the Inspector has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this Regulation.

I. Records. All building permits, application records, records of inspection, and certificate-of-occupancy records shall be kept on file in the office of the Building Inspector and shall be available for inspection by the public.

Section 24. Fees

- A. Rezoning Fee. A fee of fifty (\$50) dollars shall be payable to the Building Inspector upon application for rezoning.
- B. Fees for Outdoor Advertising Signs. At the time of issuance of any permit for an Outdoor Advertising Structure Permit in and O - Open District or A - Agriculture District a fee of ten (\$10) dollars plus five (5) cents per square foot for each sign having a total face advertising area of thirty-two (32) square feet or more. The fee for each renewal of an Outdoor Advertising Structure Permit shall be ten (\$10) dollars.
- C. Building Permit Fees
- | | |
|------------------------------|---|
| Building Permit Fees | \$50 for each \$10,000 of building cost |
| Certificate of Occupancy Fee | \$25 |
| Variances | \$15 |
| Conditional Uses | \$15 |
| Zoning Changes | \$50 |

D. Fees for Planned Unit Development

The following fees to help defray the cost of processing and administering this Section of the Zoning Regulation shall be paid by the PUD applicant upon submission of the indicated type of plan for review by the Planning Commission.

Type of Plan Required Fee

Overall preliminary development plan.	50 Acres or Under/Over 50 Acres
Overall final development plan.	\$ 50 plus \$1 per acre
Final Development plan (all stages).	\$100 plus \$100
	\$ 50 plus \$1 per acre

Section 25. General Provisions, Legislative Provisions, Penalty

A. Interpretation, Purpose and Conflict. In interpreting and applying the provisions of this Regulation they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended that this Regulation is to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Regulation imposes a greater restriction, they shall control.

B. Amendments. A Board of County Commissioners may from time to time on its own motion or on petition initiate any amendment, supplement, change, modification or repeal by regulation the boundaries of districts, regulations, or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Board of County Commissioners for its recommendations and report to be made in writing. Said report shall subsequently be submitted to the Planning Commission for its review, recommendations and report at the next regular meeting provided the Planning Commission has had adequate and reasonable time for review. Said report shall be submitted in writing to the Board of County Commissioners for final approval or disapproval. Said reports shall contain the findings regarding the effect of the proposed amendment, supplement, change, modification or repeal upon adjacent property and upon the Comprehensive Zoning Plan of Ramsey County.

C. Prior to submission of the reports and recommendations of the Planning Commission to the Board of County Commissioners for enactment, the Planning Commission shall hold a public hearing in relation thereto, giving notice of the time and place of such hearing, as provided in paragraph C of this Section 25. Before any action shall be taken as provided in this Section, the party or parties proposing or recommending a change in the District Regulations or District boundaries shall deposit with the County Auditor, the proper fee as set forth in Section 24 to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Board of County Commissioners. No deposit of money shall be required when any action is recommended by the Board of County Commissioners on its own motion or by any person or group officially designated to participate in the administration of this regulation. In the event the proposed amendment or change is denied by the Board of County Commissioners no new request shall be made for the same or substantially similar amendment or change within one year of said denial thereof.

Notice of Hearing for Zoning Map Amendment. Hearing required under these Regulations shall not be held until notice has been given in compliance with the following provisions:

1. Data to be Submitted. Prior to any consideration for amendment to the Official Zoning Map, the petitioner shall file the following data with the Planning Commission at least ten (10) days prior to the scheduled date of Planning Commission review.
 - a. Certified survey and legal description by a registered land surveyor or professional engineer.
 - b. Proposed method of water supply and sewage disposal.
 - c. Snow storage facilities and removal.
 - d. Other such site plans or drawings to show a demonstrated need for zoning change.
 - e. The following additional data may be required to accompany the petition for any zone change, but shall be required in petitions for change in zoning to R-3, C-1, C-2, I-1 or I-2 District.
 - (1) A site plan showing location of structures, number of dwelling units per structure, existing contours at an interval of 2 feet, location of open space to be retained, location of off-street parking spaces, location of common areas and their proposed usage.
 - (2) Evidence of availability of public water and sewer facilities. Such evidence shall be in the form of a written commitment by a municipal or quasi-municipal agency stating that such service will be available to the property.
 - (3) In the event of a private water and sewer system a written engineering report shall be submitted assuring availability of water and sewer service and written approval by the North Dakota Department of Public Health and the local health authority.

(4) When a private water and sewer system is proposed a surety bond in the amount of 100% of the estimated cost of such system shall be made in favor of the Board of County Commissioners and presented at the public hearing concerning the zoning change. Such bond will be held until construction of said systems are completed and approved by the North Dakota Department of Public Health and the local health authority. In lieu of a surety bond the Board of County Commissioners may authorize other such proof of financing or security which will satisfy construction guarantees.

2. Notice of the time, place and purpose of such hearing shall be published once each week for three (3) consecutive weeks in a newspaper of general circulation in the County, and in such other newspapers published in the County as the Planning Commission deems necessary. Such notice shall also be sent by registered mail, not less than fifteen (15) days prior to the hearing date to the individual or body initiating such amendment. It shall not be necessary to give further notice of adjourned or continued hearings.

3. A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white background and black letters not less than one and one-half (1-1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from a public street or roadway and shall be posted at least ten (10) days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

D.

Legislative Provisions.

1. Separability Clause. Should any section, clause, or provision of this Regulation be declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of this Regulation as a whole, or any part thereof other than the part declared to be invalid.

2. Enforcement. It shall be the duty of the Building Inspector to enforce this Regulation. Appeals from a decision of the Building Inspector may be made as provided for in Sections 22 and 23 of this Regulation.

3. Violation and Penalty. Failure to comply with all of the provisions of this Regulation unless a variance has been authorized by the Board of County Commissioners shall constitute a misdemeanor and upon conviction is punishable by a fine of one hundred dollars (\$100) or imprisonment for a period of not more than ninety (90) days or both. Each day that such a violation continues to exist shall be considered a separate offense.

4. Notification. Whenever the Building Inspector shall find a violation of any of the provisions of this Regulation, he shall notify the person responsible for the violation in writing and shall order the necessary corrections within a period of two (2) months.

5. Complaints. Any person aggrieved by a violation or apparent violation of the provisions of this Regulation may file a written complaint with the Building Inspector who shall investigate such complaint and take legal action within five (5) days to have the violation penalized or removed. If such violation is found to exist.

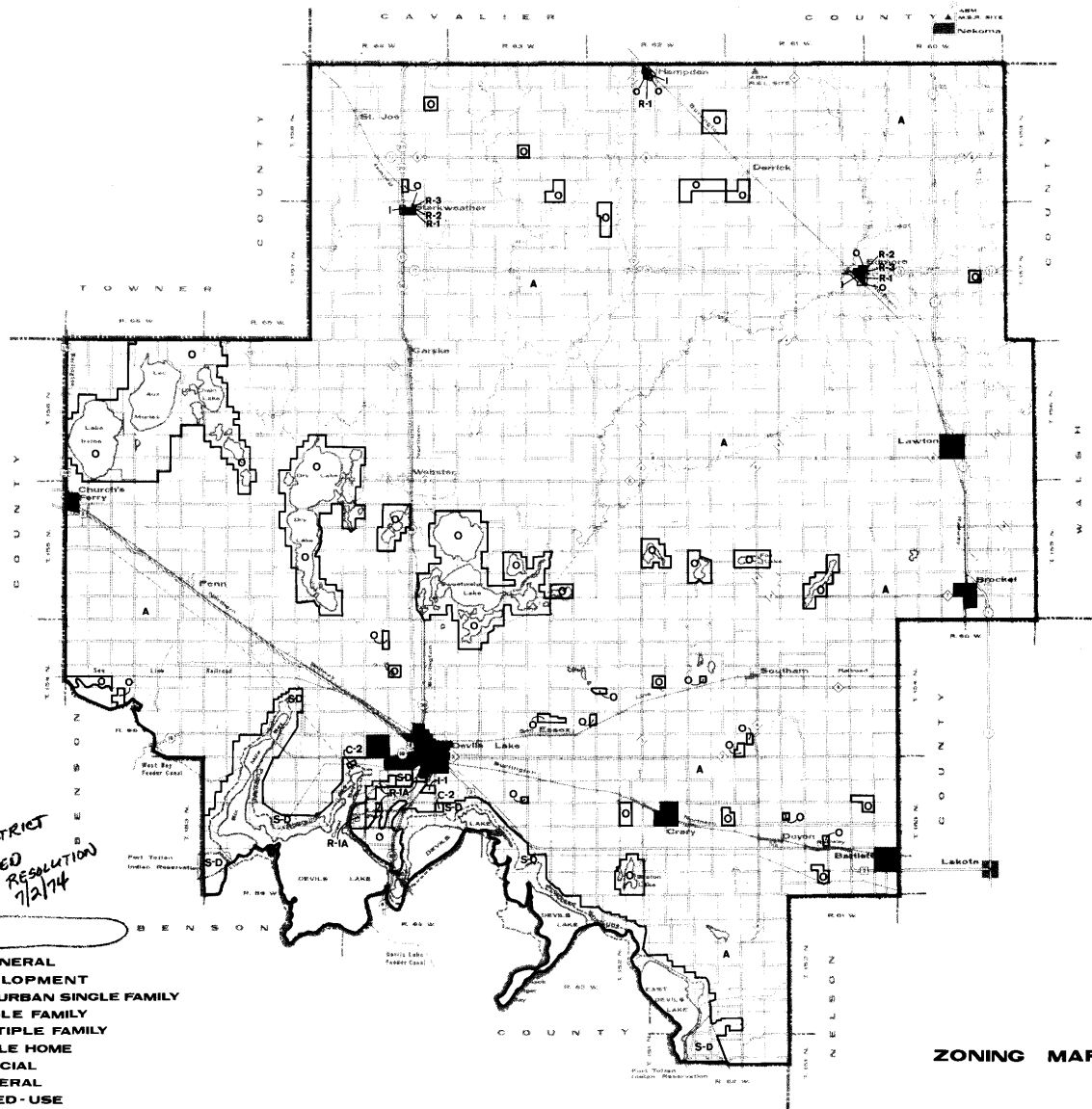
6. Purposes of Catch Heads. The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of an index and they shall be wholly disregarded by any persons, officer, court or other tribunal in construing the terms and provisions of this Regulation.

7. Interpretation. In their interpretation and application, the provisions of this Regulation shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare.

8. Conflict. Whenever the requirements of this Regulation are in conflict with the requirements of any other ordinance, rule, regulation, private covenant, or deed restriction, the more restrictive or that imposing the higher standards shall govern.

9. Enactment. This Regulation shall be in full force and affect from and after their passage, approval and publication as provided by law.

RAMSEY COUNTY, NORTH DAKOTA



OPEN DISTRICT
REMOVED
BY RESOLUTION
7/2/74

ZONING MAP

CHARLES GATHERS AND ASSOCIATES INC.
ARCHITECTS PLANNERS
DENVER, COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 68 stat. 940, (1954) as amended, u.s.c. 481, administered by the north dakota state planning division.



MILES 0 1 2 3 4 5 6 7

FIGURE A-1

APPLICATION FOR BUILDING PERMIT

Date _____ Permit No. _____

Name of Applicant _____

Address _____ Phone No. _____

Name of Contractor _____ State License No. _____

Location of proposed construction (address) _____

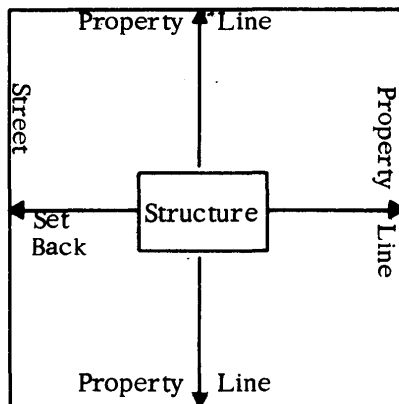
Subdivision _____ Block _____ Lot _____

Proposed use of structure _____

Type of Construction: _____ New _____ Alter _____

Zoning District _____ Proposed structure complies with Zoning

Regulations: Yes _____ No _____ Zoning Change Requested: Yes _____ No _____



Lot area _____

Front yard _____

Rear yard _____

Side yard _____

Side yard _____

Height of structure _____

Off-street parking _____

Off-street loading _____

Amount of fee required \$ _____

Permit Approved: Date _____ Permit Denied: Date _____

Reason for Denial _____

Signature of Applicant _____ Signature of Building Inspector _____

Appeal to Board of Adjustment: Yes _____ No _____

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

BUILDING PERMIT

Date _____ Permit No. _____

Permit Issued to: Name _____

Address _____ Phone No. _____

Contractor _____ Owner _____

For construction of: _____

Located at: _____
(address)

Subdivision _____ Block _____ Lot _____

Construction plans submitted, approved by, and on file with the Building Inspector's Office

Fee Paid: \$ _____

Building Inspector

NOTICE: This building must not be occupied until final inspection has been made and a CERTIFICATE OF OCCUPANCY issued.

(To be printed on heavy cardboard not less than 6 inches by 8 inches in size and displayed in a prominent place on the premises where the building is to be erected.)

APPLICATION FOR PLANNED UNIT DEVELOPMENT

No. _____

Name of Applicant _____

Address _____ Phone No. _____

Location of proposed P. U. D. (Legal description if possible) _____

Subdivision _____ Block _____ Lot _____

Present Zone District _____

PRE-APPLICATION CONFERENCE

Date _____

Recommendations of Planning Commission _____

FORMAL APPLICATION

Date _____

Date Submitted _____

Review by Planning Commission (overall preliminary development plan)

Date _____

Recommendations _____

Public Hearing

Date _____

Approval 25 Date _____ Disapproval _____ Date _____

Fee of ~~\$100~~ Paid _____ Date _____

Review by Planning Commission (Overall final development plan or stage of final development plan)

Date _____

Approval _____ Date _____ Disapproval _____ Date _____

Date filed with County Clerk and Recorder _____

Fee \$50 for first 50 acres plus \$1 for every acre thereafter: _____

Total fee _____ Date _____

STAGE 1

Approval _____ Date _____ Disapproval _____ Date _____

Date filed with County Clerk and Recorder _____

Fee \$50 for first 50 acres plus \$1 for every acre thereafter: _____

Total fee _____ Date _____

STAGE 2

Approval _____ Date _____ Disapproval _____ Date _____

Date filed with County Clerk and Recorder _____

Fee \$50 for first 50 acres plus \$1 for every acre thereafter: _____

Total fee _____ Date _____

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

APPLICATION FOR ZONING PERMIT
OUTDOOR ADVERTISING SIGN

Name of Applicant _____ No. _____
 Address _____ Phone No. _____
 Signature _____
 Legal Description of Sign Location: _____

 Date of Issuance of Permit _____
 Date of Expiration (One year from above date) _____
 Fee: \$ _____ Paid _____ Not Paid _____

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

AF-4

PETITION FOR ZONING AMENDMENT

No. _____
 Name of Petitioner _____
 Address _____ Phone No. _____
 Petition to Amend: _____ Zoning District Boundaries _____
 _____ Zoning District Regulations _____
 Reason for requested amendment: _____

 Location of Property (Address) _____
 Subdivision _____ Block _____ Lot _____
 Legal description of property: _____

 Present Zone District _____ Proposed Zone District _____
 Property owners located within 150 feet of subject property: (Name and address -
 See attached list and sketch)
 Fee: \$ _____ Paid _____ Not Paid _____
 Signature of Petitioner _____
 Signature of Property Owner _____ Building Inspector _____
 Hearing Date Scheduled _____ Legal notice published date _____
 Recommendations of Planning Commission: Approval _____
 _____ Denial _____
 (Reasons Attached) Date _____
 Recommendations of Governing Body: Approved _____ Denial _____
 (Reasons Attached) Date _____

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

AF-5

NOTICE OF
PUBLIC HEARING

A public hearing is scheduled on _____
(date)

_____, at _____
(time) (location)

for the purpose of hearing a presentation for a change of zoning on the property
hereby posted by this notice. Said proposed zone change to be from _____
_____ Zone District to _____ Zone
District.

(Notice shall not be less than 18 inches in height and 24 inches in width with
a white or yellow background and black letters not less than one and one-half
inches in height.)

APPLICATION FOR
BOARD OF ADJUSTMENT HEARING

Appeal to the Board of Adjustment for Public Hearing - Date _____

Name of Appellant _____

Address _____ Phone No. _____

Variance or Aggrievance _____

Fee: \$ _____ Paid _____ Not Paid _____ Date _____

Building Inspector

Date of Hearing _____

Action of Board of Adjustment _____

Request Approved _____ Denied _____

Date _____

Chairman of Board of Adjustment

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

NOTICE OF
PUBLIC HEARING

A public hearing is scheduled on _____
(date)

_____, at _____
(time) (location)

for the purpose of hearing an appeal to the Board of Adjustment on the property
hereby posted by this notice. Variance requested or aggrievance _____

Name of Appellant _____

Address _____ Phone No. _____

(Notice shall not be less than 18 inches in height and 24 inches in width with
a white or yellow background and black letters not less than one and one-half
inches in height).

APPENDIX B
COUNTY SUBDIVISION REGULATIONS

APPENDIX B

SUBDIVISION REGULATIONS

FOLLOWING IS THE TEXT OF A PROPOSED SET OF SUBDIVISION REGULATIONS WHICH COULD BE USED AS A GENERAL GUIDE FOR REVIEW AND DEVELOPMENT OF FINAL SUBDIVISION REGULATIONS FOR ADOPTION BY RAMSEY COUNTY, NORTH DAKOTA. THE PURPOSE OF THE SUBDIVISION REGULATIONS IS TO ASSURE THAT SAFE AND EFFICIENT SUBDIVISION WILL BE DEVELOPED IN RAMSEY COUNTY TO ENCOURAGE SUBDIVISION DESIGN IN HARMONY WITH THE PHYSICAL CHARACTERISTICS OF THE LAND AND TO PROVIDE FOR THE INSTALLATION OF NEEDED FACILITIES ALL IN CONFORMANCE WITH THE COMPREHENSIVE PLANNING WITHIN THE UNINCORPORATED AREA OF RAMSEY COUNTY.

A RESOLUTION ENACTING SUBDIVISION REGULATIONS TO REGULATE AND CONTROL FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OR TRANSFER OF OWNERSHIP OR BUILDING DEVELOPMENT; TO PRESCRIBE STANDARDS FOR LAYING OUT SUBDIVISIONS IN HARMONY WITH THE COMPREHENSIVE PLAN; TO REQUIRE THE INSTALLATION OF IMPROVEMENTS BY THE OWNER, OR BY THE CREATION OF PUBLIC IMPROVEMENT DISTRICTS, OR BY REQUIRING A GOOD AND SUFFICIENT BOND GUARANTEEING INSTALLATION OF SUCH IMPROVEMENTS; AND TO REQUIRE THE DEDICATION OF LAND FOR PUBLIC PURPOSES; TO PROVIDE FOR DEFINITIONS AND FOR AMENDMENTS TO THESE REGULATIONS; TO PROVIDE FOR ITS ENFORCEMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; TO PROVIDE FOR INVALIDITY OF A PART AND FOR REPEAL OF OTHER RESOLUTIONS OR REGULATIONS IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS RESOLUTION.

WHEREAS, the Board of County Commissioners deems it necessary and advisable to adopt subdivision regulations for the purpose of promoting and protecting the health, safety, morals, convenience, order, prosperity and otherwise protecting the physical well being and general welfare of the inhabitants of Ramsey County;

WHEREAS, the Ramsey County Planning Commission has been duly created and has adopted by resolution the following subdivision regulations and has recommended said regulations to the Board of County Commissioners for adoption;

WHEREAS, these regulations are in harmony with the zoning resolution and the comprehensive plan of the Ramsey County Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RAMSEY COUNTY, NORTH DAKOTA, THAT THE FOLLOWING SUBDIVISION REGULATIONS ARE HEREBY ADOPTED.

Adopted this _____ day of _____, A. D. 19__ by the Board of County Commissioners, Ramsey County, North Dakota.

Signed _____
Chairman

ATTEST: _____
County Auditor

INDEX

<u>Section No. and Title</u>	<u>Page No.</u>
Section 1. Title	B-1
Section 2. Purpose and Intent	B-1
Section 3. Regulation	B-1
Section 4. Territory Covered	B-1
Section 5. Platting Control	B-1
Section 6. Rules of Language Construction	B-1
Section 7. Definitions	B-1
Section 8. Procedures	B-3
A. Preliminary Steps	B-3
B. Preliminary Plat	B-3
C. Final Subdivision Plat	B-4
D. Vacation of a Plat of Record	B-4
E. Resubdivision	B-5
Section 9. Planning Principles and Requirements	B-5
A. Principles	B-5
B. Requirements	B-5
Section 10. Criteria for Design	B-6
A. Site Considerations	B-6
B. Streets and Alleys	B-6
C. Blocks	B-8
D. Lots	B-8
E. Public Sites and Open Spaces	B-8
Section 11. Plat Specifications	B-9
A. Sketch Plan	B-9
B. Preliminary Plat	B-10
C. Final Plat	B-11
Section 12. Improvements	B-14
A. Type of Improvements	B-14
B. Survey Monuments	B-14
C. Street Paving	B-14
D. Curbs, Gutters and Sidewalks	B-15
E. Street and Road Signs	B-16
F. Utilities	B-16
G. Improvements Agreement	B-17
H. Guarantee of Completion	B-18
I. Release of Guarantee for Improvements	B-18
J. Procedure for Acceptance of Streets and Roads	B-18
Section 13. Fees	B-18
A. Amount of Fee	B-18
B. Fees	B-18
Section 14. General and Legal Status Provisions	B-19
A. Variances	B-19
B. Amendments	B-19
C. Appeal	B-19
D. Penalty	B-19
E. Separability	B-19
F. Effective Date	B-19

Forms BF-1 through BF-13

PROPOSED LAND SUBDIVISION REGULATIONS

RAMSEY COUNTY, NORTH DAKOTA

Section 1. Title.

These regulations shall be known and may be cited as The Land Subdivision Regulations of Ramsey County, North Dakota.

Section 2. Purpose and Intent.

The purpose of these regulations is to insure the orderly development of the unincorporated area of Ramsey County, North Dakota, by providing a proper arrangement of streets in relation to other existing and planned streets and to the comprehensive plan; and to provide for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light and air; to avoid congestion of population and for easements for building setback lines or for public utilities.

Section 3. Regulation.

No person, firm, partnership, joint venture, association, or corporation shall subdivide any tract of land which is located wholly or in part in Ramsey County, North Dakota, nor shall any person, firm, or corporation sell, exchange or offer for sale, any parcel of land which is in any part of a subdivision of a larger tract of land, nor shall any person, firm, or corporation, offer for recording, any deed conveying such a parcel of land, or any interests therein, unless there shall be on file with the Ramsey County Register of Deeds a plat of said subdivision; which plat shall be of record at the time of such sale; all plats filed subsequent to the passage of this resolution shall be in accordance with all of the requirements hereof.

Section 4. Territory Covered.

These subdivision regulations shall apply to the entire unincorporated area of Ramsey County, North Dakota.

Section 5. Platting Control.

- A. A good and sufficient plat shall be submitted to, and accepted by the Board of County Commissioners for any unplatted tract of land prior to the granting of any building permit for any improvement or construction on the unplatted area.
- B. No plats shall be recorded, or offered for record, nor shall any land be offered for sale with reference to such plat, until the plat has been approved in writing by the Planning Commission and the Board of County Commissioners. The Planning Commission shall ascertain, before approving it, that the plat has satisfied all of the requirements of these regulations and the zoning resolution of Ramsey County, North Dakota.
- C. The Board of County Commissioners shall withhold all public street improvements and public maintenance from all rights-of-way which have not been officially accepted for such purposes.

Section 6. Rules of Language Construction.

For purpose of these regulations and when not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural, words in the plural include the singular, the masculine includes the feminine, the word "shall" is mandatory and not directory, the word "may" is permissive, and the particular controls the general.

Section 7. Definitions.

For purposes of these regulations, certain terms and words are hereby defined and shall have the following meanings unless it shall be apparent from the context that a different meaning is intended.

Comprehensive Plan. The Comprehensive Plan, or any portion thereof, made and adopted by the Planning Commission in accordance with the laws of the State of North Dakota indicating the general and specific locations recommended for streets, parks, public buildings, zoning districts, and all other public improvements.

Dedication. The intentional appropriation of land by the owner to some public use.

Dwelling Unit. A building or portion thereof designed to be used as a living place or dwelling including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint. The term dwelling unit shall also include a mobile, modular or manufactured home which has been attached to a permanent foundation; and which has been added to the ad valorem tax rolls to be considered as a taxable property. The arrangement of rooms in each dwelling unit shall be such as to prohibit the division of one dwelling unit into two or more dwelling units.

Improvements. Street grading and surfacing, with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, street trees or other such installations as may be designated by the Planning Commission.

Improvements Agreement Guarantee. Any security which may be accepted by Ramsey County in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements, or other similar collateral or surety agreements.

Lot. A measured portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.

Net Residential Area. The land area devoted to residential uses, not including streets, parking areas, or required useable open space areas.

Permanent Monument. Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly for surveying reference.

Planning Commission. The Planning Commission of Ramsey County, North Dakota as duly constituted by law.

Planned Unit Development. Development of land in a manner which allows a variety of uses in which normal restrictions of lot sizes, set-backs, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provisions of open spaces, public facilities, access, planning esthetics, and other considerations deemed important by the Planning Commission. Any Planned Unit Development in Ramsey County must comply to the requirements of these regulations and the requirements as set forth in the Zoning Resolution.

Plat. A "plat" as used in these regulations shall be a map of certain described land prepared as an instrument for recording of real estate interests with the County Register of Deeds.

Preliminary Subdivision Plat. The preliminary plan of the subdivision prepared in accordance with the requirements of these regulations.

Resubdivision. The changing of any existing lot or lots of any subdivision plat previously recorded with the County Register of Deeds.

Reverse Frontage Lots. Lots which front on one public street and back on another.

Roadway. That portion of the street right-of-way designed for vehicular traffic.

Sketch Plan. The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these regulations, to evaluate feasibility and design characteristics at an early stage in the planning.

Street. Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action, and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of these regulations, streets shall be classified and defined as follows:

- a. Principal Arterial. Major highways designed to carry high volumes of traffic in a range less than freeways or other interstate type highways and greater than minor arterials or approximately 2,000 to 15,000 AADT (average annual daily traffic). These highways may or may not have a median strip and have restricted but not completely limited access. The right-of-way varies from a minimum of 100 feet to a maximum of 140 feet and usually have four traffic lanes.
- b. Minor Arterial. Major highways designed to carry traffic in the range of 800 to 3,000 AADT on two traffic lanes, except on long up-grades where passing lanes are common. The right-of-way varies from 80 to 100 feet.
- c. Major Collector. Highways in a major thoroughfare system designed to carry traffic in a range from 400 to 1,000 on two traffic lanes total with a right-of-way width that varies from 64 to 80 feet.
- d. Urban Collector. Highways designed to carry urban traffic from minor streets to major highways in a range of 600 to 4,000 AADT on two or four traffic lanes depending upon whether parking is permitted at both curbs. Right-of-way width is usually 70 feet.
- e. Minor Collector. Highways designed to carry traffic in a range from 100 to 600 AADT on two traffic lanes total with a right-of-way width of 60 feet.
- f. Urban Minor. Streets in urban areas designed for local traffic with an AADT up to 500 on two traffic lanes total and parking at both curbs with a right-of-way width of 50 feet.
- g. Rural Minor. Streets in rural areas designed for local traffic with an AADT up to 200 on two traffic lanes, no parking along the roadway, with a right-of-way width of 50 feet.
- h. Alley. A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

- i. Cul-de-sac. A short dead-end street terminating in a vehicular turn-around area.
- j. Half Street. A street parallel and contiguous to a property line and of lesser right-of-way width than is required for minor or major streets.
- k. Service Road. A street or road paralleling and abutting arterial or collector streets to provide access to adjacent property so that each adjacent lot will not have direct access to the arterial or collector street.
- l. Sub Street. A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn-around. Sub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

Street Right-of-Way. That portion of land dedicated to public use for street and utility purposes.

Subdivider or Developer. Any person, group, corporation, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

- Subdivision or Subdivided Land. Any parcel of land which is divided with two (2) or more parcels, separate interests or interests in common, each of which contains less than thirty-five (35) acres of land. The term shall not apply to any division of land which:
- a. creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five or more acres per interest;
 - b. is created by order of any court in the State of North Dakota or by operation of law;
 - c. is created by a lien, mortgage, deed of trust or any other security instrument;
 - d. is created by a security or unit of interest in any investment trust regulated under the laws of the State of North Dakota or any other interest in an investment entity;
 - e. creates cemetery lots;
 - f. creates an interest or interests in oil, gas, minerals, or water which are not or hereafter severed from the surface ownership of real property;
 - g. is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed as only one interest.

Section 8. Procedures.

A. Preliminary Steps.

1. Before preparing the master plan or preliminary plat of a subdivision, the subdivider shall prepare a sketch plan of his proposed subdivision and consult with the Planning Commission or its official representative concerning the relation of his property to existing conditions, community facilities, utilities, services, regulations and conformance to the Comprehensive Plan.
2. The subdivider should also consult with land planners, engineers, and lending institutions, to clearly establish the suitability and location of the proposed subdivision, and most advantageous general plan or arrangement of streets, lots, and other features of the proposed development.

B. Preliminary Plat.

1. The subdivider shall apply on appropriate forms to the Planning Commission for preliminary approval of a subdivision plat. The preliminary plat and required accompanying data shall be filed with the Planning Commission at least 10 days prior to the meeting of the Planning Commission at which the preliminary plat is scheduled to be considered.
2. Twelve (12) prints of the preliminary plan of subdivision shall be filed with the Planning Commission at the time application for preliminary approval is made. The plat shall comply with the provisions of Section 11 of these regulations.
3. The appropriate fee, as set forth in Section 13 shall be paid in full at the time of application for preliminary plat approval.
4. The preliminary plat will be thoroughly evaluated in the regular Planning Commission meeting at which review has been scheduled in accordance with this Section 8. If in acceptable form for further processing, the plat shall be referred by the Planning Commission to the following offices for study and comment:
 - a. Cities, towns or adjoining counties located within six (6) miles of the area to be subdivided.
 - b. The appropriate school district serving the subject area.

- c. Private utility companies (such as electric, gas and telephone companies) serving the area.
- d. Public utility districts (such as sanitation and water districts) serving the area.
- e. The North Dakota Department of Public Health and the local health authority.
- f. Other offices as may be deemed necessary by the Planning Commission such as the North Dakota State Highway Department, the Soil Conservation Service, etc.

Each of these offices shall return their recommendations to the Planning Commission within 5 days of receipt of their copy of the Preliminary Plat, or within a mutually agreed upon extension of time.

- 5. Concurrent with review by the interested agencies identified above, the Planning Commission shall proceed with its own review. The Planning Commission shall endeavor to conclude its review within 20 days of receipt of the Preliminary Plat except that it may withhold approval for a longer period in order to await necessary rezoning or the accomplishment of any other essential review requirements, or mutually agreed upon time extension. Failure of the Planning Commission to complete the review within 20 days shall not constitute automatic approval.
- 6. Following Planning Commission review and discussion with the subdivider concerning changes deemed advisable and the kind and extent of improvements to be made in the subdivision, the Planning Commission shall disapprove, approve as submitted, or approve conditionally, the Preliminary Plat; but no action of approval, conditional approval or disapproval shall be taken by the Planning Commission until after a hearing on said proposed subdivision plat shall have been held. Notice of the time and place of the hearing shall be sent by registered mail to the subdivider and owner of the land being subdivided, at least five (5) days prior to the date scheduled for the hearing. Similar notice shall be mailed to the owners of land immediately adjoining the platted land.
- 7. Approval of a Preliminary Plat shall be for purposes of guidance in the preparation of a Final Plat which shall be submitted to the Planning Commission and Board of City Commissioners for approval prior to recording.
- 8. Preliminary Plat approval shall be effective for a maximum period of twelve (12) months, unless, upon application by the subdivider, the Planning Commission grants an extension. If the Final Plat has not been submitted for approval within this time limit, a preliminary plat must again be submitted to the Planning Commission for approval.

C. Final Subdivision Plat.

- 1. The subdivider shall apply on appropriate forms to the Planning Commission for review of the final subdivision plat. The Final Plat may represent all or part of a subdivision which has received preliminary approval. The Final Plat and required accompanying data shall be filed with the Planning Commission at least 10 days prior to the regular meeting of the Planning Commission at which it is scheduled to be considered.
- 2. Two (2) plastic or cloth tracings and five (5) prints of the final subdivision plat shall accompany the application for final approval. The Final Plat shall comply with the provisions of Section 11 of these regulations, and shall be accompanied by such other documents and materials as may be required.
- 3. The Final Plat will be thoroughly evaluated in a regular Planning Commission meeting at which review has been scheduled in accordance with this Section 8. If said plat is found to be in conformity with the approved preliminary plat and other requirements of these regulations, the Commission shall approve as submitted or disapprove the Final Plat. The subdivider shall be notified in writing, within seven (7) days, of the Commission's actions and reasons therefor.
- 4. Following approval of the Final Plat by the Planning Commission, the Board of County Commissioners shall approve or disapprove said plat. No changes, erasures, modifications or revisions shall be made on a Final Plat after approval of the Plat has been given by the Board of County Commissioners.
- 5. The subdivider, within five (5) days following approval of the Final Plat by the Board of County Commissioners shall file said Final Plat in the Office of the County Register of Deeds; otherwise the approving action of the Board of County Commissioners shall be deemed to have been withdrawn.
- 6. Final approval of a subdivision plat by the Board of County Commissioners shall in no way constitute legal acceptance of any dedicated streets, alleys, or other public lands.

D. Vacation of a Plat of Record.

- 1. A subdivider or land owner may make application on appropriate forms to the Planning Commission to vacate any plat of record under the following conditions:

- a. The plat to be vacated is a legal plat of record.
- b. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties, utility services or other improvements and will not be contrary to the zoning resolution or comprehensive plan of Ramsey County.

2. The land owner shall present a proposal to the Planning Commission containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the Board of County Commissioners. The Board of County Commissioners shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider or land owner.

E. Resubdivision.

Any subdivision being of record at the time of adoption of these regulations or approved under these regulations which a developer intends to resubdivide shall first follow the procedures as outlined in "D" above for vacation of a plat of record. Subsequent to successful vacation of a plat of record, the subdivider shall then follow the procedures as outlined in this Section 8.

Section 9. Planning Principles and Requirements.

A. Principles.

1. The subdivision layout shall result in the creation of lots which are developable and capable of being built upon.
2. Public street layout shall provide access to all lots.
3. Reserve strips controlling access to streets shall not be permitted except where their control is placed with the County as approved by the Board of County Commissioners.
4. Steep land, unstable land, land subject to flooding or to inadequate drainage, or otherwise substandard land shall not be platted for any use which might endanger health, life, property or which may aggravate flood or erosion hazards. Such land shall be set aside for other uses which will not present these hazards.
5. The proposed uses within the subdivision shall not result in an over-intensive use of the land.
6. The proposed uses shall not result in undue traffic congestion or traffic hazards.
7. An adequate water supply and sewage disposal facilities shall be available for the proposed subdivision.
8. The proposed uses within the subdivision shall not create water, air, noise or visual pollution.
9. Fire hazards shall not be created or increased without adequate and proper provisions being made to correct the situation.
10. Development of the subdivision shall not adversely affect any land, historical, recreational or aesthetic value.
11. No other adverse conditions shall be created by a use or subdivision of the land which is inappropriate or beyond its capability to support the proposed development.

B. Requirements.

1. It shall be the duty of the Planning Commission to study each proposed subdivision plat in connection with the Planning principles, the Zoning Resolution and the general character of the area, and will take into consideration the general requirements of the County, and the highest and best use of the land to be subdivided. Particular attention will be given to the specific requirements for parks, open space, school sites, public building sites, roads, utility and pedestrian easements, the adequacy of street connections and the suitability of the land for development.

2. It shall be the duty of the Planning Commission to encourage the coordinated platting of adjacent small parcels of land, and to this end the Planning Commission shall make sketch plans for such coordinated platting, or shall arrange meetings of the several owners of such small parcels of land, or shall carry out the intent of this directive and the Comprehensive Plan by other means which are lawful and appropriate.

3. It shall be the duty of the Planning Commission to discourage the subdividing of lands that are far in advance of the needs of the County; or that by their location cannot be efficiently served by public utilities, fire protection, police protection or other services; or that are located in areas subject to flooding, or that are topographically unsuitable for development; or that for any other reason are being unwise or prematurely subdivided.

4. It shall also be the duty of the Planning Commission to encourage the replanting of lands deemed to be unsatisfactorily subdivided and, therefore, are tax delinquent or are under-developed and represent an obstacle to the orderly and efficient growth of the County.

Section 10. Criteria for Design.

A. Site Considerations.

1. Special consideration and study shall be given steep lands of twenty (20) percent slope or more concerning their practicability to be built upon, accessibility or desirability of their use for open space.
 2. Unstable land, thin soils or inadequate drainage shall be noted and unless acceptable provisions are made for eliminating or controlling any problems which may endanger health, life or property, the land shall not be platted for occupancy. Land not usable for residential purposes may be set aside for open area uses such as parks, conservation areas, farm land, recreational areas, etc.
 3. Any land subject to flooding or in a natural drainage channel shall not be platted for occupancy until adequate provisions to eliminate or control hazards are made and approved as set forth in the Ramsey County Zoning Resolution. A competent, independent professional engineer may be engaged by the Planning Commission at the expense of the subdivider for the purpose of verifying the technical requirements. These provisions shall be made to protect the health, safety and welfare of the public as well as to eliminate any flood hazard resulting from development of the area. The areas subject to flooding may be left as open space or reserved as easements.
 4. Provisions shall be made to preserve any natural features of the site which would enhance the subdivision, i.e., unusual rock formations, lakes, rivers, streams, trees, attractive relief features and including all plans for open space or other such land use planning elements as set forth in the Comprehensive Plan.
- B. Streets and Alleys.
1. The arrangement, classification, extent, width, grade and location of all streets shall be designed in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.
 2. In general, the arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - b. Conform to a plan for the local area approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impractical.
 3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
 4. Where a subdivision abuts or contains an existing or proposed arterial street or highway, the Planning Commission may require service roads, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting an arterial street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.
 5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such land could be appropriately used for park purposes in residential districts, or for commercial or industrial purposes in non-residential districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
 6. Reserve strips in private ownership controlling access to streets shall be prohibited.
 7. Street jogs with centerline offsets of less than 150 feet shall be avoided.
 8. To ensure adequate sight distances on horizontal curves, when street roadway lines deflect more than ten (10) degrees, connection shall be made by horizontal curves. The minimum centerline radii for local streets shall be one hundred (100) feet and of all other streets shall be three hundred (300) feet. For streets where switchbacks may be required, the minimum centerline radius shall be forty (40) feet. On major collector and arterial streets a minimum tangent of one hundred (100) feet shall be required between reverse curves.
 9. Vertical curves shall be used at changes of grade exceeding one percent and shall be designed to provide minimum sight distances of two hundred (200) feet

for minor streets and three hundred (300) feet for all other streets (arterial and major collector streets shall be as determined by the current specifications of the American Association of State Highway Officials.)

10. The minimum street gradient shall be 0.3 percent. The maximum gradient shall be 7 percent. An 8 percent grade may be allowed under conditions outlined by the Planning Commission. Street grades shall not exceed 4 percent within 100 feet of the center of an intersection or point of curvature on a switchback.

11. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 80 degrees unless otherwise approved by the Planning Commission.

12. Curb radii on all block corners shall be 10 feet and a 5-foot radius shall be used at intersections of streets and alleys.

13. Cul-de-sacs shall be permitted, provided they are not more than 500 feet in length and have a turnaround street surface diameter of at least 100 feet and a right-of-way diameter of at least 110 feet. The drainage should be toward the intersecting street. Cul-de-sacs providing access to lots averaging one acre or more in size shall be not more than 1500 feet in length and shall have a turnaround with a street surface diameter of at least 100 feet and a right-of-way diameter of at least 120 feet. For all cul-de-sacs drainage shall be toward the intersecting street, unless a drainage easement is placed along side lot lines to carry surface runoff safely away from the cul-de-sac.

14. Stub Streets that are dead-ended but that will continue into an adjoining area when that area is developed must provide turnarounds at least 120 feet in diameter of right-of-way width. Temporary or permanent cul-de-sacs shall be platted into three separate land parcels, and the center parcel shall conform to the right-of-way of the street which it serves. Each of the three land parcels of the cul-de-sac shall be identified separately and individually within the subdivision.

15. Half streets shall not be permitted except when required to complete a half street already in existence.

16. Streets shall have the names of existing streets which are in alignment in the County or in an adjoining county or municipality. There shall be no duplication of street names within the area.

17. Minimum street widths and grades shall be as follows:

Classification	Right-of-Way Width	Pavement Width	Minimum Grade	Maximum Grade
Principal Arterial	100'-140'	48'-58'	.3	5%
Minor Arterial	80'-100'	28'	.3	5%
Major Collector	64'-80'	24'	.3	6%
Urban Collector	70'	44'	.3	6%
Minor Collector	60'	20'	.3	7%
Urban Minor	50'	36'	.3	7%
Rural Minor	50'	24' gravel	-	7%
Cul-de-sac	50'	36'	.3	7%
Alleys	20'	20'	.3	7%

18. Alleys and Easements.

- a. Alleys in residential subdivisions shall be discouraged unless they are a necessary feature to continue an existing pattern, provide essentially needed access or property service entrances and are not in conflict with design amenities of the subdivision.

- b. Alleys shall be provided in commercial and industrial areas, except this provision may be waived when other facilities are made and approved for service access.

- c. Easements shall be provided and approved by the utility company or district. All easements, utility or otherwise, shall be sufficient in width to make maintenance practical and utilities easily accessible regardless of slope or other conditions of terrain. Underground utilities shall be provided whenever practical and feasible.

- d. Where a subdivision is traversed by a water course, stream or drainage way, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction or both that will be adequate for drainage purposes. Parallel streets, parkways, walkways, culverts, bridges or storm sewers may be required in connection with such drainage easement. In addition, storm sewers shall be installed wherever necessary based on engineering surveys although separate easements for storm sewers may not be required. Major streams or water courses shall provide easements along each bank for access and leisure time use by the public. Such easements may be provided as dedicated public lands or held in quasi-public organizations such as a home owners association.

C. Blocks.

1. Block lengths and widths shall be approved by the Planning Commission and made suitable for the types of land uses permitted in the subdivision as determined by zoning; said land uses are described for each zone district in the Ramsey County Zoning Resolution.
2. As a guide for determining the suitability of block lengths and widths, the subdivider and the Planning Commission shall consider the following criteria:
 - a. Provision of adequate sites suitable to the special needs of the type of use contemplated;
 - b. Zoning requirements as to lot sizes and dimensions;
 - c. Needs for convenient access, circulation, control, and safety of street traffic;
 - d. Limitations and opportunities of topography;
 - e. Block lengths shall not exceed sixteen hundred (1,600) feet, nor be less than three hundred fifty (350) feet in length. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent back lot lines or through the center of the block.

D. Lots.

1. Lot dimensions and sizes shall conform to applicable zoning requirements.
2. Platting for commercial or industrial use shall be avoided in favor of a comprehensive design for the area.
3. Each lot shall have access to a public street or other access approved by the Planning Commission.
4. Lots with double frontage shall be avoided, except where essential to provide separation from major arterials, incompatible land uses, or topographic considerations.
5. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.
6. Wedge-shaped lots or lots fronting on cul-de-sacs shall not be less than thirty (30) feet in width at the front property line.
7. Lots which were of record prior to the enactment of these regulations shall be considered as legal lots, but must meet the requirements of the North Dakota Department of Public Health and the local health authority and Building and Housing code regulations prior to occupancy of any structure placed thereon.

E. Public Sites and Open Spaces.

1. The Planning Commission and the Board of Commissioners, upon consideration of the Comprehensive Plan, the necessity of public buildings and facilities in the area, and the particular type of development proposed in the subdivision, shall require the dedication of areas or sites of a character, extent, and location suitable for public use for schools, parks, greenbelts, or other necessary public purposes (other than subdivision streets) according to one of the following alternatives set forth below; however, the public sites and open spaces requirement of this Section shall not be in excess of the twenty-five percent (25%) "usable open space" requirement as set forth in the Planned Unit Development Technique of the Ramsey County Zoning Resolution; but under any circumstance it shall be the option of the Planning Commission to require any of the "usable open space" of a Planned Unit Development to be dedicated to a public agency, as described in option "a" below, or to receive land, as described in option "b" below for a specific public use or building which is shown on the Comprehensive Plan or as may be determined necessary by the Planning Commission.

Option "a". Five percent (5%) of the total area of the subdivision shall be dedicated to a public agency for one or more essential public purposes. Any area so dedicated will be maintained by the public agency.

Option "b". Five percent (5%) of the total area of the subdivision may be reserved through deed restrictions as open area, the maintenance of which shall be ensured by specific obligations in the deed of each lot within the subdivision. This alternative shall not be utilized for Planned Unit Development (PUD).

Option "c". Ten percent (10%) of the total area of the subdivision shall be reserved through the deeding of development rights, for the area so reserved, to Ramsey County for a period not to exceed ten (10) years, for subsequent purchase by a public agency at a price satisfactory to the Board of County Commissioners not to exceed five (5) times the assessed value of the land so reserved at the time the

subdivision plat is recorded.

2. The location of all public or quasi-public land intended to be conveyed or reserved in the deeds for use of all property owners shall be shown on the preliminary and final plats together with the proposed method of ownership, management, maintenance, and such other information as is necessary for the Planning Commission to evaluate the proposal.

3. At the time of presentation of the Final Plat for approval by the Planning Commission, a warranty deed shall be presented for all land to be conveyed to the County, school district, or other governmental entity. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear from all encumbrances.

Section 11. Plat Specifications.

A. Sketch Plan.

The purpose of the sketch plan is to secure the basic design of the subdivision; delineate separate land uses, such as residential, commercial, and public areas; and to determine the location and classification of streets especially as they may continue into or otherwise affect adjacent areas.

1. Data Required on the Sketch Plan.

The sketch plan shall contain or shall be accompanied by the following:

- a. Scale of all sketch plans shall be 200 feet to the inch.
- b. Proposed name of subdivision.
- c. Date of preparation.
- d. Scale (written and graphic).
- e. North arrow (designated as true north).
- f. Indication of number of separate filings.
- g. A vicinity sketch drawn at a scale of one inch equals 500 feet although if such maps are not available, a USGS quadrangle map, 1:24,000 scale may be accepted. The vicinity sketch should show tract lines of all abutting subdivisions, the locations of streets and highways within an area of approximately one-half mile of the proposed subdivision tract; the location of all adjacent utility systems within one-half mile of the proposed subdivision; the natural drainage courses for streams flowing through the proposed subdivision with the limits of tributary areas shown where this is reasonable. The vicinity sketch shall also show the location of the subdivision in the town and where applicable, the distance to the boundaries of any municipal corporation which is situated within two miles of the proposed subdivision.
- h. Names and addresses of all adjacent property owners if not subdivided, or the name of the subdivision if adjacent property is subdivided.
- i. Names and addresses of the property owner or owners, the subdivider, the land planner or designer of the subdivision, and the surveyor, who shall be licensed by the North Dakota State Board of Examiners for Engineers and Land Surveyors.
- j. Location and principal dimensions for all existing or recorded section lines, streets, alleys, easements, watercourses, improvements, and other important features within and adjacent to the tract to be subdivided.
- k. High-water elevations in the vicinities of rivers and lakes.
- l. Number of residential lots, lot size in square feet, and gross acreage of the subdivision excluding existing dedicated public right-of-way.
- m. Proposed land use and the size of the land parcel in acres (or in square feet if under one acre), where applicable, for multi-family residential use, business areas, industrial areas, churches, schools and parks, or other public, quasi-public, or non-public uses exclusive of single-family residential use.
- n. A topographic map of the area to be subdivided. The map shall have contour intervals of not more than ten (10) feet and may be an enlargement of a U. S. Geological Survey map - 7-1/2 minute series.
- o. Zoning on the property adjacent to the subject tract.
- p. Zoning to be retained or applied for.
- q. Utilities on and adjacent to the tract.

- r. Subsurface soil conditions.
- s. The Planning Commission, at their discretion, may request an economic feasibility study to determine or justify the feasibility and need of the subdivision, its location and acreage requirements for certain types of land use and nonresidential service areas directly applied to the subdivision.
- t. Two copies of the sketch plan shall be submitted to the Planning Commission.
- u. Such additional preliminary information as may be required by the Planning Commission which will aid in the proper evaluation of the proposed subdivision.

B. Preliminary Plat.

The purpose of the preliminary plat is to review and check the proposed subdivision against the specific design standards and improvements requirements as set forth in these regulations.

1. Data Required on the Preliminary Plat.

The preliminary plat shall contain the following:

- a. The name of the subdivision (including the number of the filing, if applicable.)
- b. Names and addresses of the subdivider and the property owner or owners.
- c. Scale (written and graphic).
- d. North arrow (designated true north).
- e. Date of preparation.
- f. Scale of all preliminary plats will be 100 feet to the inch or as otherwise approved by the Planning Commission.
- g. Number of residential lots, lot size in square feet, and gross acreage in the subdivision.
- h. Zoning on the property adjacent to the subject tract.
- i. Zoning to be applied for.
- j. Sheet size shall be 30" x 36"; as many sheets as necessary may be submitted for each subdivision or filing.
- k. Location of the subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or quarter-section corner.
- l. Proposed street lay-out with widths, curves, radii and other dimensions clearly shown.
- m. Proposed land use and size of the land parcel in acres (or in square feet if under one acre), where applicable, for multi-family residential use, business areas, industrial areas, churches, schools, and parks, or other public, quasi-public, or non-public uses exclusive of single-family residential use.
- n. Any additional information that may be required by the Planning Commission which will aid in the evaluation of the proposed subdivision.

2. Required Accompanying Data.

- a. A contour map certified by a professional engineer or land surveyor at a scale of one inch equals 100 feet. Elevation contours may be drawn on the preliminary plat or a supplemental plat. Contours shall be drawn normally at 2 foot intervals unless a maximum 10 foot or other contour interval is approved by the Planning Commission for rugged areas.
- b. A slope analysis map showing areas of the following percent of slope:
 - 7 percent and below
 - 7 to 15 percent
 - 15 to 30 percent
 - 30 percent and above
- c. Proof of driveway access for all lots and building areas above fifteen (15) percent slope.
- d. The following information shall be submitted to the Planning Commission in written form for all water and sewage disposal systems:
 - (1) A description of the distribution systems, treatment facilities and general design.

- (2) A description of the water source available.
- (3) A description of the water and/or sewage disposal system, description of the organization or organizations which are to provide service, commitment from the service organizations or organizations stating that subdivision will be served and evidence of contract between the service organization or organizations and the subdivider.
- (4) A drainage study certified by a registered engineer showing all existing water courses; limits of tributary areas, where practical; computations of expected tributary flows and the results indicated. The limits of 100-year flood stage shall be studied and plotted as provided in Section 21F of the Ramsey County Zoning Regulations. Design of drainage facilities shall be such as to prevent major damage or flooding of the subdivision area in a 25-year storm history. Location and sizes of all culverts to be provided, bridges and drainage ditches, channels and casements shall be shown.
- (5) Centerline profiles of streets and roads shall be plotted with sufficient accuracy to insure that street designs will conform to the prescribed standards approved by the Planning Commission and the Board of County Commissioners. All center line profiles shall be drawn to a scale of 10 feet vertical and 100 feet horizontal to the inch, or 5 feet vertical and 50 feet horizontal to the inch.
- (6) Payment in the proper amount to cover processing of the preliminary plat.
- (7) A preliminary draft of the protective covenants or deed restrictions (if such instruments are desired by the subdivider).
- (8) If rezoning is necessary in order to bring lot areas and proposed uses into conformance with the Ramsey County Zoning Resolution, the subdivider shall initiate such zoning action at the time he files the preliminary plat with the Planning Commission.
- (9) Proof of ownership, such as a title policy, attorney's title opinion, tax receipt or other such means of proof.
- (10) Such additional information as may be required by the Planning Commission which will aid in the proper evaluation of the subdivision.

C. Final Plat.

1. Purpose and Intent.

The purpose of the final plat is to provide a permanent and accurate record of the exact size, shape and location of the lots, blocks, streets, easements, and other parcels of land within the subdivision. The final plat, when recorded by the County Register of Deeds, becomes the legal instrument whereby the location and boundaries of separate land parcels within the subdivision are identified.

2. Data Required on the Final Plat.

The final plat shall contain the following:

- a. The exact name of the subdivision (including the number of the filing, when applicable).
- b. Scale (written and graphic).
- c. North arrow (designated true north).
- d. Diagram showing width of all utility easements and guy anchor easements.
- e. Location of the subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or quarter-section corner.
- f. All lots and blocks shall be numbered in consecutive order for easy identification.
- g. All streets shall be named.
- h. The final plat shall be drawn at a scale of 100 feet to the inch.
- i. Sheet size shall be 30" x 36" with a 1/2-inch boarder on the top, bottom, and right-hand side, and a 1-1/2-inch boarder on the left-hand side. As many sheets as necessary may be submitted for a single plat or filing.
- j. The names of abutting subdivisions, or in the case of abutting unplatted property, the notation "Unplatted" shall appear.
- k. All easements shown in dashed lines in proper locations.
- l. All public or quasi-public areas shall be identified.

- m. Plat shall be drawn in india ink on tracing cloth or plastic.
- n. All section, range and township lines shall be shown and must close within the limits of one in 10,000.
- o. All boundary lines and lot lines shall have exact lengths and bearing, which must close within the limits of one in 10,000.
- p. All curve data shall be shown in chart form on the face of the plat.
- q. Radii, internal angles, points of curvature, and lengths of all arcs.
- r. A reference to any protective covenants which shall be filed with the plat.
- s. Certification by registered surveyor to the effect that the plan represents a survey by him, and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
- t. Notarized certification by the owners of the land of the adoption of the plat and the dedication of sewers, water distribution lines and other improvements and of streets and other public areas.
- u. Wording of the following required statements on the Final Plat shall be as follows:

(1) Heading.

The heading of the Final Plat shall include the complete name of the subdivision, the land sections, Township, Range, Principal Meridian, Ramsey County, North Dakota. Also where applicable, the United States Mineral Claim Name, Number and Mining District shall be shown.

(2) Dedication.

Know all men by these presents: That (printed name of owner), being the owner (s) of the land described as follows:

(insert legal description of land being subdivided and include area in acres to two decimal places) in the County of Ramsey, North Dakota, under the name and style of (complete name of subdivision in capital letters), has laid out, platted and subdivided same as shown on this plat, and by these presents do (does) hereby dedicate to the perpetual use of the County of Ramsey, State of North Dakota, the streets, alleys, roads, and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof, the said (printed name of owner) has caused his name to be here-unto subscribed this _____ day of _____, AD, 19 ____.

By: _____
Owner

(3) Notarial.

State of North Dakota

County of Ramsey. The foregoing instrument was acknowledged before me this _____ day of _____, AD, 19 ____, by (printed name of owner). (if by natural persons here insert name; if by person acting in a representative official capacity, then insert the name of said person and his capacity; if by officers of a corporation, then insert the names of said officers as the president or other officers of such corporation, naming it).

My commission expires on (to be filled in by Notary).

Witness my hand and official seal.

(Signature) _____ (Seal)

(Printed name of Notary)

(4) Attorney's Opinion.

I, (printed name of attorney), being an Attorney-at-Law duly licensed to practice before Courts of Record in the State of North Dakota, do hereby certify that I have examined the title to all lands herein dedicated and shown upon this plat and that title to such lands is in the declarator free and clear of all liens, taxes, and encumbrances, except as follows: (list same or indicate NONE)

Dated this _____ day of _____, AD, 19__.

(Signature) _____
Attorney-at-Law _____

(5) Engineer's Certificate: wording shall be as follows:

I, (name) _____, a registered professional engineer and/or land surveyor, registered in the State of North Dakota do hereby certify that there are no roads, pipelines, irrigation ditches, or other easements in evidence or known by me to exist on or across the here-in above-described property, except as shown on this plat. I further certify that I have made the survey represented by this plat, that this plat accurately represents said survey, and that all monuments exist as shown hereon.

Dated this _____ day of _____, AD, 19__.

(Signature) _____ (Seal)

North Dakota Registration Number (number of registration)

(6) Ramsey County Planning Commission Approval.

The Planning Commission of Ramsey County, North Dakota does hereby authorize and approve this plat of the above subdivision at a meeting of said Commission held on this _____ day of _____, AD, 19__.

(Signature) _____
(Printed name of Chairman) _____

(7) Approval by Board of County Commissioners.

The within plat of _____ is approved for filing this _____ day of _____, 19__.

The dedication of the public ways shown hereon are accepted by the County of Ramsey, State of North Dakota, subject to condition that said County shall undertake the maintenance of said public ways only after construction of said public ways has been satisfactorily completed to the County specifications, by the subdivider, and a resolution of the Board of County Commissioners for the County of Ramsey, North Dakota, accepting the same has been adopted and placed on record.

Board of County Commissioners
Ramsey County, North Dakota

By: _____
Chairman

Attest:

County Auditor _____

(8) Ramsey County Register of Deed's Acceptance. (to be placed in the lower right-hand corner of the cover sheet)

This plat was accepted for filing in the office of the Register of Deeds, Ramsey County, North Dakota on this _____ day of _____, AD, 19__.

Book Number _____ Page Number _____

Reception Number _____ Time _____

(9) Recordation of Protective Covenants (if applicable).

Protective covenants recorded in

Book Number _____ Page Number _____

3. Required Accompanying Data.

The final plat shall be accompanied with the following data:

- a. A certified statement by the subdivider to the effect that all supplemental information furnished with the preliminary plat is embodied in the final plat or if this is not the case, revised supplemental data of the same scope and format as required for the preliminary plat is being furnished with the final plat. In the event that substantial changes have been made on the final plat, the Board of County Commissioners may require an additional filing fee not to exceed the amount specified for the preliminary plat.
- b. Utility location plan.
- c. Three copies of all the protective covenants or restrictions placed on the subdivision, one copy of which shall be filed with the plat.
- d. Engineering plans, descriptions and cost estimates for streets, drainage facilities, utility systems, bridges and for other improvements proposed to be installed by the subdivider.
- e. Payment for the total amount of the subdivision filing fee.
- f. Warranty deed to Ramsey County, conveying to the County all public lands other than streets shown on the plat.
- g. Payment for any other fees applicable to the subdivision.

Section 12. Improvements.

A. Type of Improvements.

In each new subdivision the subdivider and the Planning Commission, subject to approval by the Board of County Commissioners, shall agree on the type, location, and extent of necessary public improvements depending on the characteristics of the proposed development and its relationships to surrounding areas. Improvements shall be made by the subdivider at his expense according to standard specifications prepared by the County or County Engineer and approved by the Board of County Commissioners.

B. Survey Monuments.

All surveying data shall be tied to primary control points, the location and description of these control points shall be recorded with the County or County Engineer. Permanent survey monuments shall be set at all subdivision boundary corners, at points within the subdivision where there is a change of direction and at all lot corners. Said monuments shall not be more than 1,320 feet nor less than 660 feet apart and set in such a manner so as not to be disturbed during construction. Construction of survey monuments shall be as set forth below.

1. Perimeter and Block Monuments.

- a. Firm Soil: No. 5 steel rebar 36" long.
- b. Solid Rock: One 3/8" diameter metal rodlet with 1-1/2" long shank countersunk in rock and grouted with cement.
- c. Loose soil, Sand, Marsh, etc.: Monuments shall not be set, but shall be witnessed pursuant to State Law and Professional Practice.

2. Lot Markers.

- a. Firm Soil: No. 5 steel rebar 24" long.
- b. Monuments Within Streets or Roads.
 - (1) No. 5 rebar 36" long. Monuments set within roadway areas shall be placed so that their tops are 6 to 8 inches below the final road surface.
 - (2) At the time a road is paved, all such monuments within the paved area shall be fitted with monument boxes. Any monuments set after a road or street is paved shall also be provided with monument boxes.

C. Street Paving.

1. The following specifications shall be considered the minimum construction standards for roads and streets within subdivisions.
 - a. Asphaltic or higher type pavement shall be required in subdivisions or parts of subdivision where the average size of lot is less than eight thousand (8,000) square feet. All streets shall be paved to the widths and grades required by these regulations.
 - b. Gravel surface shall be the minimum requirement for streets serving lots larger than eight thousand (8,000) square feet in area.

- c. The Planning Commission and Board of County Commissioners may designate any street to be paved which in their opinion is necessitated because of anticipated traffic volume or surface conditions which may make travel hazardous.
- d. Pavement thickness design shall be based on Figure IV of the latest revision of the Asphalt Pavement Institute publication "Thickness Design - Asphalt Pavement Structures for Highways and Streets". Design Traffic Numbers to be used in the design shall be 5 for local streets and 10 for collector streets.
- e. Subgrade strength evaluations using California Bearing Ratio (CBR) as the quality measurement shall be prepared by a registered engineer and may be based on a soil classification system (no mechanical test) for local streets. However, mechanical strength tests must be used in the design of collector streets. An evaluation of subgrade strength shall be made wherever the soil characteristics change or at 400 foot intervals, whichever is the smaller. When a soil classification system is used, the soil log and method in which the design CBR value was determined shall accompany the plat. If mechanical tests are performed, the results of the strength evaluation must accompany the design data which is to be submitted with the preliminary plat.
- f. Using Figure VI-1, a total thickness of asphalt concrete surfacing and base will be determined. The total thickness of the required granular courses shall be twice the total thickness of asphalt concrete surface and surface as determined from Figure VI-1 except that the minimum section shall be as shown on Drawing No. 1. The granular pavement shall consist of a base course and subbase.
 - (1) Base Course: The Base course shall be composed of hard durable particles or fragments of stone or gravel crushed to the required size and a filler of sand or other finely divided mineral matter. Base material shall be free from organic matter and lumps of clay and when placed and compacted will result in a firm, dense, unyielding layer. Base course material shall meet the following grading and physical requirements:

<u>Standard Size of Sieve</u>	<u>% Passing Sieve by Weight</u>
3/8 inch	100
No. 4	30 - 60
No. 10	25 - 50
No. 200	5 - 12
Liquid Limit	25 Max.
Plastic Limit	6 Max.

Wetting or aerating of the material shall be required when considered necessary by the County or County Engineer in order to obtain the best compaction possible. The base course shall not be placed upon soft, spongy, frozen or otherwise unsuitable subbase.

- (2) Subbase: Subbase material shall be well mixed, free of organic matter and lumps of clay, and shall consist of sand aggregate particles and suitable filler or binding materials which when placed and compacted will result in a firm, dense, unyielding foundation. Subbase material need not be crushed but may be of the pit run variety providing it is graded within the following limits and also meets the liquid and plastic limit requirements.

<u>Standard Size of Sieve or Max. Particle Dimension</u>	<u>% Passing Sieve by Weight</u>
3 inch	100
2-1/2 inch	95-100
2 inch	50 - 75
No. 4	30 - 60
No. 200	5 - 15
Liquid Limit	35 Max.
Plastic Limit	6 Max.

The subbase shall not be placed on soft, spongy or frozen subgrade or any other subgrade which has an unsuitable stability in the opinion of the County or County Engineer.

- (3) Both the subbase and base shall be compacted to 95% of maximum density as determined in accordance with the American Association of State Highway Engineers (A. A. S. H. O.) Designation T 180, Method C or D or as otherwise directed by the County Engineer.

D. Curbs, Gutters and Sidewalks.

Curbs, gutters and sidewalks shall be required in subdivisions or parts of subdivisions where the average size of lot is less than eight thousand (8,000) square feet. Curbs, gutters and sidewalks shall also be required in all areas zoned for commercial or industrial purposes. Construction details and specifications shall be as established by the Board of County Commissioners.

E. Street and Road Signs.

Street and road name signs shall be installed at all intersections in every subdivision. All street and road names shall be approved by the Planning Commission and no names shall be used which will duplicate or be confused with the existing names. Suitable warning signs and/or devices shall be installed at the subdivider's expense at all hazardous crossings.

F. Utilities.

1. Sanitary Sewage Disposal.

- a. No lots shall be platted unless an economical and practical method of disposal of sanitary sewage can be made available to each lot and under no circumstance shall individual systems, septic tank or other, be considered as adequate in meeting this requirement, except as may be approved by the North Dakota Department of Public Health and the local health authority for subdivisions in the following zone districts:

O	Open District
A	Agriculture General
R-1A	Residential Suburban Single Family

- b. All subdivisions developed in the following zone districts shall be served, at a minimum, with a central sewage collection system and secondary sewage treatment with disinfection facilities as approved by the North Dakota Department of Public Health and the local health authority.

S-D	Shoreline Development
R-1	Residential Single Family
R-2	Residential Multiple Family
R-3	Residential Mobile Home
C-1	Highway Commercial
C-2	Commercial General
I-1	Industrial Limited-Use
I-2	Industrial General

- c. Tertiary sewage treatment shall be required in any zone district where residential density exceeds six (6) dwelling units per acre of net residential area or where, in the opinion of the Planning Commission, the intensity of land use, such as in an industrial or commercial zone district, warrants tertiary sewage treatment.
- d. For any public sanitary sewer system to be constructed, the design and construction of the system must be in conformity with the regulations of the North Dakota Department of Public Health and the local health authority and must be so approved. Approval must also be by the Board of County Commissioners or through their authorized representative.
- e. Collection sewers shall be designed to provide service to each lot. Sewage treatment facilities of an approved design shall be constructed to adequately treat all collected sewage.
- f. For all sewage systems, an organization shall be in existence or be established to administer the operation of the system if such is not in existence. Administration shall be by an incorporated City, a sanitation district, or an approved corporation, individual or other entity which can obtain a Public Utilities Commission permit.

2. Water Supply.

- a. No lots shall be platted unless a potable and dependable water supply shall be available or made available to all lots, and under no circumstance shall individual wells be considered as adequate in meeting this requirement.
- b. For any public water supply and distribution system to be constructed, the design and construction of the system must be in conformity with the regulations of the North Dakota Department of Public Health and the local health authority and must be so approved. Approval must also be by the Board of Trustees or through their authorized representative.
- c. The water distribution system shall be designed to provide service to each lot.
- d. For all water systems, an organization shall be in existence or be established to administer the operation of the system if such is not in existence. Administration shall be by an incorporated town, a water district, or an approved corporation, individual or other entity which can obtain a Public Utilities Commission permit.

3. Fire Protection.

- a. Fire hydrants shall be required in subdivisions with an average density greater than one lot per acre. Hydrants shall be spaced not more than 1,000 feet apart and provided with adequate water pressure for fire fighting purposes.

4. Storm Drainage.

- a. Drainage easements, channels, culverts and required bridges shall be designed by a registered engineer and shall be capable of handling a flow as determined by a drainage study.
- b. Drainage easements shall be provided as required to accommodate an expected maximum flow in any 25 year period. In no case shall drainage easements be less than 20 feet wide.
- c. Culverts or drainage pipes where required shall be galvanized, corrugated steel or an approved equivalent with the strength design in accordance with AASHTO recommendations for an H-20 live load. Minimum acceptable culvert size shall be eighteen (18) inch diameter.
- d. In cases where subdivisions lie within drainage basins where special problems exist, the Planning Commission shall delineate the general drainage basin development area; and the subdivider shall be obligated to pay a drainage basin development fee. The proceeds of payment shall be deposited in a separate County account and shall be used only for the development, construction and maintenance of drainageways within the delineated basin. The amount of said fee shall be based upon the County's or the County Engineer's estimate of the total basin development cost prorated over the number of acres lying within the designated drainage basin, including areas for streets or other public use. Said fee shall be paid in total at the time the Planning Commission approves the final plat.
- e. Installation of street lights shall be required where practical and the location of same shall be in accordance with the design standards established by the County or the County Engineer.
- f. Underground placement of utility lines shall be required in all subdivisions wherever practical and feasible, to preserve the natural character of the area.

5. Tree Planting.

- The planting of trees of an appropriate species and at appropriate locations may be required by the Planning Commission on the basis of standards established by the County.

6. Final Inspection.

- Before final inspection of a residence is given, the proper drainage shall be established and graded by the developer. Any top soil that has been removed during construction shall be placed and spread evenly upon the finished lot. Finished grade shall conform with natural grade of the surrounding area unless the County or County Engineer approves an alternate grading plan.

7. Other Improvements.

- Other improvements not specifically mentioned herein and found appropriate and necessary to the Planning Commission or Board of County Commissioners, shall be constructed at the subdivider's expense within such time and in conformance with such specifications as deemed necessary and appropriate.

8. Review.

- The construction of all improvements is contingent on approval by the County or County Engineer and it shall be the responsibility of the subdivider to furnish the necessary data required for such approval.

9. Certification.

- At the time of filing an application with the Board of County Commissioners for final approval of improvements, the subdivider shall submit a certificate signed by the County or County Engineer that all required improvements are in place. Where only part of the improvements have been satisfactorily completed, appropriate certification will be filed.

G. Improvements Agreement.

- No Final Plat shall be approved by the Board of County Commissioners until the subdivider has submitted to them a Subdivision Improvement Agreement or a contract approved by the Board of County Commissioners, agreeing to construct the required improvements as set forth in these regulations.

H. Guarantee of Completion.

1. Suitable collateral, in an amount stipulated in the subdivision improvement agreement, shall accompany the final plat submission, to ensure completion of the improvement, according to design and time specifications. Said collateral shall be in the form of a corporate surety bond, certified check or other such legal assurances as may be deemed appropriate. If the improvements are not constructed in accordance with all of the required specifications, the County shall notify the subdividers of noncompliance and discuss with them the reasons for noncompliance. Proposed schedules for correction of noncompliance shall be established. If the County determines that the subdividers will not construct any or all of the improvements in accordance with all of the specifications, the County shall have the power to annul the Improvement Agreement and withdraw from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with specifications set forth herein.

2. Should a subdivider not provide suitable collateral to ensure completion of the required improvements, no final plat shall be accepted by the County Register of Deeds until said improvements are constructed and approved by the County; however, the Board of County Commissioners will supply the subdivider with a letter guaranteeing final plat approval when required improvements are constructed to County specifications.

I. Release of Guarantee for Improvements.

Except for streets and roads, from time to time as the required improvements in a subdivision are completed, the subdivider shall apply in writing to the County for a partial or full release of the collateral. Upon receipt of such written application, the County or its agent shall inspect the improvements which have been completed. If it is determined, from such inspection, that the improvements have been made in accordance with the Final Plat and the requirements of these regulations a portion of the collateral shall be released; however, collateral sufficient to cover the cost of the uncompleted improvements shall be retained.

J. Procedure for Acceptance of Streets and Roads.

1. Preliminary Acceptance.

- a. Upon completion of street or road construction, the subdivider shall notify the County or County Engineer in writing and request inspection. The County or County Engineer shall inspect all street improvements and shall notify the subdivider by mail of nonacceptance or preliminary acceptance. If the street improvements are not acceptable, the reasons for nonacceptance shall be stated, and corrective measures shall be outlined in the letter of notification.

- b. Until such time that the developer has written acceptance for full maintenance of the streets by the County, the developer shall be responsible for all maintenance and repairs to street improvements.

- c. The County shall not accept street improvements for maintenance from November through March since deficiencies noted on inspection cannot usually be determined or corrected during this period.

2. Final Acceptance.

- a. One year following preliminary acceptance, the County or County Engineer shall inspect all street improvements for final acceptance.

- b. The County or County Engineer shall notify the subdivider by mail of nonacceptance or final acceptance. If the street improvements are not acceptable, the reasons for nonacceptance shall be outlined in the letter of notification.

- c. If the street improvements are found to be acceptable following a resolution of acceptance by the Board of County Commissioners, the County shall release the guarantee for improvements and assume full maintenance responsibility of the streets.

Section 13. Fees.

A. Amount of Fee.

In order to cover the costs of review and other expenses incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of application for approval of a preliminary plat. Such fee shall be based upon the number of lots created. At the time of application for approval of the preliminary subdivision plat, the required fee shall be paid in full according to the rates set forth below. No preliminary or final subdivision plat shall be considered by the Planning Commission or Board of County Commissioners until all fees are paid in full. No fees are refundable upon any processing, partial or complete, of a subdivision plat.

B. Fees.

\$10.00 per lot paid at the time of application for approval of the preliminary plat.

All of the fees collected for the approval of a subdivision shall be credited to the general fund of Ramsey County, North Dakota.

Section 14. General and Legal Status Provisions.

A. Variances.

1. Upon application by the subdivider thereof, and where it can be shown in the case of a particular proposed subdivision, that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography, or other such conditions, thus retarding the achievement of the objective of these regulations, then the Planning Commission may vary, modify, or waive requirements so that substantial justice may be done and the public interest secured; provided that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations, or of the Comprehensive Plan.

2. In granting variances, modifications or waivers, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards and regulations so affected.

3. In no case shall any variance, modification or waiver be more than a minimum easing of the requirements; in no case shall it have the effect of reducing the traffic capacity of any major or secondary streets; and in no case shall it be in conflict with the Zoning Resolution.

4. Planned Unit Developments.

a. If a planned unit development is proposed, detailed site plans showing the location of access, streets, buildings, parking facilities, recreational facilities and landscaping areas shall be submitted to the Planning Commission for review, together with detailed information as to proposed use and occupancy.

b. If following detailed review of the proposed plans as set forth in the Ramsey County Zoning Regulations, the Planning Commission finds that the interests of the County concerning good design, environmental amenity and efficiency of public services would be enhanced hereby, the Planning Commission may waive one or more of the subdivision regulations (excepting the requirements for the installation of improvements) or may establish additional conditions to be met by the development plan.

c. In approving such a development plan the Planning Commission shall be assured that it provides and dedicates adequate open spaces and improvements for circulation, parking, recreation, education and service needs of the tract when fully developed and that such covenants, financial and legal guarantees are provided that will assure that the plan will be followed and achieved.

B. Amendments.

These regulations may be amended at any time by the Board of County Commissioners after a public hearing has been held on such amendments as provided by law.

C. Appeal.

In the event that the plat of a subdivision has been disapproved by the Planning Commission, the applicant may petition the Board of County Commissioners for a hearing upon said rejection. After a public hearing the Board of County Commissioners, upon favorable vote of two-thirds (2/3) of its entire membership, may approve the subdivision or take other action consistent with the provisions of these regulations.

D. Penalty.

Whoever, being the owner, or agent of the owner, of any land located within a subdivision, transfers or sells, or agrees to sell, any land, by reference to, or exhibition of, or by use of a plat of a subdivision, before such Final Plat has been approved or filed in the Office of the County Register of Deeds, shall forfeit and pay a penalty of One Hundred Dollars (\$100) for each lot or parcel so transferred, or sold, or agreed, or negotiated, to be sold; and the description of such lot, or parcel, by metes and bounds, in the instrument of transfer, or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided. The County of Ramsey may enjoin such transfer, or sale, or agreement, by action for injunction brought by civil action in any court of competent jurisdiction.

E. Separability.

If any article, section, subsection, sentence, clause, or phrase of these regulations be declared unconstitutional or void, such decision shall not affect the validity of these regulations as a whole or any part thereof, other than the part so declared invalid.

F. Effective Date.

These regulations shall be in effect from and after their adoption and publication as required by law.

SUBDIVISION REGULATIONS
CHECK LIST FOR SUBDIVIDER

1. Prepare a sketch of the property showing the subdivision plan.
2. Confer with the County Engineer and the Planning Commission about the subdivision regulations as they apply to the property.
3. Have a survey made of the property by a registered surveyor and a preliminary plat prepared by an engineer, landscape architect, or land planner in accordance with the requirements of the Subdivision Regulations.
4. Fill out Application for Tentative Approval and file this, together with five prints of the preliminary plat with the County Engineer, paying the fee required. This is to be filed at least 10 days before the Planning Commission meets.
- 5A. If preliminary plat is not tentatively approved, repeat step 4, making required changes or corrections in preliminary plat.
- 5B. If preliminary plat is approved, go on to step 6.
6. Within 12 months of approval of a preliminary plat, file an application for Approval of a Final Plat for all or part of the subdivision. This involves:
 - A. Preparation of a final subdivision plat in accordance with Subdivision Regulations.
 - B. Complete an Application for Approval of Final Subdivision Plat.
 - C. Payment of inspection fees.
 - D. Payment of all past due taxes and assessments.
 - E. Posting a Surety Bond or Certified Check or other acceptable collateral for the cost of improvements as estimated by the County Engineer, or installation in advance of all such improvements.
 - F. Filing of application, two tracings and three prints of final plat with Planning Commission.
7. Being advised of the date, time and place for the public hearing on the final plat by the Planning Commission, attend the hearing or have a representative attend the hearing to explain what is being proposed and why.
8. If final approval is denied, resubmit corrected final plat.
9. If final plat is approved, file with the County Register of Deeds.

SUBDIVISION REGULATIONS

SUBDIVISION PLAT APPROVAL
CHECK LIST FOR PLANNING COMMISSION

1. Preliminary Sketch Review

- A. Determine whether proposed plat is in an area suitable for platting.
- B. Discuss the requirements of the Subdivision Regulations with subdivider.
- C. Refer to proposals of the Comprehensive Plan in this area for land use, streets, utilities, community facilities, etc.
- D. Encourage planned unit development approach, if appropriate.

2. Preliminary Subdivision Plat Review

- A. Do the application and plat meet regulations' requirements?
- B. Are fees paid?
- C. How does plat fit in the Comprehensive Plan for the area?
- D. How does plat fit in with surrounding area development?
- E. How does plat relate to topography? drainage? other natural features?
- F. Are there any adverse comments from County Engineer or County Health Officer?
- G. Planning Commission should keep a complete record of its action -- approval, conditional approval or disapproval and reasons therefor in its files, and the date of the action.
- H. Planning Commission must inform subdivider of its decision, preferably with reasons therefor, and the County Engineer and County Health Officer as a matter of courtesy.
- I. Determine amount of land and/or fee to be assessed for implementing public sites and open spaces segment of the Comprehensive Plan.

3. Final Subdivision Plat Review

- A. Secretary receives final subdivision plat.
- B. If the preliminary plat and application have been tentatively approved, the first plat is checked to see that it meets the requirements of the Subdivision Regulations for the same area and design as that approved before.
- C. A date is set for a public hearing. Announcement of the time, place, date and purpose is sent to the newspaper and to the property owner whose name and address are recorded on the plat.
- D. At the appointed time and place a public hearing is held and those present are all given an opportunity to discuss the plat. Then the hearing is declared to be closed. A record is kept of what is said at the hearing.
- E. After the public hearing and within 30 days of the application therefor, the Planning Commission makes its decision unless the subdivider requests an extension of time in writing.
- F. In rendering its decision, the Planning Commission should determine that:
 - (1) The plat meets requirements of the Subdivision Regulations.
 - (2) The plat is designed in accordance with design regulations.
 - (3) It has reviewed the comments of the County Engineer and the County Health Officer.

- (4) All fees are paid, including inspection fees.
 - (5) The County Engineer has approved the design specifications for improvements.
 - (6) There is evidence that all taxes and assessments on the property have been paid.
 - (7) All requirements of the Comprehensive Plan for the area have been provided for.
 - (8) A certified check or bond has been deposited with the County Auditor to assure that improvements will be installed.
- G. The Planning Commission approves or disapproves the final plat and application, recording its action and the reasons therefor in its minutes and sending a copy thereof to the subdivider. If the plat is disapproved, the Planning Commission should indicate what can be done to change it so as to secure its approval.

SUBDIVISION REGULATIONS

CHECK LIST FOR COUNTY ENGINEER

County Engineer should prepare and reproduce:

- A. Application for Tentative Approval of Preliminary Subdivision Plat.
 - B. Application for Final Approval of Subdivision Plat.
 - C. Application for Approval of Variance in Application of Subdivision Regulations.
 - D. Copies of Subdivision Regulations.
 - E. Check lists for Subdivider and for Planning Commission.
 - F. Schedules of improvement standards and classes of construction.
1. On receipt of proposed preliminary subdivision plat:
- A. Check whether plat meets requirements of Subdivision Regulations.
 - B. Check whether fees are paid.
 - C. Send copy to County Health Officer and School Board with request for comments within five days.
 - D. Prepare comments on plat.
 - E. Number and date received on plat.
 - F. Submit three prints and comments to the Planning Commission.
 - G. Send copy to County Planning Commission if subdivision is within adjacent territory, requesting comments within five days. (For cities only).
2. On receipt of proposed final plat:
- A. Check whether plat meets requirements of Subdivision Regulations.
 - B. Review detailed engineering specifications for improvements.
 - C. Estimate costs of installation of improvements.
 - D. Inform Auditor of amount of inspection fees to be collected.
 - E. Prepare comments on above and send to Planning Commission.
 - F. Inspect installation of improvements, monuments, etc., in the field.
 - G. When all are installed in an approved manner and according to plat, provide release certificate to County Auditor to release improvement bonds or deposit.

APPLICATION
SUBDIVISION CHECKLIST - PRELIMINARY PLAT

Date: _____ No. _____

Name of Subdivision _____

Name of Subdivider _____ Phone No. _____
Address _____

Date Plat Submitted to Planning Commission _____

Date of Planning Commission meeting for plat review _____
(Note: This date must be at least ten (10) days following plat submission.)

Number of copies received _____

Distribution: County Commission _____
County Engineer _____
School Board _____
County Health Department _____
Other _____

Required data: Plat Data _____
Supplemental Data _____
Design Standards _____

Planning Commission action: Approval _____ Denial _____ Date _____

Conditions: _____

Reasons: _____

Fee: \$ _____ Paid _____ Not Paid _____

Chairman, Planning Commission

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

APPLICATION
SUBDIVISION CHECK LIST - FINAL PLAT

Date _____ No. _____

Name of Subdivision _____

Name of Subdivider _____ Phone No. _____

Address _____

Date plat submitted to Planning Commission _____

Date of Planning Commission meeting for plat review _____
(Note: This date must be at least 10 days following plat submission.)

Received: _____

Required Data: _____

Original Linen _____
Septa Copies _____
Prints _____
Plat Data _____
Supplemental Data _____
Design Standards _____

Planning Commission Action: Approval _____ Denial _____ Date _____

Reasons: _____

Fee: \$ _____ Paid _____ Not Paid _____

Chairman, Planning Commission

Action of Governing Body: Approval _____ Denial _____ Date _____

Reasons: _____

Performance Bond: Amount \$ _____ Posted _____ Not Posted _____

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

APPLICATION FOR PLANNED UNIT DEVELOPMENT

Name of Applicant _____ No. _____

Address _____ Phone No. _____

Location of proposed P.U.D. (Legal description if possible) _____

Subdivision _____ Block _____ Lot _____

Present Zone District _____

PRE-APPLICATION CONFERENCE

Date _____

Recommendations of Planning Commission _____

FORMAL APPLICATION

Date _____

Date Submitted _____

Review by Planning Commission (Overall preliminary development plan)

Date _____

Recommendations _____

Public Hearing

Date _____

Approval _____ Date _____ Disapproval _____ Date _____

Fee of \$100 Paid _____ Date _____

Review by Planning Commission (Overall final development plan or stage of final development plan)

Date _____

Approval _____ Date _____ Disapproval _____ Date _____

Date filed with County Clerk and Recorder _____

Fee \$50 for first 50 acres plus \$1 for every acre thereafter:

Total fee _____ Date _____

Approval _____ Date _____ Disapproval _____ Date _____

Date filed with County Clerk and Recorder _____

Fee \$50 for first 50 acres plus \$1 for every acre thereafter:

Total fee _____ Date _____

Approval _____ Date _____ Disapproval _____ Date _____

Date filed with County Clerk and Recorder _____

Fee \$50 for first 50 acres plus \$1 for every acre thereafter:

Total fee _____ Date _____

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

APPLICATION FOR PERMIT FOR
CONSTRUCTION AND INSTALLATION OF UTILITIES
IN PUBLIC RIGHTS OF WAY

No. _____

Name of Applicant _____

Address _____ Phone No. _____

Signature _____

Location and description of work _____

Type of Installation _____

Estimated construction: Start _____ Complete _____

Provisions: _____

Date of Issue _____

Issued by _____

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

PERMIT FOR CONSTRUCTION AND INSTALLATION OF
UTILITIES IN PUBLIC RIGHTS OF WAY

Date _____ Permit No. _____

Permit issued to Name _____

Address _____ Phone No. _____

Contractor _____ Owner _____

Location of Work _____

Subdivision _____ Block _____ Lot _____

Approved: Building Inspector _____ Signature _____ Date _____

(To be printed on heavy cardboard not less than 6 inches by 8 inches in size and displayed in a prominent place on the premises where the construction work is taking place.)

APPLICATION FOR VACATION OF A PLAT OF RECORD

No. _____

Name of Applicant _____

Address _____ Phone No. _____

Signature _____

Reason for Proposed Plat Vacation _____

Name of Subdivision Plat _____

Legal Description _____

Planning Commission Action _____

Date _____

Governing Body Action _____

Date _____

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

APPLICATION FOR INSPECTION

(Preliminary Acceptance)

No. _____

Name of Subdivider _____

Address _____ Phone No. _____

Signature: _____

Improvements for Inspection: _____

Date of Inspection: _____

Results: _____

Notification of Subdivider: Date _____

Inspector: _____

(to be printed on forms not less than 8-1/2 inches by 11 inches.)

APPLICATION FOR INSPECTION

(Final Acceptance)

No. _____

Name of Subdivider _____

Address _____ Phone No. _____

Signature _____

Improvements for Inspection: _____

Date of Inspection: _____

Results: _____

Notification of Subdivider: Date _____

Inspector: _____

Release of Guarantee for Improvements: Date _____

Amount _____

(To be printed on forms not less than 8-1/2 inches by 11 inches.)

BF-12

<u>APPLICATION FOR CERTIFICATE OF OCCUPANCY</u>			
Called Inspections Dates	Building	Plumbing	Electrical
Final Inspection			

Certificate of Occupancy Issued: _____ Date _____

Building Inspector

(To be printed on forms not less than 8-1/2 inches by 11 inches)

F-13

CERTIFICATE OF OCCUPANCY

Date _____ No. _____

This is to certify that the building located at _____
(address)

Subdivision _____ Block _____ Lot _____

constructed under Building Permit No. _____ has been inspected and occupancy is hereby authorized.

Building Inspector

(To be printed on forms not less than 6 inches by 8 inches.)



APPENDIX C CITY ZONING REGULATIONS

APPENDIX C

ZONING ORDINANCE

FOLLOWING IS THE TEXT OF A PROPOSED ZONING ORDINANCE WHICH COULD BE USED AS A GENERAL GUIDE FOR REVIEW AND DEVELOPMENT OF A FINAL ZONING ORDINANCE FOR ADOPTION BY INCORPORATED COMMUNITIES IN RAMSEY COUNTY, NORTH DAKOTA. THE PURPOSE OF THIS ZONING ORDINANCE IS TO COORDINATE THE PROPER ZONING OF LAND IN CONFORMANCE WITH PROPOSED ZONE DISTRICTS AND COMPREHENSIVE PLANNING WITHIN THE INCORPORATED COMMUNITIES OF RAMSEY COUNTY.

AN ORDINANCE ENACTING ZONING REGULATIONS RESTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES AND LAND, PROVIDING SPECIFIC REGULATIONS REGARDING MINIMUM LOT AREA AND MINIMUM USABLE OPEN SPACE PER DWELLING UNIT, MINIMUM OFF-STREET PARKING, MINIMUM YARDS, AND MAXIMUM BUILDING HEIGHT; DIVIDING THE CITY OF INTO DISTRICTS FOR SUCH PURPOSES AND ADOPTING A MAP OF SAID ZONING DISTRICTS; FURTHER, DESCRIBING VARIOUS USES AND BULK REQUIREMENTS; PROVIDING PROCEDURES FOR OBTAINING VARIANCES AND AMENDMENTS TO THE ZONING ORDINANCE; AND MAP; PROVIDING REGULATIONS FOR NON-CONFORMING USES AND BUILDINGS; DESCRIBING METHODS OF ENFORCEMENT AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS; DEFINING CERTAIN WORDS; AND SETTING FORTH DETAILS IN RELATION THERETO, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Board of City Commissioners of the City of _____ finds that Chapter 40-47 of the North Dakota Century Code empowers the City to enact zoning regulations and to provide for their administration, enforcement and amendment;

WHEREAS, the Board of City Commissioners deems it necessary, for the purposes of promoting the health, safety, morals, public convenience, general prosperity and public welfare of the City to enact such regulations;

WHEREAS, no resolution exists to provide the necessary controls and flexibility in order to be responsive to modern building and development techniques;

WHEREAS, the Board of City Commissioners, pursuant to the provisions of Chapter 40-47 of the North Dakota Century Code has appointed a City Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations and restrictions to be established therein;

WHEREAS, it is in the public interest that a Zoning Ordinance be adopted as herein set forth;

WHEREAS, the Board of City Commissioners has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City;

WHEREAS, the City Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the Board of City Commissioners;

WHEREAS, the Board of City Commissioners has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has published proper notice for adoption of zoning regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF _____, RAMSEY COUNTY, NORTH DAKOTA:

Adopted this _____ day of _____, A. D., 19____
by the Board of City Commissioners, _____,
North Dakota.

Signed _____ President _____

ATTEST: _____
City Auditor _____

SECTION NO. & TITLE

PAGE NO.

SECTION 1 - Title	C-1
SECTION 2 - Purpose and Intent	C-1
SECTION 3 - Authorization	C-1
SECTION 4 - Rules of Language Construction	C-1
SECTION 5 - Interpretation	C-1
SECTION 6 - Definitions	C-1
SECTION 7 - Area of Jurisdiction	C-4
SECTION 8 - Establishment of Zone Districts	C-4
A. District Boundaries	C-5
B. Applicability of District Regulations	C-5
C. Introduction to Specific District Regulations	C-5
SECTION 9 - Regulations for O - Open District	C-5
A. Uses Permitted by Right	C-6
B. Conditional Uses	C-6
C. Building Height Limit	C-8
D. Area Regulations	C-8
SECTION 10 - Regulations for A - Agricultural District	C-8
A. Uses Permitted by Right	C-8
B. Conditional Uses	C-8
C. Building Height Limit	C-10
D. Area Regulations	C-10
SECTION 11 - Regulations for R-1, Residential Single Family District	C-10
A. Uses Permitted by Right	C-10
B. Conditional Uses	C-11
C. Building Height Limit	C-11
D. Area Regulations	C-11
SECTION 12 - Regulations for R-2, Residential Multiple Family District	C-12
A. Uses Permitted by Right	C-12
B. Conditional Uses	C-12
C. Building Height Limit	C-12
D. Area Regulations	C-12
SECTION 13 - Regulations for R-3, Residential Mobile Home District	C-13
A. Uses Permitted by Right	C-13
B. Conditional Uses	C-13
C. Building Height Limit	C-14
D. Area Regulations	C-14
SECTION 14 - Regulations for C - Commercial District	C-15
A. Uses Permitted by Right	C-15
B. Conditional Uses	C-15
C. Building Height Limit	C-16
D. Area Regulations	C-16
SECTION 15 - Regulations for I - Industrial District	C-16
A. Uses Permitted by Right	C-16
B. Conditional Uses	C-16
C. Building Height Limit	C-16
D. Area Regulations	C-17
E. Industrial Performance Standards	C-17
F. Other regulations	C-17
SECTION 16 - Design Requirements and Procedures for Planned Unit Developments	C-18
A. Standards and Design Requirements	C-18
B. Procedure	C-19
C. Review and Approval	C-20
D. Failure to Meet Development Schedule	C-20
E. Development Review	C-20
F. Completion of Planned Unit	C-21
G. Variance	C-21
H. Conformance with Subdivision Regulations	C-21
I. Subdivision and Resale	C-21
SECTION 17 - Special Regulations	C-21
A. Off-Street Parking	C-21
B. Outdoor Advertising Signs	C-22
C. Additional Height and Area Regulations	C-24
D. Non-Conforming Uses	C-25
E. Basic Considerations for Conditional Use	C-26
F. Flood Control Regulation	C-26
G. Vacations	C-27
SECTION 18 - Adjustment of Regulations	C-27
A. Board of Adjustment	C-27
B. Proceedings	C-27
C. Hearings, Appeals, Notice	C-27
D. Stay of Proceedings	C-28
E. Board of Adjustment Powers and Duties	C-28
F. Decisions of the Board of Adjustment	C-29
G. Appeals to District Court	C-29
SECTION 19 - Building Regulations, Building Inspector	C-29
A. Creation of Office	C-29
B. Powers and Duties of Inspector	C-29

<u>SECTION NO. & TITLE</u>	<u>PAGE NO.</u>
C. Building Permits	C-29
D. Plats	C-29
E. Application, Approval and Requirements; Issuance of Permits	C-29
F. Building Permit Fee	C-30
G. Enforcement	C-30
H. Certificate of Occupancy	C-30
I. Records	C-30
SECTION 20 Fees	C-30
A. Rezoning Fee	C-31
B. Board of Adjustment Fee	C-31
C. Fees for Outdoor Advertising Signs	C-31
D. Building Permit Fees	C-31
E. Fees for Planned Unit Development	C-31
SECTION 21 General Provisions, Legislative Provisions, Penalty	C-31
A. Interpretation, Purpose, and Conflict	C-31
B. Amendments	C-31
C. Notice of Hearing for Zoning Map Amendment	C-31
D. Legislative Provisions	C-32
Figure C-1, Edmore-Starkweather Zoning Maps	C-34
Figure C-2, Crary Zoning Map	C-35
Figure C-3, Churchs Ferry - Hampden Zoning Maps	C-36
Figure C-4, Lawton Zoning Map	C-37
Figure C-5, Brocket Zoning Map	C-38
Figure C-6, Bartlett Zoning Map	C-39

PROPOSED ZONING ORDINANCE

CITY OF _____, NORTH DAKOTA

Section 1. Title

These Regulations shall be known and may be cited as the Zoning Ordinance of _____, North Dakota.

Section 2. Purpose and Intent

The regulations and restrictions established herein have been made in accordance with a comprehensive plan, which plan is designed to:

- Lessen congestion in the streets;
- Secure safety from fire, panic and other dangers;
- Promote health and the general welfare;
- Provide adequate light and air;
- Prevent the overcrowding of land;
- Avoid undue concentration of population; and
- Facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements.

And such regulations have further been made with reasonable consideration as to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land.

Section 3. Authorization

The Zoning Ordinance and Zoning Map of _____, North Dakota are by authority conferred by the North Dakota Century Code, Chapter 40-47.

Section 4. Rules of Language Construction

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure", except as may otherwise be specified. The term "used" shall mean "used or intended to be used, or arranged or designed for use". The term "occupied" shall mean "occupied or intended to be occupied, or arranged or designed for occupancy". The word "including" shall mean "including but not limited to". The word "shall" is mandatory and not directory.

Section 5. Interpretation

Certain words and phrases are defined; and certain provisions shall be interpreted as herein set out, when not inconsistent with the context. The word "building" includes the word "structure"; the word "used" includes the words "occupied", "arranged", "designed", or "intended to be used"; the word "construct" includes the words "erect", "reconstruct", "alter", "move in", and "move upon".

Section 6. Definitions

For the purpose of this Ordinance certain terms and words are hereby defined and shall have the following meanings unless it shall be apparent from the context that a different meaning is intended:

Accessory Uses and Structures: A use naturally and normally incidental to a use by right, and complying with all of the following conditions:

- A. Is clearly incidental and customary to and commonly associated with the operation of the use by right;
 - B. Is operated and maintained under the same ownership as the use by right;
 - C. Includes only those structures or structural features consistent with the use by right;
 - D. The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the gross land area utilized by all the uses by right;
 - E. May include home occupations, as defined by this Ordinance.
- Alley: A public, dedicated right of way used primarily as a service or secondary means of access and egress to the service side of abutting property.

Apartment: A room or suite of rooms in a multiple dwelling used or designed for occupancy by a single family.

Basement: A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulations if subdivided and used for dwelling purposes.

Building: See structure.

Building Area: That portion of the lot that can be occupied by the principal use, thus excluding the front, rear and side yards.

Building Height of: The vertical distance from the average finished grade at the building set-back to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the mean height level between eaves and the ridge for gable, hip and gambrel roofs.

Building Inspector: The Building Inspector of _____, North Dakota.

Building Set-back: An imaginary line extending across the full width or side of a lot, parallel with the street right-of-way line or property line and outside of which no building or structures shall be constructed.

Cellar: A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement.

City: The City of _____, North Dakota.

Commission: See Planning Commission

Conditional Uses: Such uses are allowed by permit only. The permit must be granted upon proof that certain conditions and performance standards as set forth by the _____ Planning Commission or Board of City Commissioners will be complied with.

District: A section or sections of the City of _____ for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform and are individually identified on the official zoning map of the City of _____.

Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling, Single Family: A building having accommodations for and occupied exclusively by one family.

Dwelling, Multiple Family: A single building having accommodations for and occupied exclusively by more than two families.

Dwelling Unit: A building or portion thereof designed to be used as a living place or dwelling including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint. The term dwelling unit shall also include a mobile, modular or manufactured home which has been attached to a permanent foundation, and which has been added to the ad valorem tax rolls to be considered as a taxable property. The arrangement of rooms in each dwelling unit shall be such as to prohibit the division of one dwelling unit into two or more dwelling units.

Family: One individual or group of two or more persons related by blood or marriage, living together as members of a single housekeeping unit and doing their cooking in a single kitchen on the premises, as distinguished from a group occupying a boarding and rooming house, lodging house, hotel, club, fraternity or sorority house.

Feed Lot: A parcel of land whereon there is contained an operation of feeding or raising animals in excess of ten head per acre and in excess of 500 head per parcel of land.

Floor Area: The total number of square feet of floor space within the exterior walls of a building, not including space in cellars, basements, carports or garages.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. Corner lots shall have only one frontage. Frontage for a single use which may extend for more than one platted lot shall be the total linear distance of all lots of the use along one side of a street, and shall be considered as a single frontage.

Garage, Private: An accessory building or portion of a main building designed or used for the storage of not more than four vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Public: A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, in which any sale of gasoline, oil and accessories is only incidental to the principal use.

Garage, Repair: A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

Grade Level: The average of the ground levels of a lot, prior to construction thereon, measured at the center of all walls of a building.

Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and

measured from the center line of joint partitions and from outside wall faces.

Home Occupation: Any non-residential use conducted entirely within a dwelling unit, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not occupy more than twenty (20) percent of the total floor space of the dwelling unit. For purposes of this Ordinance no commodity shall be sold in connection with the home occupation except that which is prepared in the dwelling or except that which is furnished in connection with services rendered therein. No mechanical equipment shall be used in connection with the home occupation which shall be objectionable to the surrounding residence districts and any equipment permitted in this section, shall be properly protected, or grounded as necessary.

Hotel or Motel: A building used as a transient abiding place for persons who are lodged for compensation.

Institutions: A building occupied by a non-profit corporation or non-profit establishment for public use.

Junk Yard: An area two hundred square feet or more, or any area not more than fifty feet from any street, used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

Lot or Parcel: A piece, plot or area of land, of contiguous assemblage as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and/or accessory buildings thereto or for other use, together with such open spaces as may be required under this Ordinance and having its frontage on a street or officially approved place.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Ramsey County, North Dakota, or a parcel of land, the deed to which has been recorded in the Office of the Register of Deeds of Ramsey County, North Dakota, prior to the adoption of this Ordinance.

Mobile Home: Any vehicle or similar portable structure originally constructed to have no foundation other than wheels, jacks, or skirrings and so designed or constructed to permit occupancy as living or sleeping quarters and shall have been issued a manufacturer's statement of origin.

Mobile Home Park: Any lot or parcel of land on which a mobile home is parked.

Mobile Home Space: A parcel of land within a mobile home park designed for the accommodation of one mobile home.

Modular or Manufactured Home: Any portable structure originally constructed to have no foundation other than facilities for placement or erection of the structure on site so designed or constructed to permit permanent occupancy as living quarters. (Also see "dwelling unit".)

Net Density: The ratio of total floor area (excluding basements) to total buildable land area, excluding public streets and street rights of way, required open space areas or other public use areas, and open parking areas.

Net Area: The land area devoted to uses permitted within the zone district, not including streets, parking areas or required useable open space areas.

Net Residential Area: The land area devoted to residential uses, not including streets, parking areas, or required useable open space areas.

Nonconforming Building: A building or portion thereof, legally built prior to the effective date of this resolution or any amendment thereto, which does not conform with the regulations of the district in which it is located.

Nonconforming Use: Land or a building lawfully occupied prior to the effective date of this Ordinance or any amendment thereto, by a use which does not conform with the regulations of the district in which it is located.

Nursing Home, Convalescent Home: A home for the aged or infirmed where occupants are provided with food, shelter, and care for hire or compensation.

Off-Street Loading Space: A space not a part of a public thoroughfare, designed for the loading and unloading of vehicles servicing buildings adjacent thereto.

Off-Street Parking Space: An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Permit: A document issued by the City of _____ granting permission to perform an act or service which is regulated by the City.

Person: Any individual, firm, copartnership, corporation, company association, joint stock association, the State of North Dakota or any political subdivision thereof, and includes any trustee, receiver, assignee, or other similar representative thereof.

Planning Commission: The Planning Commission of _____ North Dakota.

Public Hearing: A legally advertised meeting held by the Planning Commission or Board of City Commissioners at which time citizens' opinions may be voiced concerning the subject

of the hearing.

Register of Deeds: The Register of Deeds of Ramsey County, North Dakota.

Right of Way: The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

Road: See Street.

Service (Filling) Stations: Any building or premises where automotive fuels are stored underground and made available for sale and dispensing, through fixed equipment into fuel tanks of motor vehicles and where automotive lubricants, supplies and accessories and related services to motorists may or may not be available except that if the sale and dispensing of automotive fuels is incident to the conduct of a public garage, the premises are classified as a public garage.

Set-Back: The required distance, and the land resulting therefrom, between the edge of the right of way of a public roadway, or some other designated line, and the closest possible line of a conforming structure.

Signs: Any outdoor advertising device having a permanent location on the ground, or attached to or painted on a building, including bulletin boards, billboards, and poster boards, or any device designed to inform or attract attention.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof ducting and wall face not more than three (3) feet above the top floor level, and in which space not more than 60% of the floor area is or may be finished off for use.

Street: All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to public or private easement therefor.

Structure: Any object constructed or installed by man, including but without limitation, buildings, tower, smokestacks, and overhead transmission lines.

Structural Alterations: Any substantial change in a structure such as the supporting members of a building, bearing walls or partitions, columns, beams, or girder, or any complete rebuilding of a roof or exterior walls.

Travel Trailer: Any trailer designed for occupancy which is 33 feet or less in length and 8 feet or less in width and not used as a dwelling unit.

Use by Right: A use which is listed as a use permitted by right in any given zone district in this Ordinance. Uses permitted by right are not required to show need for their location.

Usable Open Space (Public or Quasi-Public): Open area designed and developed for uses including, but not limited to, recreation, courts, gardens, parks, and walkways. The term shall not include space devoted to streets and parking and loading areas.

Yard, Front: A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the main building or any projections thereof. The front yard shall be on the side of the lot which has been established as frontage by the house numbering system.

Yard, Rear: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard Side: A yard extending from the front yard to the rear yard and being the space between the side lot line and the side of the main building including any projections.

Zoning District: A zoned area in which the same zoning regulations apply throughout.

Section 7. Area of Jurisdiction

Pursuant to Chapter 40-47-02 of the North Dakota Century Code, the City of _____ shall have exclusive jurisdiction and power to zone all lands within the incorporated area of the City.

Section 8. Establishment of Zone Districts

In conformity with the intent and purpose of the Ordinance, the City of _____, North Dakota is hereby divided into separate "Zone Districts" as set forth below in order to classify, regulate, restrict and separate uses of land and structures, lot dimensions and areas, yard widths and depths, percent of lot coverage and open spaces, lot area required for dwelling units and other structures, spacing of buildings, and the height and bulk of structures.

O	Open District
A	Agricultural
R-1	Residential Single Family

R-2 Residential Multiple Family
R-3 Residential Mobile Home
C Commercial
I Industrial

The boundaries of said districts are shown upon the map attached hereto and made a part of this Ordinance, being designated as the Zoning Map of the City of _____, North Dakota and said map and all notations, references and other information shown thereon, shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

A. District Boundaries. For determination of the boundaries of the districts shown on the Zoning Map, the following rules shall apply.

1. Where such boundaries are indicated as following or approximately following the center line of existing streets, alleys, or other platted rights of way, or extensions of the same, such center lines shall be construed to be such boundaries.
2. Where such boundaries are indicated as following or approximately following lot lines or property lines, such lot lines or property lines shall be construed to be such boundaries.
3. In un-subdivided property or where a district boundary divides a lot or parcel of property, the location of any such boundary, unless the same is indicated by dimensions shown on the district map, shall be determined by the use of the scale appearing on such map.
4. The Board of City Commissioners shall, upon application or upon its own motion, determine the location of boundaries in cases where uncertainty exists, after the application of the rules.

B. Applicability of District Regulations. Except as may be otherwise provided herein:

1. No building shall hereafter be erected, reconstructed, altered, enlarged or moved, nor shall any building or land be used for any purpose other than for a use permitted herein, in the district in which located, except that these regulations shall not prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming.
2. No building shall hereafter be erected, reconstructed, structurally altered, enlarged or moved so as to exceed the building height limit established herein for the district in which located.
3. No lot shall be so reduced or diminished, nor shall any structure be so enlarged or moved, as to reduce or diminish the yards, lot area or open space required herein in the district in which located.
4. No yard or other open space required herein for any building shall be considered as providing a yard or open space for any other building, and no yard or open space on an adjoining lot or parcel of property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
5. Every building hereafter erected shall be located on a lot, as defined herein and in no case shall there be more than one main building on one lot except as may be otherwise provided herein.
6. Every building containing one or more dwelling units or guest rooms shall be erected on a lot at least one line of which abuts for not less than twenty-five feet along a public street or along a permanent, unobstructed easement of access to the lot from a public street, said access being approved by the Board of City Commissioners as adequate for the purpose.
7. Off-street parking spaces in all districts shall be provided in accordance with the requirements for specific uses set forth in Section 17 of this Ordinance.
8. Signs for permitted uses in all districts shall be in accordance with the requirements set forth in Section 17 of this Ordinance.

C. Introduction to Specific District Regulations. Regulations for the districts established by this Ordinance are set forth in Sections 9 through 15 hereof; provided, however, that such exceptions to any such regulations or such additional regulations as are set forth in other Sections hereof shall apply; provided, further that the Board of Adjustment may, under certain conditions, vary these regulations and approve the issuance of permits for the establishment of certain uses, all as set forth in Section 18. The district regulations set forth in Sections 9 through 15 hereof are subject to such exceptions, variances, additions and provisions as are set forth in other sections hereof. Certain regulations applicable to pre-established uses that do not conform to the provisions contained herein are set forth in Section 17.

Section 9. Regulations for O - Open District

The regulations set forth in this Section, or set forth elsewhere in this Ordinance when referred to in this Section, are the District Regulations in the O - Open District.

A. Uses Permitted by Right:

1. Ranching, farming, dairying and general agriculture including the sale of the product of the farm but not including feed lots or animal sale barns.
2. Single family dwelling units related to an individual ranch or farmstead.
3. Home Occupations.
4. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
5. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
6. Fish hatcheries.
7. Roadside stands for operation during six months of the year for the sale of products produced on the farm.
8. Riding academies and stables provided:
Riding academies and stables are situated on at least one (1) acre of ground and that manure is stored at least one hundred fifty (150) feet from any lot line.
9. Storage of agricultural products, provided the storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line.
10. Accessory buildings and uses customarily incident to the uses permitted in this district.

B. Conditional Uses:

1. Hospitals and sanitariums for contagious or infectious diseases, penal or mental institutions, nursing homes.
2. Cemeteries and mausoleums.
3. Electric substations and gas regulator stations.
4. Fire stations, police stations and telephone exchanges.
5. Sanitary land fills.
6. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
7. Commercial and public parking lots.
8. Radio and Television Towers.
 - a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
 - b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.
9. Airports, provided:
 - a. They do not endanger the immediate area.
 - b. They meet all local, State and Federal regulations.
10. Rock crushers, concrete and asphalt mixing plants, sand and gravel pits or any other such excavation or surface mining shall be allowed provided they meet the following requirements.
 - a. When the application is filed, the applicant shall provide a plan showing the land proposed for excavation. This plan shall show the contours of the land on at least two (2) foot contour intervals, any improvements thereon and to a distance of three hundred (300) feet in all directions from the subject.
 - b. Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated re-use of the land, what restoration or curing of the land is planned and the contours on at least two (2) foot intervals.
 - c. No excavation or processing of excavated materials shall be permitted nearer than thirty (30) feet to the boundary of adjacent property nor nearer than one hundred twenty-five (125) feet to any existing residence unless by written agreement the owner or owners of such adjacent property consent to a lesser distance and the Board of City Commissioners approves such lesser distance. The Board of City Commissioners may set a greater distance than above mentioned, when in their opinion it is justified.
 - d. The Planning Commission shall specify the degree of slopes of banks for all excavations, the depth of and the distance from any public structures when excavations are made in or near stream beds. When excavations are near or adjacent to irrigation canals or ditches the applicant shall

secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks from public rights of way when excavation is contemplated near such rights of way.

e. Sand and gravel shall be excavated in such a manner so as to assure the convenient restoration of the land and to hold to a minimum any adverse effects to adjacent land as a result of piling or storing the overburden material.

f. The sand and gravel shall be excavated in such a manner so as to leave an average of two (2) feet of undisturbed sand or gravel, as evenly as possible, over the entire excavation tract, to provide a water bearing strata for any existing ground water, and more if the Planning Commission deems necessary.

g. After an excavation has been completed, the operator shall spread evenly over the bottom of the excavation the excess waste materials. He shall then spread evenly the topsoil to a minimum depth of eighteen (18) inches. The topsoil shall be spread last so as to produce a new surface for the purpose of growing crops, trees, shrubs, etc. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.

h. An excavation operation shall maintain haulage roads within the premises covered by the permit and such roads shall be kept in a reasonably dust-free condition when said dust would be injurious to bordering premises. The Planning Commission shall specify the conditions in each instance to insure this requirement. The hours of operation, unless otherwise specified by the Planning Commission shall be from 6:00 A. M. to 10:00 P. M., or unless a national emergency arises or special permission is granted by the Commission.

i. Rock crushers, concrete and asphalt mixing plants may be permitted providing the Board of City Commissioners finds that the following facts prevail:

- (1) The use is accessory to the sand and gravel operation and,
- (2) in the finished product the operator uses the product of the sand and gravel pit on which the operation is proposed. The Planning Commission may set out additional conditions under which these operations may be permitted and the said conditions may vary by location due to adjoining land uses.

j. The applicant shall furnish evidence of a bank commitment of credit in favor of the City or bond or certified check, in an amount calculated by the Planning Commission to secure the site restorations as required in this Section. Guidelines for calculating the amount of said bank commitment of credit, bond or certified check could be a sum equal to the number of acres covered by the permit, multiplied by five hundred (\$500) dollars. The minimum amount of such should be \$1,000 and the maximum amount, \$25,000. The Board of City Commissioners shall have the power and authority to provide for an alternative method of indemnifying the City in lieu of the above mentioned methods.

k. Prior to the granting of a permit the property shall be posted for a period of thirty (30) days. This posting shall consist of a sign or signs, the number of which shall be determined by the Building Inspector, of a size three (3) feet by four (4) feet, posted four (4) feet above grade, with lettering not less than two (2) inches in size, placed in conspicuous locations visible from the public right of way.

l. At least thirty (30) days prior to the public hearing, the Building Inspector shall advertise by legal publication in the official newspaper, the time and place of the public hearing.

m. There shall be a fee of twenty-five (\$25) dollars payable at the time of application of the permit to defray the cost of posting the property and advertising the public hearing.

n. Upon the granting of a permit by the Planning Commission the following fee schedule shall apply:

One acre or less	\$ 200. 00
More than one acre to and including two acres	300. 00
More than two acres to and including three acres	400. 00
More than three acres to and including four acres	500. 00
* More than four acres to and including five acres	600. 00
More than five acres to and including ten acres	1,000. 00

In addition, land in excess of ten acres (per acre) 25.00

The above fee schedule shall apply to each individual ownership of land which is included in the operation.

- o. All permits shall be in full force for a period of five (5) years from the date of issuance thereof unless a shorter time is set by the Planning Commission. Such temporary permits may be renewable by the Planning Commission for the same period of time or less, without further notice, hearing or posting of the property involved; provided, however, that the operator has complied with all the terms and conditions of the original permit. A renewal of a permit shall be considered as a new permit with respect to fees.
- p. The Planning Commission shall have the power to cancel permits upon proof of violation of any of these regulations.
- q. Rock crushers, concrete and asphalt mixing plants, sand and gravel operations or any other such excavations which are temporary operations (six months or less) shall not be subject to any of the regulations of this section, except, they shall be required to obtain a permit from the Board of City Commissioners.

C. Building Height Limit:

Except as provided in Section 17, the height regulations are as follows:

- 1. No dwelling or other structure, except for agricultural use, shall exceed two and one-half stories or thirty-five (35) feet in height.
- 2. There shall be no height limitations for agricultural buildings.
- 3. Minimum height regulations lesser than those provided herein may be set forth by special airport zoning regulations for buildings in an airport approach zone.

D. Area Regulations:

Except as provided in Section 17, the area regulations are as follows:

- 1. Minimum floor area. Eight hundred (800) square feet per dwelling unit.
- 2. Minimum lot area.
 - a. One (1) acre per dwelling unit.
 - b. One-half (1/2) acre for all other uses permitted by right.
 - c. For all conditional uses, one (1) acre unless otherwise specified by the Planning Commission.
- 3. Minimum Lot Frontage.
 - a. One hundred twenty-five (125) feet for each dwelling unit.
 - b. Two hundred (200) feet for other principal structures.
- 4. Minimum Front Yard
 - a. Measured from the front property line there shall be a front yard of not less than fifty (50) feet for all principal structures, unless otherwise specified by the Planning Commission.
- 5. Minimum Rear Yard.
 - a. Measured from the rear property line every principal building shall have a rear yard of not less than twenty-five (25) percent of the depth of the lot and for every accessory building there shall be a rear yard of not less than ten (10) feet.
- 6. Minimum Side Yard.
 - a. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet on each side of the lot.

Section 10. Regulations for A-Agricultural District

The regulations set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this Section, are the District Regulations in the A-Agricultural District.

A. Uses Permitted By Right:

- 1. All uses permitted by right in the O - Open District.

B. Conditional Uses.

- 1. All conditional uses permitted in the O - Open District and subject to all regulations as set forth therein.

- a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
 - b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.
2. Feed lots provided they meet the following requirements.
 - a. No unusual amount of odor or noise shall be disseminated beyond the boundaries of the premises on which the use is located.
 - b. Storage of manure shall not be permitted within one hundred fifty (150) feet of any lot line.
 - c. All corrals, pens and buildings shall be located at least one hundred fifty (150) feet from any lot line.
 - d. When the application for feed yards is filed with the Board of City Commissioners the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
 1. Topographic map showing two foot contours.
 2. Drainage plan.
 3. Location of existing utilities and proposed utility extensions.
 4. Location of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service or from the Ramsey County Health Department concerning satisfactory wells and septic tanks.
 5. Plat showing dimensions and locations of all structures, existing or proposed, on the tract of land.
 6. Parking and loading plan defining off-street parking and loading areas. Such plan is subject to Section 17 of this Ordinance.
 7. Driveway plan indicating all interior driveways, curb cuts and area for maneuvering trucks.
 8. Petition signed by at least seventy-five (75) percent of the property owners within a two (2) mile radius of the site of the proposed feed lot.
 9. All plans, plat plans and petitions as required must be submitted to the Planning Commission for approval at least thirty (30) days prior to the hearing date before the Board of City Commissioners.
 3. Auction barns and livestock sales rings provided they meet the following requirements:
 - a. Auctioning of farm implements shall be conducted as a secondary "service" or "convenience" to the livestock auction and shall, in no manner, be conducted for the sale of general household wares, household appliances or furniture, miscellaneous items or junk.
 - b. Parking or storage area for farm implements must be screened and enclosed by a chain link fence at least six (6) feet high. No piece of farm equipment shall remain on the premises for more than fifteen (15) consecutive days except for machinery used for maintenance of the livestock sales ring and premises.
 - c. All corrals, or pens for live animals shall be placed at least two hundred (200) feet from any public street or public road and shall be to the rear of main buildings.
 - d. The area shall include adequate off-street parking for automobiles as well as trucks and shall be designed to provide adequate truck maneuvering space for both loaded and unloaded trucks.
 - e. Livestock sales rings shall not be operated in any manner so as to impair or in anywise affect the public health, safety or welfare; or to operate said livestock sales ring in any manner as to be a public nuisance.
 - f. No unusual amount of odor or noise disseminated beyond the boundaries of the premises on which the use is located shall be permitted.
 - g. No more than ten (10) percent of the total number of animals present for sale at any one auction shall be kept on the premises for more than ten (10) consecutive days following each auction.
 - h. The special permit for operation of a livestock auction ring, as provided in these Regulations, shall be revoked, if inspection by the Board of City Commissioners or its representatives reveals that the feeding and keeping of animals, as in the manner of a feed lot, is the primary use of the premises.

- i. Storage of manure shall not be permitted.
- j. Use of a building or structure (temporary or permanent) for restaurant or "coffee shop" purposes shall be permitted during the days of the sale only. Structures used for such purposes shall be subject to all regulations of the City Building Code and the Ramsey County Health Department.
- k. When the application for livestock auction rings are filed with the Board of City Commissioners the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
 1. Topographic map showing two foot contour intervals.
 2. Drainage plan showing method of handling drainage problems including storm sewer drainage location, if necessary.
 3. Location of existing utilities and proposed utility extensions.
 4. Letters of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service, or from the Ramsey County Health Department concerning satisfactory wells and septic tanks.
 5. Plat showing dimensions and locations of all structures, existing or proposed on the tract of land.
 6. Parking plan defining off-street parking areas. Such plan is subject to the provisions of this resolution.
 7. Driveway plan indicating all interior driveways, curb cuts and areas for maneuvering trucks.

C. Building Height Limit.

Except as provided in Section 17, the height regulations are as follows:

1. No dwelling or other structure, except for agricultural use, shall exceed two and one-half stories or thirty-five (35) feet in height.
2. There shall be no height limitations for agricultural buildings.
3. Minimum height regulations lesser than those provided herein may be set forth by special airport zoning regulations for buildings in an airport approach zone.

D. Area Regulations.

Except as provided in Section 17, the area regulations are as follows:

1. Minimum floor area. Eight hundred (800) square feet per dwelling unit.
2. Minimum lot area.
 - a. One (1) acre per dwelling unit.
 - b. One-half (1/2) acre for all other uses permitted by right.
 - c. For all conditional uses, one acre unless otherwise specified by the Planning Commission.
3. Minimum Lot Frontage.
 - a. One hundred twenty-five (125) feet for each dwelling unit.
 - b. Two hundred (200) feet for other principal structures.
4. Minimum Front Yard.
 - a. Measured from the front property line there shall be a front yard of not less than fifty (50) feet for all principal structures, unless otherwise specified by the Planning Commission.
5. Minimum Rear Yard.
 - a. Measured from the rear property line every principal building shall have a rear yard of not less than twenty-five (25) percent of the depth of the lot and for every accessory building there shall be a rear yard of not less than ten (10) feet.
6. Minimum Side Yard.
 - a. Measured from the side property lines there shall be side yards or not less than fifteen (15) feet on each side of the lot.

Section 11. Regulations for R-1, Residential Single Family District.

The regulations set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this Section, are the District Regulations in the R-1, Single Family Residential District.

A. Uses Permitted By Right.

1. Single family dwelling units.
2. Home occupations.
3. Churches, schools, libraries, community centers, public parks and other

7715207 Approved Use

- 4. public or quasi-public recreational facilities, educational, religious and philanthropic institutions, but not including penal or mental institutions.
- 5. Domestic animals, provided such animals are household pets and that kennels are not maintained.
- 6. Fences, hedges, and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
- 7. Accessory buildings and uses customarily incident to the uses permitted in this district.

B. Conditional Uses.

- 1. Electric substations and gas regulator stations.
- 2. Fire stations, police stations and telephone exchanges.
- 3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.

a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time sequence of development and environmental impact on properties in the immediate vicinity.

b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 17, the height regulations are as follows:

- 1. No dwelling or other structure shall exceed two and one-half stories or thirty-five (35) feet in height.
- 2. No other structure shall exceed three (3) stories or forty-five (45) feet in height.

D. Area Regulations.

Except as provided in Section 17, the area regulations are as follows:

1. Minimum Floor Area. Eight hundred (800) square feet per dwelling unit.

2. Minimum Lot Area.

- a. Seven thousand (7,000) square feet per dwelling unit.
- b. For all conditional uses, seven thousand (7,000) square feet unless otherwise specified by the Planning Commission.

3. Minimum Lot Frontage.

- a. Fifty (50) feet.

4. ~~Minimum Front Yard.~~

- a. Measured from the front property line there shall be a front yard of not less than twenty (20) feet for all principal structures, unless otherwise specified by the Planning Commission.

5. Minimum Rear Yard.

- a. Measured from the rear property line every principal or accessory building shall have a rear yard of not less than ten (10) feet.

6. ~~Minimum Side Yard.~~

- a. Measured from the side property lines there shall be side yards of not less than eight (8) feet on each side of the lot.

7. Density.

- a. Density shall not exceed seven (7) dwelling units per acre of net residential area.

b. Upon submission and approval of a Plan which details dwelling unit type and location, minimum lot area, width and yard requirements may be waived. This zone district is specifically designed to accommodate a Planned Unit Development approach incorporating a variety of housing types, but not uses, within the same area. Complete information regarding development, maintenance and disposition of lands held for common use must be presented and approved by the Planning Commission and the Board of City Commissioners. Procedures for submission

and approval of a Planned Unit Development under this Section 11 shall be as set forth in Section 16.

- c. Minimum land area for application of the density provision in the R-1, Residential Single Family District shall be five (5) acres.

Section 12. Regulations for R-2, Residential Multiple-Family District.

The regulations set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this Section, are the District Regulations in the R-2, Multiple Family Residential District.

A. Uses Permitted By Right:

1. Single family dwelling units.
2. Two or multiple family dwelling units.
3. Home occupations.
4. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
5. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
6. Domestic animals, provided such animals are household pets and that kennels are not maintained.
7. Fences, hedges, and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
8. Accessory buildings and uses customarily incident to the uses permitted in this district.

B. Conditional Uses:

1. Electric substations and gas regulator stations.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
 - a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
- b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 17, the height regulations are as follows:

1. No dwelling or other structure shall exceed three and one-half stories or forty-five (45) feet in height.

D. Area Regulations.

Except as provided in Section 17, the area regulations are as follows:

1. Minimum Floor Area. Eight hundred (800) square feet per single family and two family dwelling unit and three hundred fifty (350) square feet for each multiple family dwelling unit.
2. Minimum Lot Area.
 - a. Seven thousand (7,000) square feet for each single family dwelling unit.
 - b. A lot, upon which there is erected a two or multiple family dwelling, shall contain not less than two thousand five hundred (2,500) square feet per unit; however, in no instance shall such a structure be built on a lot containing less than seven thousand (7,000) square feet.
 - c. A lot upon which there is erected a private club or lodge, boarding or lodging house, fraternity or sorority, shall contain not less than nine thousand eight hundred (9,800) square feet.
 - d. A lot having an area less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family dwelling or by any permitted non-residential use.
 - e. For all conditional uses, seven thousand (7,000) square feet unless otherwise specified by the Planning Commission.

3. Minimum Lot Frontage.

1. A lot occupied by a single, two or multiple family dwelling or conditional use shall have a minimum frontage of fifty (50) feet.
2. A lot occupied by a boarding or lodging house, private club or lodge, fraternity or sorority, shall have a minimum frontage of seventy (70) feet.
3. A lot having a frontage less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family dwelling or by any permitted non-residential use.

4. Minimum Front Yard.

- a. Measured from the front property line there shall be a front yard of not less than twenty-five (25) feet for all principal structures, unless otherwise specified by the Planning Commission.

5. Minimum Rear Yard.

- a. Measured from the rear property line every principal or accessory building shall have a rear yard of not less than ten (10) feet.

6. Minimum Side Yard.

- a. Measured from the side property lines there shall be side yards of not less than ten (10) feet on each side of the lot.

7. Density.

- a. Density shall not exceed twenty (20) dwelling units per acre of net residential area.
- b. Upon submission and approval of a Plan which details dwelling unit type and location, minimum lot area, width and yard requirements may be waived. This zone district is specifically designed to accommodate a Planned Unit Development approach incorporating a variety of housing types, but not uses, within the same area. Complete information regarding development, maintenance and disposition of lands held for common use must be presented and approved by the Planning Commission and the Board of City Commissioners. Procedures for submission and approval of a Planned Unit Development under this Section 12 shall be as set forth in Section 16.

- c. Minimum land area for application of the density provision in the R-2 Residential Multiple Family District shall be five (5) acres.

Section 13. Regulations for R-3. Residential Mobile Home District.

The regulations set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this Section, are the District Regulations in the R-3. Mobile Home Residential District.

A. Uses Permitted by Right.

1. Mobile homes designed for occupancy by one family.
2. Home occupations.
3. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
4. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
5. Domestic animals, provided such animals are household pets and that kennels are not maintained.
6. Fences, hedges and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
7. Accessory buildings and uses customarily incident to the uses permitted by this district.

B. Conditional Uses.

1. Electric substations and gas regulator stations.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
- a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
- b. The Planning Commission may in addition prescribe any additional con-

ditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 17, the height regulations are as follows:

1. No mobile home or other structure shall exceed two stories or twenty-five (25) feet in height.

D. Area Regulations.

Except as provided in Section 17, the area regulations are as follows:

1. Minimum Floor Area. Three hundred (300) square feet per mobile home.
2. Minimum Lot Area.
 - a. Five thousand (5,000) square feet per mobile home.
 - b. For all conditional uses, five thousand (5,000) square feet unless otherwise specified by the Planning Commission.
 - c. Any newly created free-standing Mobile Home Residential District shall contain at least five (5) acres of land.
3. Minimum Lot Frontage.
 - a. Forty (40) feet.
4. Minimum Front Yard.
 - a. Measured from the nearest edge of the roadway there shall be a front yard of not less than twenty (20) feet for all mobile homes, unless otherwise specified by the Planning Commission. For mobile home courts fronting on a State or Federal Highway, the required front yard shall be fifty (50) feet.
5. Minimum Rear Yard.
 - a. There shall be twenty (20) feet between mobile homes or accessory buildings, or if measured from the rear property line, every mobile home shall have a rear yard of not less than ten (10) feet.
6. Minimum Side Yard.
 - a. There shall be twenty (20) feet between mobile homes or accessory buildings, or if measured from the side property line every mobile home shall have a side yard of not less than ten (10) feet on each side of the lot. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet.

E. Design Requirements.

The Mobile Home Residential District may be created upon petition for an amendment to the Zone Map. When petitioning for this zone change, there shall be provided a site design by a registered engineer, architect or qualified planner, complete in detail showing the following:

1. Location and legal description.
2. Entrance to and exits from the court.
3. Vehicular roadways, driveways and pedestrian walks. All roads shall be designed and built to City specifications.
4. Plans, showing size and arrangement of mobile home lots and stands, location of roadways, service and utility buildings.
5. Topography map showing original and final contours at two (2) foot intervals.
6. Provisions for drainage.
7. Area set aside for recreation, clothes washing and drying, storage, and off-street parking.
8. Fencing and screen planting on the premises.
9. Plans for water supply and distribution.
10. Plans for sewage collection and disposal.
11. Provisions for trash and garbage storage and removal.
12. Plans for underground gas, electric, and phone service connections to each space.
13. Typical lot plan.
14. For each mobile home lot there shall be provided:
 - a. Recreational area in the amount of three hundred (300) square feet.
 - b. Space for mechanical washing and clothes drying facilities in the amount of twenty-five (25) square feet.
 - c. One off-street parking space for each lot.
15. Service and utility buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, water and sewage provisions

- must meet with the approval of the North Dakota Department of Public Health and the local health authority.
16. The applicant shall consult with the school district officials and secure a written statement to be submitted with the application as to the impact on the school district caused by the increased number of school children from the increased residential density of the mobile home court.
 17. Statement of conformance with the Federal Housing Administration's Minimum Property Standards for Mobile Home Courts. The Zoning Regulations will govern where more restrictive.

Section 14. Regulations for C - Commercial District.

The regulations set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this section, are the District Regulations in the C - Commercial District.

A. Uses Permitted By Right:

1. All uses permitted by right in the R-2 District.
2. New and used automobile sales and storage lots.
3. Undertaking establishments.
4. Service stations and automobile repair garages.
5. Truck stops.
6. Tire store sales and service including vulcanizing, but not involving manufacturing on the premises.
7. Food storage lockers not including slaughtering on the premises.
8. Milk distributing stations, but not involving bottling on the premises.
9. Commercial recreation, including bowling alleys, drive-in theaters, dance halls, skating rinks, refreshment stands, golf driving ranges and miniature golf courses.
10. Retail stores for the sale of automobile parts and accessories, souvenirs, curios, film, magazines and other products customarily sold to meet the needs of the motoring public, but not including junk, salvage, or automobile wrecking yards.
11. Hotels, motels, restaurants, taverns and package liquor stores.
12. Equipment sales and storage.
13. Accessory buildings and uses customarily incident to uses permitted in this district.
14. All businesses of a retail or service nature.
15. Wholesaling of products providing storage space does not exceed one thousand five hundred (1,500) square feet of floor area.
16. Business, professional and semi-professional offices.
17. Medical clinics and pharmacies operated in conjunction with a clinic.
18. Barber and beauty shops.
19. Club or lodge (non-profit).
20. Community service agency.
21. Day nursery or child-care center.
22. Accessory buildings or use (not involving open storage), when customarily incident to the uses permitted in this district.
23. Commercial and public parking lots.
24. Churches, schools, libraries, community centers, public parks and other public buildings and public or quasi-public recreational facilities.
25. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
26. Roadside stands for operation during six months of the year for the sale of products produced on the farm.

B. Conditional Uses.

1. Enterprises or businesses of the same nature or class as those listed above in Paragraph A., "Uses Permitted By Right", which in the opinion of the Planning Commission as evidenced by a resolution or record, are not more obnoxious or detrimental to the welfare of the area than those listed in said Paragraph "A".
2. Enterprises or businesses of a retail trade nature which in the opinion of the Planning Commission, as evidenced by a resolution of record, are not of a different intensity of use or character, nor are more obnoxious or detrimental to the welfare of the area than existing businesses.
3. Electric substations and gas regulator stations.
4. Fire stations, police stations and telephone exchanges.
5. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
 - a. For each instance the Planning Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
 - b. The Planning Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.

C. Building Height Limit.

Except as provided in Section 17, the height regulations are as follows:

1. No structure shall exceed six stories or seventy-five feet (75) in height.

D. Area Regulations.

Except as provided in Section 17, the area regulations are as follows:

1. Minimum Floor Area. No minimum requirements.
2. Minimum Lot Area. No minimum requirements.
3. Minimum Lot Frontage. No minimum requirements.
4. Minimum Front Yard. No minimum requirements except as may be required by the Planning Commission. Motor fuel pumps shall not be erected less than twenty-five (25) feet from the front property line.
5. Minimum Rear Yard. No minimum requirements except as may be required by the Planning Commission.
6. Minimum Side Yard. No minimum requirements except as may be required by the Planning Commission. Motor fuel pumps shall not be erected less than twenty-five (25) feet from the side property line.

Section 15. Regulations for I - Industrial District.

The regulations set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this Section, are the District Regulations in the I - Industrial District.

A. Uses Permitted By Right.

1. All uses permitted by right in the C - District except for R-2 uses.
2. Any kind of scientific research or manufacture, compounding, assembling, processing, fabrication, packaging or treatment of products, wholesaling, retailing associated with wholesaling, jobbing, warehousing, manufacturing or processing industries.
3. Any industrial or manufacturing operations within or without a building enclosure provided the following limitations are placed on all such uses:
 - a. Unusual amounts of dust, fumes, odors, smoke, vapor, noise, lights, and vibration shall conform to the industrial performance standards as set forth in Paragraph E of this Section 15. Proof of non-compliance shall be determined by measurements based upon standardized criteria established by noise and pollution experts and recorded by standardized instruments. If found to be in violation, the cost of said work and measurements shall be borne by the occupant of the use in violation of these regulations.
 - b. Areas of outdoor storage and storage of equipment shall be concealed from view from abutting rights of way and adjoining residential districts.
4. Accessory buildings and uses customarily incident to the uses permitted by this district.

B. Conditional Uses.

1. Electric substations and gas regulator stations.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.
4. Junk yards provided they are enclosed by a solid wall or fence at least six (6) feet high.
 - a. For each instance the Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two (2) foot intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity.
 - b. The Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Planning Commission.

C. Building Height Limit.

Except as provided in Section 17, the height regulations are as follows:

1. No structure shall exceed six (6) stories or seventy-five (75) feet in height.

D. Area Regulations.

Except as provided in Section 17, the area regulations are as follows:

1. Minimum Floor Area. No minimum requirements.
2. Minimum Lot Area. No minimum requirements.
3. Minimum Lot Frontage. No minimum requirements.
4. Minimum Front Yard. No minimum requirements except as may be specified by the Planning Commission.
5. Minimum Rear Yard. No minimum requirements except as may be specified by the Planning Commission.
6. Minimum Side Yard. No minimum requirements except as may be specified by the Planning Commission.

E. Industrial Performance Standards.

All industrial and commercial businesses whether established as a use by right or condition shall comply with the following standards to provide that these uses do not create any danger to safety in surrounding areas, do not cause water pollution and do not create offensive noise, vibration, smoke, dust, odor, heat, glare, or other objectionable influences beyond the boundaries of the property in which such uses are located, nor shall be operated in any manner so as to constitute a public nuisance or hazard.

1. Volume of Sound Generated. - Every use shall be so operated that the volume of sound inherently and recurrently generated does not exceed seventy (70) decibels with a maximum increase of ten (10) decibels permitted for a maximum of 15 minutes in any one hour at any point of any boundary line of the property on which the use is located.
2. Vibration Generated. - Every use shall be so operated at the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
3. Smoke Emission. - Every use shall be so operated that it does not emit smoke exceeding a density of No. 2 on the Ringelman Chart, except shade No. 3 is permitted for two (2) minutes of each hour.
4. Emission of Particulate Matter. - Every use shall be so operated that it does not emit particulate matter exceeding 0.2 grains per cubic foot of flue gas at a stack temperature of 500°F.
5. Emission of Heat, Glare, Radiation and Fumes. - Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the property on which the use is located.
6. Outdoor Storage and Waste Disposal. -
 - a. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same property as the tanks or drums of fuel are excluded from this provision.
 - b. All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
 - c. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces.
 - d. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
 - e. In addition to these regulations all storage of flammable, explosive or dangerous materials shall be subject to all applicable State Laws concerning storage of such materials.
7. Water Pollution. - No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the building inspector, the North Dakota Department of Public Health, and the local health authority and in compliance with the laws of the Environmental Protection Agency before operation of the facilities may begin.

All percolation tests or ground water resource tests as may be required by the North Dakota Department of Public Health and the local health authority must be met before operation of the facilities may begin.

F. Other regulations.

Landscaping, buffer strips or setbacks as may be designated by the Planning Commission.

Section 16. Design Requirements and Procedures for Planned Unit Developments.

A. Standards and Design Requirements.

1. Purpose

- a. The Planned Unit Development (PUD) is a design and development technique within any zone district which allows flexibility in development, will be able to accommodate imaginative ideas and site design as well as mixtures of uses subject to approval by the Planning Commission without being restricted to customary "standard" regulations. It is intended to promote a greater facility for open space, more functional use of land and placement of structures in appropriate relationships to each other, to open space and to common facilities.

2. General Standards for the PUD - The following general standards shall be observed regarding planning, design, and construction of the PUD:

- a. The PUD shall be consistent with the Subdivision Regulations of the City of and with the intent of the Comprehensive Plan of City and the policies therein.
- b. The PUD shall be designed in a manner such that wherever possible it protects the environmental assets of the City including considerations of elements such as environmental pollution, streams and storm drainage courses and its relationship to its immediate surroundings.
- c. The PUD design and construction plans shall take into account characteristics of soils, slopes, geological hazards and flood hazards in a manner intended to protect the health, safety, and welfare of potential users of the PUD. These aspects of the plan must be accompanied by a detailed soil engineering, storm drainage and flood report on the suitability of the area for the intended use before a building permit may be issued.
- d. Design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space.

Setbacks and lot widths shall be as required by the Planning Commission to provide adequate access and fire protection and to insure proper ventilation, light, air and snow melt between buildings. As a general guide, twenty (20) feet between buildings is considered minimum.

3. Requirements Regarding Site - The following requirements shall be observed regarding the site of the PUD:

- a. Planned open spaces within the PUD, including those spaces being used as public or private recreation sites or open space easements, shall be protected by adequate covenants running with the land, or by conveyances or dedications.

4. Requirements Regarding Density and Design - The following requirements shall be observed with regard to the densities allowed in the PUD:

- a. Open Space. A minimum of twelve percent (12%) of the total PUD area shall be devoted to open-air recreation or other useable open space (public or quasi-public). "Useable open space" shall be defined as open area designed and developed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts, gardens, parks, and walkways. The term shall not include space devoted to streets and parking and loading areas.

- b. Residential Density. The overall average density of the total residential area within the PUD shall not exceed the density limits as set forth for each district as follows:

- O - One (1) dwelling unit per acre of net residential area
- A - One (1) dwelling unit per acre of net residential area
- R-1 - Seven (7) dwelling units per acre of net residential area
- R-2 - Twenty (20) dwelling units per acre of net residential area
- C - Twenty (20) dwelling units per acre of net residential area

- c. Density of Other Uses. The overall average density of the total area devoted to all other permitted uses in the PUD shall apply to the net area devoted to uses excluding streets, street rights-of-way, and required useable open space.

5. Off-Street Parking - Off-street parking spaces shall be provided in the PUD according to the following:

a. Single or multiple family dwelling units - at least one (1) space per unit.

b. Hotels, motels, and lodges - one (1) space per unit plus additional parking as may be required for business, auditorium or other uses or activities as permitted in this district requirements for such uses are set forth in Section 17.

Outdoor or mixed facilities and combinations of any permitted uses - sufficient number of spaces which will, in the determination of the Planning Commission, make reasonable and adequate provision for the highest expected volume of users. Such determination may be based upon the following:

- (1) the designed capacity of such facilities.
- (2) an overall plan for concentration or concentrations of parking with appropriate consideration of designed landscaping and relation to the surroundings.
- (3) trade-off, or alternating use of parking area(s) by uses occurring during different hours, seasons, or days.
- (4) demonstration of sufficient parking facilities must be made to satisfy other needs or uses as may be developed in the PUD. Also, the Planning Commission may set forth any additional parking requirements which, in their opinion, may be needed to satisfy the parking demand for any use developed in the PUD.

6. Circulation

a. Circulation shall be determined by review of each PUD. The PUD must have an adequate internal street circulation system. Public streets must serve all Planned Units provided, however, that private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes, and each structure or use in the PUD provides off-street loading spaces or service courts.

B. Procedure.

The following procedure shall be observed when a planned unit development proposal is submitted for consideration.

1. Pre-Application Conference - A pre-application conference shall be held with the Planning Commission in order for the applicant to become acquainted with PUD procedures and related requirements.

2. Formal Application - An application for approval of a PUD may be filed by a person having an interest in the property to be included in the PUD. The application will be made on a form provided by the City and must include a consent by the owners of all property to be included. The application must be accompanied by a site plan and a written statement.

a. Site Plan - A complete site plan showing the major details of the proposed planned unit prepared at a scale of not less than 1" = 100' shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the PUD. The site plan must contain, insofar as applicable, the following minimum information:

- (1) the existing topography of the land at 2 foot contour intervals.
- (2) proposed land uses.
- (3) the location of all existing and proposed buildings, structures, and improvements.
- (4) the maximum height of all buildings.
- (5) the density and type of dwellings.
- (6) the internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights of way.
- (7) the location, height, and size of proposed signs, lighting and advertising devices.
- (8) areas which are to be conveyed, dedicated or reserved as general open space, common park areas, including public parks and recreational areas, and sites for schools or other public buildings.
- (9) areas subject to a 100-year flooding cycle.
- (10) a general landscape plan.

- (11) the proportion of land to be left in a natural condition as major open space, stated in terms of acreage or square footage, as well as the ratio of open space in areas to be developed stated on a square foot per unit basis.
- b. Written Statement - The written statement to be submitted with the planned unit application must contain the following information:
 - (1) a statement of the present ownership and a legal description of all the land included in the PUD.
 - (2) an explanation of the objectives to be achieved by the PUD, including building descriptions, sketches or elevations as may be required to describe the objectives.
 - (3) a development schedule indicating the approximate date when construction of the PUD or stages thereof can be expected to begin and be completed.
 - (4) a description of the proposed method of providing ongoing (permanent) maintenance of all non-private buildings, facilities, areas and thoroughfares, including snow removal.
 - (5) a written statement by a licensed engineer(s) which shall describe and/or provide evidence of:
 - (a) the water source with adequate and dependable capacity to service the proposed development.
 - (b) the proposed method(s) of sewage treatment and the location of plant and outfall.
 - (c) the manner in which storm drainage shall be handled.
 - (d) the applicant may submit any other information or exhibits he deems pertinent that will aid in evaluating his proposed planned unit.
- C. Review and Approval
 1. Procedure to be followed for review and approval of a PUD within each zone district shall be as follows:
 - a. The Planning Commission shall review the preliminary development plan to determine that it complies with the PUD regulations and subdivision regulations.
 - b. Within 6 months following approval of the preliminary plan, the applicant shall file with the Planning Commission a final development plan. The Planning Commission may authorize the submission of the final development plan in stages. Upon approval of the final plan or portion thereof, the plan and all accessory documents shall be filed with the County Register of Deeds as a matter of public record. If the applicant has not submitted such plan within the period provided, the Planning Commission can and shall initiate proceedings to void all PUD development proposals for the subject land parcel for a period of one (1) year.
 - c. The final development plan as approved by the Planning Commission shall be binding and shall not be changed during the construction of the PUD except upon application to the appropriate agency under the following procedures:
 - (1) Minor changes in locations, siting, bulk of structures or character of building may be authorized by the Planning Commission if required by circumstances not foreseen at the time the final plan was approved.
 - (2) All other changes in use, any rearrangement in lots, or changes in the provision of open space must be made by the Board of City Commissioners following a recommendation by the Planning Commission.
- D. Failure to Meet Development Schedule:
 1. If the applicant has not begun construction in the PUD within one year from the approval of the final development plan or otherwise has failed to meet the approved development schedule, the Planning Commission can and shall initiate proceedings to cancel approval of the PUD. Development, however, may proceed within the limits of the applicable zone district, but not within the provisions of the PUD technique. The Planning Commission may extend the development schedule for good cause shown by the applicant.
- E. Development Review
 1. At least once every 24 months following the approval of a PUD, the Planning Commission shall review all building permits which have been issued for the PUD and shall examine the construction which has taken place on the site. If

they find that the rate of construction has not met the approved development program or if there is found to be violations of any of the provisions of this Ordinance or the terms or conditions of the PUD approval, there shall be forwarded a report of this information to the Board of City Commissioners. The Board of City Commissioners shall review the report of violations submitted by the Planning Commission having first given notice to the PUD applicant. Upon review of the alleged violations, the Board of City Commissioners may, if it is deemed necessary, require that appropriate action be taken to remedy the violations, amend or modify the PUD, or revoke approval.

F. Completion of Planned Unit

1. The Building Inspector shall issue a certificate certifying completion of the PUD, and shall note the issuance of the certificate on an office copy of the site plan.
2. After completion, the use of land and the construction, modification, or alteration of any buildings within the PUD will be governed by the approved site plan.
3. Except as follows, no changes may be made in the PUD after its approval:
 - a. minor changes in the location, size, siting, or character of buildings or structures may be authorized by the Building Inspector. No change authorized by the Building Inspector under this section may increase the size of any building or structure by more than ten percent.
 - b. all other changes in the PUD and PUD site plan must be made under the procedures that are applicable to the initial approval of a PUD.

G. Variance

1. The Board of Adjustment may grant variances from the provisions of this Ordinance where it can be demonstrated that the foregoing provisions create an undue hardship; that there are unique physical circumstances or conditions involved which are peculiar to the affected property; that a variance, if granted, will not alter the essential character of the area, or substantially or permanently impair the appropriate use or development of adjacent property. In granting any variance, the Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

H. Conformance with Subdivision Regulations

1. Any area proposed as a PUD shall be subject to the requirements for review and approval under the subdivision regulations. Such subdivision review procedures may be carried out concurrently with overall or staged review of the PUD as outlined in this section.

I. Subdivision and Resale

1. A PUD may be subdivided or resubdivided for purposes of sale or lease.
2. An application for approval of the subdivision or resubdivision must be made if the subdivision or resubdivision will create a new plat line. The procedures applicable to the initial approval of a PUD are also applicable to the approval of a subdivision of a PUD.
3. The subdivision or resubdivision may be approved if it does not increase the dwelling unit density of the PUD and if the PUD, following the subdivision or resubdivision, is in compliance with the standards for PUD's provided in this Section.

Section 17. Special Regulations.

The regulations set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this Section are the special regulations.

A. Off-Street Parking

1. An off-street parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives or ramps, and have a vertical clearance of at least seven (7) feet.
2. All open off-street parking areas with four (4) or more spaces and all loading berths shall be:
 - a. Improved with a cement binder material or hard surface pavement to provide a durable, dust-free surface.
 - b. Graded to dispose of all surface water within the area without damage, nuisance or hazard to adjacent premises.
 - c. Arranged and marked to provide for orderly and safe parking.
 - d. Provided with access road of 8 feet if a residence or 15 feet if a non-residential building from a public street or alley.
 - e. Screened by wall, fence or landscaping from the street or from any residen-

3. Off-street parking or loading requirements shall be met on the same lot as the building served or on a lot within 200 feet thereof especially reserved for such parking purposes except that off-street parking facilities for separate activities may be provided collectively on a separate lot if the total spaces provided are not less than the total requirements of the separate uses.
 4. No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty (50) percent, or changed in use unless there is provided on the lot space for the parking of automobiles or trucks in accordance with the following minimum requirements:
 - a. Bowling alley: four (4) parking spaces for each alley.
 - b. Business, professional or public office building, studio, bank, medical or dental clinic, three (3) parking spaces, plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
 - c. Church: one (1) parking space for each four (4) seats in the main auditorium.
 - d. College or school: one (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
 - e. Community center, library or museum: ten (10) parking spaces, plus one (1) additional space for each three hundred (300) feet of floor area in excess of two thousand (2,000) square feet.
 - f. Dwellings (Single or Multiple): one (1) parking space for each dwelling unit.
 - g. Hospital, sanitarium, home for the aged, or similar institutions: one (1) parking space for each three (3) beds.
 - h. Hotels: one (1) parking space for each three (3) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
 - i. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: one (1) parking space for every two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
 - j. Mortuary or funeral home: one (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors and individual funeral service rooms.
 - k. Private club or lodge: one (1) parking space for every ten (10) members.
 - l. Restaurant, night club, cafe or similar recreation or amusement establishment: one (1) parking space for each one hundred (100) square feet of floor area
 - m. Retail store or personal service establishment: one (1) parking space for each two hundred (200) square feet of floor area.
 - n. Rooming house, lodging house, fraternity or sorority: one (1) parking space for each two (2) beds.
 - o. Sports arena, stadium or gymnasium (except school): one (1) parking space for each five (5) seats or seating spaces.
 - p. Mobile home: one (1) parking space for each mobile home plus one additional space for each four (4) lots.
 - q. Theater or auditorium (except school): one (1) parking space for each five (5) seats or bench seating spaces.
 - r. When the number of off-street parking or loading spaces required for a building cannot be determined from the preceding minimum requirements, the off-street parking requirements shall be determined by the Planning Commission, using as a guide the parking requirements for a mentioned use which most resembles the proposed use.
- B. Outdoor Advertising Signs**
- General:**
1. All signs shall be structurally safe and shall be securely anchored or otherwise fastened, suspended, or supported so that they will not be a menace to the safety of persons or property.
 2. No sign, outdoor commercial advertising device or lighting device constituting a nuisance to an adjacent residential district because of lighting glare, focus, animation or flashing of a sign, lighting or advertising device shall be erected or continued in operation.
 3. No "revolving beacon" or "fountain" signs shall be permitted in any district.
 4. No sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic.
 5. Ground signs shall not be located on public property except by specific approval of the governing body.

6. Temporary signs or banners on or over public property may be authorized by the governing body for a period not to exceed ten (10) days.
7. Signs projecting over a street, alley, or other public space shall project not more than ten (10) feet and be no closer than two (2) feet to a plumbline from curbline; clearance below such signs shall be a minimum of nine (9) feet.
8. Roadside market signs advertising produce grown and sold on the premises on which they are located. Said signs shall not remain continuously erected more than six (6) months of any calendar year.

Residential districts:

9. One (1) identification sign shall be permitted per residential use provided such sign does not exceed two (2) square feet in area; said sign may be wall, pedestal, ground or projecting type (but not projecting over public property).
10. One sign of a temporary nature, such as "for sale" or "for rent" shall be permitted per residential use provided such sign does not exceed sign (6) square feet and is not lighted; said sign may be wall, pedestal or ground type.

11. For mobile home parks, the "identification", "for sale" and "for rent signs for each individual mobile home shall be applicable the same as for "conventional dwellings". For mobile home parks one ground, wall or pedestal sign shall be allowed. Said sign shall not exceed fifty (50) square feet.

Commercial and Industrial Districts:

12. One general identification sign shall be permitted provided such sign does not exceed one hundred (100) square feet, said sign may be wall, pedestal, ground or projecting type. Each separate business may have a wall mounted sign which conforms to the architectural form of the structure thereto attached.

Agricultural and Open Districts:

13. Highway billboards, or other such highway oriented advertising devices shall be permitted, provided such signs and devices are located at least one thousand (1,000) feet from any existing advertising sign or device, regardless of political boundaries, width of rights-of-way, existing highways, streets, roads or easements.

14. Prior to construction of any highway billboard or other such highway oriented advertising device, an Outdoor Advertising Structure Permit shall be obtained from the Building Inspector. Said permit shall be for a one (1) year term. Permit for all or any portion of a year shall be considered a permit for a full year. Said permit shall be renewed annually on or before December 31, provided that such renewal would not be adverse to the public health, safety or welfare. If the Building Inspector judges any sign to be in poor repair, not properly located, obstructing public right-of-way, or in any way adjudged to constitute a public hazard or nuisance, said sign may be removed by the building inspector. Permits shall be clearly visible and firmly attached to the lower one-fourth of the sign, and located four (4) feet above ground level. The fee for said Outdoor Advertising Structure Permit shall be as set forth in Section 20.

Public or Semi-Public Uses:

15. One identification sign shall be permitted per public or semi-public use provided such sign does not exceed ten (10) square feet in area; said sign may be wall, pedestal, ground, or projecting type.

Non-Conforming Signs:

16. Policy: It is reasonable that a time limit be placed upon the continuance of existing non-conforming signs. An amortization program permits the owner to plan during a period when he is allowed to continue the non-conforming signs while at the same time assuring that the district in which the non-conforming signs exist will eventually benefit from a substantial uniformity of permanent signs.

17. Definition of Non-Conforming Signs: A non-conforming sign shall be any sign which:

- a. On the effective date of this Ordinance was lawfully maintained and had been lawfully erected, but which sign does not conform to the limitations established by this Ordinance for the use of land in which the sign is located.
- b. On or after the effective date of this Ordinance was lawfully maintained and erected in accordance with the provisions of this Ordinance but which sign, by reason of amendment to this Ordinance after the effective date thereof, does not conform to the limitations established by the amendment to this Ordinance in the district in which the sign is located.

18. Continuance of Non-Conforming Signs: Subject to the termination hereinafter provided, any non-conforming sign may be continued in operation and maintained after the effective date of this Ordinance; provided, however, that no such sign shall be changed in any manner that increases the non-compliance of such sign with the pro-

visions of this Ordinance established for signs in the zoning district in which the sign is located; and, provided, further, that the burden of establishing a sign to be non-conforming under this Section rests entirely upon the person or persons, firm or corporation claiming a non-conforming status for a sign.

19. Termination of Non-Conforming Signs:

- a. By Abandonment - Abandonment of a non-conforming sign shall terminate immediately the right to maintain such sign.
- b. By Violation of the Ordinance - Any violation of this Ordinance shall terminate immediately the right to maintain a non-conforming sign.
- c. By Destruction, Damage or Obsolescence - The right to maintain any non-conforming sign shall terminate and shall cease to exist wherever the sign is damaged or destroyed, from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the City of _____ to the extent that the sign becomes a hazard or a danger.
- d. By Amortization - The right to maintain a non-conforming sign shall terminate in accordance with the following schedule:

Any sign which on the date the sign became non-conforming would cost the following amount to replace:	Shall be terminated within the following period after the sign became non-conforming:
\$ 0 to 100	90 days
101 to 1,000	1 year
1,001 to 3,000	2 years
3,001 to 6,000	3 years
6,001 to 15,000	4 years
15,001 or more	5 years

C. Additional Height and Area Regulations

1. Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet, provided that the front yard depth shall be thirty (30) percent in excess of those specified in these regulations and further provided that the side yard on a corner lot shall be equal to the front yard requirements as stated hereinabove.
2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as herein contained.
3. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley at right angles, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as a part of the main building for the purposes of determining side and rear yards.
4. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.
5. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, cornices, and ornamental features which are not to exceed twelve (12) inches.
6. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
7. Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3-1/2) feet and where the same are so placed as not to obstruct light and ventilation.
8. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.
9. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard provided these projections be at least two (2) feet from the adjacent side lot line.

10. For the purpose of the side yard regulations, a two family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.
 11. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
 12. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one main building on the lot provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one story buildings, thirty (30) feet for two story buildings, and forty (40) feet for three or four story buildings.
 13. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one story buildings, thirty (30) feet for two story buildings and forty (40) feet for three or four story buildings.
 14. Where lots have double frontage, the required front yards shall be provided on both streets.
 15. The required side yard on the street side of a corner lot shall be one-half (1/2) the required front yard on such street, provided that no adjacent structures front on the same street, in which case the entire required front yard must be provided, except that the building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.
 16. The front yards heretofore established shall be adjusted in the following cases:
 - a. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
 - b. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then:
 - (1) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or,
 - (2) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- 10' ON SIDE
 HAS 8'
 150' NEW CONSTRUCTION
- D. Non-Conforming Uses
1. Non-Conforming Uses Discontinued. The lawful use or occupation of land or premises existing at the time of the adoption of these regulations may be continued, although such use or occupation does not conform to the provisions hereof, but if such non-conforming use or occupancy is discontinued for a period of more than two (2) years, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. If the State, County, or City acquires title to any land or premises, all further use or occupancy thereof shall be a conforming use or occupancy.
 2. Non-Conforming Uses Changed or Expanded:
 - a. Whenever the use of a building becomes a non-conforming use through a change in the Zoning Ordinance or district boundaries, such use may be continued and if no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
 - b. No existing building devoted to a use not permitted by these regulations in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended or reconstructed unless such use is changed to a use permitted in the district in which such building is located. However, in order to provide for off-street parking and off-street loading, a non-conforming use of either building or land may be expanded by enlargement of either the building or land area by not more than twenty-five (25) percent of its size existing at the time of adoption of these regulations.

3. **Non-Conforming Use Destroyed or Damaged:** When a building, the use of which does not conform to the provisions of these regulations, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.
4. **Unlawful Use Not Authorized:** Nothing in these regulations shall be interpreted as authorization for, or approval of the continuance of the use of a building or premises in violation of any regulations in effect at the time of the effective date of these regulations.
5. **Board of City Commissioners to Make Complete List:** Immediately after the adoption of this Ordinance the Board of City Commissioners shall prepare a complete list of all non-conforming uses and occupancies existing at the time of the adoption.

E. Basic Considerations for Conditional Use

1. Any conditional use allowed in the various zone districts as provided by this Ordinance shall be subject to the following basic considerations and other considerations as may be deemed necessary by the Planning Commission in order to protect the general health, safety, welfare and morals of the area in which a conditional use may be located.
2. That such use does not create any danger to safety in surrounding areas, does not cause water pollution and does not create offensive noise, vibration, smoke, dust, odors, heat, glare, snow storage problems, environmental problems, or other objectionable influences beyond the boundaries of the property on which such use is located.
3. That upon the discretion of the Planning Commission a written explanation may be required indicating methods to be used to minimize smoke, odors, dust, and similar environmental and snow storage problems which might result from the operation of the proposed conditional use.

F. Flood Control Regulation

The following regulations shall apply to all land in the City of _____ which in the opinion of the Planning Commission may be subject to flood hazard.

1. Prior to re-zoning any area, or prior to issuance of any building permit or prior to subdividing any land the following requirements shall be met and data furnished when required by the Planning Commission:
 - a. Two copies of an aerial photograph or a plan, including a study of the 100 year flood plain, certified by a competent engineer, which accurately locates the flood plain proposal with respect to the area limits, channel of stream, existing flood plain developments, together with all pertinent information such as the nature of the proposal for use of land, legal description of the property, fill limits and elevations, building flood elevation; and flood proofing measures.
 - b. A typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - c. Plan (surface view) showing elevations or contours of the ground; pertinent structures, fill or storage elevations, size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, soil types and other pertinent information.
 - d. Profile showing the slope of the bottom of the channel or flow line of the stream.
 - e. Specifications for building construction and materials for "flood proofing", filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities as may be required. A plan or statement certified by a registered professional engineer that the flood proofing measures are consistent with the flood protection elevation for the particular area for which the building permit is requested.
2. The Planning Commission shall use the following basic criteria in determining when an area may be subject to flood hazard:
 - a. The effects upon the efficiency or capacity of the floodway area
 - b. The effects upon lands upstream, downstream and in the immediate vicinity
 - c. The effects upon the flood profile and flood heights
 - d. The effects upon the Flood Storage Area and lands beyond the Flood Storage Area
 - e. The effects upon any tributaries to the main stream, drainage ditches or any other drainage facilities or systems
 - f. Whether the applicant would obtain an undue advantage compared to later applicants who might request a permit

- g. Whether additional public expenditures for flood protection or prevention will be necessary
 - h. Whether the proposed use is a dwelling unit or will otherwise be inhabited
 - i. The potential danger to persons upstream, downstream and in the immediate vicinity
3. Flood proofing construction shall consist of the following minimum requirements for such additional requirements as may be deemed necessary by the Building Inspector to provide adequate flood proof construction.
 - a. Use of paints, membranes or mortars to reduce seepage of water through walls
 - b. Installation of pumps to lower water levels in structures
 - c. Construction of water supply and waste treatment systems to prevent the entrance of flood waters
 - d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains

G. Vacations

Whenever any street, alley or other public way is vacated by official action of the Board of City Commissioners, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

Section 18. Adjustment of Regulations

The provisions set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this Section are the provisions for adjustment and variance of this Ordinance.

A. Board of Adjustment:

A Board of Adjustment is hereby established, which shall consist of five members appointed, for overlapping terms of three years, by the President of the Board of City Commissioners, subject to confirmation by the Board of City Commissioners. Members of the Board of Adjustment may be removed from office by the City Commission for cause, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of the member affected.

B. Proceedings:

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public with public notice of administrative meetings and business to be carried on published in a newspaper of general circulation in the City, at least one time five (5) days prior to the meeting.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, and the reasons for such actions, all of which shall be a public record and be immediately filed in the Board's files.

C. Hearings, Appeals, Notice

1. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Building Inspector. Such appeal shall be taken within a reasonable time, not to exceed 60 days, as provided by the rules of the Board of Adjustment, by filing with the Building Inspector and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken and his comments on the matter.

2. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as notice to the parties interested, and decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or attorney.

3. The Board of Adjustment shall decide the appeal within a reasonable time. The Board of Adjustment may reverse or affirm in whole or in part, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, shall have all the powers of the officer from whom the appeal is taken. Where there is practical difficulty or unnecessary hardship in the way of carrying out the strict letter of these regulations, the Board of Adjustment, in passing upon an appeal may vary or modify any of the regulations or provisions of this Ordinance relating to the use, construction or alteration of buildings or structures or the uses of land so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

4. Notice of any required public hearing shall be published once a week for three (3) consecutive weeks in a newspaper of general circulation within the City. The notice shall state:
 - a. The location and character of the proposed variance, change or interpretation of this Ordinance or the zoning map;
 - b. The time and place of the public hearing; and
 - c. That the application for the variance, change or interpretation is on file for public inspection at the office of the City Auditor.
5. A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white background and black letters not less than one and one-half (1-1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from a public street or roadway and shall be posted at least ten (10) days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

D. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken, certifies to the Board of Adjustment, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceeding shall not be stayed other than by a restraining order granted by the Board of Adjustment or by a court of record and notification to the Building Inspector, in writing showing due cause.

E. Board of Adjustment Powers and Duties

The Board of Adjustment shall have the following powers and duties:

1. Administrative Review - To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement or interpretation of this Ordinance.
2. Variances - To authorize, upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:
 - a. A written application for a variance is submitted, demonstrating:
 - (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district, and
 - (2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by owners of other properties in the same district under the terms of this Ordinance, and
 - (3) That the special conditions and circumstances do not result from actions of the applicant, and
 - (4) That granting the variance requested will not confer on the applicant any special privileges that is denied by this Ordinance to other land, structures or buildings in the zoning district.
 - (5) No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or conditional use of lands, structures or buildings in any other district shall be considered grounds for the issuance of a variance.
 - b. The Board shall further make findings that:
 - (1) The reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that would make possible a reasonable use of land, buildings or structures.
 - (2) The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.
3. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of

CITY COUNCIL IS BOARD
OF ADJUSTMENT
" VARIANCE BOARD "

such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

4. Under no circumstances shall the Board of Adjustment grant any variance to allow a use that is not permissible under the terms of this Ordinance in the district involved; variances apply only to yards, signs, height, coverage, or parking or loading requirements, but not to use of land or structures.

F. Decisions of the Board of Adjustment

The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application thereof.

G. Appeals to District Court

Any person or persons, or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record, of such decision, by certiorari in the manner provided by the laws of the State of North Dakota.

Section 19. Building Regulations, Building Inspector

A. Creation of Office

There be and is hereby created in the City of _____, North Dakota the office of Building Inspector. Said Inspector shall be appointed by the Board of City Commissioners at such salary and compensation as it shall determine.

B. Powers and Duties of Inspector

The duties of the Building Inspector shall be generally the inspection of the alteration or erection of all buildings within the City of _____. The Building Inspector shall also be charged with the enforcement of all codes, ordinances or resolutions in connection with the building of buildings, alteration of buildings or the moving of buildings within the City. The Building Inspector is hereby empowered to file complaints against any person, persons, firm or corporation for violating any of the provisions of any of the codes, ordinances or resolutions over which he has by this Ordinance been granted jurisdiction, and he shall request the City Attorney to prosecute such violation without unnecessary delay. The Inspector shall be charged with such further duties as may from time to time be allotted to him by the Board of City Commissioners. The final determination of the Building Inspector may at all times be reviewed upon appeal to the Board of Adjustment.

C. Building Permits

Any person or persons intending to construct, re-construct or relocate a building or other structure or addition thereto, in the City of _____, except for agriculture purposes, shall before proceeding with said work, or commencing any excavation in connection therewith, file in the office of the Building Inspector a written application in duplicate designating the kind of building, structure or addition which he intends to erect or make, materials of which the same is to be composed, and the legal description and location of the real estate, the part or portion of the real estate to be occupied by the building, other structure or addition, or improvement, the probable cost thereof and a detailed description of the type of construction and material used therein, and especially for each chimney, smoke stack, flue and fireplace to be erected or constructed in connection therewith, together with such additional plans and specifications as may be required by the Building Inspector, and shall obtain a permit therefor as hereinafter provided. The Uniform Building Code 1970 edition with amendments through 1972 as published and recommended by the International Conference of Building Officials, together with any amendments hereafter made thereto, three copies of which are on file in the Office of the City Auditor, and is hereby incorporated and made a part of this Section, the same as though spread at large herein. In construing the subject matter incorporated by reference herein, if any part of said subject matter shall conflict so that it cannot be reconciled with any other code, ordinance or resolution duly enacted by the local governing body the provisions of said regulations which legislate directly and specifically upon the precise matter in question shall prevail.

D. Plats

Each application for a building permit shall be accompanied by a plat showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of applications and plats shall be kept in the Office of the Building Inspector.

E. Application, Approval and Requirements; Issuance of Permits

The application shall be filed in the office of the Building Inspector who shall determine whether said application and proposed construction meets the requirements of this Ordinance. If it is determined that the proposed work will conform to the Statutes of the State of North Dakota, this Ordinance and the ordinances and regulations of the local jurisdiction and that no good cause of any nature exists why said work should not be done, said

Inspector shall thereupon approve said building permit application and promptly issue a building permit. If the application be disapproved by the Building Inspector or if any citizen of the City of _____ shall file objection in writing with the City Auditor to the issuance of said permit, the City Auditor shall present said application, together with all plans and specifications, objections and findings, to the Board of City Commissioners at their next regular or special meeting and said Board then shall determine whether the permit shall be issued.

F. Building Permit Fee

At the time of issuance of any permit as aforesaid, the Building Inspector shall charge and collect in advance for issuance of said permit a fee to be established by the Board of City Commissioners and set forth in Section 20 of this Ordinance. Said fee shall be the property of the City and shall be paid over to the City Auditor for credit to the General Fund.

G. Enforcement

1. Where there are practical difficulties or unnecessary hardship in the way of carrying out the provisions of this Section, the Board of City Commissioners by resolution after due notice, may prescribe in a specific case a variation in the application of any provision in harmony with the general purpose and intent of this Section so that the public health, safety and welfare may be conserved, and said Board may grant in the case of hardship or other unusual circumstance temporary and conditional permits, of not more than one year's duration for structures and uses not permitted by this Ordinance, but which are necessary for the development of the area. However, prior to any such action the Board of City Commissioners shall request a full report and recommendations from the City Planning Commission. The Board of City Commissioners shall not take any action until comments and recommendations from the City Planning Commission have been reviewed. If, however, said comments are not received within fifteen (15) days following the request for such comments and recommendations, the Board of City Commissioners may proceed with a decision.
2. No building permit shall be issued for the erection of any building unless the plans conform to this Ordinance and no building shall be erected in violation of or which shall not conform to the provisions hereof and no building shall be erected in violation of or which shall not conform to the provisions hereof under any permit heretofore issued, unless construction thereof shall have been commenced in good faith prior to the enactment of this Ordinance.
3. No utility of any type shall be constructed in any location in the City of _____; nor shall any utility be installed, "hooked up" or provide service to any structure until a permit has been issued by the Building Inspector; and no permit shall be issued unless the proposal is in full accordance with this Ordinance, except in those instances where a variance has been granted by the Board of Adjustment. All applications for permits shall be accompanied by a map or drawing as may be applicable showing the location of the proposed utility or utility installation.
4. Every building permit issued by the Building Inspector under the provisions of this Ordinance shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within sixty (60) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time for a period of one hundred twenty (120) days after the work has commenced. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.
5. The Building Inspector may in writing, suspend or revoke a permit issued under provisions of this Ordinance whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of these or other regulations.

H. Certificate of Occupancy

Subsequent to the effective date of this Ordinance, no new building shall hereinafter be occupied or used without a Certificate of Occupancy which has been issued by the Building Inspector. Such Certificate shall be issued within five (5) days after the Inspector has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this Ordinance.

I. Records

All building permits, application records, records of inspection, and certificate-of-occupancy records shall be kept on file in the office of the Building Inspector and shall be available for inspection by the public.

Section 20. Fees

A. Rezoning Fee

A fee of fifty (\$50) dollars shall be payable to the Building Inspector upon application for rezoning.

B. Board of Adjustment Fee.

A fee of twenty five (\$25) dollars shall be payable to the Building Inspector upon application for hearing before the Board of Adjustment.

C. Fees for Outdoor Advertising Signs

At the time of issuance of any permit for an Outdoor Advertising Structure Permit in an O - Open District or A - Agriculture District, a fee of ten (\$10) dollars plus five (5) cents per square foot for each sign having a total face advertising area of thirty-two (32) square feet or more. The fee for each renewal of an Outdoor Advertising Structure Permit shall be ten (\$10) dollars.

D. Building Permit Fees

Building Permit Fees	\$50 for each \$10,000 of building cost
Certificate of Occupancy Fee	\$25
Variances	\$15
Conditional Uses	\$15
Zoning Changes	\$30

E. Fees for Planned Unit Development

The following fees to help defray the cost of processing and administering this Section of the Zoning Ordinance shall be paid by the PID applicant upon submission of the indicated type of plan for review by the Planning Commission.

Type of Plan	Required Fee
	50 Acres or Under/Over 50 Acres
Overall Preliminary Development Plan	\$ 50 plus \$1 per acre
Overall Final Development Plan	\$100 plus \$100
Final Development Plan (each stage)	\$ 50 plus \$1 per acre

Section 21. General Provisions, Legislative Provisions, Penalty.

A. Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended that this Ordinance is to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Ordinance imposes a greater restriction, they shall control.

B. Amendments

The Board of City Commissioners may from time to time on its own motion or on petition initiate any amendment, supplement, change, modification or repeal the boundaries of districts, regulations, or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal by others shall first be submitted to the Board of City Commissioners for its recommendations and report to be made in writing. Said report shall subsequently be submitted to the Planning Commission for its review, recommendations and report at the next regular meeting provided the Planning Commission has had adequate and reasonable time for review. Said report shall be submitted in writing to the Board of City Commissioners for final approval or disapproval. Said reports shall contain the findings regarding the effect of the proposed amendment, supplement, change, modification or repeal upon adjacent property and upon the zoning ordinance or map.

Prior to submission of the reports and recommendations of the Planning Commission to the Board of City Commissioners for enactment, the Planning Commission shall hold a public hearing in relation thereto, giving notice of the time and place of such hearing, as provided in paragraph C of this Section 21. Before any action shall be taken as provided in this Section, the party or parties proposing or recommending a change in the District Regulations or District boundaries shall deposit with the City Auditor, the proper fee as set forth in Section 20 to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Board of City Commissioners. No deposit of money shall be required when any action is recommended by the Board of City Commissioners on its own motion or by any person or group officially designated to participate in the administration of this Ordinance. In the event the proposed amendment or change is denied by the Board of City Commissioners no new request shall be made for the same or substantially similar amendment or change within one year of said denial thereof.

C. Notice of Hearing for Zoning Map Amendment

Hearing required under this Ordinance shall not be held until notice has been given in compliance with the following provisions:

1. Data to be Submitted. Prior to any consideration for amendment to the Official Zoning Map, the petitioner shall file the following data with the Planning Commission:

sion at least ten (10) days prior to the scheduled date of Planning Commission review.

- a. Certified survey and legal description by a registered land surveyor or professional engineer.
- b. Proposed method of water supply and sewage disposal.
- c. Snow storage facilities and removal.
- d. Other such site plans or drawings to show a demonstrated need for zoning change.
- e. The following additional data may be required to accompany the petition for any zone change, but shall be required in petitions for change in zoning to R-3, C, or I District.

- (1) A site plan showing location of structures, number of dwelling units per structure, existing contours at an interval of 2 feet, location of open space to be retained, location of off-street parking spaces, location of common areas and their proposed usage.
- (2) Evidence of availability of public water and sewer facilities. Such evidence shall be in the form of a written commitment by a municipal or quasi-municipal agency stating that such service will be available to the property.
- (3) In the event of a private water and sewer system a written engineering report shall be submitted assuring availability of water and sewer service and written approval by the North Dakota Department of Public Health and the local health authority.
- (4) When a private water and sewer system is proposed a surety bond in the amount of 100 percent of the estimated cost of such system shall be made in favor of the Board of City Commissioners and presented at the public hearing concerning the zoning change. Such bond will be held until construction of said systems are completed and approved by the North Dakota Department of Public Health and the local health authority. In lieu of a surety bond the Board of City Commissioners may authorize other such proof of financing or security which will satisfy construction guarantees.

2. Notice of the time, place and purpose of such hearing shall be published once each week for three (3) consecutive weeks in a newspaper of general circulation in the City, and in such other newspapers published in the City as the Planning Commission deems necessary. Such notice shall also be sent by registered mail, not less than fifteen (15) days prior to the hearing date to the individual or body initiating such amendment. It shall not be necessary to give further notice of adjourned or continued hearings.
3. A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white background and black letters not less than one and one-half (1-1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from a public street or roadway and shall be posted at least ten (10) days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

D. Legislative Provisions

1. Separability Clause

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part declared to be invalid.

2. Enforcement

It shall be the duty of the Building Inspector to enforce this Ordinance. Appeals from a decision of the Building Inspector may be made as provided for in Sections 18 and 19 of this Ordinance.

3. Violation and Penalty.

Failure to comply with all of the provisions of this Ordinance, unless a variance has been authorized by the Board of Adjustment shall constitute a misdemeanor and upon conviction is punishable by a fine of one hundred dollars (\$100) or imprisonment for a period of not more than ninety (90) days or both. Each day that such a violation continues to exist shall be considered a separate offense.

4. Notification

Whenever the Building Inspector shall find a violation of any of the provisions of this Ordinance, he shall notify the person responsible for the violation in writing and shall order the necessary corrections within a period of two (2) months.

5. Complaints

Any person aggrieved by a violation or apparent violation of the provisions of this Ordinance may file a written complaint with the Building Inspector who shall investigate such complaint and take legal action within five (5) days to have the violation penalized or removed, if such violation is found to exist.

6. Purposes of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience to serve the purpose of an index and they shall be wholly disregarded by any persons, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

7. Conflict

Whenever the requirements of this Ordinance are in conflict with the requirements of any other ordinance, rule, regulation, private covenant, or deed restriction, the more restrictive or that imposing the higher standards shall govern.

8. Enactment

This Ordinance shall be in full force and effect from and after their passage, approval and publication as provided by law.

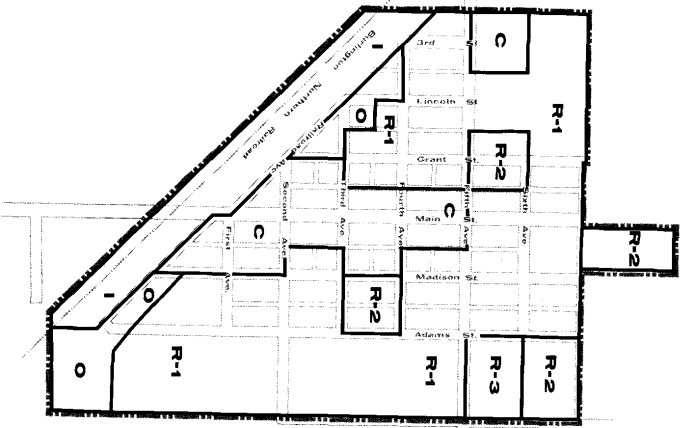
PASSED AND ADOPTED THIS _____ DAY OF _____
A. D. 19____ BY THE BOARD OF CITY COMMISSIONERS.

Signed _____
President, Board of City Commissioners
_____, North Dakota

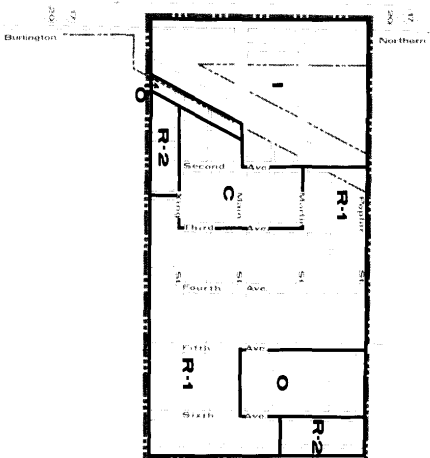
Attest _____
City Auditor
_____, North Dakota

Attest _____
Chairman, Planning Commission
_____, North Dakota

EDMORE, NORTH DAKOTA



STARKWEATHER, NORTH DAKOTA



- LEGEND:**
- O OPEN DISTRICT
 - A AGRICULTURAL
 - R-1 RESIDENTIAL SINGLE FAMILY
 - R-2 RESIDENTIAL MULTIPLE FAMILY

- R-3 RESIDENTIAL MOBILE HOME
- C COMMERCIAL
- I INDUSTRIAL

ZONING MAP

CHARLES AND ASSOCIATES, INC.
PLANNING DIVISION
COLUMBIA, MISSOURI

The preparation of this map was financed by the State of North Dakota, Department of Transportation, under the provisions of the National Housing Act, Section 701, and state law, Chapter 33-01, North Dakota Century Code, administered by the north dakota state planning division.

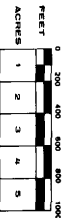
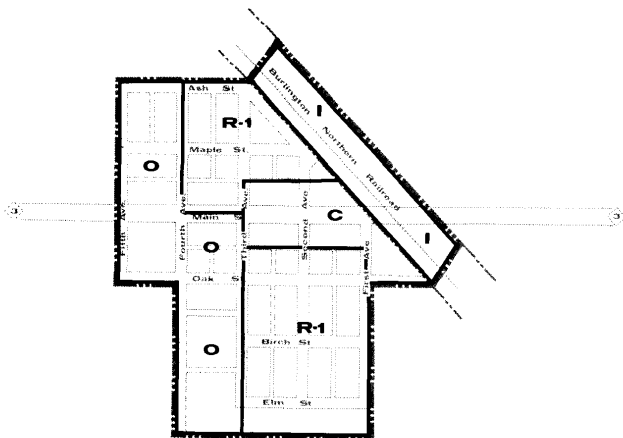
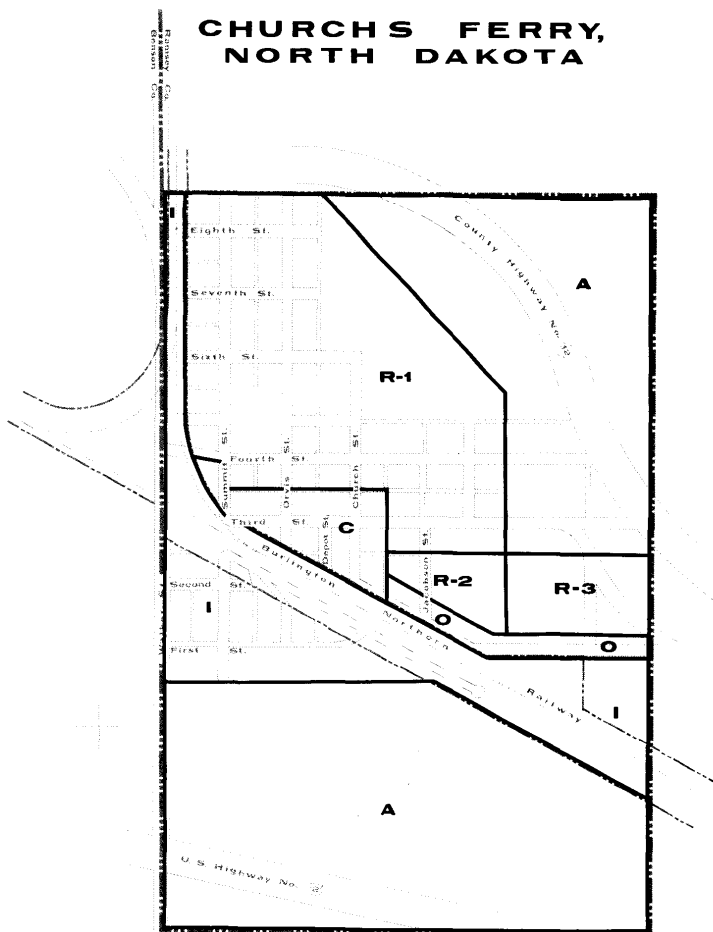


FIGURE C-1

HAMPDEN, NORTH DAKOTA



CHURCHS FERRY, NORTH DAKOTA



LEGEND:

O OPEN DISTRICT
A AGRICULTURAL
R-1 RESIDENTIAL SINGLE FAMILY
R-2 RESIDENTIAL MULTIPLE FAMILY

R-3 RESIDENTIAL MOBILE HOME
C COMMERCIAL
I INDUSTRIAL

ZONING MAP



CHARLES AND ASSOCIATES INC.
ARCHITECTS - DENVER.
GATHERS AND ASSOCIATES INC.
PLANNERS - COLORADO

the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 66 Stat. 840, (1954) as amended, u.s.c.a. 481, administered by the north dakota state planning division.

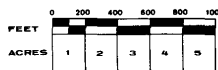
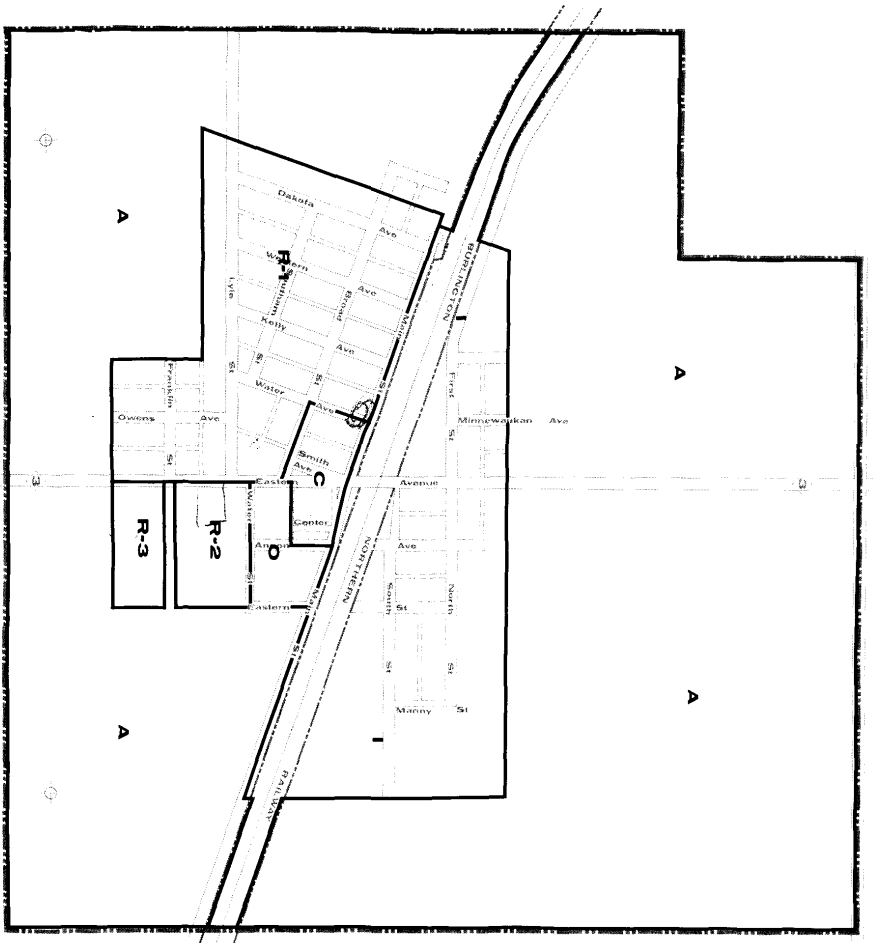


FIGURE
C-3

CRARY, NORTH DAKOTA



- LEGEND:**
- O OPEN DISTRICT
 - A AGRICULTURAL
 - R-1 RESIDENTIAL SINGLE FAMILY
 - R-2 RESIDENTIAL MULTIPLE FAMILY

- R-3 RESIDENTIAL MOBILE HOME
- C COMMERCIAL
- I INDUSTRIAL

ZONING MAP

CHARLES GATHERS
ASSOCIATES
ARCHITECTS
DENVER, COLORADO

The preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, U.S. Department of Housing and Urban Development, section 701, 88 stat. 640, (1964), as amended, U.S.C.A. 481, planning division.

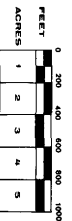


FIGURE C-2

[illegible]

O OPEN DISTRICT
A AGRICULTURAL
R-1 RESIDENTIAL SINGLE FAMILY
R-2 RESIDENTIAL MULTIPLE FAMILY

ZONING MAP



the preparation of this map was financed in part through an urban planning grant from the department of housing and urban development, under the provisions of the national housing act, section 701, 66 stat. 850, (1953), as amended, u.s.c. 461, administered by the north dakota state planning division.

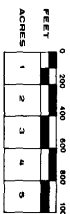
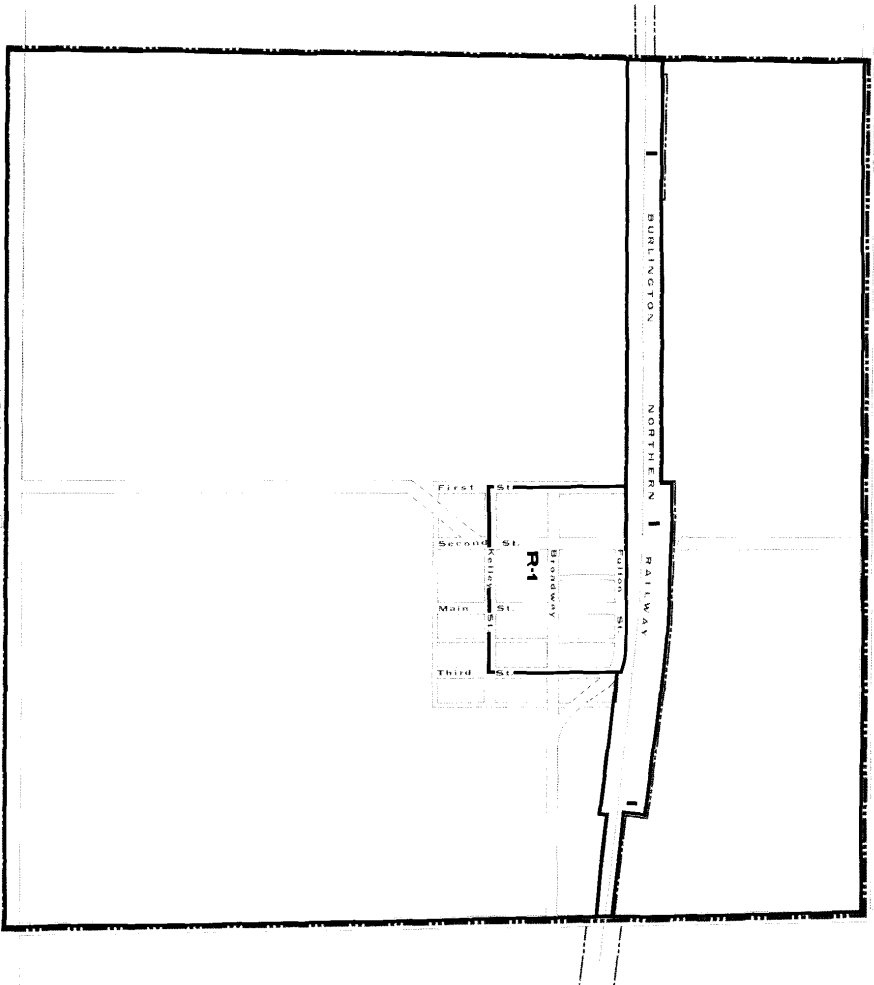


FIGURE C-4

BARTLETT, NORTH DAKOTA



- LEGEND:**
- O OPEN DISTRICT
 - A AGRICULTURAL
 - R-1 RESIDENTIAL SINGLE FAMILY
 - R-2 RESIDENTIAL MULTIPLE FAMILY

- R-3 RESIDENTIAL MOBILE HOME
- C COMMERCIAL
- I INDUSTRIAL

ZONING MAP

CHARLES CATHERS AND ASSOCIATES INC.
ARCHITECTS - PLANNERS
DENVER, COLORADO

The preparation of this map was financed in part through an urban planning grant from the U.S. Department of Housing and Urban Development, Office of the Assistant Secretary for Policy Development and Research, under the provisions of the national housing act, section 707, as amended, (P.L. 86-411), as amended, U.S.C. 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

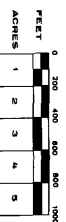


FIGURE C-6

APPENDIX D
CITY SUBDIVISION REGULATIONS

APPENDIX D

SUBDIVISION REGULATIONS

FOLLOWING IS THE TEXT OF PROPOSED SUBDIVISION REGULATIONS WHICH COULD BE USED AS A GENERAL GUIDE FOR REVIEW AND DEVELOPMENT OF FINAL SUBDIVISION REGULATIONS FOR ADOPTION BY THE INCORPORATED COMMUNITIES IN RAMSEY COUNTY NORTH DAKOTA. THE PURPOSE OF THE SUBDIVISION REGULATIONS IS TO ASSURE THAT SAFE AND EFFICIENT SUBDIVISIONS WILL BE DEVELOPED IN THE INCORPORATED COMMUNITIES TO ENCOURAGE SUBDIVISION DESIGN IN HARMONY WITH THE PHYSICAL CHARACTERISTIC OF THE LAND, AND TO PROVIDE FOR THE INSTALLATION OF NEEDED FACILITIES ALL IN CONFORMANCE WITH THE COMPREHENSIVE PLAN WITHIN THE INCORPORATED COMMUNITIES OF RAMSEY COUNTY.

AN ORDINANCE ENACTING SUBDIVISION REGULATIONS ADOPTED UNDER THE AUTHORITY CONFERRED BY THE STATUTES OF THE STATE OF NORTH DAKOTA TO REGULATE AND CONTROL FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF TRANSFER OF OWNERSHIP OR BUILDING DEVELOPMENT; TO PRESCRIBE STANDARDS FOR LAYING OUT SUBDIVISIONS IN HARMONY WITH THE COMPREHENSIVE PLAN; TO REQUIRE THE INSTALLATION OF IMPROVEMENTS BY THE OWNER, OR BY THE CREATION OF PUBLIC IMPROVEMENT DISTRICTS, OR BY REQUIRING A GOOD AND SUFFICIENT BOND GUARANTEEING INSTALLATION OF SUCH IMPROVEMENTS; AND TO REQUIRE THE DEDICATION OF LAND FOR PUBLIC PURPOSES; TO PROVIDE FOR DEFINITIONS AND FOR AMENDMENTS TO THESE REGULATIONS; TO PROVIDE FOR ITS ENFORCEMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; TO PROVIDE FOR INVALIDITY OF A PART AND FOR REPEAL OF OTHER REGULATIONS IN CONFLICT HERewith; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Board of City Commissioners of the City of _____, North Dakota finds that Chapter 40-48 of the North Dakota Century Code, enables the City to establish regulations for the subdivision of all the land within the City limits;

WHEREAS, the Board of City Commissioners deems it necessary and advisable to adopt subdivision regulations for the purpose of promoting and protecting the health, safety, morals, convenience, order, prosperity and otherwise protecting the physical well being and general welfare of the inhabitants of the City of _____;

WHEREAS, the City Planning Commission has been duly created and has adopted by the following subdivision regulations and has recommended said regulations to the Board of City Commissioners for adoption;

WHEREAS, these regulations are in harmony with the zoning ordinance of the City of _____, and the comprehensive plan;

WHEREAS, it is in the public interest that Subdivision Regulations as herein set forth be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF _____, NORTH DAKOTA, THAT THE FOLLOWING SUBDIVISION REGULATIONS ARE HEREBY ADOPTED.

Adopted this _____ day of _____,

_____, A. D. 19__

by the Board of City Commissioners of the

City of _____, North Dakota.

Signed _____
President, Board of City Commissioners

ATTEST: _____
City Auditor

<u>Section No. and Title</u>	<u>Page No.</u>
Section 1. Title	D-1
Section 2. Purpose and Intent	D-1
Section 3. Authority	D-1
Section 4. Regulation	D-1
Section 5. Territory Covered	D-1
Section 6. Planning Control	D-1
Section 7. Rules of Language Construction	D-1
Section 8. Definitions	D-1
Section 9. Procedures	D-3
A. Preliminary Steps	D-3
B. Preliminary Plat	D-3
C. Final Subdivision Plat	D-4
D. Vacation of a Plat Record	D-4
E. Resubdivision	D-5
Section 10. A. Planning Principles and Requirements	D-5
B. Principles	D-5
Section 11. A. Requirements	D-5
B. Criteria for Design	D-6
C. Site Considerations	D-6
D. Streets and Alleys	D-6
E. Blocks	D-8
F. Lots	D-8
Section 12. A. Public Sites and Open Spaces	D-8
B. Plat Specifications	D-9
C. Sketch Plan	D-9
D. Preliminary Plat	D-10
E. Final Plat	D-11
Section 13. A. Improvements	D-14
B. Type of Improvements	D-14
C. Survey Monuments	D-14
D. Street Paving	D-14
E. Curbs, Curbers and Sidewalks	D-16
F. Street and Road Signs	D-16
G. Utilities	D-16
H. Improvements Agreement	D-17
I. Guarantee of Completion	D-17
J. Release of Guarantee for Improvements	D-18
Section 14. A. Procedure for Acceptance of Streets & Roads	D-18
Section 15. A. Fees	D-18
B. Amount of Fee	D-18
C. Fees	D-18
D. General and Legal Status Provisions	D-18
E. Variances	D-18
F. Amendments	D-19
G. Appeal	D-19
H. Penalty	D-19
I. Separability	D-19
J. Effective Date	D-19

Section 1. Title.

This Ordinance shall be known as the Subdivision Regulations of the City of _____, North Dakota.

Section 2. Purpose and Intent.

The purpose of these regulations is to insure the orderly development of the City of _____, North Dakota by providing a proper arrangement of streets in relation to other existing and planned streets and to the master plan; and to provide for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light and air; to avoid congestion of population and for easements for building setback lines or for public utilities.

Section 3. Authority.

These Subdivision Regulations are authorized by Chapter 40-48 of the North Dakota Century Code, and this Ordinance is hereby declared to be in accordance with all provisions of said Statutes.

Section 4. Regulation.

No person, firm, partnership, joint venture, association, or corporation shall subdivide any tract of land which is located wholly or in part in the City of _____, North Dakota, nor shall any person, firm, or corporation sell, exchange or offer for sale, any parcel of land which is any part of a subdivision of a larger tract of land, nor shall any person, firm or corporation, offer for recording, any deed conveying such a parcel of land, or any interests therein, unless there shall be on file with the Ramsey County Register of Deeds a plat of said subdivision; which plat shall be of record at the time of such sale; all plats filed subsequent to the passage of this ordinance shall be in accordance with all the requirements hereof.

Section 5. Territory Covered.

This subdivision ordinance shall apply to the entire area of the City of _____, North Dakota.

Section 6. Platting Control.

- A. A good and sufficient plat shall be submitted to, and accepted by the Board of City Commissioners for any unplatted tract of land prior to the granting of any building permit for any improvement or construction on the unplatted area.
- B. No plats shall be recorded, or offered for record, nor shall any land be offered for sale with reference to such plat, until the plat has been approved in writing by the Planning Commission and the Board of City Commissioners. The Planning Commission shall ascertain, before approving it, that the plat has satisfied all the requirements of this ordinance and the zoning ordinance of the City of _____.
- C. The Board of City Commissioners shall withhold all public street improvements and public maintenance from all rights-of-way which have not been officially accepted for such purposes.

Section 7. Rules of Language Construction.

For purpose of this ordinance and when not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural, words in the plural include the singular, the masculine includes the feminine, the word "shall" is mandatory and not directory, the word "may" is permissive, and the particular controls the general.

Section 8. Definitions.

For purposes of this Ordinance, certain terms and words are hereby defined and shall have the following meanings unless it shall be apparent from the context that a different meaning is intended.

Comprehensive Plan. The Comprehensive Plan, or any portion thereof, made and adopted by the Planning Commission in accordance with the laws of the State of North Dakota indicating the general and specific locations recommended for streets, parks, public buildings, zoning districts, and all other public improvements.

Dedication. The intentional appropriation of land by the owner to some public use.

Dwelling Unit. A building or portion thereof designed to be used as a living place or dwelling including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint. The term dwelling unit shall also include a mobile, modular or manufactured home which has been attached to a permanent foundation; and which has been added to the ad valorem tax rolls to be considered as a taxable property. The arrangement of rooms in each dwelling unit shall be such as to prohibit the division of one dwelling unit into two or more dwelling units.

Easement. A right granted by the property owner generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a public agency, a utility, a corporation or particular person for a specified purpose or use.

Final Subdivision Plat. The final plan of the plat, subdivision or dedication prepared for filing or recording in conformance with the Ordinance.

Improvements. Street grading and surfacing, with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, street trees or other such installations as may be designated by the Planning Commission.

Improvements Agreement Guarantee. Any security which may be accepted by the City in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements, or other similar collateral or surety agreements.

Lot. A measured portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.

Net Residential Area. The land area devoted to residential uses, not including streets, parking areas, or required useable open space areas.

Permanent Monument. Any Structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Planning Commission. The Planning Commission of the City of _____, North Dakota as duly constituted by law.

Planned Unit Development. Development of land in a manner which allows a variety of uses in which normal restrictions of lot sizes, set-backs, densities, land uses and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provisions of open spaces, public facilities, access, planning esthetics, and other considerations deemed important by the Planning Commission. Any Planned Unit Development in the City of _____ must comply with the requirements of these regulations and the requirements set forth in the City Zoning Ordinance.

Plat. A "plat" as used in these Regulations shall be a map of certain described land prepared as an instrument for recording of real estate interest with the County Register of Deeds.

Preliminary Subdivision Plat. The preliminary plan of the subdivision prepared in accordance with the requirements of these Regulations.

Resubdivision. The changing of any existing lot or lots of any subdivision plat previously recorded with the County Register of Deeds.

Reverse Frontage Lots. Lots which front on one public street and back on another.

Roadway. That portion of the street right-of-way designed for vehicular traffic.

Sketch Plan. The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these Regulations, to evaluate feasibility and design characteristics at an early stage in the planning.

Street. Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of these Regulations, streets shall be classified and defined as follows:

- a. Principal Arterial. Major highways designed to carry high volumes of traffic in a range less than freeways or other interstate type highways and greater than minor arterials or approximately 2,000 to 15,000 AADT (average annual daily traffic). These highways may or may not have a median strip and have restricted but not completely limited access. The right-of-way varies from a minimum of 110 feet to a maximum of 140 feet and usually have four traffic lanes.
- b. Minor Arterial. Major highways designed to carry traffic in the range of 800 to 3,000 AADT on two traffic lanes, except on long up-grades where passing lanes are common. The right-of-way varies from 80 to 100 feet.
- c. Major Collector. Highways in a major thoroughfare system designed to carry traffic in a range from 400 to 1,000 AADT on two traffic lanes total with a right-of-way width that varies from 64 to 80 feet.
- d. Urban Collector. Highways designed to carry urban traffic from minor streets to major highways in a range of 600 to 4,000 AADT on two or four traffic lanes depending upon whether parking is permitted at both curbs. Right-of-way-width is usually 70 feet.
- e. Minor Collector. Highways designed to carry traffic in a range from 100 to 600 AADT on two traffic lanes total with a right-of-way width of 60 feet.
- f. Urban Minor. Streets in urban areas designed for local traffic with an AADT up to 800 AADT on two traffic lanes total and parking at both curbs with a right

of-way width of 50 feet.

- g. Rural Minor. Streets in rural areas designed for local traffic with an AADT up to 200 on two traffic lanes, no parking along the roadway, with a right-of-way width of 50 feet.
- h. Alley. A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
- i. Cul-de-sac. A short dead-end street terminating in a vehicular turn-around area.
- j. Half Street. A street parallel and contiguous to a property line and of lesser right-of-way width than is required for minor or major streets.
- k. Service Road. A street or road paralleling and abutting arterial or collector streets to provide access to adjacent property so that each adjacent lot will not have direct access to the arterial or collector street.
- l. Stub Street. A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn-around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

Street Right-of-Way. That portion of land dedicated to public use for street and utility purposes.

Subdivider or Developer. Any person, group, corporation, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

Subdivision or Subdivided Land. Any parcel of land which is divided with two (2) or more parcels, separate interests or interests in common, each of which contains less than thirty-five (35) acres of land. The term shall not apply to any division of land which:

- a. creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five or more acres per interest;
- b. is created by order of any court in the State of North Dakota or by operation of law;
- c. is created by a lien, mortgage, deed of trust or any other security instrument;
- d. is created by a security or unit of interest in any investment trust regulated under the laws of the State of North Dakota or any other interest in an investment entity;
- e. creates cemetery lots;
- f. creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property;
- g. is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed as only one interest.

Section 9. Procedures.

A. Preliminary Steps.

- 1. Before preparing the master plan or preliminary plat of a subdivision, the subdivider shall prepare a sketch plan of his proposed subdivision and consult with the Planning Commission or its official representative concerning the regulation of his property to existing conditions, community facilities, utilities, services, regulations and conformance to the Comprehensive Plan.
- 2. The Subdivider should also consult with land planners, engineers, and lending institutions, to clearly establish the suitability and location of the proposed subdivision, and most advantageous general plan or arrangement of streets, lots, and other features of the proposed development.

B. Preliminary Plat.

- 1. The subdivider shall apply on appropriate forms to the Planning Commission for preliminary approval of a subdivision plat. The preliminary plat and required accompanying data shall be filed with the Planning Commission at least 10 days prior to the meeting of the Planning Commission at which the preliminary plat is scheduled to be considered.
- 2. Twelve (12) prints of the preliminary plan of subdivision shall be filed with the Planning Commission at the time application for preliminary approval is made. The plat shall comply with the provisions of Section 12 of this Ordinance.
- 3. The appropriate fee, as set forth in Section 14 shall be paid in full at the time of application for preliminary plat approval.
- 4. The preliminary plat will be thoroughly evaluated in the regular Planning Commission meeting at which review has been scheduled in accordance with this Section 9. If in acceptable form for further processing, the plat shall be referred by the Planning Commission to the following offices for study and comment:
 - a. The Ramsey County Planning Commission.
 - b. Cities, towns or adjoining counties located within six (6) miles of the area

- to be subdivided.
- c. The appropriate school district serving the subject area.
- d. Private utility companies (such as electric, gas and telephone companies) serving the area.
- e. Public utility districts (such as sanitation and water districts) serving the area.
- f. The North Dakota Department of Public Health and the local health authority.
- g. Other offices as may be deemed necessary by the Planning Commission such as the North Dakota State Highway Department, the Soil Conservation Service, etc.

Each of these offices shall return their recommendations to the Planning Commission within 5 days of receipt of their copy of the Preliminary Plat, or within a mutually agreed upon extension of time.

5. Concurrent with review by the interested agencies identified above, the Planning Commission shall proceed with its own review. The Planning Commission shall endeavor to conclude its review within 20 days of receipt of the Preliminary Plat except that it may withhold approval for a longer period in order to await necessary rezoning or the accomplishment of any other essential review requirements, or mutually agreed upon time extension. Failure of the Planning Commission to complete the review within 20 days shall not constitute automatic approval.
6. Following Planning Commission review and discussion with the subdivider concerning changes deemed advisable and the kind and extent of improvements to be made in the subdivision, the Planning Commission shall disapprove, approve as submitted, or approve conditionally, the Preliminary Plat; but no action of approval, conditional approval or disapproval shall be taken by the Planning Commission until after a hearing on said proposed subdivision plat shall have been held. Notice of the time and place of the hearing shall be sent by registered mail to the subdivider and owner of the land being subdivided, at least five (5) days prior to the date scheduled for the hearing. Similar notice shall be mailed to the owners of land immediately adjoining the platted land.
7. Approval of a Preliminary Plat shall be for purposes of guidance in the preparation of a Final Plat which shall be submitted to the Planning Commission and Board of City Commissioners for approval prior to recording.
8. Preliminary Plat approval shall be effective for a maximum period of twelve (12) months, unless, upon application by the subdivider, the Planning Commission grants an extension. If the Final Plat has not been submitted for approval within this time limit, a preliminary plat must again be submitted to the Planning Commission for approval.

C. Final Subdivision Plat.

1. The subdivider shall apply on appropriate forms to the Planning Commission for review of the final subdivision plat. The Final Plat may represent all or part of a subdivision which has received preliminary approval. The Final Plat and required accompanying data shall be filed with the Planning Commission at least 10 days prior to the regular meeting of the Planning Commission at which it is scheduled to be considered.
2. Two (2) plastic or cloth tracings and five (5) prints of the final subdivision plat shall accompany the application for final approval. The Final Plat shall comply with the provisions of Section 12 of this Ordinance, and shall be accompanied by such other documents and materials as may be required.
3. The Final Plat will be thoroughly evaluated in a regular Planning Commission meeting at which review has been scheduled in accordance with this Section 9. If said plat is found to be in conformity with the approved preliminary plat and other requirements of this Ordinance, the Commission shall approve as submitted or disapprove the Final Plat. The subdivider shall be notified in writing, within seven (7) days, of the Commission's actions and reasons therefor.
4. Following approval of the Final Plat by the Planning Commission, the Board of City Commissioners shall approve or disapprove said plat. No changes, erasures, modifications or revisions shall be made on a Final Plat after approval of the Plat has been given by the Board of City Commissioners.
5. The subdivider, within five (5) days following approval of the Final Plat by the Board of City Commissioners shall file said Final Plat in the Office of the County Register of Deeds; otherwise the approving action of the Board of City Commissioners shall be deemed to have been withdrawn.
6. Final approval of a subdivision plat by the Board of City Commissioners shall in no way constitute legal acceptance of any dedicated streets, alleys, or other public lands.

D. Vacation of a Plat of Record.

1. A subdivider or land owner may make application on appropriate forms to the Planning Commission to vacate any plat of record under the following conditions:
 - a. The plat to be vacated is a legal plat of record.

- b. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties, utility services or other improvements and will not be contrary to the zoning ordinance of the City.
2. The land owner shall present a proposal to the Planning Commission containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the Board of City Commissioners. The Board of City Commissioners shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider or land owner.

E. Resubdivision

Any subdivision being of record at the time of adoption of this Ordinance or approved under this Ordinance which a developer intends to resubdivide shall first follow the procedures as outlined in "D" above for vacation of a plat of record. Subsequent to successful vacation of a plat of record, the subdivider shall then follow the procedures as outlined in this Section 9.

Section 10. Planning Principles and Requirements.

A. Principles.

1. The subdivision layout shall result in the creation of lots which are developable and capable of being built upon.
2. Public street layout shall provide access to all lots.
3. Reserve strips controlling access to streets shall not be permitted except where their control is placed with the City as approved by the Board of City Commissioners.
4. Steep land, unstable land, land subject to flooding or to inadequate drainage, or otherwise substandard land shall not be platted for any use which might endanger health, life, property or which may aggravate flood or erosion hazards. Such land shall be set aside for other uses which will not present these hazards.
5. The proposed uses within the subdivision shall not result in an over-intensive use of the land.
6. The proposed uses shall not result in undue traffic congestion or traffic hazards.
7. An adequate water supply and sewage disposal facilities shall be available for the proposed subdivision. Such water supply and sewage disposal facilities shall not consist of wells and septic tanks for individual lots.
8. The proposed uses within the subdivision shall not create water, air, noise or visual pollution.
9. Fire hazards shall not be created or increased without adequate and proper provisions being made to correct the situation.
10. Development of the subdivision shall not adversely affect any land, historical, recreational or aesthetic value.
11. No other adverse conditions shall be created by a use or subdivision of the land which is inappropriate or beyond its capability to support the proposed development.

B. Requirements.

1. It shall be the duty of the Planning Commission to study each proposed subdivision plat in connection with the planning principles, the Zoning Ordinance and the general character of the area, and will take into consideration the general requirements of the City, and the highest and best use of the land to be subdivided. Particular attention will be given to the specific requirements for parks, open space, school sites, public building sites, roads, utility and pedestrian easements, the adequacy of street connections and the suitability of the land for development.
2. It shall be the duty of the Planning Commission to encourage the coordinated platting of adjacent small parcels of land, and to this end the Planning Commission shall make sketch plans for such coordinated platting, or shall arrange meetings of the several owners of such small parcels of land, or shall carry out the intent of this directive and the Comprehensive Plan by other means which are lawful and appropriate.
3. It shall be the duty of the Planning Commission to discourage the subdividing of lands that are far in advance of the needs of the City; or that by their location cannot be efficiently served by public utilities, fire protection, police protection or other municipal services; or that are located in areas subject to flooding, or that are topographically unsuitable for development; or that for any other reason are being unwisely or prematurely subdivided.

4. It shall also be the duty of the Planning Commission to encourage the replanting of lands deemed to be unsatisfactorily subdivided and, therefore, are tax delinquent or are under-developed and represent an obstacle to the orderly and efficient growth of the City.

Section 11. Criteria for Design.

A. Site Considerations.

1. Special consideration and study shall be given steep lands of twenty (20) percent slope or more concerning their practicability to be built upon, accessibility or desirability of their use for open space.
 2. Unstable land, thin soils or inadequate drainage shall be noted and unless acceptable provisions are made for eliminating or controlling any problems which may endanger health, life or property, the land shall not be platted for occupancy. Land not usable for residential purposes may be set aside for open area uses such as parks, conservation areas, farm land, recreational areas, etc.
 3. Any land subject to flooding or in a natural drainage channel shall not be platted for occupancy until adequate provisions to eliminate or control hazards are made and approved as set forth in the City's Zoning Ordinance. A competent, independent professional engineer may be engaged by the Planning Commission at the expense of the subdivider for the purpose of verifying the technical requirements. These provisions shall be made to protect the health, safety and welfare of the public as well as to eliminate any flood hazard resulting from development of the area. The areas subject to flooding may be left as open space or reserved as easements.
 4. Provisions shall be made to preserve any natural features of the site which would enhance the subdivision, i. e., unusual rock formations, lakes, rivers, streams, trees, attractive relief features and including all plans for open space or other such land use planning elements as set forth in the Comprehensive Plan.
- B. Streets and Alleys.
1. The arrangements classification, extent, width, grade and location of all streets shall be designed in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.
 2. In general, the arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impractical.
 3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
 4. Where a subdivision abuts or contains an existing or proposed arterial street or highway, the Planning Commission may require service roads, reverse fromage lots with screen planting in a reservation strip along the rear property line, deep treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.
 5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such land could be appropriately used for park purposes in residential districts, or for commercial or industrial purposes in non-residential districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
 6. Reserve strips in private ownership controlling access to streets shall be prohibited.
 7. Street jogs with centerline offsets of less than 150 feet shall be avoided.
 8. To ensure adequate sight distances on horizontal curves, when street roadway lines deflect more than ten (10) degrees, connection shall be made by horizontal curves. The minimum centerline radii for streets shall be one hundred (100) feet and for all other streets shall be three hundred (300) feet. For streets where switchbacks may be required, the minimum centerline radius shall be forty (40) feet. On major collector and arterial streets a minimum tangent of one hundred (100) feet shall be required between a curve and street intersection; a minimum tangent of one hundred (100) feet shall be required between reverse curves.

9. Vertical curves shall be used at changes of grade exceeding one percent and shall be designed to provide minimum sight distances of two hundred (200) feet for minor streets and three hundred (300) feet for all other streets (arterial and major collector streets shall be as determined by the current specifications of the American Association of State Highway Officials.)

10. The minimum street gradient shall be 0.3 percent. The maximum gradient shall be 7 percent. An 8 percent grade may be allowed under conditions by the Planning Commission. Street grades shall not exceed 4 percent within 100 feet of the center of an intersection or point of curvature on a switchback.

11. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect as nearly as possible at less than 80 degrees unless otherwise approved by the Planning Commission.

12. Curb radii on all block corners shall be 10 feet and a 5-foot radius shall be used at intersections of streets and alleys.

13. Cul-de-sacs shall be permitted, provided they are not more than 500 feet in length and have a turnaround street surface diameter of at least 100 feet and a right-of-way diameter of at least 120 feet. The drainage should be toward the intersecting street. Cul-de-sacs providing access to lots averaging one acre or more in size shall be not more than 1500 feet in length and shall have a turnaround with a street surface diameter of at least 100 feet and a right-of-way diameter of at least 110 feet. For all cul-de-sacs drainage shall be toward the intersecting street, unless a drainage easement is platted along side lot lines to carry surface runoff safely away from the cul-de-sac.

14. Stub Streets that are dead-ended but that will continue into an adjoining area when that area is developed must provide turnarounds at least 110 feet in diameter of right-of-way width. Temporary or permanent cul-de-sacs shall be platted into three separate land parcels, and the center parcel shall conform to the right-of-way of the street which it serves. Each of the three land parcels of the cul-de-sac shall be identified separately and individually within the subdivision.

15. Half streets shall not be permitted except when required to complete a half street already in existence.

16. Streets shall have the names of existing streets which are in alignment in the City and in Ramsey County, or in an adjoining county or municipality. There shall be no duplication of street names within the area.

17. Minimum street widths and grades shall be as follows:

Classification	Right-of Way Width	Pavement Width	Minimum Grade	Maximum Grade
Principal Arterial	110'-140'	48'-58'	.3	5%
Minor Arterial	80'-100'	28'	.3	5%
Major Collector	64'-80'	24'	.3	6%
Urban Collector	70'	44'	.3	6%
Minor Collector	60'	24'	.3	7%
Urban Minor	50'	36'	.3	7%
Rural Minor	50'	24' gravel	-	7%
Cul-de-sac	50'	36'	.3	7%
Alleys	20'	20'	.3	7%

18. Alleys and Easements.

a. Alleys in residential subdivisions shall be discouraged unless they are a necessary feature to continue an existing pattern, provide essentially needed access or property service entrances and are not in conflict with design amenities of the subdivision.

b. Alleys shall be provided in commercial and industrial areas, except this provision may be waived when other facilities are made and approved for service access.

c. Easements shall be provided and approved by the utility company. All easements, utility or otherwise, shall be sufficient in width to make maintenance practical and utilities easily accessible regardless of slope or other conditions of terrain. Underground utilities shall be provided wherever practical and feasible.

d. Where a subdivision is traversed by a water course, stream or drainage way, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines or such water course, and such further width or construction or both that will be adequate for drainage purposes. Parallel streets, parkways, walkways, culverts, bridges or storm sewers may be required in connection with such drainage easement. In addition, storm sewers shall be installed wherever necessary based on engineering surveys although separate easements for storm sewers may not be required. Major streams or water courses shall provide easements along each bank for access and leisure time use by the public. Such easements shall be provided and approved by the Planning Commission.

C. Blocks.

1. Block lengths and widths shall be approved by the Planning Commission and made suitable for the types of land uses permitted in the subdivision as determined by zoning; said land uses are described for each zone district in the Zoning Ordinance of the City of _____.
2. As a guide for determining the suitability of block lengths and widths, the subdivider and the Planning Commission shall consider the following criteria:
 - a. Provision of adequate sites suitable to the special needs of the type of use contemplated;
 - b. Zoning requirements as to lot sizes and dimensions;
 - c. Needs for convenient access, circulation, control, and safety of street traffic;
 - d. Limitations and opportunities of topography;
 - e. Block lengths shall not exceed sixteen hundred (1,600) feet, nor be less than three hundred fifty (350) feet in length. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent back lot lines or through the center of the block.

D. Lots.

1. Lot dimensions and sizes shall conform to applicable zoning requirements.
2. Platting for commercial or industrial use shall be avoided in favor of a comprehensive design for the area.
3. Each lot shall have access to a public street or other access approved by the Planning Commission.
4. Lots with double frontage shall be avoided, except where essential to provide separation from major arterials, incompatible land uses, or topographic considerations.
5. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.
6. Wedge-shaped lots or lots fronting on cul-de-sacs shall not be less than thirty (30) feet in width at the front property line.
7. Lots which were of record prior to the enactment of these regulations shall be considered as legal lots, but must meet the requirements of the North Dakota Department of Public Health and the local health authority and Building and Housing code regulations prior to occupancy of any structure placed thereon.

E. Public Sites and Open Spaces.

1. The Planning Commission and the Board of City Commissioners, upon consideration of the Comprehensive Plan, the necessity of public buildings and facilities in the area, and the particular type of development proposed in the subdivision, shall require the dedication of areas or sites of a character, extent and location suitable for public use for schools, parks, greenbelts, or other necessary public purposes (other than subdivision streets) according to one of the following alternatives set forth below; however, the public sites and open spaces requirement of this Section shall not be in excess of the twenty-five percent (25%) "usable open space" requirement as set forth in the Planned Unit Development Zone District of the City Zoning Ordinance; but under any circumstance it shall be the option of the Planning Commission to require any of the "usable open space" of a Planned Unit Development to be dedicated to a public agency, as described in option "a" below, or to receive land, as described in option "b" below for a specific public use or building which is shown on the Comprehensive Plan or as may be determined necessary by the Planning Commission.

Option "a". Five percent (5%) of the total area of the subdivision shall be dedicated to a public agency for one or more essential public purposes. Any area so dedicated will be maintained by the public agency.

Option "b". Five percent (5%) of the total area of the subdivision may be reserved through deed restrictions as open area, the maintenance of which shall be ensured by specific obligations in the deed of each lot within the subdivision. This alternative shall not be utilized for Planned Unit Development (PUD).

Option "c". Ten percent (10%) of the total area of the subdivision shall be reserved through the deeding of development rights, for the area so reserved, to the City for a period not to exceed ten (10) years, for subsequent purchase by a public

agency at a price satisfactory to the Board of City Commissioners and not to exceed five (5) times the assessed value of the land so reserved at the time the subdivision plat is recorded.

2. The location of all public or quasi-public land intended to be conveyed or reserved in the deeds for use of all property owners shall be shown on the preliminary and final plats together with the proposed method of ownership, management, maintenance, and such other information as is necessary for the Planning Commission to evaluate the proposal.

3. At the time of presentation of the Final Plat for approval by the Planning Commission, a warranty deed shall be presented for all land to be conveyed to the City, school district, or other governmental entity. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear from all encumbrances.

Section 12. Plat Specifications.

A. Sketch Plan.

The purpose of the sketch plan is to secure the basic design of the subdivision; delineate separate land uses, such as residential, commercial, and public areas; and to determine the location and classification of streets especially as they may continue into or otherwise affect adjacent areas.

1. Data Required on the Sketch Plan.

The sketch plan shall contain or shall be accompanied by the following:

- a. Scale of all sketch plans shall be 200 feet to the inch.
- b. Proposed name of subdivision.
- c. Date of preparation.
- d. Scale (written and graphic).
- e. North arrow (designated as true north).
- f. Indication of number of separate filings.
- g. A vicinity sketch drawn at a scale of one inch equals 500 feet although if such maps are not available, a USGS quadrangle map, 1:24,000 scale may be accepted. The vicinity sketch should show tract lines of all abutting subdivisions, the locations of streets and highways within an area of approximately one-half mile of the proposed subdivision tract; the location of all adjacent utility systems within one-half mile of the proposed subdivision; the natural drainage courses for streams flowing through the proposed subdivision with the limits of tributary areas shown where this is reasonable. The vicinity sketch shall also show the location of the subdivision in the town and where applicable, the distance to the boundaries of any municipal corporation which is situated within two miles of the proposed subdivision.
- h. Names and addresses of all adjacent property owners if not subdivided, or the name of the subdivision if adjacent property is subdivided.
- i. Names and addresses of the property owner or owners, the subdivider, the land planner or designer of the subdivision, and the surveyor, who shall be licensed by the North Dakota State Board of Examiners for Engineers and Land Surveyors.
- j. Location and principal dimensions for all existing or recorded section lines, streets, alleys, easements, watercourses, improvements, and other important features within and adjacent to the tract to be subdivided.
- k. High-water elevations in the vicinities of rivers and lakes.
- l. Number of residential lots, lot size in square feet, and gross acreage of the subdivision excluding existing dedicated public right-of-way.
- m. Proposed land use and the size of the land parcel in acres (or in square feet if under one acre), where applicable, for multi-family residential use, business areas, industrial areas, churches, schools and parks, or other public, quasi-public, or non-public uses exclusive of single-family residential use.
- n. A topographic map of the area to be subdivided. The map shall have contour intervals of not more than ten (10) feet and may be an enlargement of a U.S. Geological Survey map - 7-1/2 minute series.
- o. Zoning on the property adjacent to the subject tract.
- p. Zoning to be retained or applied for.

- q. Utilities on and adjacent to the tract.
- r. Subsurface soil conditions.

- s. The Planning Commission, at their discretion, may request an economic feasibility study to determine or justify the feasibility and need of the subdivision, its location and acreage requirements for certain types of land use and nonresidential service areas directly applied to the subdivision.

- t. Two copies of the sketch plan shall be submitted to the Planning Commission.
- u. Such additional preliminary information as may be required by the Planning Commission which will aid in the proper evaluation of the proposed subdivision.

B. Preliminary Plat.

The purpose of the preliminary plat is to review and check the proposed subdivision against the specific design standards and improvement requirements as set forth in the Ordinance.

1. Data Required on the Preliminary Plat.

The preliminary plat shall contain the following:

- a. The name of the subdivision (including the number of the filing, if applicable).
 - b. Names and addresses of the subdivider and the property owner or owners.
 - c. Scale (written and graphic).
 - d. North arrow (designated true north).
 - e. Date of preparation.
 - f. Scale of all preliminary plats will be 100 feet to the inch or as otherwise approved by the Planning Commission.
 - g. Number of residential lots, lot size in square feet, and gross acreage in the subdivision.
 - h. Zoning on the property adjacent to the subject tract.
 - i. Zoning to be applied for.
 - j. Sheet size shall be 30" x 36", as many sheets as necessary may be submitted for each subdivision or filing.
 - k. Location of the subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or quarter-section corner.
 - l. Proposed street lay-out with widths, curves, radii and other dimensions clearly shown.
 - m. Proposed land use and size of the land parcel in acres (or in square feet if under one acre), where applicable, for multi-family residential use, business areas, industrial areas, churches, schools, and parks, or other public, quasi-public, or non-public uses exclusive of single-family residential use.
 - n. Any additional information that may be required by the Planning Commission which will aid in the evaluation of the proposed subdivision.
2. Required Accompanying Data.
- a. A contour map certified by a professional engineer or land surveyor at a scale of one inch equals 100 feet. Elevation contours may be drawn on the preliminary plat or a supplemental plat. Contours shall be drawn normally at 2 foot intervals unless a maximum 10 foot or other contour interval is approved by the Planning Commission for rugged areas.
 - b. A slope analysis map showing areas of the following percent of slope:
 - 7 percent
 - 15 percent
 - 30 percent and above
 - c. Proof of driveway access for all lots and building areas above fifteen (15) percent slope.
 - d. The following information shall be submitted to the Planning Commission in written form for all water and sewage disposal systems:
 - (1) A description of the distribution systems, treatment facilities

and general design.

- (2) A description of the water source available.
- (3) A description of the water and/or sewage disposal system, description of the organization or organizations which are to provide service, commitment from the service organization or organizations stating that the subdivision will be served and evidence of contract between the service organization or organizations and the subdivider.
- (4) A drainage study certified by a registered engineer showing all existing water courses; limits of tributary areas, where practical; computations of expected tributary flows and the results indicated. The limits of 100 year flood stage shall be studied and plotted as provided in Section 17F of the Zoning Ordinance of the City of _____ . Design of drainage facilities shall be such as to prevent major damage or flooding of the subdivision area in a 25 year storm history. Location and sizes of all culverts to be provided, bridges and drainage ditches, channels and easements shall be shown.
- (5) Centerline profiles of streets and roads shall be plotted with sufficient accuracy to insure that street designs will conform to the prescribed standards approved by the Planning Commission and the Board of City Commissioners. All centerline profiles shall be drawn to a scale of 10 feet vertical and 100 feet horizontal to the inch, or 5 feet vertical and 50 feet horizontal to the inch.
- (6) Payment in the proper amount to cover processing of the preliminary plat.
- (7) A preliminary draft of the protective covenants or deed restrictions (if such instruments are desired by the subdivider).
- (8) If rezoning is necessary in order to bring lot areas and proposed uses into conformance with the City Zoning Ordinance, the subdivider shall initiate such zoning action at the time he files the preliminary plat with the Planning Commission.
- (9) Proof of ownership, such as a title policy, attorney's title opinion, tax receipt or other such means of proof.
- (10) Such additional information as may be required by the Planning Commission which will aid in the proper evaluation of the subdivision.

C. Final Plat.

1. Purpose and Intent.

The purpose of the final plat is to provide a permanent and accurate record of the exact size, shape and location of the lots, blocks, streets, easements, and other parcels of land within the subdivision. The final plat, when recorded by the County Register of Deeds, becomes the legal instrument whereby the location and boundaries of separate land parcels within the subdivision are identified.

2. Data Required on the Final Plat.

The final plat shall contain the following:

- a. The exact name of the subdivision (including the number of the filing, when applicable).
- b. Scale (written and graphic).
- c. North arrow (designated true north).
- d. Diagram showing width of all utility easements and guy anchor easements.
- e. Location of the subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or quarter-section corner.
- f. All lots and blocks shall be numbered in consecutive order for easy identification.
- g. All streets shall be named.
- h. The final plat shall be drawn at a scale of 100 feet to the inch.
- i. Sheet size shall be 30" x 36" with a 1/2-inch boarder on the top, bottom, and right-hand side, and a 1-1/2-inch boarder on the left-hand side. As many sheets as necessary may be submitted for a single plat or filing.
- j. The names of abutting subdivisions; or in the case of abutting unplatted property, the notation "Unplatted" shall appear.

- k. All easements shown in dashed lines in proper locations.
- l. All public or quasi-public areas shall be identified.
- m. Plat shall be drawn in India ink on tracing cloth or plastic.
- n. All section, range and township lines shall be shown and must close within the limits of one in 10,000.
- o. All boundary lines and lot lines shall have exact lengths and bearing, which must close within the limits of one in 10,000.
- p. All curve data shall be shown in chart form on the face of the plat.
- q. Radit, internal angles, points of curvature, and lengths of all arcs.
- r. A reference to any protective covenants which shall be filed with the plat.
- s. Certification by registered surveyor to the effect that the plan represents a survey by him, and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
- t. Notarized certification by the owners of the land of the adoption of the plat and the dedication of sewers, water distribution lines and other improvements and of streets and other public areas.
- u. Wording of the following required statements on the Final Plat shall be as follows:

(1) Heading.

The heading of the Final Plat shall include the complete name of the subdivision, the land sections, Township, Range, Principal Meridian, Ramsey County, North Dakota. Also where applicable, the United States Mineral Claim Name, Number and Mining District shall be shown.

(2) Dedication.

Know all men by these presents: That (Printed name of owner), being the owner (s) of the land described as follows:

(insert legal description of land being subdivided and include area in acres to two decimal places) in the City of _____, North Dakota, under the name and style of (complete name of subdivision in capital letters) has laid out, platted and subdivided same as shown on this plat, and by these presents do (does) hereby dedicate to the perpetual use of the City of _____, County of Ramsey, State of North Dakota, the streets, alleys, roads, and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof, the said (printed name of owner) has caused his name to be here-unto subscribed this _____ day of _____, AD, 19 ____.

By: _____ Owner _____

(3) Notarial.

State of North Dakota

City of _____ The foregoing instrument was acknowledged before me this _____ day of _____ AD, 19 _____, by (printed name of owner). (if by natural persons here insert name; if by person acting in a representative official capacity, then insert the name of said person and his capacity; if by officers of a corporation, then insert the names of said officers as the president or other officers of such corporation, naming it).

My commission expires on (to be filled in by Notary).

Witness my hand and official seal.

(Signature) _____ (Seal)

(Printed name of Notary)

(4) Attorney's Opinion.

I, (printed name of attorney), being an Attorney-at-law duly licensed to practice before Courts of Record in the State of North Dakota, do hereby certify that I have examined the title to all lands herein dedicated and shown upon this plat and that title to such lands is in the dedicant free and clear of all liens, taxes, and encumbrances, except as follows: (list same or indicate NONE)

Dated this _____ day of _____, AD, 19 ____.

(Signature)
Attorney-at-Law

(5) Engineer's Certificate: wording shall be as follows:

I, _____ (name), a registered professional engineer and/or land surveyor, registered in the State Of North Dakota do hereby certify that there are no roads, pipelines, irrigation ditches, or other easements in evidence or known by me to exist on or across the hereinafter described property, except as shown on this plat. I further certify that I have made the survey represented by this plat, that this plat accurately represents said survey, and that all monuments exist as shown hereon.

Dated this _____ day of _____, AD, 19 ____.

(Signature) _____ (Seal)

North Dakota Registration Number (number of registration)

(6) Planning Commission Approval

The Planning Commission of the city of _____, North Dakota does hereby authorize and approve this plat of the above subdivision at a meeting of said Commission held on this day of _____, AD, 19 ____.

(Signature)
(Printed name of Chairman)

(7) Approval by Board of City Commissioners.

The within plat of _____ is approved for filing this day of _____, 19 ____.

The dedication of the public ways shown hereon are accepted by the City of _____, State of North Dakota, subject to the condition that said City shall undertake the maintenance of said public ways only after construction of said public ways has been satisfactorily completed to the City specifications, by the subdivider, and a resolution of the Board of City Commissioners for the City of _____, North Dakota, accepting the same has been adopted and placed on record.

Board of City Commissioners
_____, North Dakota

By: _____ President

Attest:

City Auditor

(8) Acceptance by Ramsey County Register of Deeds: (to be placed in the lower right-hand corner of the cover sheet)

This plat was accepted for filing in the office of the Register of Deeds, Ramsey County, North Dakota on this _____ day of _____, AD, 19 ____.

Book Number _____ Page Number _____

Reception Number _____ Time _____

(9) Recordation of Protective Covenants (if applicable).
Protective covenants recorded in

Book Number _____ Page Number _____

3. Required Accompany Data.

The final plat shall be accompanied with the following data:

a. A certified statement by the subdivider to the effect that all supplemental information furnished with the preliminary plat is embodied in the final plat or if this is not the case, revised supplemental data of the same scope and format as required for the preliminary plat is being furnished with the final plat. In the event that substantial changes have been made on the final plat, the Board of City Commissioners may require an additional filing fee not to exceed the amount specified for the preliminary plat.

b. Utility location plan.

c. Three copies of all the protective covenants or restrictions placed on the subdivision, one copy of which shall be filed with the plat.

d. Engineering plans, descriptions and cost estimates for streets, drainage facilities, utility systems, bridges and for other improvements proposed to be installed by the subdivider.

e. Payment for the total amount of the subdivision filing fee.

f. Warranty deed to the City, conveying to the City all public lands other than streets shown on the plat.

g. Payment for any other fees applicable to the subdivision.

Section 13. Improvements.

A. Type of Improvements.

In each new subdivision the subdivider and the Planning Commission, subject to approval by the Board of City Commissioners, shall agree on the type, location, and extent of necessary public improvements depending on the characteristics of the proposed development and its relationships to surrounding areas. Improvements shall be made by the subdivider at his expense according to standard specifications prepared by the City or City Engineer and approved by the Board of City Commissioners.

B. Survey Monuments.

All surveying data shall be tied to primary control points, the location and description of these control points shall be recorded with the City or City Engineer. Permanent survey monuments shall be set at all subdivision boundary corners, at points within the subdivision where there is a change of direction and at all lot corners. Said monuments shall not be more than 1,320 feet nor less than 660 feet apart and set in such a manner so as not to be disturbed during construction. Construction of survey monuments shall be as set forth below:

1. Perimeter and Block Monuments.

a. Firm Soil: No. 5 steel rebar 36" long.

b. Solid Rock: One 3/8" diameter metal tablet with 1-1/2" long shank counter sunk in rock and grouted with cement.

c. Loose soil, Sand, Marsh, etc.: Monuments shall not be set, but shall be witnessed pursuant to State Law and Professional Practice.

2. Lot Markers.

a. Firm Soil: No. 5 steel rebar 24" long.

b. Monuments Within Streets or Roads.

(1) No. 5 rebar 36" long. Monuments set within roadway areas shall be placed so that their tops are 6 to 8 inches below the finished road surface.

(2) At the time a road is paved, all such monuments within the paved area shall be fitted with monument boxes. Any monuments set after a road or street is paved shall also be provided with monument boxes.

C. Street Paving.

1. The following specifications shall be considered the minimum construction standards for roads and streets within subdivisions:

a. Asphaltic or higher type pavement shall be required in subdivisions or

parts of subdivision where the average size of lot is less than eight thousand (8,000) square feet. All streets shall be paved to the widths and grades required by these regulations.

b. Gravel surface shall be the minimum requirement for streets serving lots larger than eight thousand (8,000) square feet in area.

c. The Planning Commission and Board of City Commissioners may designate any street to be paved which in their opinion is necessitated because of anticipated traffic volume or surface conditions which may make travel hazardous.

d. Pavement thickness design shall be based on Figure IV of the latest revision of the Asphalt Pavement Institute publication "Thickness Design - Asphalt Pavement Structures for Highways and Streets". Design Traffic Numbers to be used in the design shall be 5 for local streets and 10 for collector streets.

e. Subgrade strength evaluations using California Bearing Ratio (CBR) as the quality measurement shall be prepared by a registered engineer and may be based on a soil classification system (no mechanical test) for local streets. However, mechanical strength tests must be used in the design of collector streets. An evaluation of subgrade strength shall be made wherever the soil characteristics change or at 400 foot intervals, whichever is the smaller. When a soil classification system is used, the soil log and method in which the design CBR value was determined shall accompany the plat. If mechanical tests are performed, the results of the strength evaluation must accompany the design data which is to be submitted with the preliminary plat.

f. Using Figure VI-1, a total thickness of asphalt concrete surfacing and base will be determined. The total thickness of the required granular courses shall be twice the total thickness of asphalt concrete surface and surface as determined from Figure VI-1 except that the minimum section shall be as shown on Drawing No. 1. The granular pavement shall consist of a base course and subbase.

(1) Base Course: The base course shall be composed of hard durable particles or fragments of stone or gravel crushed to the required size and a filler of sand or other finely divided mineral matter. Base material shall be free from organic matter and lumps of clay and when placed and compacted will result in a firm, dense, unyielding layer. Base course material shall meet the following grading and physical requirements:

Standard Size of Sieve	% Passing Sieve by Weight
3/8 inch	100
No. 4	30 - 60
No. 10	25 - 50
No. 200	5 - 12

Liquid Limit 25 Max.
Plastic Limit 6 Max.

Wetting or aerating of the material shall be required when considered necessary by the City or City Engineer in order to obtain the best compaction possible. The base course shall not be placed upon soft, spongy, frozen or otherwise unsuitable subbase.

(2) Subbase: Subbase material shall be well mixed, free of organic matter and lumps of clay, and shall consist of sand aggregate particles and suitable filler or binding materials which when placed and compacted will result in a firm, dense, unyielding foundation. Subbase material need not be crushed but may be of the pit run variety providing it is graded within the following limits and also meets the liquid and plastic limit requirements.

Standard Size of Sieve or Max. Particle Dimension	% Passing Sieve by Weight
3 inch	100
2-1/2 inch	95-100
2 inch	80-75
No. 4	30-60
No. 200	5-15
Liquid Limit	35 Max.
Plastic Limit	6 Max.

The subbase shall not be placed on soft, spongy or frozen subgrade or any other subgrade which has an unsuitable stability in the opinion of the City or City Engineer.

- (3) Both the subbase and base shall be compacted to 95% of maximum density as determined in accordance with the American Association of State Highway Engineers (A. A. S. H. O.) Designation T 180, Method C or D or as otherwise directed by the City Engineer.

D. Curbs, Gutters and Sidewalks.

Curbs, gutters and sidewalks shall be required in subdivisions or parts of subdivisions where the average size of lot is less than eight thousand (8,000) square feet. Curbs, gutters and sidewalks shall also be required in all areas zoned for commercial or industrial purposes. Construction details and specifications shall be as established by the Board of City Commissioners.

E. Street and Road Signs.

Street and road name signs shall be installed at all intersections in every subdivision. All street and road names shall be approved by the Planning Commission and no names shall be used which will duplicate or be confused with the existing names. Suitable warning signs and/or devices shall be installed at the subdivider's expense at all railroad or other hazardous crossings.

F. Utilities.

1. Sanitary Sewage Disposal.

- a. No lots shall be platted unless an economical and practical method of disposal of sanitary sewage can be made available to that lot and under no circumstance shall individual systems, septic tank or other, be considered as adequate in meeting this requirement.
- b. For any public sanitary sewer system to be constructed, the design and construction of the system must be in conformity with the regulations of the North Dakota Department of Public Health and the local health authority and must be so approved. Approval must also be by the Board of City Commissioners or through their authorized representative.
- c. Collection sewers shall be designed to provide service to each lot. Sewage treatment facilities of an approved design shall be constructed to adequately treat all collected sewage.
- d. For all sewage systems, an organization shall be in existence or be established to administer the operation of the system if such is not in existence. Administration shall be by an incorporated City, a sanitation district, or an approved corporation, individual or other entity which can obtain a Public Utilities Commission permit.

2. Water Supply.

- a. No lots shall be platted unless a potable and dependable water supply shall be available or made available to all lots, and under no circumstance shall individual wells be considered as adequate in meeting this requirement.
- b. For any public water supply and distribution system to be constructed, the design and construction of the system must be in conformity with the regulations of the North Dakota Department of Public Health and the local health authority and must be so approved. Approval must also be by the Board of Trustees or through their authorized representative.
- c. The water distribution system shall be designed to provide service to each lot.
- d. For all water systems, an organization shall be in existence or be established to administer the operation of the system if such is not in existence. Administration shall be by an incorporated City, a water district, or an approved corporation, individual or other entity which can obtain a Public Utilities Commission permit.

3. Fire Protection.

- a. Fire hydrants shall be required in subdivisions with an average density greater than one lot per acre. Hydrants shall be spaced not more than 1,000 feet apart and provided with adequate water pressure for fire fighting purposes.

4. Storm Drainage.

- a. Drainage easements, channels, culverts and required bridges shall be designed by a registered engineer and shall be capable of handling a flow as determined by a drainage study.
- b. Drainage easements shall be provided as required to accommodate an expected maximum flow in any 25 year period. In no case shall drainage easements be less than 20 feet wide.
- c. Culverts or drainage pipes where required shall be galvanized, corrugated

steel or the approval equivalent with the strength design in accordance with AASHTO recommendations for an H-20 live load. Minimum acceptable culvert size shall be eighteen (18) inch diameter.

- d. In cases where subdivisions lie within drainage basins where special problems exist, the Planning Commission shall delineate the general drainage basin development area; and the subdivider shall be obligated to pay a drainage basin development fee. The proceeds of payment shall be deposited in a separate City account and shall be used only for the development, construction and maintenance of drainageways within the delineated basin. The amount of said fee shall be based upon the City's or the City Engineer's estimate of the total basin development cost prorated over the number of acres lying within the designated drainage basin, including arcas for streets or other public use. Said fee shall be paid in total at the time the Planning Commission approves the final plat.
- e. Installation of street lights shall be required where practical and the location of same shall be in accordance with the design standards established by the City or the City Engineer.
- f. Underground placement of utility lines shall be required in all subdivisions wherever practical and feasible, to preserve the natural character of the area.

5. Tree Planting.

The planting of trees of an appropriate species and at appropriate locations may be required by the Planning Commission on the basis of standards established by the City.

6. Final Inspection.

Before final inspection of a residence is given, the proper drainage shall be established and graded by the developer. Any top soil that has been removed during construction shall be placed and spread evenly upon the finished lot. Finished grade shall conform with natural grade of the surrounding area unless the City or City Engineer approves an alternate grading plan.

7. Other Improvements.

Other improvements not specifically mentioned herein and found appropriate and necessary to the Planning Commission or Board of City Commissioners, shall be constructed at the subdivider's expense within such time and in conformance with such specifications as deemed necessary and appropriate.

8. Review.

The construction of all improvements is contingent on approval by the City or City Engineer and it shall be the responsibility of the subdivider to furnish the necessary data required for such approval.

9. Certification.

At the time of filing an application with the Board of City Commissioners for final approval of improvements, the subdivider shall submit a certificate signed by the City or City Engineer that all required improvements are in place. Where only part of the improvements have been satisfactorily completed, appropriate certification will be filed.

G. Improvements Agreement.

No Final Plat shall be approved by the Board of City Commissioners until the subdivider has submitted to them a Subdivision Improvement Agreement or a contract approved by the Board of City Commissioners, agreeing to construct the required improvements as set forth in this Ordinance.

II. Guarantee of Completion.

1. Suitable collateral, in an amount stipulated in the subdivision improvement agreement, shall accompany the final plat submission, to ensure completion of the improvements according to design and time specifications. Said collateral shall be in the form of a corporate surety bond, certified check or other such legal assurances as may be deemed appropriate. If the improvements are not constructed in accordance with all of the required specifications, the City shall notify the subdividers of noncompliance and discuss with them the reasons for noncompliance. Proposed schedules for correction of noncompliance shall be established. If the City determines that the subdividers will not construct any or all of the improvements in accordance with all of the specifications, the City shall have the power to annul the Improvements Agreement and withdraw from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with specifications set forth herein.
2. Should a subdivider not provide suitable collateral to ensure completion of the required improvements, no final plat shall be accepted by the County Register of

Deeds until said improvements are constructed and approved by the City, however, the Board of City Commissioners will supply the subdivider with a letter guaranteeing final plat approval when required improvements are constructed to City specifications.

1. Release of Guarantee for Improvements.

Except for streets and roads, from time to time as the required improvements in a subdivision are completed, the subdivider shall apply in writing to the City for a partial or full release of the collateral. Upon receipt of such written application, the City or its agent shall inspect the improvements which have been completed. If it is determined, from such inspection, that the improvements have been made in accordance with the Final Plat and the requirements of these regulations a portion of the collateral shall be released; however, collateral sufficient to cover the cost of the uncompleted improvements, shall be retained.

1. Procedure for Acceptance of Streets and Roads.

1. Preliminary Acceptance.

a. Upon completion of street or road construction, the subdivider shall notify the City or City Engineer in writing and request inspection. The City or City Engineer shall inspect all street improvements and shall notify the subdivider by mail of nonacceptance or preliminary acceptance. If the street improvements are not acceptable, the reasons for nonacceptance shall be stated, and corrective measures shall be outlined in the letter of notification.

b. Until such time that the developer has written acceptance for full maintenance of the streets by the City, the developer shall be responsible for all maintenance and repairs to street improvements.

c. The City shall not accept street improvements for maintenance from November through March since deficiencies noted on inspection cannot usually be determined or corrected during this period.

2. Final Acceptance.

a. One year following preliminary acceptance, the City or City Engineer shall inspect all street improvements for final acceptance.

b. The City or City Engineer shall notify the subdivider by mail of nonacceptance or final acceptance. If the street improvements are not acceptable, the reasons for nonacceptance shall be outlined in the letter of notification.

c. If the street improvements are found to be acceptable following a resolution of acceptance by the Board of City Commissioners, the City shall release the guarantee for improvements and assume full maintenance responsibility of the streets.

Section 14. Fees.

A. Amount of Fee.

In order to cover the costs of review and other expenses incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of application for approval of a preliminary plat. Such fee shall be based upon the number of lots created. At the time of application for approval of the preliminary subdivision plat, the required fee shall be paid in full according to the rates set forth below. No preliminary or final subdivision plat shall be considered by the Planning Commission or Board of City Commissioners until all fees are paid in full. No fees are refundable upon any processing, partial or complete, of a subdivision plat.

B. Fees.

\$10.00 per lot paid at the time of application for approval of the preliminary plat. All of the fees collected for the approval of subdivision shall be credited to the general fund of the City of _____, North Dakota.

Section 15. General and Legal Status Provisions.

A. Variances.

1. Upon application by the subdivider therefor, and where it can be shown in the case of a particular proposed subdivision, that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography, or other such conditions, thus retarding the achievement of the objective of these regulations, then the Planning Commission may vary, modify, or waive requirements so that substantial justice may be done and the public interest secured; provided that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations, or of the Comprehensive Plan.

2. In granting variances, modifications or waivers, the Planning Commission may

require such conditions as will, in its judgment, secure substantially the objectives of the standards and regulations so affected.

3. In no case shall any variance, modification or waiver be more than a minimum easing of the requirements; in no case shall it have the effect of reducing the traffic capacity of any major or secondary streets; and in no case shall it be in conflict with the Zoning Ordinance.

4. Planned Unit Developments.

- a. If a planned unit development is proposed, detailed site plans showing the location of access, streets, buildings, parking facilities, recreational facilities and landscaping areas shall be submitted to the Planning Commission for review, together with detailed information as to proposed use and occupancy.
- b. If following detailed review of the proposed plans as set forth in the City Zoning Ordinance, the Planning Commission finds that the interests of the City concerning good design, environmental amenity and efficiency of public services would be enhanced thereby, the Planning Commission may waive one or more of the subdivision regulations (excepting the requirements for the installation of improvements) or may establish additional conditions to be met by the development plan.
- c. In approving such a development plan the Planning Commission shall be assured that it provides and dedicates adequate open spaces and improvements for circulation, parking, recreation, education and service needs of the tract when fully developed and that such covenants, financial and legal guarantees are provided that will assure that the plan will be followed and achieved.

B. Amendments.

These regulations may be amended at any time by the Board of City Commissioners after a public hearing has been held on such amendments as provided by law.

C. Appeal.

In the event that the plat of a subdivision has been disapproved by the Planning Commission, the applicant may petition the Board of City Commissioners for a hearing upon said rejection. After a public hearing the Board of City Commissioners, upon favorable vote of two-thirds (2/3) of its entire membership, may approve the subdivision or take other action consistent with the provisions of this ordinance.

D. Penalty.

Whoever, being the owner, or agent of the owner, of any land located within a subdivision, transfers or sells, or agrees to sell, any land, by reference to, or exhibition of, or by use of a plat of a subdivision, before such Final Plat has been approved or filed in the Office of County Register of Deeds, shall forfeit and pay a penalty of One Hundred Dollars (\$100) for each lot or parcel so transferred, or sold, or agreed, or negotiated, to be sold; and the description of such lot, or parcel, by metes and bounds, in the instrument of transfer, or other document used in the process of selling or transferring shall not exempt the transaction from such penalty, or from the remedies herein provided. The City of _____ may enjoin such transfer, or sale, or agreement, by action for injunction brought by civil action in any court of competent jurisdiction.

E. Separability.

If an article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such invalidity shall not affect the validity of the remaining portion. The Board of City Commissioners hereby declares that it would have passed these regulations and every article, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses, or phrases be declared unconstitutional or illegal.

F. Effective Date.

This Ordinance shall be in effect from the date of its adoption by the Board of City Commissioners of the City of _____, North Dakota and filed with City Auditor