

ARTICLE 2. GENERAL PROVISIONS

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Sec. 2-1 Road, Traffic, and Access Requirements

2-1-1 Access Requirements

- (A) The County Engineer may disapprove any point of ingress or egress to any lot, tract, parcel, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, result in substandard circulation or impaired vehicle movement, or violate McKenzie County's access spacing guidelines.
- (B) In approving ingress or egress from any state road or highway, the Planning Commission must have written approval from the State Department of Transportation of said access.

2-1-2 Gravel Surfacing

- (A) Gravel roads shall follow the [Design Standards and Typical Section](#) as adopted by the County Commission.
- (B) All approaches to private property shall be graveled with Class 13 aggregate to a compacted depth of two (2) inches. Gravel shall extend from the edge of the roadway to the property line.
- (C) Any deviation from these standards must be approved by the County Engineer.

2-1-3 Paved Surfacing

Paved roads shall follow the [Design Standards and Typical Section](#) as adopted by the County Commission.

2-1-4 Sight Triangle

At all intersections where stop control is not proposed, sight triangle areas or dedicated right-of-way shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or connecting points located on each of the right-of-way lines of the intersecting street. Any plantings or structures placed within the sight triangle area shall not exceed thirty (30) inches in height. A public right-of-entry shall be reserved for the purpose of removing any object, material or otherwise, that obstructs clear sight. The sight triangle distances as shown in the diagram and table below shall be required.

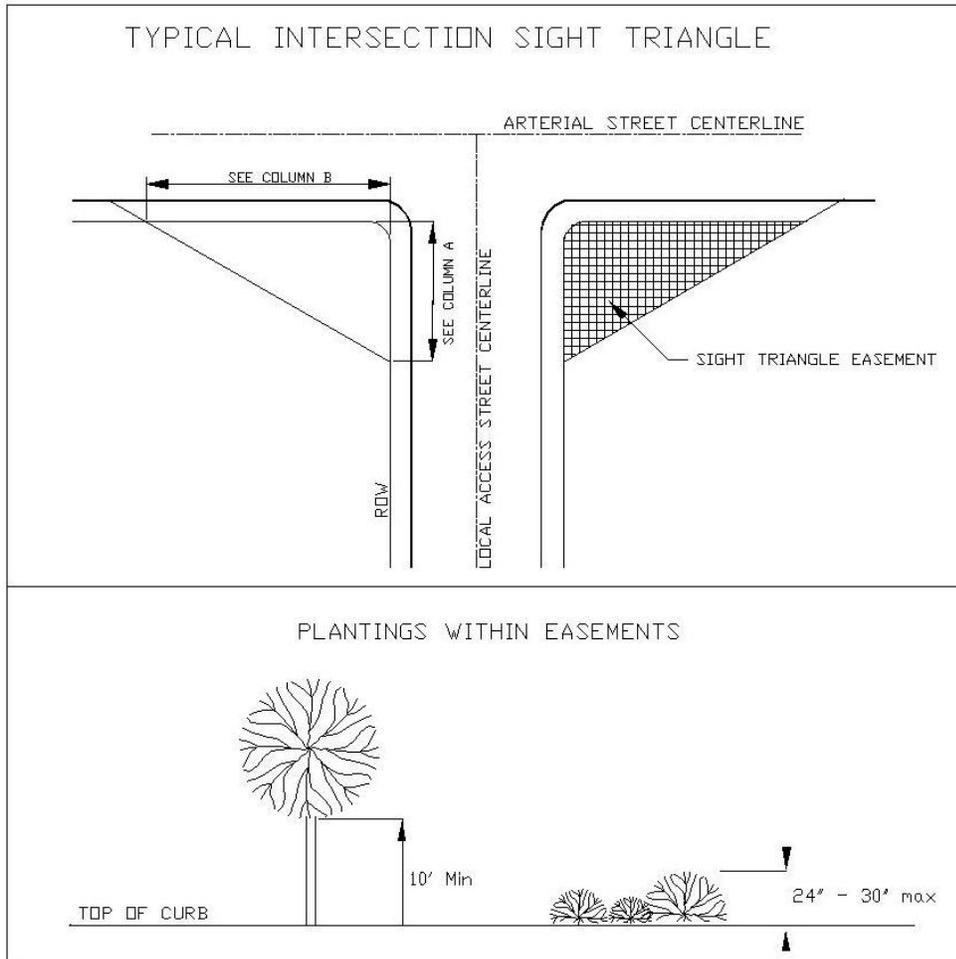


Table X. Site Triangle Requirements

	Clear Sight Setback - Column A	Clear Sight Setback - Column B		
		Local	Collector	Arterial
Local	30'	30'	120'	150'
Collector	120'	30'	120'	150'
Arterial	150'	30'	120'	150'

2-1-5 Traffic Impact Study

- (A) **Purpose.** The purpose of the traffic impact study is to identify the adequacy of the transportation system to serve a proposed development and the expected effects of the proposed development on the transportation system. McKenzie County may require a traffic impact study to determine the effects of development on public roads and determine what improvements are needed, if any, to maintain safe, efficient traffic operations.
- (B) **Applicability.**
- (1) Traffic impact studies may be required at any of the following stages of development:
 - (a) Application for a comprehensive plan land use amendment
 - (b) Application for a zone change
 - (c) Application for a major subdivision
 - (d) Application for a conditional use permit
 - (e) Application for a building permit
 - (2) A traffic impact study **shall be** required for:
 - (a) Any development that can be reasonably expected to generate more than 500 vehicle trips during a single day and/or more than 100 vehicle trips during a single hour.
 - (b) Any proposed zoning or land use change that, in typical build-out scenarios, can be reasonably expected to generate more than 300 trips during a single day more than the previous zoning or land use condition.
 - (3) A traffic impact study **may be** required for:
 - (a) Any development that can be reasonably expected to generate more than 200 vehicle trips during a single day and/or more than 40 vehicle trips during a single hour.
 - (b) Any case in which, based on the engineering judgment of the County Engineer, the proposed development or land use action would significantly affect the adjacent roadway system. Examples include but are not limited to proposals adding traffic to or creating known or anticipated safety concerns or

proposals that will generate a significant amount of truck traffic (more than 30 trips per day or over 5% of site traffic.)

- (C) **Trip Generation.** The County Engineer may request any development to verify the expected number of trips per day generated by the development, which is done using the current Trip Generation Manual from the Institute of Transportation Engineers.
- (D) **State Coordination.** Proposed development that receives access from a state highway requires coordination with the State Department of Transportation, wherein a traffic impact study may be required by the State Department of Transportation in compliance with state guidelines.
- (E) **Study Requirements.** The following items are required as part of the traffic impact study. The County Engineer has the authority to waive any of the requirements of this section based on professional engineering judgement.
 - (1) A summary of the proposed development, the major findings of the analysis, and proposed mitigation measures.
 - (2) A vicinity map showing the location of the proposed project in relation to the transportation system.
 - (3) Existing traffic volumes using the best available data, unless the County Engineer determines that new traffic counts are necessary. Consult County staff to determine what type of count data is needed (turning movement, ADT, etc.).
 - (4) Sight distance evaluation at study intersections.
 - (5) Study intersection design, including a recommendation on the need for right and/or left turn lanes. This recommendation must follow the State Department of Transportation's "Guidelines for the Installation of Turn Lanes along State Highways". If turn lanes are recommended, the study should use State Department of Transportation design practices to indicate the length of the proposed turn lanes including tapers, etc.
 - (6) Capacity analysis at intersections and segments within the study area, as appropriate. The analysis should document:
 - (a) Existing traffic volumes using the best available data, unless the County Engineer determines that new counts are necessary due to recent development changes in the area.

Consult the County Engineer to determine what type of count data (turning movement, ADT, etc.) is needed.

- (b) Existing performance of the transportation system, including Levels of Service (LOS) and volume/capacity ratios.
 - (c) Complete trip generation figures for all aspects of the proposed development, including the number of trips by vehicle type (cars and trucks), and time-of-day entering/exiting percentages.
 - (d) Forecast volumes and performance of the transportation system with the development at buildout.
 - (e) Directional trip distribution (for example, 30% from the west, 70% from the east). For development that is expected to generate a significant amount of truck traffic (more than 30 trips per day or 5% of site traffic), indicate if the truck directional distribution varies from the vehicle directional distribution.
- (7) Crash data analysis at existing study intersections (the State Department of Transportation will provide the crash data per the developer's request).
- (8) Traffic signal warrant analysis – with a recommendation of signalization (including timing, phasing, protected/permissive turns, and other signal coordination), roundabout or other traffic control devices.

(F) **Process**

- (1) The County Engineer shall be consulted prior to the submission of an application of a land use plan amendment, zone change, subdivision or building permit to determine if a traffic impact study is required.
- (2) The developer shall be responsible for the cost of the traffic impact study, unless a condition exists where cost sharing may occur, as determined by the County Engineer.
- (3) When required as part of an application listed in **Section 2-9-5(B)(1)**, a complete traffic impact study must be submitted for the application to be considered complete. The traffic impact study shall be submitted with the complete application by the established deadline for the application type.

- (4) The traffic impact study must be signed and stamped by a Professional Engineer registered in the State of North Dakota.
- (5) Improvements recommended as a result of the traffic impact study will be required by the Planning Commission to be either:
 - (a) constructed and in place, or
 - (b) bonded to assure completion prior to approval.

Sec. 2-2 Stormwater Management

2-2-1 Purpose

The purpose of these stormwater management standards is to protect water resources by minimizing the impacts from land use change and development. Stormwater management helps minimize erosion, reduce flood risk, and protect water quality by reducing the volume and rate of stormwater flow. The section is intended to ensure that stormwater is managed appropriately protect county water resources after construction is completed.

2-2-2 Application of Regulations

- (A) A stormwater management plan shall be required for the following activities that fall under the jurisdiction of McKenzie County's Land Development Code:
 - (1) Any development 1 acre in size or greater.
 - (2) Any development that will have 20,000 square feet of impervious surface area or greater.
 - (3) Any non-agricultural subdivision with five (5) or more buildable lots.
- (B) The stormwater management plan is subject to review and approval by the County Engineer prior to approval of the following:

- (1) Building permit
 - (2) Subdivision plat
 - (3) Conditional use permit
 - (4) Other planning and zoning application or permit to allow land disturbing activities
- (C) Stormwater management plans shall be subject to written approval by the County Engineer prior to the public hearing on the planning and zoning application by the Planning Commission.
- (D) The following processes and activities are exempt from provisions of this section:
- (1) Land disturbing activity involving farming or ranching.
 - (2) Land disturbing activity involving the construction of one single-family dwelling or one two-family dwelling.
 - (3) Emergency work to protect life, limb, or property.

2-2-3 Waiver of Requirements

- (A) The County Engineer may waive the requirements of this section if one of the following conditions is met:
- (1) A stormwater management analysis was previously performed on the property and the existing stormwater management system is adequate for the proposed development or use.
 - (2) The proposed development or use will not permanently and significantly increase the impervious surface area of the property, negatively impact water quality, or permanently increase soil erosion.
 - (3) Compliance with these requirements would impose an unnecessary hardship on the applicant.
- (B) The County Engineer may require as a condition of the waiver such dedication or construction, or agreement to dedicate or construct, as may be required to adequately meet the standards of this section.

2-2-4 Stormwater Management Plan

- (A) **Hydrologic Response.** The stormwater management plan shall show how the applicant intends to install or construct all facilities necessary

to manage increased runoff so that the 2-year, 10-year, and 100-year storm peak discharge rates existing before the proposed development or land disturbing activity are not increased because of the activity.

- (B) **Natural Features.** To reduce the need to construct stormwater management facilities, the stormwater management plan shall incorporate the use of natural topography and land cover such as wetlands, ponds, and natural swales and depressions to the degree that these features can accommodate increased hydrologic flows without degradation.
- (C) **Other Agency Requirements.** Other standards, including state and federal stormwater permitting requirements, may apply. If the standards of multiple agencies conflict, the more restrictive shall apply. It is the responsibility of the applicant to obtain any required permits from other governmental agencies having jurisdiction over the work to be performed. Such agencies may include cities within McKenzie County, tribal governments, the State Water Commission, the North Dakota Department of Transportation (NDDOT), the U.S. Army Corps of Engineers, The U.S. Environmental Protection Agency (EPA), and possibly others.
- (D) **Operation and Maintenance.** Maintenance of stormwater facilities is the responsibility of the developer/property owner. The County shall not maintain stormwater facilities. The stormwater management plan shall include a plan for operation and maintenance that assures ongoing effectiveness. All stormwater facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound. The County Engineer may inspect any stormwater management facility at any time. It is the responsibility of the applicant to obtain any necessary easements to allow access to stormwater management facilities for maintenance purposes.
- (E) **Expiration.** The stormwater management plan shall expire after one (1) year if construction has not commenced.
- (F) **Approval.** The County Engineer must approve the plan subject to conditions.

2-2-5 Construction Plans

- (A) Construction plans prepared for stormwater management facilities shall conform to the stormwater management plan approved by the County Engineer and to any necessary permits issued by other governmental agencies. Construction plans must be sealed and signed by a professional engineer registered in the State of North Dakota and submitted to the County Engineer for approval.
- (B) No building permit shall be issued, nor shall any development, construction, or land disturbing activity commence on any property subject to a stormwater management plan, until construction plans have been approved by the County Engineer.
- (C) Construction plans shall contain a drawing or drawings delineating the erosion and sediment control plan (see *Section 2-18*), including details of silt fences, storm drain inlet protection, and other facilities necessary to control erosion during the construction process.
- (D) Permanent erosion control measures (left in place after construction) shall be identified.

2-2-6 Enforcement and Maintenance

- (A) Enforcement of an approved storm water management plan shall include intermittent inspections of the development from public right of way or easement by the Planning and Zoning Director or County Engineer. Should any inspections result in a determination of non-compliance with the approved plan the owner/developer will be notified of the necessary corrective actions. Should such corrective actions not be implemented within the specified time frame designated in the notice, any current permits for construction on such properties may be suspended. If corrective action is not taken within a period of not less than fourteen (14) days from the date of receipt of notice the owner/developer may be subject to legal action to achieve compliance. In the case where non-compliance is associated with overall development within a subdivision, enforcement could include the suspension and/or revocation of any other permits approved within the subdivision and the performance bond may be used to make corrective actions.
- (B) Any damages to public facilities resulting from non-compliance with the storm water management plan (i.e., roadway washout, sediment removal, etc.) shall be corrected by the offending owner/developer or

payment made to the County for the extent of such damages. Costs incurred by the County to correct such damages shall be paid by the owner/developer or may be assessed to the development properties.

- (C) Any approvals associated with the stormwater management plans shall be suspended if non-compliance with this section threatens the health, safety, and/or welfare of the public.
- (D) The plan shall include ongoing maintenance of the subject area to ensure compliance with requirements of the county weed control officer. Maintenance shall be the responsibility of the property owner.

Sec. 2-3 Erosion Control During Construction

2-3-1 Purpose

The requirements of this section are intended to protect McKenzie County's soil and water resources from erosion and sedimentation that may occur during the construction process.

2-3-2 Erosion Control Plan

- (A) **Requirement.** An erosion control plan shall be required before the commencement of any construction or development activity that disturbs one (1) acre or more of land by grading, excavating, or removing the natural topsoil, trees, or other vegetative covering thereon. Erosion and sedimentation control shall be exercised throughout the time of excavation, landfill, and construction. No such work shall be approved until after appropriate seeding, sodding, planting, mulching, or other appropriate erosion control measures have been taken. The erosion control plan is subject to review and approval by the County Engineer prior to approval of the following:
 - (1) Building permit
 - (2) Any planning and zoning application (if such application is required)
- (B) **Agricultural Exemption.** Development that is permitted by right in the Agricultural District is exempt from the requirements of this section.:
- (C) **Standards.** The erosion control plan shall address the following minimum standards:

- (1) The smallest practical area of land will be exposed at any time during development.
- (2) When land is exposed during development, the duration of exposure will be limited to the shortest practical time period.
- (3) Topsoil shall be removed and stockpiled during grading/development activities and replaced as needed upon completion in order to facilitate revegetation. The site shall be revegetated promptly upon completion of grading activities.
- (4) Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
- (5) Sedimentation basins shall be installed and maintained to remove sediment from run-off waters from land undergoing development or substantial changes of grade.
- (6) Permanent vegetation and structures shall be installed as soon as practical in the development.
- (7) The development plan shall be adapted to the topography and soils of the site so as to create the least erosion potential.
- (8) Wherever feasible, trees, shrubs, and natural vegetation shall be retained and protected to control erosion.
- (9) Water pumped from a development site shall be treated by temporary sedimentation basins, grit chambers, sand filters, soil concentrators, or other appropriate controls as necessary. Water may not be discharged in a manner that causes erosion, sedimentation, or flooding on the development site, receiving channels, or wetlands.
- (10) Construction contractors shall ensure that all waste and materials including garbage, debris, wastewater, toxic materials, and hazardous materials are properly disposed of off-site and are not carried by runoff into any water course, storm sewer system, or wetland.

Sec. 2-4 Fire Protection

- (A) Adequate fire protection must be provided and maintained for all residential, commercial, and industrial development and must be identified prior to approval of the following:
 - (1) building permits,

- (2) subdivisions,
 - (3) conditional use permits,
 - (4) zone changes, and
 - (5) comprehensive plan land use changes.
- (B) The applicant shall coordinate with the State Fire Marshal office (District 3) to determine adequate fire protection based on the type of development.
- (C) Oil and gas storage facilities not excepted from application of this Ordinance shall space storage tanks as determined by the State Fire Marshal.