

**WILLIAMS COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2018-01-16

**TITLE: AN ORDINANCE AMENDING 2015 ZONING ORDINANCES:
AMENDING ARTICLE 4, CHAPTER 4-3, SECTION 4-3-5 AND
SECTION 4-3-6, REQUIREMENTS FOR FINANCIAL
GUARANTEES FOR MAJOR SUBDIVISIONS AND
DEVELOPMENT AGREEMENTS**

WHEREAS, the Williams County Board of County Commissioners (hereinafter “the Board”), pursuant to the Williams County Home Rule Charter and North Dakota Century Code Chapter 11-33 and Chapter 11-33.2, adopted the Williams County Zoning Ordinance and Subdivision Regulations on September 15, 2015, and amendments thereto (hereinafter “2015 Zoning Ordinance”);

WHEREAS, the 2015 Zoning Ordinance, Article 3, Chapter 3-6, authorizes the Board from time to time on its own motion, or on the recommendation of the Williams County Planning and Zoning Official to amend, supplement, repeal or revise any provision of the 2015 Zoning Ordinance;

WHEREAS, the Williams County Planning and Zoning Official recommended proposed amendments to the Board amending Article 4, Chapter 4-3, Section 4-3-5-1 and Section 4-3-6 of the 2015 Zoning Ordinance regulating financial guarantees for Major Subdivisions and Development Agreements;

WHEREAS, at its meeting held on January, 16, 2018, the Board considered the proposed amendments to the 2015 Zoning Ordinance for financial guarantees for Major Subdivisions and Development Agreements;

WHEREAS, Commissioner Martin Hanson moved to adopt the proposed amendments to the 2015 Zoning Ordinance for financial guarantees for Major Subdivisions and Development Agreements, and Commissioner Barry Ramberg seconded the motion, and the motion having been submitted to a roll call vote of the elected County Commissioners:

David Montgomery, Chairman	Yes <u>X</u>	No _____
Wayne Aberle, Commissioner	Yes <u>X</u>	No _____
Martin Hanson, Commissioner	Yes <u>X</u>	No _____
Barry Ramberg, Commissioner	Yes <u>X</u>	No _____
Steve Kemp, Commissioner	Yes <u>X</u>	No _____

NOW, THEREFORE, BE IT ORDAINED by majority vote of the Williams County Board of County Commissioners, the following amendments are hereby made to the Williams

County Zoning Ordinance and Subdivision Regulations adopted on September 15, 2015, as amended:

1. **Article 4, Chapter 4-3, Section 4-3-5-1 shall be amended to repeal subsection “f. Irrevocable letter of credit.”**
2. **The text of Article 4, Chapter 4-3, Section 4-3-5-1 is hereby amended to read as follows:**

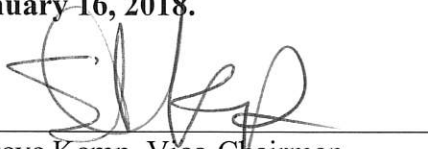
4-3-5 Review of Improvement Plans and Specifications

1. After preliminary plat approval but prior to expiration of the 180month period set forth in 4-3-1, and after obtaining Storm Water Management Plan approval (at minimum conditional approval), the developer shall submit the appropriate review fee and the following information to the County Highway Department for review:
 - a. Approved copy of the Preliminary Plat;
 - b. Draft final plat;
 - c. Civil plans showing all proposed and approved conditions;
 - d. County road approach permit applications; and
 - e. Cost estimates of construction.
3. **Article 4, Chapter 4-3, Section 4-3-6, the second sentence shall be amended to repeal the language “at the discretion of the Board of County Commissioners.”**
4. **Article 4, Chapter 4-3, Section 4-3-6 shall be amended to repeal the last sentence stating: “A model development agreement is located in Article 8 – Administrative Materials and all development agreements shall be in substantial conformity with the model agreement.”**
5. **Article 4, Chapter 4-3, Section 4-3-6 shall be amended to add as the last sentence: “All development agreements shall be in substantial conformity with the current county format for development agreements.”**
6. **The text of Article 4, Chapter 4-3, Section 4-3-6 is hereby amended to read as follows:**

4-3-6 Development Agreement

When public or private improvements are necessary to serve the subdivision, the Board of County Commissioners shall require the developer to enter into a development agreement with the County in the format established by the County prior to final plat approval. The developer shall provide financial security in the form of an irrevocable letter of credit, performance bond, or cash in escrow in the amount of 125% of the total improvements costs as estimated by a State of North Dakota registered engineer. All development agreements shall be in substantial conformity with the current county format for development agreements.


7. **This Ordinance and the provisions contained herein shall be effective immediately on the date of adoption on January 16, 2018.**



Steve Kemp, Vice-Chairman
Williams County Board of County Commissioners

Dated: January 16, 2018

ATTEST:


Beth M. Innis, County Auditor

Dated: January 16, 2018

First Publication: February 21, 2018

Second Publication: February 25, 2018