

# City of Minot

## Planning Department

The City of Minot submits this written testimony in opposition to House Bill 1422 related to non-conforming uses.

The bill as-written would establish an overwhelming administrative burden on a jurisdiction exercising oversight on non-conforming structures.

The City of Minot holds Development Review Team meetings with property owners wishing to develop within the City or surrounding extra-territorial area. The Development Review Team is comprised of staff from the Fire Department, Planning, Engineering, Public Works, Parks District, and First District Health. This process provides assurances to development of compliance with the codes and processes established to maintain administrative order.

Upon development, site plans and buildings are determined to be compliant or not compliant with the codes. Should the development or building be determined to be compliant with all codes, including zoning, a building permit is issued. Once the final inspection for the newly constructed building is complete, a certificate of occupancy is provided. This is the assurance to the land owner, building tenant, insurance company, and lending institution that this structure was legitimately established.

The determination of a nonconforming structure stems from changes made to codes at the local level that are addressing matters of health, safety, and overall quality of life. These determinations are customarily provided on an ad-hoc basis and can take upwards of several hours of staff time.

To provide an example of the inherent value of permitting a locality to enforce development codes within its own jurisdiction, the City of Minot is presently working with a land owner to reconstruct a fueling station located along Hwy 83. The present site, as-constructed, facilitates traffic entering and exiting along the entirety of Hwy 83 and the entirety of another local road segment (there is no clear curb or driveway apron). This setup permits multiple vehicles entering and exiting the site onto a five lane segment of the highway near an intersection. This is a significant health and safety issue.

While the above layout may have been acceptable decades ago, the present circumstances are much different and prompt changes to the site's access to improve safety. This is all tied to the determination of whether the structure may be reconstructed as-is.

Bill 1422 would establish an increasing administrative burden on the City of Minot and other jurisdictions exercising authority over non-conforming structures. Years 1-5 would require the least amount of administrative effort. The second five years would include both the effort of years 1-5 and 6-10. The third five years would include the effort of Years 1-5, 6-10, and 11-15 and so on. Or, the City of Minot may choose to acquiesce to the alternative provided in Bill 1422 to simply permit non-conforming structures to rebuild in perpetuity, which, in the example provided, would perpetuate the traffic safety issues at the site.

The City of Minot maintains planning commissioners and elected officials that understand the balance and prudence that needs to be applied with regard to this issue and have established codes and procedures to address these concerns appropriately at the local level.

For the reasons stated, the City of Minot opposes Bill 1422.

Brian Billingsley, Community and Economic Development Director, City of Minot



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