

# CITY OF WATFORD CITY

P.O. BOX 494

WATFORD CITY, NORTH DAKOTA 58854

## AGENDA

February 29, 2016

## PLANNING COMMISSION

Heritage Room in City Hall @ **6:00 P.M.**

- **Call to Order Public Hearing**

1. Public Hearing to hear comment on Land Use Application-Conditional Use Permit submitted by MAK Properties, Matt Sparby of Blackduck Power Equipment Inc., for Employee Housing on C1 Commercial zoned property. 1906 23<sup>rd</sup> St NE, SE1/4 Section 8, T150, R98W, McKenzie County, ND.
2. Public Hearing to hear comment on Division of Land Application-Simple Lot Split submitted by Nathan Sievers of Consolidated Investment Group for Valley View RE, LLC & Tim Bertoch. IT# 2204 PT SE ¼ Section 13, T150, R99, 42.64 acres creating 3 lots from one parent parcel.
3. Public Hearing to hear comment on Land Use Application-Zone Change submitted by First Lutheran Church, Bakken Environmental & Safety Training (BEST) Academy Of ND, requesting C1 General Commercial zoning on property located 201 3<sup>rd</sup> Ave NW, Watford City, ND.
4. Public Hearing to hear comment on Division of Land Application-Preliminary Plat submitted by Adam Berger Development for Diane Gariety, Coulee Man, LLC. and Roseholm, LLC. for property located NE ¼ of SW ¼ of Section 13, T150N, R99W (Homestead Subdivision), Watford City, McKenzie County, ND.

- **Close Public Hearing**

- **Call to Order Regular Meeting**

- **Approve Minutes:** January 25, 2015 Meeting

- **Old Business:**

- **Final Plat Applications:**

- **New Business:**

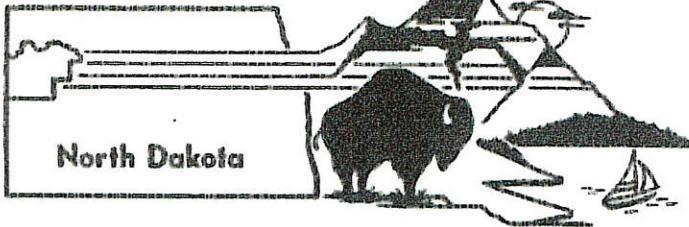
- **Review Permits:** Attached

- **Adjournment**

1.

# Conditional Use Permit

Matt Sparby  
Blackduck Power Equipment, Inc.



North Dakota

# LAND USE APPLICATION

City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

ZONE CHANGE	STAFF: MW	P&Z: 2.29.16
CONDITIONAL USE	FEE: 525.00	CC: 3.7.16
VARIANCE	RECEIPT #: CH# 8482	ADVERTISE DATE: 2.17 + 2.24
STREET NAME	SECTION/TOWNSHIP/RANGE: Receipt # 154570	PROPERTY OWNERS NOTIFIED: Y

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: MAK Properties Inc.

APPLICANT: MATH SPARRY Blackrock Power Equipment Inc.

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Blackrock Power Equipment Inc. % MATH SPARRY

ADDRESS: 1499 Anne St. NW

CITY: Bemidji

STATE: MN

ZIP CODE:

TELEPHONE: 218-368-5626

EMAIL: MJSparry@Paulbryan.net

ASSESSOR'S PARCEL NUMBER(S): 20-00-06535, 20-00-06500, 20-00-06570

LEGAL DESCRIPTION: (All 3 lots) N lot (IT # 2297 PT SE 1/4 & 4.41a) S lot (IT # 2910 PT of S 1/2 SE 1/4 Sect

PROPERTY ADDRESS AND NEAREST CROSS STREETS: ~~17th St~~ 1906 23rd St NE 4.68a

GROSS/NET ACREAGE: 15 Acres All 3 lots PRESENT ZONE CLASSIFICATION:

DESIRED ZONE CLASSIFICATION: Commercial/Industrial CURRENT LAST USE: Employee Housing

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

CJP For Housing - 6 Cabins + 1 Modular Home (no campers)

- Has existing modular on site, want to utilize along with cabins for employee housing

- Use existing cabins on property as Employee housing for new company. Owner of property sold previous business that had CJP for housing. Owner wishes to re-establish Employee housing

DESCRIBE THE SOURCE OF WATER/SEWER: PRIVATE

Do you have a will serve letter  YES  NO

## LAND USE APPLICATION pg. 2

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the *Watford City Planning Department and its designee*, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

*[Signature]*  
Property Owner Signature

Matthew J. Spahr  
Print of Type Owner Name

### NOTARY

State of Minnesota  
County of Beltrami

This instrument was acknowledged before me on Jan. 13, 2016 by Marlena R Pope  
Date Name of Person



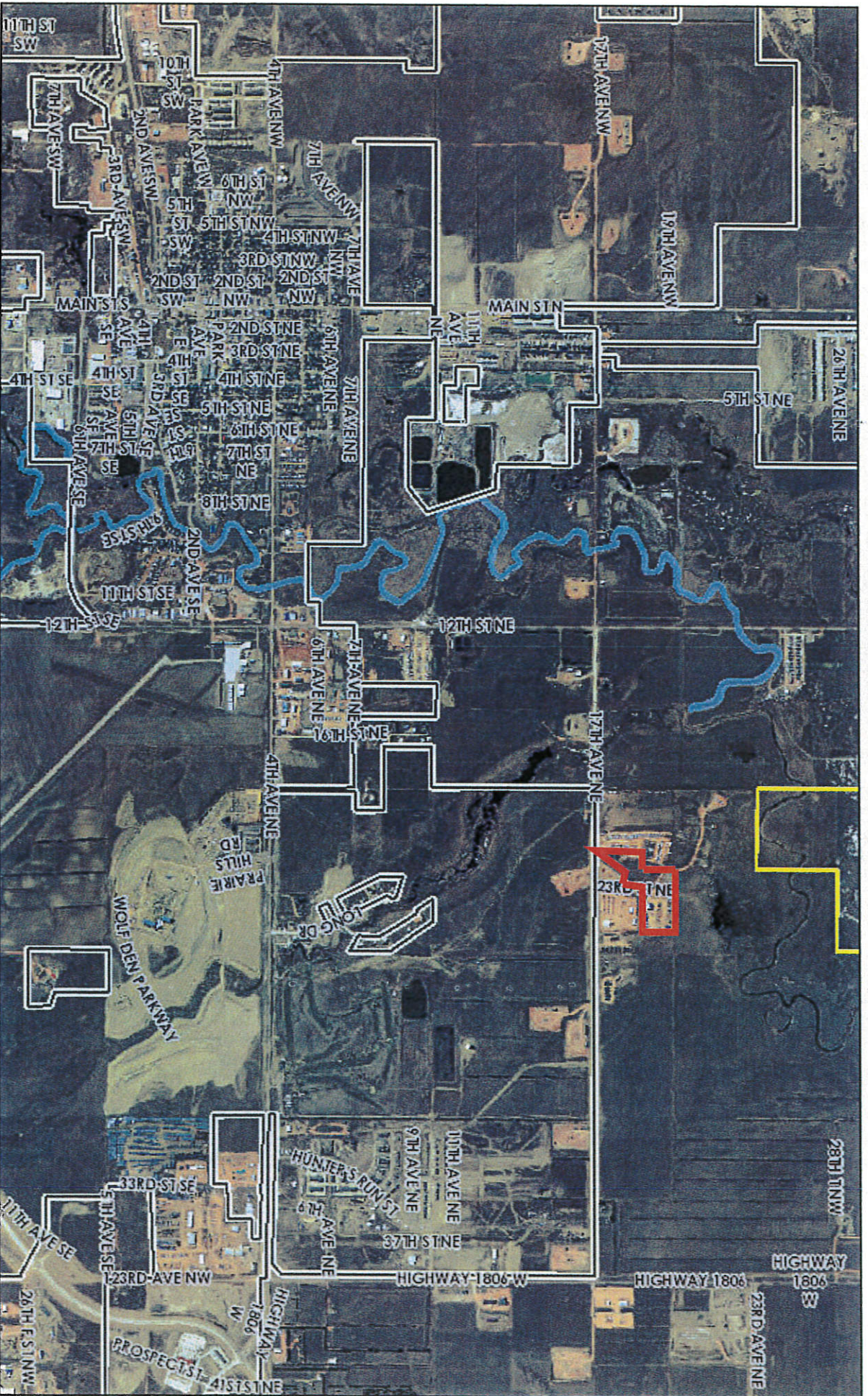
*[Signature]*  
Signature of Notarial Officer

### Required Documents for Land Use Application

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	*.pdf/*.dwg	Supplemental Info.	Application Fees
<u>Conditional Use Permit</u>	1 ✓	1	1	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>	1 <sup>12</sup>	1	1 <sup>14</sup>	\$525 + publishing costs
Zone Change	1	1	1	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>	1 <sup>12</sup>	1	1 <sup>14</sup>	\$300
Variance	1	1	1		1 <sup>8</sup>	1 <sup>11</sup>		1		\$300
Street Name Change*	1	1	1			1 <sup>11</sup>		1		Refer to Fee Schedule

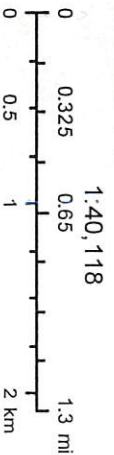
- ❖ Site Development Plan Application is required on all Conditional Use Applications.
- ❖ Only completed applications shall be accepted for filing.
- ❖ Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS HIGHLY SUGGESTED, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- ❖ Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- ❖ A letter indicating Watford City City Council's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- ❖ Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30<sup>th</sup> calendar day.
- ❖ The Planning Commission and City Council has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.

# Blackduck Power Equipment



February 22, 2016

- StreetCenterlines
- Watford City Limits
- Parcels from McKenzie County
- Cherry Creek
- External Territorial Area (ETA)



1:40,118

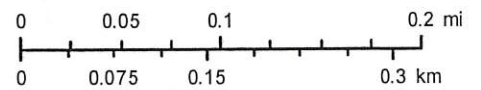
GIS, Watford City, AZS  
Furgo Geospatial Inc.

# Matt Sparby



February 1, 2016

1:6,019



Street Centerlines

Lot Lines

Place Names

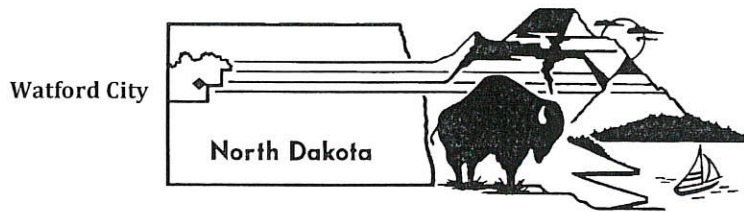
Cherry Creek

Watford City Limits

Parcels from McKenzie County

Extra-Territorial Area (ETA)

GIS, Watford City, AE2S  
Furgo Geospatial Inc.



**City of Watford City**  
Brent Sanford, Mayor  
213 2<sup>nd</sup> St., NE  
PO Box 494  
Watford City, ND 58854  
Ph. 701- 444- 2533  
Fax 701- 444- 3004  
[www.mckenziecounty.net](http://www.mckenziecounty.net)

September 24, 2013

## STAFF REPORT

CU-02-2016

Conditional Use **RENEWAL**

Applicant

Matt Sparby  
1499 Anne St. NW  
Bemidji MN 56601

Property Owners

Mak Properties

Property Address: Property is not addressed at this time. A Portion of T.150 R.98 Sec. 8, W1/2 E1/2 SE1/4 SE1/4; W1/2 SE1/4 SE1/4; E1/2 E1/2 SW1/4 SE1/4 excepting out IT2130

Conditional Use Requested:

For Temporary Employee Housing in the C-1 District

Reference: Watford City City Code Sec. XV – Article XXV, Conditional Uses

Discussion: The original application was filed in conjunction with a Zone Change application for the development of a commercial shop/office and is for Temporary Employee Housing in the C-1 district.

The property is located one half mile east of Co. 36 on 17th Ave NE. The subject property contains 3.76+ acres.

The existing property is currently undeveloped and vacant. There are no roads or utilities within the subject property. The site is in the newly created Extra Territorial Area (ETA) and therefore falls within the jurisdiction of the Watford City Planning and Zoning Commission. The intent of the ETA is to regulate growth and development within one mile of the City but to not be restrictive in nature.

The City of Watford City mailed the property owners that hold an interest in the property and the adjoining property owners a notice regarding the city's zone change request.

The commission should carefully consider all of the possible implications associated with approving this Conditional Use. Chapter XV, Article XX of the City of Watford City ordinances require that "All required off-street parking areas, including access drives, shall be improved with asphalt, concrete or similar dust-free surface and all parking spaces shall be clearly marked." At the CU permit's annual review, if it is determined that there is a long-term need, the P&Z commission can recommend to the city council that the permittee pave the parking areas. However, the P&Z Commission cannot waive the requirement to provide paved parking and driving surfaces.

They can only make a recommendation to the City Council to do so. Should the use become long-term the requirement to pave should be implemented. In the interim, a dust palliative such as magnesium chloride can be applied.

*Surrounding Land Use Inventory:*

West: Zoning -	A-2, McKenzie County
Use -	Industrial
South: Zoning -	A-2 McKenzie County
Use -	Industrial
North: Zoning -	A-2, McKenzie County
Uses -	Agricultural
East: Zoning -	A-2, McKenzie County
Uses -	Industrial

A Conditional Use Permit may be granted following compliance with the procedure set forth in this section if the conditional use is one set forth in the District Regulations, provided that no application for a conditional use shall be granted unless all of the following conditions are found to be present:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare;
2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;
3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and
6. The conditional use shall conform to all special provisions of the district in which it is located. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental effects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.

*Site Development*

*Access:* The property is accessible from 17th Ave. NW which is paved.

*Sewer:* There are no existing city sanitary sewer mains within the property. The property will be serviced by an individual sewage disposal system.

*Water:* There are no existing city water mains within the property. The property will be serviced by either rural water or private well.

*Analysis:* The proposed conditional use will provide temporary employee housing for the commercial business.



Recommendation:

Staff recommends **approval** of the conditional use subject to the following conditions:

1. The conditional use permit will allow only factory manufactured campers and DOT approved recreational vehicles or Housing and Urban Development (HUD) approved manufactured housing or commercial coaches (skid units) are permitted. No non-factory housing shall be permitted.
2. The conditional use permit is based on the number of spaces shown on the submitted site plan and shall not be expanded nor the intensity increased unless by conditional use permit.
3. The conditional use permit shall be specific as to number of parking spaces to be provided. A minimum of 2 off-street parking spaces per site shall be provided.
4. A dust palliative should be required to be applied to parking areas from May through October.
5. Parking areas shall be surfaced with a minimum of 6" of crushed aggregate, not scoria. Scoria may be used as a base course for the final surfacing.
6. Conditional Use Permit will expire after 6 months if no action is taken.
7. Conditional Use Permit shall be reevaluated after 1 year or prior to the 1 year should the City set a date for non-continuation of CUP's for temporary employee housing.
8. Williams County standards for temporary housing will be required.

Contact:

Mildred Williams  
Assistant City Planner  
City of Watford City  
(701) 444-2533  
[miwilliams@nd.gov](mailto:miwilliams@nd.gov)



To the attention of the Watford City Planning Commission:

My husband and I recently received your letter informing us of the revocation of conditional land use permits. We are very concerned about this decision as it will cause a hardship for many of the families that are employed by us.

Blackduck Power Equipment, Inc. has been in business in North Dakota since 2011. We built our shop at 1906 23<sup>rd</sup> ST NE, Watford City, with longevity in mind. We have six individual housing units that were built on site. We also have one modular house that is also used for employee housing. We do not charge rent to our employees, we provide them with homes so their families are able to live with them. We currently are drawing on all of our resources to keep our business afloat due to the continuous decline with oil prices.

We would like to point out that we have a mortgage on our business and property and would not be able to afford to pay for additional housing elsewhere and pay our mortgage. We also know that if we are forced to dismantle and move our housing units it would be very costly and we will be forced to close our doors!

Matt & I have read through the Purpose section in Article III of your zoning ordinance and we feel many of the purposes you have listed are very straightforward sensible purposes that any city would strive to maintain. In Article III, purpose # 5, you list the overcrowding of land; we are not a mancamp or an apartment building, we run a business that has permanent employee housing on site. The 15 acres of land that we own is inhabited currently on a daily basis of no more than 25 people. We no longer allow campers on our property and do not have an issue with overcrowding. In comparison, an apartment building is much more densely populated and much more likely to have an issue with overcrowding. We also have adequate water and sewer that are up to code.

My husband and I understand the underlying reasons for revoking the temporary land use permits as portable housing structures were brought in during the boom to try and accommodate the masses of workers; and now that there has been a decline in jobs, vacancies have arisen. We are business owners and my

husband sells real estate in Minnesota, we see the rise and decline here as well. We know firsthand that in order to provide jobs, they must have a place to work and a place to live.

We ask that you carefully consider our request for a permanent land use ordinance to keep our on-site housing, so we can continue to do business in North Dakota and keep food on the table and a roof over the heads of the families we employ.

Thank-you for your time and careful consideration of our request. Please feel free to visit our shop/business anytime, and call us with any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Matt & Jessie Sparby". The signature is written in a cursive, flowing style.

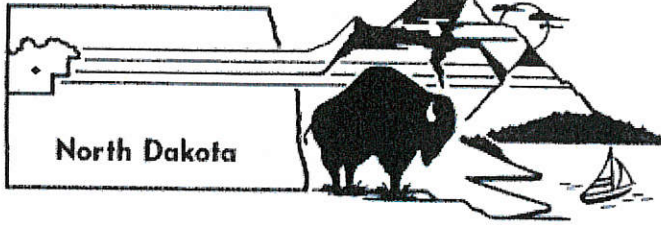
Matt & Jessie Sparby  
Blackduck Power Equipment, Inc.

1499 ANNE STREET NW  
BEMIDJI, MN 56601  
PH 218-368-5626  
FAX 218-444-1017  
E-MAIL: [mjsparby@paulbunyan.net](mailto:mjsparby@paulbunyan.net)

2.

# Simple Lot Split

Nathan Sievers Consolidated Investment Group  
For Valley View RE, LLC & Tim Bertoch



**Division of Land  
APPLICATION**  
City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

**Subdivision Preliminary Plat**

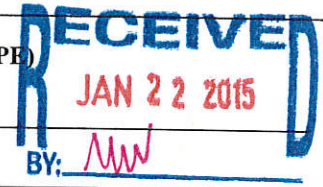
Subdivision Final Plat		P&Z: 2/29/16
Amend Final Plat	FEE: 675.00	CC: 3/7/16 ADVERTISE DATE:
<u>Simple Lot Split</u>	RECEIPT #: CHK# 23109 Rcpt# 154571	PROPERTY OWNERS NOTIFIED: <input checked="" type="checkbox"/>
Other:	SECTION / TOWNSHIP / RANGE:	

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Valley View RE, LLC.



APPLICANT: Tim Bertoch

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Nathan Sievers

ADDRESS: 18 Inverness Place East

CITY: Englewood STATE: CO ZIP CODE: 80112

TELEPHONE: 303-789-2664 ext. 226 EMAIL: NSievers@ciginvest.com

ASSESSOR'S PARCEL NUMBER(S): 82-73-04830

LEGAL DESCRIPTION: Sect - 13 Twp-150 Rang-099 unplatted Watford City IT# 2204 PT SE 1/4

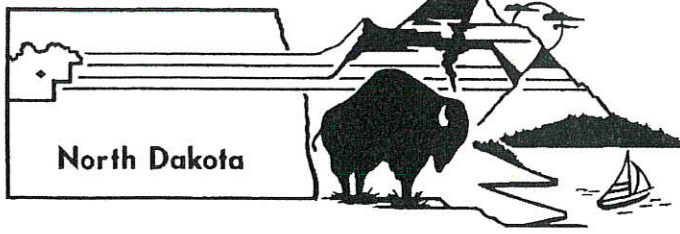
PROPERTY ADDRESS AND NEAREST CROSS STREETS: 4th Ave NW + 6th St. NW

GROSS/NET ACREAGE: 42.64 acres PRESENT ZONE CLASSIFICATION: \_\_\_\_\_

SOURCE OF Water / Sewer: City of Watford City

WAIVERS OR VARIANCES REQUIRED TO SUPPORT THIS APPLICATION? n/a

If YES, attach a justification letter describing such waivers or variances. Waivers and Variances should be discussed with Planning Department Staff prior to filing any application



# AFFIDAVIT Division of Land APPLICATION

City of Watford City Planning Department

AP#: (assessor parcel number) 82-73-04830

Application/Owner: Valley View RE, LLC.

In the State of Colorado, County of Arapahoe

I/We Tim Bertoch

I/We will make provisions to ensure compliance with the disclosure and recording requirements of McKenzie County / Watford City including but not limited to tax debt related to the applicable map application type as follows:

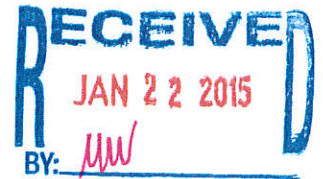
(Check Appropriate Map Type)

Subdivision of Land Preliminary Map

Subdivision of Land Final Map

Simple Lot Split

Parcel Map



[Signature]  
(Signature)

\_\_\_\_\_  
(Signature)

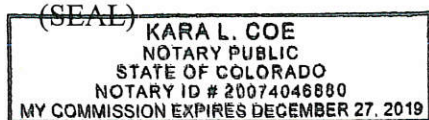
Tim Bertoch - UP Real Estate  
(Printed name & title)

\_\_\_\_\_  
(Printed name & title)

I, Kara L. Coe, a Notary Public of the County and State aforesaid, hereby certify that Tim Bertoch personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the 14 day of January, 2016.

[Signature]  
Notary Public Kara L. Coe



My Commission expires:  
12/27/2019

State of: Colorado  
County of: Arapahoe

**PROPERTY OWNER**

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

[Handwritten Signature]  
Property Owner Signature

Tim Bertoch  
Print Owner Name

Property Owner Signature

Print Owner Name

**NOTARY**

State of Colorado

County of Arapahoe

This instrument was acknowledged before me on 1/14/16 by Tim Bertoch  
Date Name of Person(s)

[Handwritten Signature]  
Signature of Notary Kara L. Coe

KARA L. COE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID # 20074046880  
MY COMMISSION EXPIRES DECEMBER 27, 2019

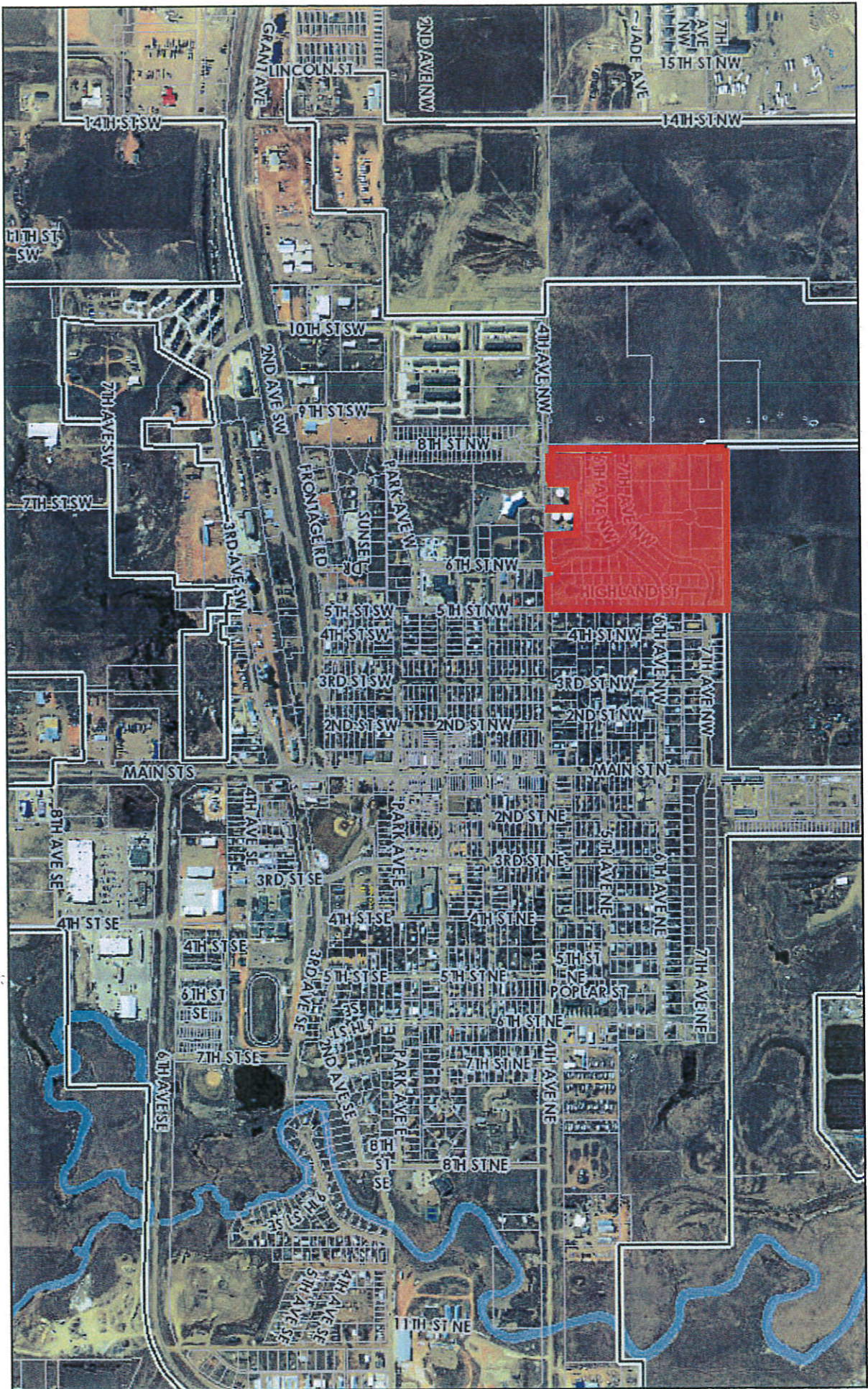
**SURVEYOR / ENGINEER**

Name: \_\_\_\_\_ License: \_\_\_\_\_

Address: \_\_\_\_\_

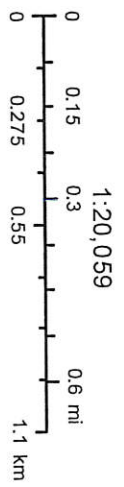
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_



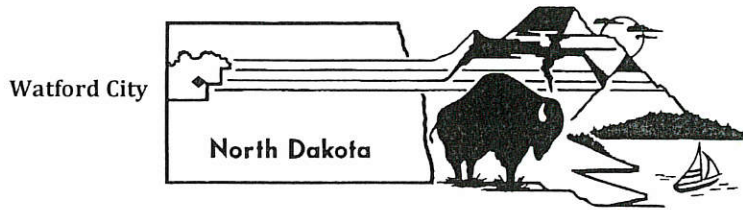
February 22, 2016

- Street Centerlines
- Lot Lines
- Wattford City Limits
- Cherry Creek
- Extra-Territorial Area (ETA)
- Parcels from McKenzie County



GIS: Watford City, AE2S  
Furgo Geospatial Inc.





**City of Watford City**  
213 2<sup>nd</sup> St., NE / PO Box 494  
Watford City, ND 58854  
Ph. 701- 444- 2533  
Fax 701- 444- 3004  
[watford.mckenziecounty.net](http://watford.mckenziecounty.net)

February 20, 2016

**STAFF REPORT**  
**SLS 01-2016 Simple Lot Split**

Applicant

Nathan Sievers  
18 Inverness Place East  
Englewood, CO 80112

Property Owners

Valley View RC, LLC  
Tim Bertoch

Property Address: Section 13, T150, R99W unplatted IT # 2204, Parcel Number 82-73-04830.  
Formerly known as "the Highlands" located north of 4<sup>th</sup> Ave NW @ water towers.

Discussion: Formerly known as "the Highlands-Valley View" is an unrecorded subdivision containing R1, R2, R3, R4 and C1 zoning spread throughout 42.64 acres. At this time the land remains vacant lots with paved streets, curb, gutter, water and sanitary sewer and an established park. The proposed SLS will allow 2 parcels of land; Lot 1 & Lot 3 to be platted, recorded and then dedicated to Watford City Park and Recreation.

-The site is in the City of Watford City, City Limits and therefore falls within the jurisdiction of the Watford City Planning and Zoning Commission.

Surrounding Land Use Inventory:

West: Zoning - R3, R4 Med-High Density Residential, Watford City  
Use - Undeveloped Homestead Subdivision  
South: Zoning - R1, Watford City  
Use - Single Family Neighborhood  
North: Zoning - AG, Watford City, McKenzie County  
Use - Mr. A. Holm residence/farm  
East: Zoning - R1, Watford City  
Uses - Single Family Neighborhood

Site Development

Access: *The property is accessible from 4<sup>th</sup> Ave NW, Streets are paved within the subdivision.*  
Sewer: *There are city sanitary sewer service within the property.*  
Water: *There are city water service within the property.*

Recommendation:

It is recommended that the Watford City Planning Commission **approve** the Tower View Park **Simple Lot Split** contingent upon:

1. Submitted Simple Lot Split Plat meets all requirements per the Land Division Ordinance.



October 27, 2015

Mr. Curt Moen  
City of Watford City  
City Planner / Zoning Administrator  
213 2nd St., NE  
PO Box 494  
Watford City, ND 58854

Dear Mr. Moen:

Please find enclosed the Tower View Park Plat which includes the 2 areas further described as Lot 1, detention pond, and Lot 3, park land, for review and recordation. These are consistent with and have been separated from the initial approved preliminary subdivision plat as to move forward with the recordation as advised so that the dedication of the park area to Watford City Parks and Recreation could be completed.

Sincerely,

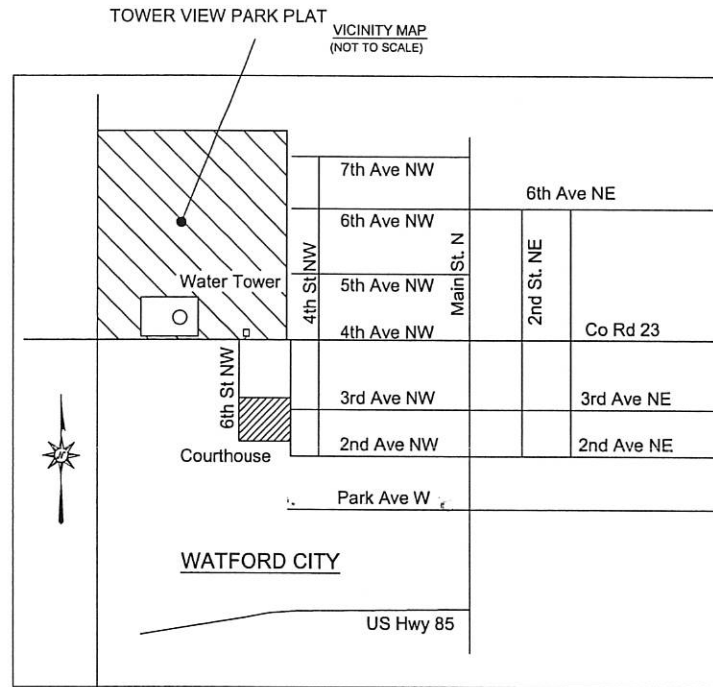
A handwritten signature in blue ink, appearing to read "Nathan Sievers", is written over a horizontal blue line.

Nathan Sievers  
Consolidated Investment Group



# TOWER VIEW PARK PLAT

A SUBDIVISION IN THE CITY OF WATFORD CITY, MCKENZIE COUNTY, NORTH DAKOTA, FORMERLY KNOWN AS IRREGULAR TRACT NUMBER 2204, AND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 13, T.150N., R.99W., OF THE 5TH PRINCIPAL MERIDIAN



### OLD DESCRIPTION

ASSUMING THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 13 AS MONUMENTED BY AN IRON MONUMENT WITH 2" ALUMINUM CAP FOUND FLUSH WITH THE CONCRETE SURFACE AT THE SOUTHEAST CORNER OF SAID SECTION 13 AND A REBAR WITH 2" ALUMINUM CAP, LS-2884 FOUND ONE FOOT MORE OR LESS BELOW THE SURFACE AT THE SOUTH QUARTER CORNER OF SAID SECTION 13 TO BEAR N89°52'13"W FOR 2638.53 FEET, WITH ALL BEARINGS AND DISTANCES RELATIVE THERETO.

A PART OF THE SE 1/4 OF SAID SECTION 13 DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 13, N89°52'13"W FOR 1319.96 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 13; THENCE N00°01'06"W FOR 1473.52 FEET TO A #5 REBAR, WITH YELLOW PLASTIC CAP, LS-1195 ON THE NORTH-SOUTH CENTER QUARTER LINE OF SAID SECTION 13; THENCE S89°52'52"E FOR 1323.57 FEET TO A #5 REBAR WITH YELLOW PLASTIC CAP, LS-1195 THENCE; ALONG THE WEST LINE OF THE CITY OF WATFORD CITY, NORTH DAKOTA AS PLATTED 500°07'19"W FOR 1473.76 FEET TO THE POINT OF BEGINNING.

EXCEPTING THE FOLLOWING THREE PARCELS ALL RECORDED IN MCKENZIE COUNTY, NORTH DAKOTA:

- 1) BOOK 38 PG 258 RECORDED AS DOCUMENT 107379.
- 2) BOOK 105 PG 171 RECORDED AS DOCUMENT 169053
- 3) BOOK 135 PG 647 DOCUMENT NO. 217254.

THIS PARCEL CONTAINS 42.66 ACRES MORE OR LESS OVER ALL AND 41.33 ACRES MORE OR LESS NET.

### SURVEYOR'S CERTIFICATE

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. ENCUMBRANCES IN ADDITION TO THOSE SHOWN MAY EXIST.

I, JAMES S. ESTES BEING A REGISTERED NORTH DAKOTA LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PROPERTY SHOWN HEREIN AND THE WITHIN MAP IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE NORTH DAKOTA CENTURY CODE AND THE CITY OF WATFORD CITY SUBDIVISION ORDINANCES TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JAMES S. ESTES, LS-7540  
FOR AND ON BEHALF OF NORTHERN TIER DEVELOPMENT, LLC

STATE OF NORTH DAKOTA  
COUNTY OF WILLIAMS

BE IT KNOWN THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME PERSONALLY APPEARED JAMES S. ESTES AND ACKNOWLEDGED THE SIGNING OF THE ABOVE CERTIFICATE OF REGISTERED LAND SURVEYOR TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

### OWNER'S CONSENT AND DEDICATION

WE, THE UNDERSIGNED, BEING THE OWNER AND MORTGAGE HOLDER OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT, AND DO DEDICATE THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATER DISTRIBUTION LINES, SIDEWALKS, GROUNDS, AND EXISTING TRAILS WHETHER SUCH IMPROVEMENTS ARE SHOWN OR NOT, TO THE PUBLIC USE FOREVER.

WE AGREE NOT TO VACATE ANY PORTION OF THIS PLAT WITHOUT THE CONSENT OF THE WATFORD CITY PLANNING COMMISSION AND THE CITY OF WATFORD CITY. WE ALSO HEREBY DEDICATE EASEMENTS TO RUN WITH THE LAND FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON, OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS".

VALLEY VIEW RE, LLC, dba The Highlands at Watford City.

TIM BERTOCH, MANAGING MEMBER DATE \_\_\_\_\_

STATE OF COLORADO  
COUNTY OF ARAPAHO

BE IT KNOWN THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME PERSONALLY APPEARED

TIM BERTOCH AND ACKNOWLEDGED THE EXECUTION AND SIGNING OF THE ABOVE CERTIFICATE OF OWNER'S CONSENT AND DEDICATION TO BE THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLIC FOR THE STATE OF COLORADO  
MY COMMISSION EXPIRES: \_\_\_\_\_

### PLANNING AND ZONING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WATFORD CITY IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015 IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF WATFORD CITY, NORTH DAKOTA, AND REGULATIONS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF WATFORD CITY, NORTH DAKOTA.

GLEN BEARD, CHAIRMAN DATE \_\_\_\_\_

STATE OF NORTH DAKOTA  
COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED GLEN BEARD, CHAIRMAN OF THE WATFORD CITY PLANNING AND ZONING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED HEREIN AND WHO APPROVED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE APPROVED THE SAME IN THE NAME OF THE WATFORD CITY PLANNING AND ZONING COMMISSION.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

### WATFORD CITY APPROVAL

THE CITY OF WATFORD CITY, NORTH DAKOTA, HAS APPROVED THE ATTACHED PLAT AS SHOWN HEREON, AND LYING WITHIN THE JURISDICTION OF THE CITY OF WATFORD CITY, HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS OF THE ATTACHED PLAT, SHOWN HERE AS AN AMENDMENT TO THE COMPREHENSIVE STREET AND HIGHWAY PLAN AND OTHER APPROPRIATE PORTION OF THE COMPREHENSIVE PLAN OF THE CITY OF WATFORD CITY, NORTH DAKOTA.

BRENT SANFORD, MAYOR DATE \_\_\_\_\_ PENI PETERSON, CITY AUDITOR DATE \_\_\_\_\_

STATE OF NORTH DAKOTA  
COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED BRENT SANFORD, MAYOR, AND PENI PETERSON, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED HEREIN AND WHO APPROVED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY HAVE APPROVED THE SAME IN THE NAME OF THE CITY OF WATFORD CITY.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

### UTILITY COMPANY APPROVAL OF EASEMENTS

WE, THE UNDERSIGNED UTILITY DO HEREBY APPROVE OF THE UTILITY EASEMENTS AS SHOWN ON THE PLAT AS PRESENTED. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2015

### RESERVATION TELEPHONE COOPERATIVE

PRINTED NAME \_\_\_\_\_

STATE OF NORTH DAKOTA  
COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA,

PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON DESCRIBED HEREIN AND WHO ACKNOWLEDGED THE EXECUTION AND SIGNING OF THE ABOVE UTILITY EASEMENT APPROVAL.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

WE, THE UNDERSIGNED UTILITY DO HEREBY APPROVE OF THE UTILITY EASEMENTS AS SHOWN ON THE PLAT AS PRESENTED. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2015

### MONTANA-DAKOTA UTILITIES COMPANY

PRINTED NAME \_\_\_\_\_

STATE OF NORTH DAKOTA  
COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, A NOTARY PUBLIC,

PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON DESCRIBED HEREIN AND WHO ACKNOWLEDGED THE EXECUTION AND SIGNING OF THE ABOVE UTILITY EASEMENT APPROVAL.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

### AUDITOR'S CERTIFICATE OF TAXES

TAXES, DELINQUENT TAXES, DELINQUENT SPECIAL ASSESSMENT OR INSTALLMENTS OF SPECIAL ASSESSMENTS OR TAX ESTIMATES FOR THE PROPERTY DESCRIBED ON THE ATTACHED INSTRUMENT ARE UNPAID IN THE AMOUNT OF

\$ \_\_\_\_\_ PLUS PENALTY AND INTEREST. CERTIFIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

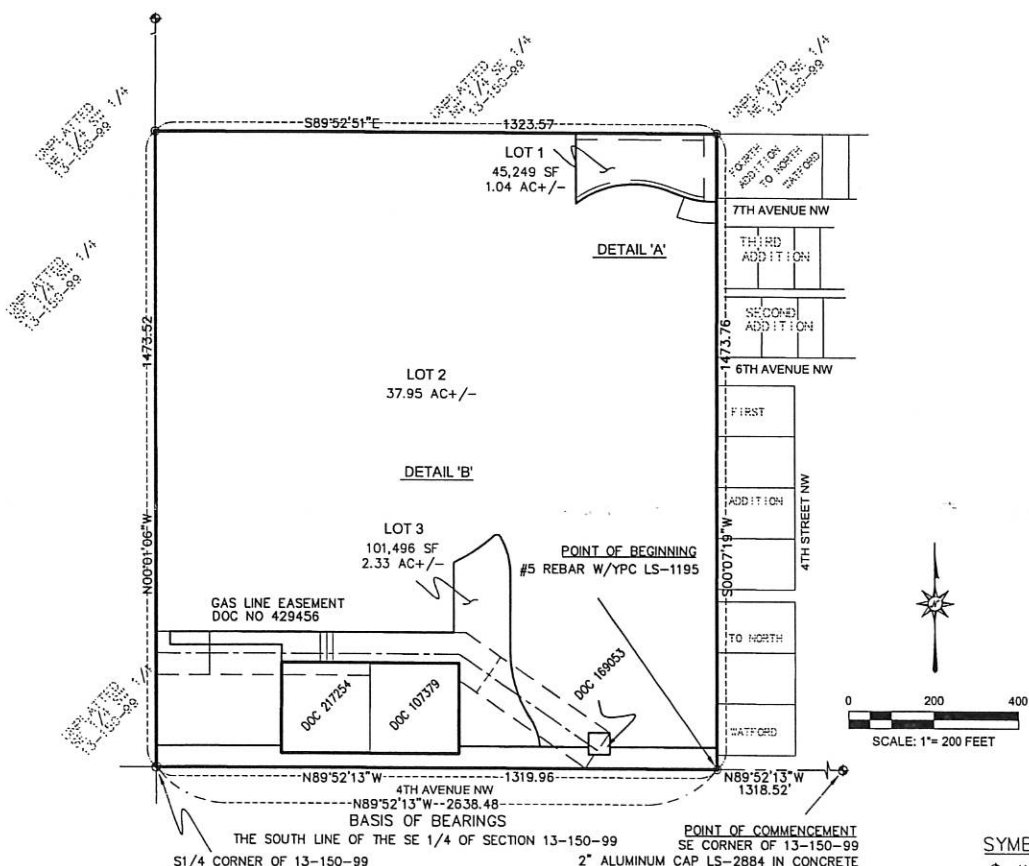
LINDA SVIHOVEC, MCKENZIE COUNTY AUDITOR

### CERTIFICATE OF MCKENZIE COUNTY RECORDER

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS FILED IN THE OFFICE OF THE MCKENZIE COUNTY RECORDER IN THE

STATE OF NORTH DAKOTA AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2015 AND WAS RECORDED AS DOCUMENT NUMBER: \_\_\_\_\_

ANN JOHNSRUD, MCKENZIE COUNTY RECORDER



### SYMBOL LEGEND

- ALIQUOT CORNER AS DESCRIBED
- SET REBAR W/OPC LS-7540
- FOUND REBAR W/OPC LS-1195
- FOUND REBAR W/OPC LS-7540

### LINE LEGEND

- SECTION LINES
- EASEMENT LINES
- PARCEL EXTERIOR
- INTERIOR LOTS
- ADJACENT PARCELS

NORTHERN TIER  
DEVELOPMENT, LLC  
54 25 Street West  
Williston, ND 58801  
701.641.8747  
ndis7540@outlook.com

MAP DATE:	10/8/15
SCALE:	1"=50'
DRAWN BY:	JSE
SURVEY DATE:	12/13/12
SURVEY CREW:	JSE
PAGE:	1 OF 2
DRAWING NO.:	15-116

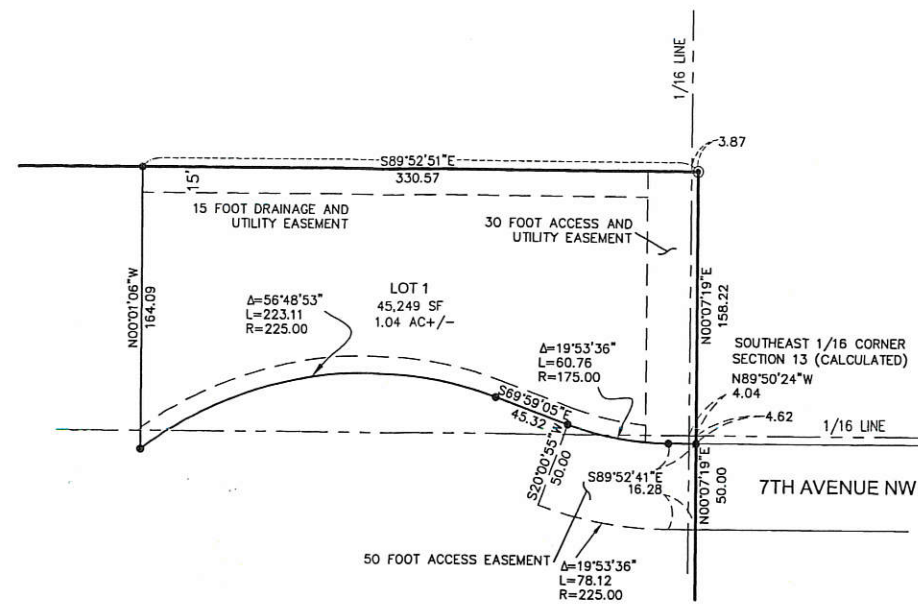
**EVstudio**

Architecture / Structure /  
Civil / Surveying /  
Planning / Landscape /  
Interiors / Lighting / MEP

Denver, CO  
Austin, TX  
Evergreen, CO  
303.670.7242, CO  
512.368.8111, TX  
design@evstudio.com  
www.evstudio.com

# TOWER VIEW PARK PLAT

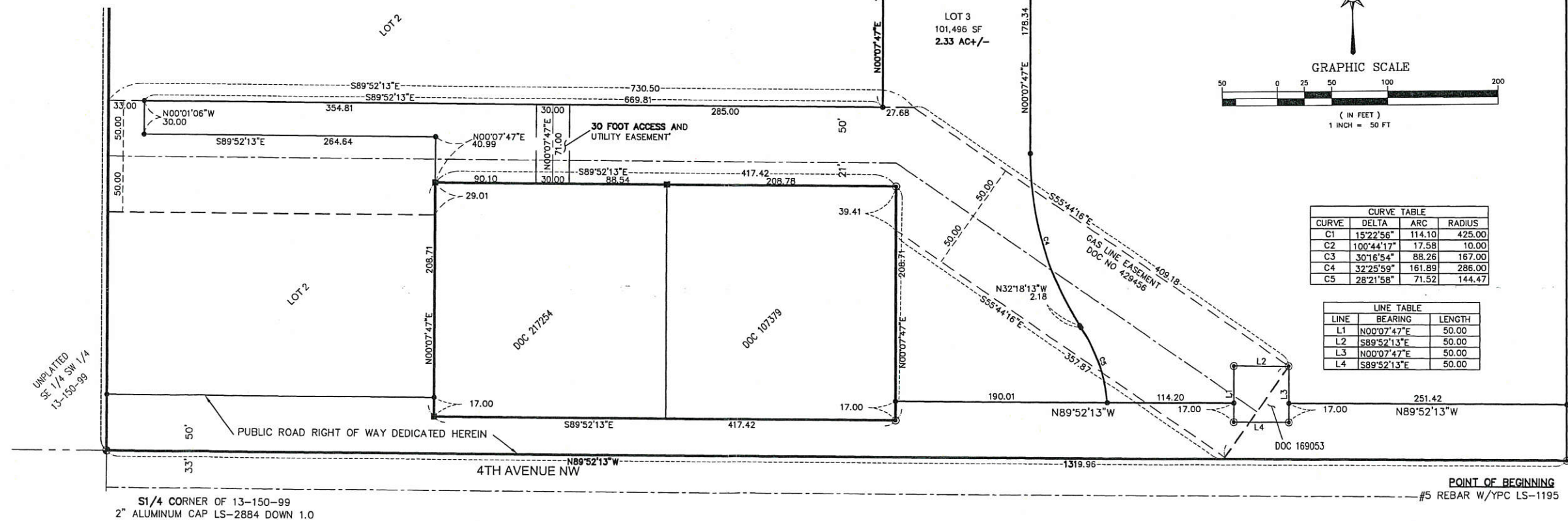
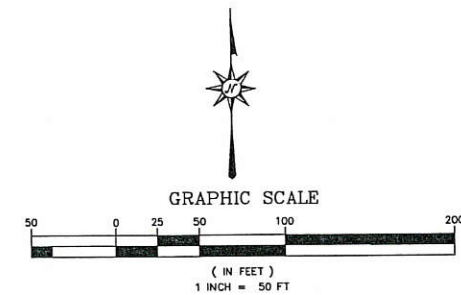
A SUBDIVISION IN THE CITY OF WATFORD CITY, MCKENZIE COUNTY, NORTH DAKOTA,  
FORMERLY KNOWN AS IRREGULAR TRACT NUMBER 2204, AND BEING A PART OF THE  
SOUTHEAST QUARTER OF OF SECTION 13, T.150N., R.99W., OF THE 5TH PRINCIPAL MERIDIAN



DETAIL 'A'

- SYMBOL LEGEND**
- ALIQUOT CORNER AS DESCRIBED
  - SET REBAR W/OPC LS-7540
  - ⊙ FOUND REBAR W/YPC LS-1195
  - FOUND REBAR W/OPC LS-7540

- LINE LEGEND**
- SECTION LINES
  - - - EASEMENT LINES
  - ▬▬▬ PARCEL EXTERIOR
  - ▬▬▬ INTERIOR LOTS
  - ▬▬▬ ADJACENT PARCELS



**CURVE TABLE**

CURVE	DELTA	ARC	RADIUS
C1	15°22'56"	114.10	425.00
C2	100°44'17"	17.58	10.00
C3	30°16'54"	88.26	167.00
C4	32°25'59"	161.89	286.00
C5	28°21'58"	71.52	144.47

**LINE TABLE**

LINE	BEARING	LENGTH
L1	N00°07'47"E	50.00
L2	S89°52'13"E	50.00
L3	N00°07'47"E	50.00
L4	S89°52'13"E	50.00

UNPLATTED  
SE 1/4 SW 1/4  
13-150-99

S1/4 CORNER OF 13-150-99  
2" ALUMINUM CAP LS-2884 DOWN 1.0

POINT OF BEGINNING  
#5 REBAR W/YPC LS-1195

NORTHERN TIER  
DEVELOPMENT, LLC  
54 25 Street West  
Williston, ND 58801  
701.641.8747  
nds7540@outlook.com

MAP DATE:	10/8/15
SCALE:	VARIABLE
DRAWN BY:	JSE
SURVEY DATE:	12/13/12
SURVEY CREW:	JSE
PAGE:	2 OF 2
DRAWING NO.:	15-116

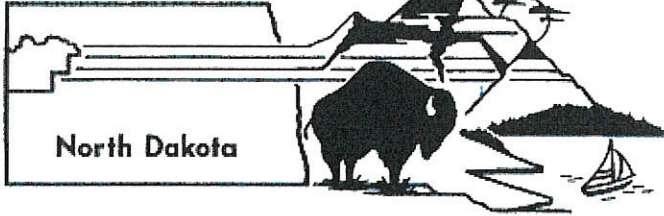
**EVstudio**  
Architecture / Structure /  
Civil / Surveying /  
Planning / Landscape /  
Interiors / Lighting / MEP  
Denver, CO  
Austin, TX  
Evergreen, CO  
303.670.7242, CO  
512.368.8111, TX  
design@evstudio.com  
www.evstudio.com

DETAIL 'B'

3.

# Zone Change

First Lutheran Church  
Bakken Environmental & Safety Training Academy of ND (BEST)



North Dakota

# LAND USE APPLICATION

City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

<b>ZONE CHANGE</b>	STAFF: <i>MW</i>	P&Z: <i>2-29-16</i>
<b>CONDITIONAL USE</b>	FEE: <i>\$300</i>	CC: <i>3-7-16</i>
<b>VARIANCE</b>	RECEIPT #: <i>Chk # 300 Recpt. 1/14/16</i>	ADVERTISE DATE: <i>2-17-16 + 2-24-16</i>
<b>STREET NAME</b>	PROPERTY OWNERS NOTIFIED:	
SECTION/TOWNSHIP/RANGE:		

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: First Lutheran Church of Watford City

APPLICANT: Richard and Carolyn Hyce and Lynda Hyce (dba Bakken Environmental and Safety Training [BEST] Academy of North Dakota)

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Lynda Hyce *\* 301 3rd Ave NW*

ADDRESS: 320 2nd Street NW

CITY: Watford City STATE: ND ZIP CODE: 58854

TELEPHONE: 907-831-1181 EMAIL: lyndahyce@yahoo.com

ASSESSOR'S PARCEL NUMBER(S): 82-01-07400

LEGAL DESCRIPTION: Lot One (1) and the North Half of Lot Two (N1/2 of 2) of Block Five (5) of the Original Townsite of Watford City, North Dakota

PROPERTY ADDRESS AND NEAREST CROSS STREETS: ~~212 2nd Street NW~~ at corner of ~~2nd Street NW~~ and ~~3rd Avenue NW~~

GROSS/NET ACREAGE: 140 ft. x 75 ft. (10,500 sq. ft.) PRESENT ZONE CLASSIFICATION: R1

DESIRED ZONE CLASSIFICATION: C-1 General Commercial CURRENT LAST USE: Vacant - previously used for school

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

Watford City Municipal Code Article XVII - C-1 General Commercial District. See attached letter for details.

The proposed use of the building located at 212 2nd Street NW meets the intent and purpose as stated in Section 1 Article XVII "businesses needing large floor areas, particularly those of a service nature ....".

Watford City Municipal Code Article XX - Parking and Loading Regulations

Article XX Section 1.E.1 requires off-street parking spaces for OFFICE USES School, Trade or Vocational of 1:250 SF GFA.

DESCRIBE THE SOURCE OF WATER/SEWER:

Do you have a will serve letter  YES  NO

## LAND USE APPLICATION pg. 2

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the *Watford City Planning Department and its designee*, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.


(Committee member)


 First Lutheran Church, Ariston E. Johnson, Council President

Property Owner Signature
Print of Type Owner Name

### NOTARY

State of North Dakota  
 County of McKenzie  
 This instrument was acknowledged before me on 2-10-16 by Mark Sparby  
Date Name of Person

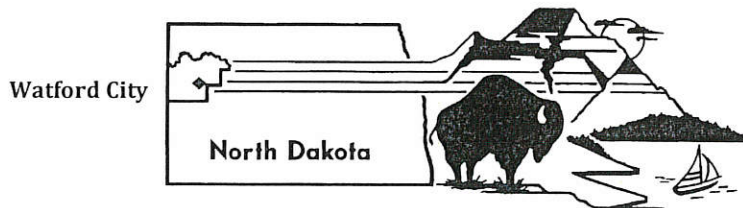
**DAWN FREI**  
 Notary Public  
 State of North Dakota  
 My Commission Expires June 18, 2021

  
 Signature of Notarial Officer

### Required Documents for Land Use Application

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	*.pdf/*.dwg	Supplemental Info.	Application Fees
Conditional Use Permit ❖	1	1	1	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>	1 <sup>12</sup>	1	1 <sup>14</sup>	\$525 + publishing costs
Zone Change	1	1	1	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>	1 <sup>12</sup>	1	1 <sup>14</sup>	\$300
Variance	1	1	1		1 <sup>8</sup>	1 <sup>11</sup>		1		\$300
Street Name Change*	1	1	1			1 <sup>11</sup>		1		Refer to Fee Schedule

- ❖ Site Development Plan Application is required on all Conditional Use Applications.
- ❖ Only completed applications shall be accepted for filing.
- ❖ Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS HIGHLY SUGGESTED, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- ❖ Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- ❖ A letter indicating Watford City City Council's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- ❖ Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30<sup>th</sup> calendar day.
- ❖ The Planning Commission and City Council has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.



**City of Watford City**  
213 2<sup>nd</sup> St., NE / PO Box 494  
Watford City, ND 58854  
Ph. 701- 444- 2533  
Fax 701- 444- 3004  
[watford.mckenziecounty.net](http://watford.mckenziecounty.net)

February 20, 2016

**STAFF REPORT**  
**ZC 03-2016 Zone Change**

Applicant

Richard, Carolyn & Linda Hyce  
320 2<sup>nd</sup> St NW  
Watford City, ND 58854

Property Owners

First Lutheran Church of Watford City  
201 3<sup>rd</sup> Ave NW  
Watford City, ND 58854

Property Address: 201 3<sup>rd</sup> Ave NW, Parcel # 82-01-07400, Lot 1 and north ½ Lot 2 of Block 5  
Original Townsite of Watford City.

Discussion: The Hyce Family has a purchase agreement with First Lutheran Church, it is contingent upon a zone change approval by WCCC. Applicant submitted for a change of zoning from R1 Low Density Residential to C1 General Commercial District. This zoning will allow for the Hyce Family to use established facility as offices for environmental and safety training for area businesses. The facility will be remodeled with no change in footprint, planned renovation of landscaping to accommodate parking requirements, heating systems, cleaning & painting, along with some flooring upgrades. To address the issue of parking the applicants have submitted a parking agreement document signed by applicant and First Lutheran Church representative Ariston Johnson.

-The site is in the City of Watford City, City Limits and therefore falls within the jurisdiction of the Watford City Planning and Zoning Commission.

Surrounding Land Use Inventory:

North: Zoning - R1, Watford City  
Use - Single Family Neighborhood  
East: Zoning - C1, Watford City  
Use - First Lutheran Church, Parking Lot  
South: Zoning - R1, Watford City  
Use - Single Family Neighborhood  
West: Zoning - R1, Watford City  
Uses - Single Family Neighborhood

Site Development

Access: The property is accessible from 2<sup>nd</sup> St and 3<sup>rd</sup> Ave NW.

Sewer: There are city sanitary sewer service to the property.

Water: There are city water service to the property.



Recommendation:

It is recommended that the Watford City Planning Commission **approve** the zone change application for property at 201 3<sup>rd</sup> Ave NW contingent upon:

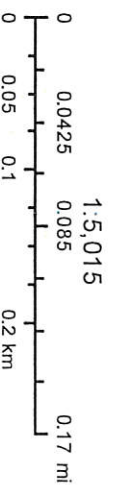
1. Prior to occupancy the owner must submit a site plan application to address drainage and parking issues related to the site. No occupancy for the commercial use of the property will be allowed until these issues have been dealt with and a site plan has been approved.

# First Lutheran Church / BEST Academy of ND



February 22, 2016

Street Centerlines  
 Extra-Territorial Area (ETA)  
 Place Names  
 Lot Lines  
 Cherry Creek  
 City Limits  
 Parcels from McKenzie County



GIS, Watford City, AE2S  
 Furgo Geospatial Inc.

Attachment 1

February 9, 2016

City of Watford City Planning Department  
213 2<sup>nd</sup> Street NE  
Watford City, ND 58854

Subject: Land Use Application – Zoning Change  
Frist Lutheran Church of Watford City / Hyce Purchase Agreement  
Lot 1, NE1/2 Lot 2 Blk 5 Original Townsite of Watford

Dear Commission Members:

Attached is a Land Use Application regarding the above-referenced property. A Purchase Agreement between the First Lutheran Church and Richard and Caroline and Lynda Hyce is contingent on a zoning change for the property to allow commercial use.

The Hyses plan to use of the facility for offices and as an environmental and safety training center for oil producers and contractors. In addition, the training center will offer open enrollment classes in First Aid/CPR/AED and emergency response as well as other topics of local business and community interest. An outline of proposed uses is attached to this letter for your information and review.

Parking. Twelve (12) parking spaces are possible on the property (see attached drawing) which will accommodate the regular staff and attendees for small (5-10 people) classes. A Parking Agreement between the First Lutheran Church and Hyce allows for approximately 20 additional parking spaces across the street from the property for scheduled classes and weekly safety meetings during early morning and normal business hours. The required ratio of one (1) parking space for each 250 square feet equals 28 for the 7,000 square-foot building, noting that approximately 75% of the space will be used for offices and training rooms, with the remainder used for supplies and library storage. Carpooling and van/bus transport will be used whenever possible for scheduled classes to minimize the traffic and parking impact of the training center in downtown Watford City.

Copies of the building floor plan are attached. The Hyses do not plan any structural changes to the interior or exterior of the building. Minor changes will be made to the landscaping on the north side of the building (and in the front if necessary) to provide for additional parking. Initial modifications include repair/replacement of heating system and some piping, cleaning/painting, flooring, exterior painting, and replacement of windows as needed.

The applicants will be available to the planning staff to answer any questions or provide additional information that may be needed and will attend the Planning & Zoning Commission meeting on February 29, 2016 to answer any questions the Commissioners may have.

We appreciate the staff's assistance in preparing these documents and look forward to our future conversations.

Sincerely,

  
Lynda Hyce (representing the applicants)

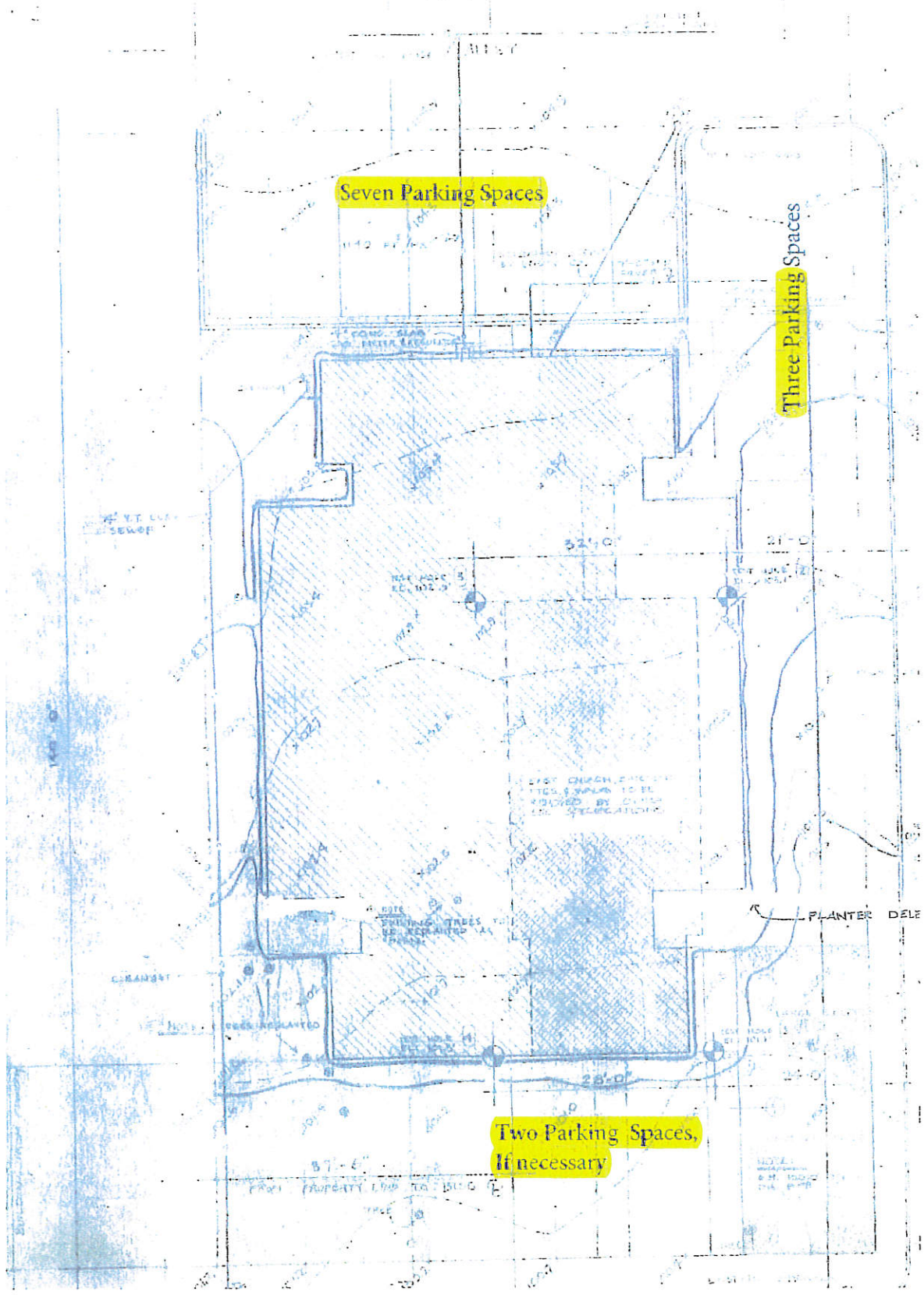
## Uses of Training Center

### PERSONNEL:

- 1 Director
- 1 Program/Office/Facility Manager
- 1 Part-Time Support Staff at facility
- 1 Part-Time Maintenance/Janitor
- Adjunct Instructors, as needed

1. Training Facility for Delta Constructors
  - a. Safety Meetings (40-50 participants) – 1-2 times per week; early morning; 2 hours each
  - b. New Hire Orientation (3-10 participants) – 1 time monthly, 4 hours
  - c. Annual Supervisor Training (20-30 participants) – 4 times yearly, 4 hours
  - d. Required Awareness Level Training (3-10 participants) – 1 time per week – 1-2 hours
    - i. H2S
    - ii. Energy Awareness
    - iii. Drug & Alcohol Awareness
    - iv. Injury Management
    - v. Anti-Harassment
  - e. Competency Level Training (5-10 participants) – 1 time monthly, 2-4 hours
    - i. Electrical Safety
    - ii. Lockout/Tagout
    - iii. Piping Safety
    - iv. Material Handling
    - v. HAZCOM/HAZMAT
2. Open Enrollment Training
  - a. First Aid/CPR/AED (10-15 participants) – 1 time monthly, 4-6 hours
  - b. OSHA 10 (5-10 participants) – 1 time monthly, two 5-hour sessions
  - c. OSHA 30 (5-10 participants) – 4 times yearly, four 8-hour sessions
  - d. HAZWOPER 8, 24, 40 Hour (5-10 participants) – 4 times yearly, five 8-hour sessions each
3. Professional Development Guidance/Tutoring
  - a. Project Management
  - b. Safety Professional Certification
  - c. Fire Protection Certification
  - d. Testing Center (Proctoring)
  - e. DOT Operator Qualification (classroom and testing)
4. Hyce HSE Consulting Service
  - a. Policy, procedure analysis, writing, editing
  - b. Training program & material development; recordkeeping
  - c. Aleutian shipping oil spill prevention & response plan (Alaska Response Company)
  - d. Business planning and administrative support
5. Community Service
  - a. Workforce Development / Apprenticeships
  - b. Lecture Series
  - c. Business Webinars
  - d. Recycling Drop Off Station
6. Office and conference room rental

Attachment 3



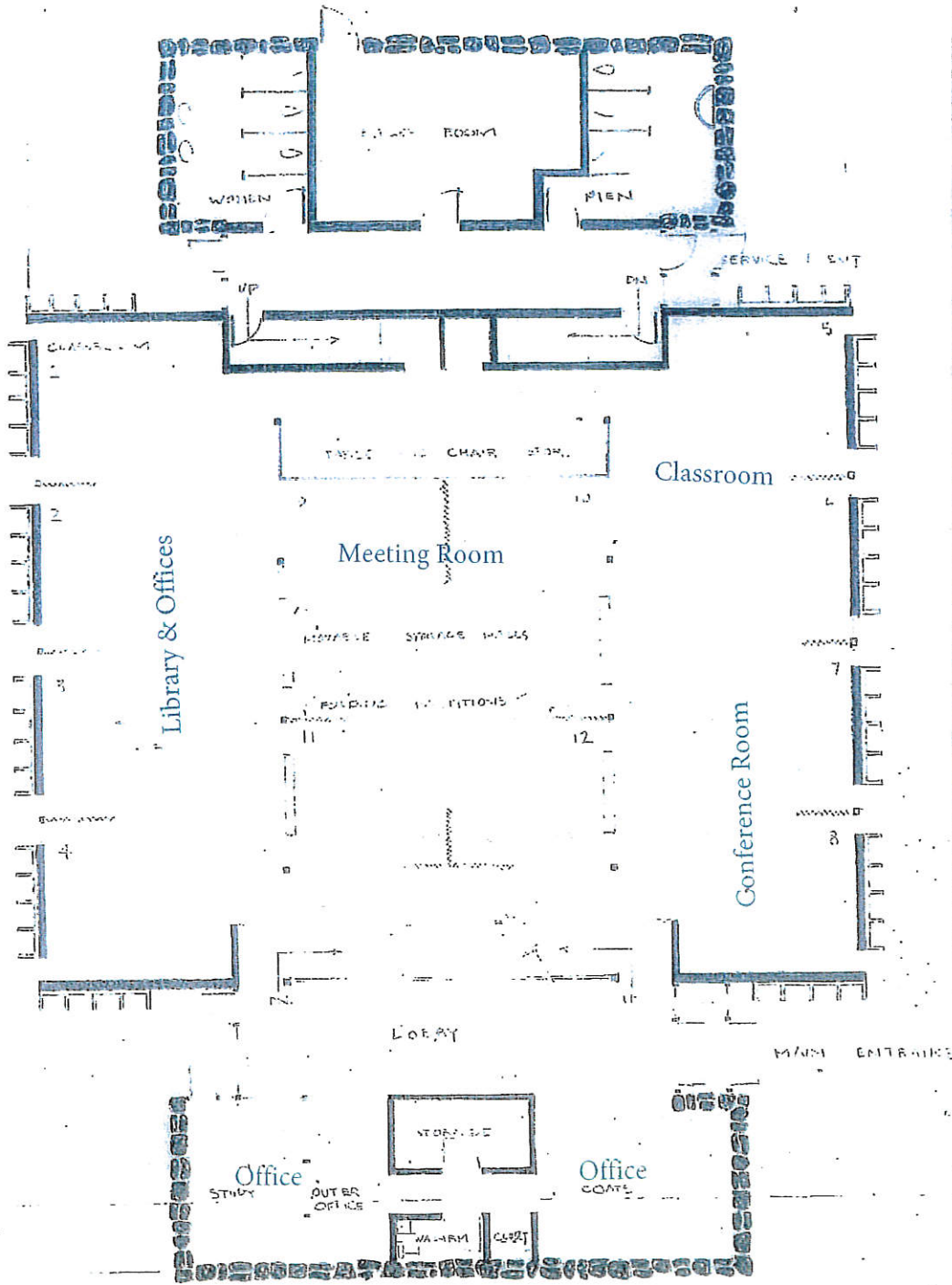
Seven Parking Spaces

Three Parking Spaces

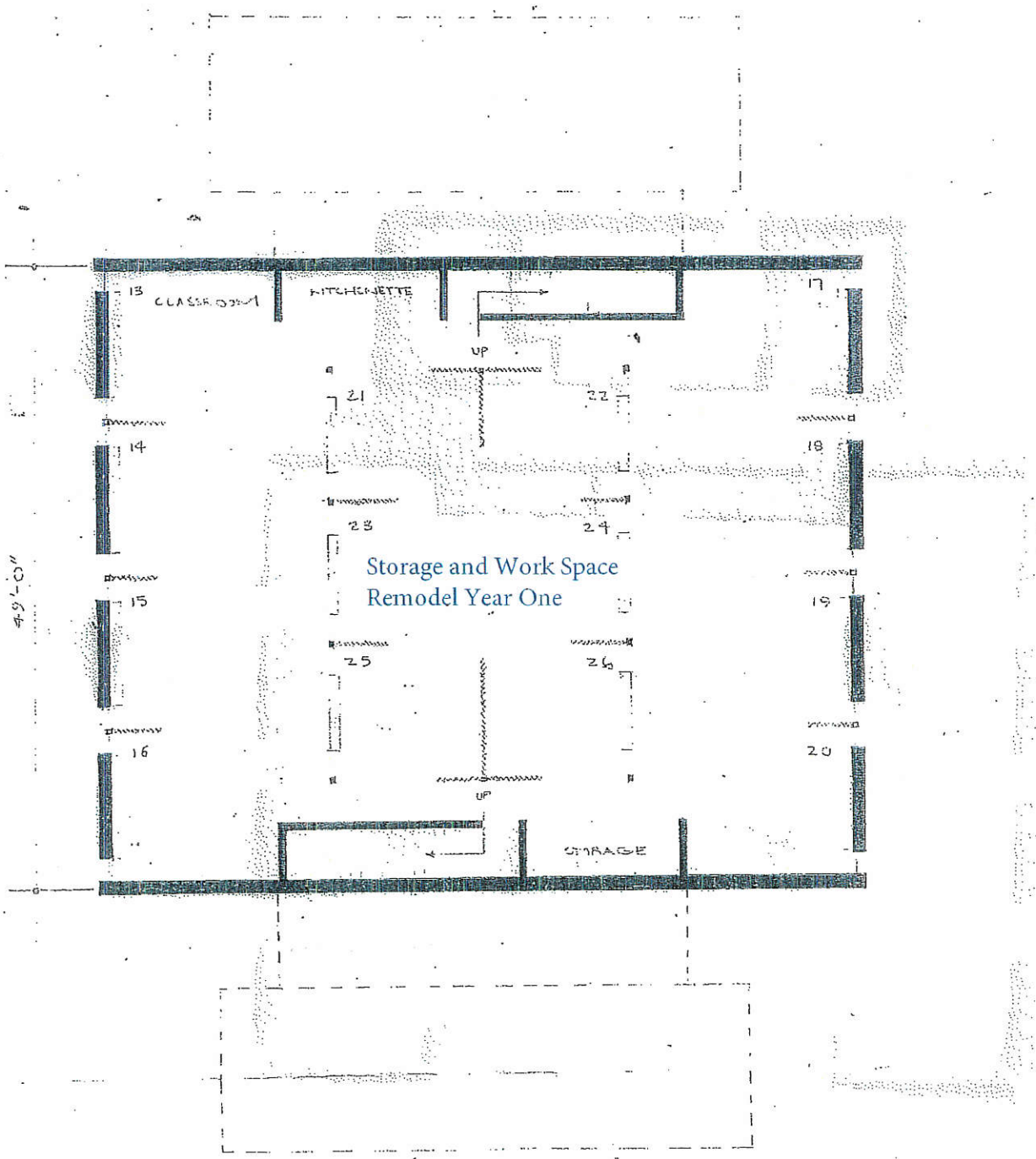
Two Parking Spaces,  
If necessary

Attachment 4

60'-0"



FIRST LEVEL FLOOR PLAN  
1/4" = 1'-0"



Storage and Work Space  
Remodel Year One

LOWER LEVEL FLOOR PLAN  
SCALE: 1/4" = 1'-0"



## Parking Agreement

WHEREAS Richard A. Hyce, Carolyn Hyce, and Lynda J. Hyce [hereinafter collectively referred as "Hyce"] have entered into a purchase agreement for land and a building located at 201 3rd Ave. NW, Watford City, North Dakota [hereinafter the "Hyce Property"], and

WHEREAS First Lutheran Church owns property, including a parking lot, across the street from the Hyce Property at 212 2nd St. NW, Watford City, North Dakota, and

WHEREAS First Lutheran Church, by unanimous vote of its Council at its regularly scheduled meeting on February 3, 2016, authorized and directed its President, Ariston E. Johnson, to enter into this agreement, and

WHEREAS the parties hereto desire to share the use and costs of maintaining the First Lutheran Church parking lot, it is hereby AGREED as follows:

1. Hyce and their employees and guests may park in the First Lutheran Church parking lot, using up to 20 spaces therein at any time, subject to the conditions stated herein.
2. Hyce and their employees shall vacate the First Lutheran Church parking lot at the following times:
  - a. Every Sunday from 8:00 a.m. until 12:00 noon local time;
  - b. Every Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, from 5:30 p.m. until 12:00 midnight local time; and
  - c. At any other reasonable time upon 48 hours' notice by First Lutheran Church's Council President or Vice President or by a Pastor employed at First Lutheran Church.
3. Hyce and First Lutheran Church shall share the reasonable maintenance costs of the First Lutheran Church parking lot, as they mutually agree from time to time, throughout the duration of this agreement.
4. Hyce may not transfer or assign this agreement, in part or in full, without prior, written consent of First Lutheran Church, which it may grant or deny in its sole discretion.
5. This agreement may be terminated by either party upon written notice given no less than three (3) calendar months prior to the effective date of the termination.
6. If Hyce in the future enters into an agreement to sell the Hyce Property, does sell the same, or transfers an interest in the same whether voluntarily or involuntarily, Hyce shall give notice of the same to First Lutheran Church as soon as practicable thereafter.
7. This agreement shall be effective beginning on the date when Hyce closes on the purchase of the Hyce Property.

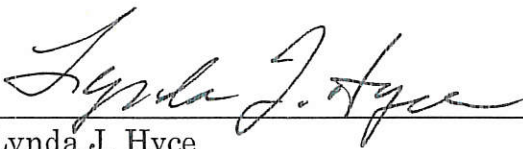


8. This is the entire agreement between the parties hereto relating to the subject matter hereof.
9. This agreement may not be amended except in writing signed by both parties or their authorized representatives.
10. Notice to a party shall be given at the address printed below or such different address as the party gives notice for future notices to be given.
11. This agreement shall not be appurtenant to the land or otherwise run with the land.
12. This agreement shall be interpreted according to North Dakota law and any disputes hereunder shall be brought in the District Court in McKenzie County, North Dakota.
13. The parties agree that the mutual promises stated herein are valuable and adequate consideration for each party's performance hereof.

Dated this 5<sup>th</sup> day of February, 2016.

\_\_\_\_\_  
Richard A. Hyce

\_\_\_\_\_  
Carolyn Hyce

  
\_\_\_\_\_  
Lynda J. Hyce

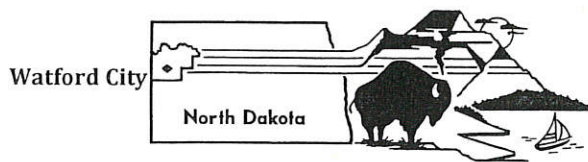
By First Lutheran Church:

  
\_\_\_\_\_  
Ariston E. Johnson  
Council President

Address for notice:

First Lutheran Church  
P.O. Box 441  
Watford City, ND 58854

Lynda J. Hyce  
320 2nd St. NW  
Watford City, ND 58854



## City of Watford City

213 2<sup>nd</sup> St. NE

PO Box 494

Watford City, ND 58854

Ph. 701-444-2533

Fax 701-444-3004

[watford.mckenziecounty.net](http://watford.mckenziecounty.net)

### February 29, 2016 Planning & Zoning Commission Meeting

#### **ZONE CHANGE:**

First Lutheran Church

201 3<sup>rd</sup> Ave NW

The City received an objection to the Land Use Application for Zone Change for the First Lutheran Church property located 201 3<sup>rd</sup> Ave NW.

Gary Transtrom, a neighboring property owner, expressed his objection in person at City Hall on Tuesday February 23, 2016.

#### In summary:

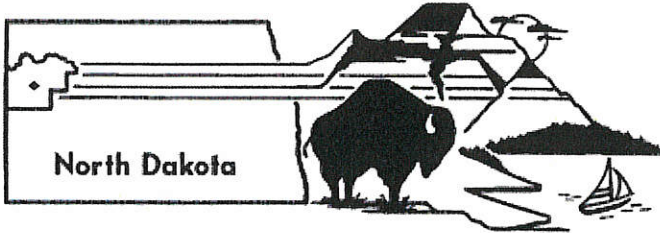
Gary's biggest concern is the potential for increased parking and traffic problems. Gary says he has lived in his home for a long time and has had to deal with a lot of parking issues when the church used to use the building for school classes. He says there were times people parked on his property and other times where he was completely blocked in, preventing him from leaving his driveway. Gary also mentioned that there were times if he knew he had somewhere to be on a certain day he would have to get out early to make sure he could move his car out of the garage and into the street before other cars showed up. Gary noted that since the church has stopped using this building, it has been very nice with the limited traffic down the road. Gary feels that there are many other locations around town that would be better suited for this business where they would not be creating more parking problems for residents and not have the traffic of random oilfield/construction employees in & out of their neighborhood every week.

Gary also mentioned that the company looking into buying the property may plan to use it as a "training facility" but if for some reason things do not work out, the company could just turn around and re-sell the property. Gary is concerned because re-zoning the property to commercial would remain a permanent change. If this business leaves or sells the property, being zoned commercial opens opportunities for any other type of commercial business to move in afterwards. He does not like the idea of living next to a commercial business.

4.

# Preliminary Plat

Adam Berger Development for  
Diane Gariety, Coulee Man, LLC. and Roseholm, LLC.



**Division of Land APPLICATION**  
 City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

**Subdivision Preliminary Plat**

Subdivision Final Plat	MW	P&Z: 2.29.16
Amend Final Plat	SEE: \$1395-	CC: 3.7.16
Simple Lot Split	RECEIPT #: pd. chk #108 2/16	ADVERTISE DATE: 2.17 + 2.24.16
Other:		PROPERTY OWNERS NOTIFIED: Y
		SECTION / TOWNSHIP / RANGE:

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Diane Gariety, Coulee Man LLC & Roseholm, LLC

APPLICANT: Adam Berger Development LLC

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Adam Berger

ADDRESS: 171 S Ivy Street

CITY: Denver STATE: CO ZIP CODE: 80224

TELEPHONE: 720-568-0033 EMAIL: adam@adamberger.com

ASSESSOR'S PARCEL NUMBER(S):

LEGAL DESCRIPTION: See Legal Description in Plat attached

PROPERTY ADDRESS AND NEAREST CROSS STREETS: 8th Street NW & 7th Avenue NW

GROSS/NET ACREAGE: 5.50 Gross Acres PRESENT ZONE CLASSIFICATION: R3

SOURCE OF Water / Sewer: City of Watford City

WAIVERS OR VARIANCES REQUIRED TO SUPPORT THIS APPLICATION? N/A

If YES, attach a justification letter describing such waivers or variances. Waivers and Variances should be discussed with Planning Department Staff prior to filing any application

**PROPERTY OWNER**

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

*[Handwritten Signature]*  
Property Owner Signature

Diane R. Gariety  
Print Owner Name

*[Handwritten Signature]*  
Property Owner Signature

Diane R. Coulee Man, LLC  
Print Owner Name

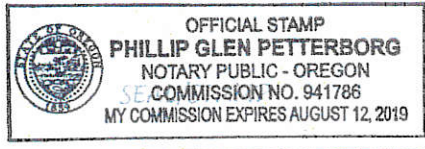
**NOTARY**

State of Oregon

County of Multnomah

This instrument was acknowledged before me on 2-9-2016 by Diane Gariety  
Date Name of Person(s)

*[Handwritten Signature]*  
Signature of Notary



**SURVEYOR / ENGINEER**

Name: \_\_\_\_\_ License: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY OWNER**

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

*Pamela R. Scott*

Property Owner Signature

Pamela R. Scott

Print Owner Name

*Roseholm, LLC*

Property Owner Signature

Roseholm, LLC

Print Owner Name

**NOTARY**

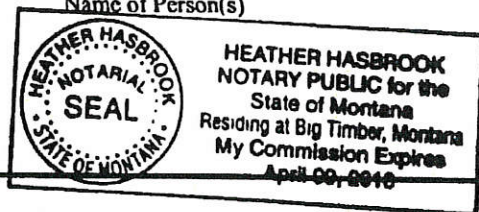
State of Montana

County of Stillwater

This instrument was acknowledged before me on 2/10/2016 by Pamela R. Scott  
Date Name of Person(s)

*Heather Hasbrook*

Signature of Notary



**SURVEYOR / ENGINEER**

Name: \_\_\_\_\_ License: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

# Diane Gariety, Coulee M... LLC, & Roseholm LLC

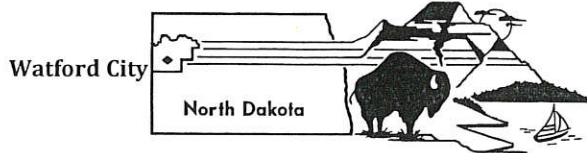


February 22, 2016

- Street Centerlines
- Lot Lines
- Wattford City Limits
- Cherry Creek
- Extra-Territorial Area (ETA)
- Parcels from McKenzie County



GIS: Watford City, AE2S  
Furgo Geospatial Inc.



## City of Watford City

213 2<sup>nd</sup> St. NE / PO Box 494

Watford City, ND 58854

Ph. 701-444-2533

Fax 701-444-3004

[watford.mckenziecounty.net](http://watford.mckenziecounty.net)

February 19, 2016

### STAFF REPORT

#### Re-plat of Lot 2 LDS Church @ Watford

##### Applicant

Adam Berger Development

171 S. Ivy St

Denver, CO 80224

##### Property Owners

Diane Gariety, Coulee Man LLC & Roseholm LLC

3724 24<sup>th</sup> Ave

Portland, OR 97212

Property Address: at this time no address. Lot 2 of LDC Church @ WC Subdivision, Section 13, T150N, R99W 5.50 acres.

Discussion: Adam Berger on behalf of Gariety & Holm family submitted proposed re-plat of Lot 2 of LDS subdivision, proposed plat will divide Lot 2 into 18 smaller parcels for individual sale and development of single family housing.

The original zoning shows R3, Medium Density Residential District, which allows for single family, townhouse, two-family and multi-family up to 6 dwelling units per structure.

The site is in the City of Watford City, ETA and therefore falls within the jurisdiction of the Watford City Planning and Zoning Commission.

##### Surrounding Land Use Inventory:

West:	Zoning -	Ag, McKenzie County
	Use -	Agricultural
South:	Zoning -	R1, R2, R3, Watford City
	Use -	Mixed Use Residential
North:	Zoning -	R1, R2, R3, R4, Watford City
	Uses -	Mixed Use Residential
East:	Zoning -	R1, R2, R3, CF, Watford City
	Uses -	Mixed Use Residential

##### Site Development

Access:

Sewer & Water: City water, sanitary sewer, and storm sewer service the development area.

##### Recommendation:

1. It is recommended that the Watford City Planning Staff to **approve** Replat of Lot 2 LDS Church Subdivision **Preliminary Plat**. Site Development Plan Application(s) and generalized building plans must be submitted, reviewed and approved before any development can commence on this property
2. Final Plat will not be recorded until an approved Development Agreement and Subdivision Improvement Agreement along with the appropriate bonding requirement are in place and approved.



Contact:

Mildred Williams, Asst. City Planner [miwilliams@nd.gov](mailto:miwilliams@nd.gov)

# PRELIMINARY PLAT

## REARRANGEMENT OF LOT 2, LDS CHURCH AT WATFORD CITY SUBDIVISION

A SUBDIVISION IN THE CITY OF WATFORD CITY, NORTH DAKOTA AND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 13, T.150N., R.99W., OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA



### BEARING BASIS

Orientation of the bearing system is based on McKenzie County Ground Coordinates. They are derived from the North Dakota Coordinate System of 1983, NAD83 (CDRS).

### LEGEND

- DENOTES A 1/2" IRON PIPE MONUMENT
- ⊙ DENOTES MCKENZIE COUNTY SECTION CORNER
- SECTION LINE
- PROPERTY LINE
- - - RIGHT-OF-WAY LINE
- - - UTILITY EASEMENT LINE
- - - MAJOR CONTOUR
- - - MINOR CONTOUR
- - - ADJACENT PROPERTY LINE, FUTURE PROPOSED R.O.W.

### EXISTING PROPERTY DESCRIPTION

The Northeast Quarter of the Southwest Quarter of Section 13, Township 150 North, Range 99 West, McKenzie County, North Dakota, excepting out the following described property:

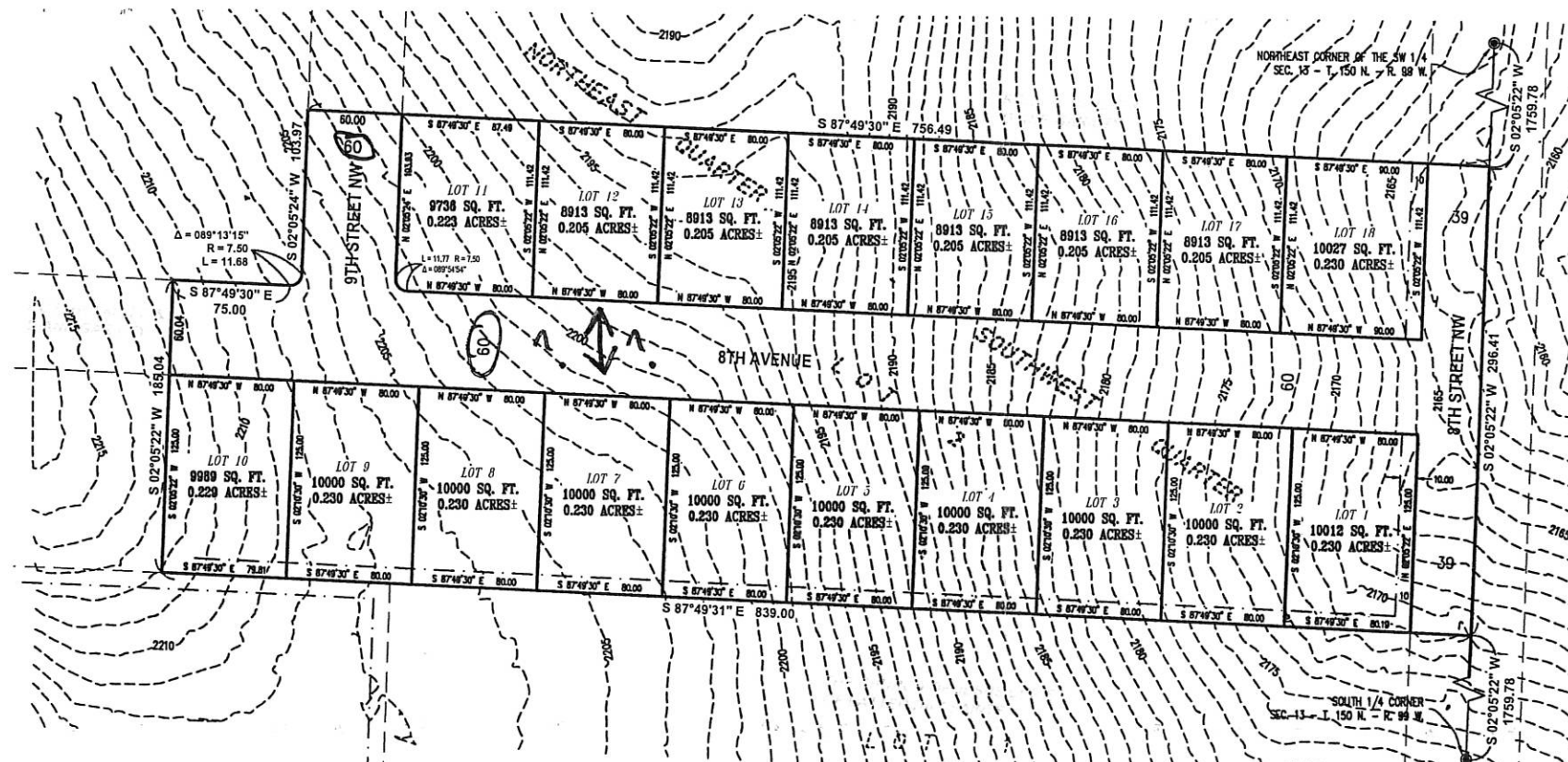
Subject to Easements of record.

### ACREAGE

Total Area of Subject Property to be platted equals 5.50 Acres, including future dedicated Road Right-of-way.

### SURVEYOR'S NOTES

Orientation of the bearing system is based on McKenzie County Ground Coordinates. They are derived from the North Dakota Coordinate System of 1983, NAD83 (CDRS).

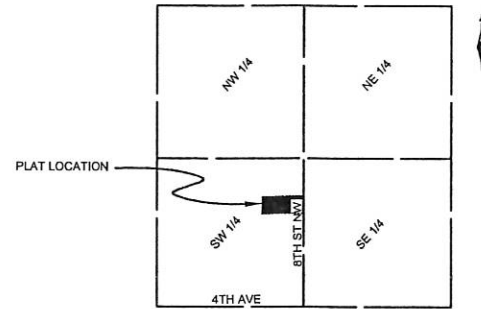


DRAWN BY: GBL							HOMESTEAD PRELIMINARY PLAT	FILE NO. 10001	1 1
DESIGNER: GBL							THE SE 1/4 OF SECTION 36, TOWNSHIP 150 NORTH, RANGE 99 WEST		
CHECKED BY: JTB						WATFORD CITY, NORTH DAKOTA			
SURVEY TEAM	NO.	BY	DATE	REVISIONS	I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  Date: 02/10/18 Ltc. No. 15-9752				

PRELIMINARY PLAT

REARRANGEMENT OF LOT 2, LDS CHURCH AT WATFORD CITY SUBDIVISION

A SUBDIVISION IN THE CITY OF WATFORD CITY, NORTH DAKOTA AND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 13, T.150N., R.99W., OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA



SECTION 13, T. 150 N, R. 99 W. VICINITY MAP (NOT TO SCALE)

BOUNDARY DESCRIPTION

A rearrangement of Lot 2, LDS CHURCH AT WATFORD CITY SUBDIVISION, part of the Northeast Quarter of the Southwest 1/4 of Section 13, Township 150 North, Range 99 West, McKenzie County, North Dakota.

Subject to Easements of record.

NEW DESCRIPTION

REARRANGEMENT OF LOT 2, LDS CHURCH AT WATFORD CITY SUBDIVISION, MCKENZIE COUNTY, NORTH DAKOTA.

OWNERS CERTIFICATE

WE, THE UNDERSIGNED, BEING SOLE OWNER AND MORTGAGE HOLDER OF THE LAND PLATTED HEREIN, DO HEREBY CONSENT TO THE EXECUTION OF THIS PLAT AND AGREE NOT TO VACATE ANY PORTION OF THIS PLAT WITHOUT THE CONSENT OF THE CITY OF WATFORD CITY. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

TERRY GARIETY \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF NORTH DAKOTA } SS: COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON(S) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA RESIDING AT \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

PLANNING AND ZONING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WATFORD CITY IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015 IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF WATFORD CITY, NORTH DAKOTA, AND REGULATIONS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF WATFORD CITY, NORTH DAKOTA.

GLEN BEARD, CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF NORTH DAKOTA } SS: COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON(S) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA RESIDING AT \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

WATFORD CITY APPROVAL

THE CITY OF WATFORD CITY, NORTH DAKOTA, HAS APPROVED THE ATTACHED PLAT AS SHOWN HEREON, AND LYING WITHIN THE JURISDICTION OF THE CITY OF WATFORD CITY, HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS OF THE ATTACHED PLAT, SHOWN HERE AS AN AMENDMENT TO THE COMPREHENSIVE STREET AND HIGHWAY PLAN AND OTHER APPROPRIATE PORTION OF THE COMPREHENSIVE PLAN OF THE CITY OF WATFORD CITY, NORTH DAKOTA. ALL STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS OF THE ATTACHED PLAT ARE DEDICATED, BUT NOT ACCEPTED AT THIS TIME WITH THE OFFER TO REMAIN OPEN.

BRENT SANFORD, MAYOR \_\_\_\_\_ DATE \_\_\_\_\_ PENI PETERSON, CITY AUDITOR \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF NORTH DAKOTA } SS: COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED BRENT SANFORD, MAYOR, AND PENI PETERSON, CITY AUDITOR, KNOWN TO ME TO BE THE PERSON(S) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA RESIDING AT \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

UTILITY COMPANY APPROVAL OF EASEMENTS

-RESERVATION TELEPHONE COOPERATIVE

WE THE UNDERSIGNED UTILITY DOES HEREBY APPROVE OF THE UTILITY EASEMENTS AS SHOWN ON THE PLAT AS PRESENTED. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2015

RESERVATION TELEPHONE COOPERATIVE, AUTHORIZED AGENT

PRINTED NAME \_\_\_\_\_

STATE OF NORTH DAKOTA } SS: COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON(S) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA RESIDING AT \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

-MONTANA-DAKOTA UTILITIES COMPANY

WE THE UNDERSIGNED UTILITY DOES HEREBY APPROVE OF THE UTILITY EASEMENTS AS SHOWN ON THE PLAT AS PRESENTED. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2015

MONTANA-DAKOTA UTILITIES COMPANY, AUTHORIZED AGENT

PRINTED NAME \_\_\_\_\_

STATE OF NORTH DAKOTA } SS: COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON(S) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA RESIDING AT \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

-MCKENZIE ELECTRIC COOPERATIVE, INC.

WE THE UNDERSIGNED UTILITY DOES HEREBY APPROVE OF THE UTILITY EASEMENTS AS SHOWN ON THE PLAT AS PRESENTED. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2015

MCKENZIE ELECTRIC COOPERATIVE, INC. AUTHORIZED AGENT

PRINTED NAME \_\_\_\_\_

STATE OF NORTH DAKOTA } SS: COUNTY OF MCKENZIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON(S) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA RESIDING AT \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

AUDITOR'S CERTIFICATE OF TAXES

TAXES, DELINQUENT TAXES, DELINQUENT SPECIAL ASSESSMENT OR INSTALLMENTS OF SPECIAL ASSESSMENTS OR TAX ESTIMATES FOR THE PROPERTY DESCRIBED ON THE ATTACHED INSTRUMENT ARE UNPAID IN THE AMOUNT OF \$ \_\_\_\_\_ PLUS PENALTY AND INTEREST. CERTIFIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

LINDA SVIHOVEC, MCKENZIE COUNTY AUDITOR

CERTIFICATE OF MCKENZIE COUNTY RECORDER

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS FILED IN THE OFFICE OF THE MCKENZIE COUNTY RECORDER IN THE STATE OF NORTH DAKOTA AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015 AND WAS RECORDED AS DOCUMENT NUMBER: \_\_\_\_\_.

ANN JOHNSRUD, MCKENZIE COUNTY RECORDER

SURVEYOR'S CERTIFICATE

I, JESSE T. BENGTON, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY PLAT SHOWN HEREON WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS THE CORRECT REPRESENTATION OF THE SURVEY SHOWN HEREON, AND THAT THE MONUMENTS ARE PLACED AS SHOWN, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

JESSE T. BENGTON ND REG. NO. LS-9752

STATE OF NORTH DAKOTA } SS: COUNTY OF WILLIAMS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON(S) WHO EXECUTED THE CERTIFICATE, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA RESIDING AT \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

OWNER/DEVELOPER: ROSIE GLOW, LLC (TERENCE GARIETY) PHONE: 503.890.5257 3743 NE 24TH AVE PORTLAND, OR 97212

True North Surveyors, P.A. PHONE: 320.212.1089 21 1ST AVE SW NEW LONDON, MN 56273

# Minutes

# PLANNING & ZONING COMMISSION MEETING MINUTES

## January 25, 2016

The regular monthly meeting of the Watford City Planning & Zoning Commission was held on Monday January 25, 2016 at 6:00 p.m. at City Hall in the Heritage Room. In attendance: Chairman Glen Beard, Commission Members: William Carlson, Rick Holm, Shane Homiston, Cory Johnson, Jesse Lawrence, and Jason Taylor. Also present: Assistant City Planner Mildred (Mili) Williams, Assistant City Planner Chris York, Planning Assistant Becky Smith, and City Attorney Wyatt Voll. Absent: City Planner Curtis Moen and Building Inspector Steven Williams.

With the above mentioned present, the Public Hearing was called to order at 6:00 P.M. by Chairman Glen Beard.

Under consideration were the following:

1. Public Hearing to hear comment on Zone Change Application submitted by Kirk Wold for property at 404 Main St North, Lot 7 Block 2 of Aarhus Addition. Application requests a zoning change from R1 Single Family Residential to CB Central Business to facilitate retail business on Main Street.

*Assistant City Planner Chris York explained that this application is for a zone change on Main Street located near CarQuest. The building on this property will be used as-is with no demolition or structural changes. The proposed use of the building is for a small thrift shop. This business requires a minimum of 4 parking spaces. City Staff has met with an adjacent church to address concerns of their parking lot being used for over-flow parking. The church had problems in the past with CarQuest customers using their lot.*

**MOTION by W. Carlson, SECOND by C. Johnson to recommend APPROVAL to City Council of the Zone Change Application. Approval is contingent upon the following recommendations set forth in the Planning Department Staff Report:**

1. If no action is taken within one (1) year, the zoning for this property reverts back to R-1 Single Family Dwelling.
2. A complete site plan shall be submitted before beginning building improvements.
3. Building must comply with the building (IBC) as specified by the Watford City Building Inspector.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, S. Homiston, C. Johnson, J. Lawrence, J. Taylor, G. Beard Nays; None.**

**MOTION Carried.**

2. Public Hearing to hear comment on Zone Change Application submitted by Kirk Wold for property at 404 11<sup>th</sup> Ave SE, IT # 1912 portion of IT # 876. Application requests a zoning change from AG Agriculture to C1 Commercial Business to bring property into compliance with city zoning ordinances and current use.

*Assistant City Planner Chris York explained this is another Zone Change Application to change property located near Teddy's/ Little Missouri Inn in South Park area from AG-Agriculture to C1-Commercial. This property actually consists of two lots: Lot 1 currently has a house and garage. The garage will be used for a windshield replacement/repair business and the house will be used for employees. Upon this zone change taking effect, a Conditional Use Permit for employee housing will be required. Lot 2 has no plans for a business yet. The rezoning follows the City's future plan to have Commercially Zoned properties within this area. Commission members question parking for the business. Chris explained that from his understanding, most of the work takes place off-site with a limited number of parking needed.*

**MOTION by J. Lawrence, SECOND by J. Taylor to recommend APPROVAL to City Council of the Zone Change Application. Approval is contingent on the following recommendations set forth in the Planning Department Staff Report:**

1. If no action is taken within one (1) year, the zoning for this property reverts to back to AG Agricultural Zoning.
2. A complete site plan shall be submitted for all building improvements.
3. Building(s) must comply with the building code (IBC) as specified by the Watford City Building Inspector.
4. If the Zone Change is approved and the lot becomes commercial, the owner needs a commercial grade septic system or connect to City Sanitary Sewer.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, S. Homiston, C. Johnson, J. Lawrence, J. Taylor, G. Beard Nays; None.**

**MOTION Carried.**

3. Public Hearing to hear comment on Conditional Use Permit Application submitted by Dakota Access, LLC for Curtis Sorenson for property located: Section 28 679.770 acres; SE ¼SE¼ Section 29, T150 R98W and for Bypass Properties, LLC located: NW ¼ SW¼ Section 31, T 150N, R98W Lot 3, McKenzie County, ND. Application is for CUP to allow for crude oil transmission pipeline to transport liquid hydrocarbon products for public commerce in/through Agriculture Zoned property.

Assistant City Planner Chris York explained that this is an application for a Conditional Use Permit for the installation of a 30 inch crude oil transmission pipeline that will access properties located in the City's ETA. The properties involved are currently zoned IP-Industrial Park and AG-Agriculture. The City feels the current zoning of the properties is appropriate for this use and does not foresee the pipeline being a nuisance with traffic, noise, etc. to the areas since the pipeline will be completely underground. This is a private commercial enterprise accessing private properties. It is the responsibility of the Dakota Access to obtain Property Easements from the property owners involved. The City received the CUP application signed by Dakota Access attorney on behalf of the property owners however, the City will need Easements and/or Applications signed by the property owners before this CUP can be presented to City Council next Monday. Representatives from Dakota Access addressed comments from the Commission: They have obtained agreements from the property owners involved. This pipeline originates in the Bakken area near Stanley North Dakota and will travel throughout the states to final destination in Illinois. The entire transmission route has been approved within the State of North Dakota and permits have just recently been issued. There are a few locations with above ground facilities (not in Watford City) for terminals, valves, and storage tanks but the majority is underground. Both above and below ground equipment follows strict safety plans and uses state-of-the-art systems to monitor for abnormalities, pressures and for leak detections.

**MOTION by S. Homiston, SECOND by R. Holm to recommend APPROVAL to City Council for the Conditional Use Permit. Approval is contingent upon the following recommendations set forth in the Planning Department Staff Report:**

1. The Conditional Use Permit is appropriate for Transmission Facilities.
2. The pipeline is a private commercial enterprise for transporting crude oil so a Conditional Use Permit is appropriate for this project.
3. The Conditional Use Permit shall be reevaluated after one (1) year.

Approval is also contingent upon the City receiving Easement Agreements and/or Applications signed by the property owners prior to presenting to City Council at the meeting scheduled on Monday February 1<sup>st</sup>.

Roll Call Vote: Ayes; W. Carlson, R. Holm, S. Homiston, C. Johnson, J. Lawrence, J. Taylor, G. Beard  
Nays; None.

MOTION Carried.

**CLOSE PUBLIC HEARING: 6:22 PM**  
**CALL TO ORDER REGULAR MEETING: 6:22 PM**

**MINUTES: December 29, 2015**

*No Comments from Commission.*

**MOTION by C. Johnson, SECOND by R. Holm to APPROVE the Minutes as presented.**

Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard

Nays; None.

MOTION Carried.

**REVIEW PERMITS:**

*Permits were reviewed as presented. No discussion from Commission.*

**New/Old Business:**

1. Chairman Glen Beard questioned the "Pizza Pie On The Fly" business moving its location again. What will happen to the previous building? The City does not know exact plans yet but City Attorney Wyatt Voll mentioned that they have been working with the owners on a lease agreement for City parking on that property.

2. Chairman Glen Beard also questioned the property where the Baptist Church was moved from. Is the property for sale? They had a private septic system -a buyer wouldn't be able to use current system especially if less than 1 acre. Assistant City Planner Chris York said he had done some research about this type of situation and is ultimately the decision of the North Dakota State Department of Health for approval of use or not. Chris also mentioned they do not really have a set "rule" for determining septic system approval based on property size such as 1 acre+. The septic system will be need to be reviewed if/when a development is presented to City.

**Adjournment at 6:29 PM**

**MOTION by R. Holm, SECOND by J. Lawrence.**

The next regularly scheduled Planning & Zoning Commission Meeting will be held on  
**MONDAY FEBRUARY 29, 2016** at 6:00 p.m.

---

Glen Beard  
Planning Commission Chairman

---

Becky Smith  
Planning & Zoning Assistant

# Permits

2016 PERMITS

February  
2/23/16

3583	Building	February	2/2/2016	Branwy Profit	Walford Glass & Door	108 3rd St NW A&B				New windows and siding	\$	14,216.18	\$	236.02	Card
3584	Excavation	February	2/3/2016	City of Walford City	DW Excavating Inc	3rd Ave NW / 4th St NW				Replace Fire Hydrant	\$	5,000.00	\$	25.00	Check #3584
3585	Sign	February	2/16/2016	Stenelheim Development	Consolidated Construction Co	313 Foxhills Parkway N Lot 2 Block 2		Fox Hills Village		Mixed Use - new FR&T	\$	-	\$	20.00	Card
3586	Sign	February	2/16/2016	Walford Center LLC	Midstate Signs LLC	1005 Main St S				Install exterior signage for "Jimmy's Pizza"	\$	-	\$	100.00	Card
3586	Sign	February	2/16/2016	Roosevelt Inn	Indigo Signworks	600 2nd Ave SW				Install exterior signage	\$	-	\$	100.00	Card
3587	Sign	February	2/25/2016	Stenelheim Development	EPCON Sign Group	313 Foxhills Parkway N		Fox Hills Village		Install signage for new F&B T. Brewer, & Coffee Shop	\$	-	\$	100.00	Check #9257



# 2015 - 2016 PERMIT COMPARISONS

February  
2/25/16

2015	
Month	# of Permits Issued
January	14
February	10
March	20
April	40
May	31
June	76
July	52
August	35
September	25
October	25
November	14
December	19
<b>YEAR TOTAL</b>	<b>361</b>
Feb 2015 YTD	24

2015	
Month	Value
January	\$585,000.00
February	\$14,071,200.00
March	\$6,886,622.00
April	\$4,734,086.61
May	\$1,164,739.41
June	\$55,468,577.00
July	\$15,749,439.94
August	\$1,303,339.48
September	\$35,375,541.45
October	\$3,653,756.00
November	\$732,874.88
December	\$401,310.98
<b>YEAR TOTAL</b>	<b>\$ 140,126,487.75</b>
Feb 2015 YTD	\$14,656,200.00

2015 Residential Permits			
Type	# of Units	# of Buildings	Value
Single Family Home	44	44	\$ 7,845,551.00
Duplex	20	10	\$ 2,260,000.00
Apartment 3-4 Units	40	10	\$ 4,000,000.00
Apartment 5+ Units	173	7	\$ 10,250,577.50
<b>YEAR TOTAL</b>	<b>277</b>	<b>71</b>	<b>\$ 24,356,128.50</b>
	Units	Buildings	Value
<b>February Total</b>	<b>1</b>	<b>1</b>	<b>\$ 175,000.00</b>
	Units	Buildings	Value

2016	
Month	# of Permits Issued
January	38
February	6
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	
<b>2016 YTD</b>	<b>44</b>

2016	
Month	Value
January	\$ 2,043,696.31
February	\$ 19,216.18
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	
<b>2016 YTD</b>	<b>\$ 2,062,912.49</b>

2016 Residential Permits			
Type	# of Units	# of Buildings	Value
Single Family Home	6	6	\$ 2,043,696.31
Duplex			
Apartment 3-4 Units			
Apartment 5+ Units			
<b>2016 YTD</b>	<b>6</b>	<b>6</b>	<b>\$ 2,043,696.31</b>
	Units	Buildings	Value
<b>February Total</b>	<b>0</b>	<b>0</b>	<b>\$ -</b>
	Units	Buildings	Value

YTD: Year To Date