

# CITY OF WATFORD CITY

P.O. BOX 494

WATFORD CITY, NORTH DAKOTA 58854

## AGENDA

October Monday 28, 2013

## PLANNING COMMISSION

Civic Center @ **6:00 P.M.**

### Call to Order Public Hearing

Public hearing to hear comment on a Simple Lot Split submitted by Garden Creek Enterprises LLP for property located in Section 16, Township 150 North, Range 98 West, 147.86 Acres, McKenzie County, North Dakota.

Public hearing to hear comment on an Amendment to Variance Ordinance submitted by Ray Morken, BBR RV Park. The Amendment will request for a 19' variance from 25' on 5<sup>th</sup> Ave SE, and a 12' variance on 10<sup>th</sup> St SE, to replace a skid house with a mobile home, for property located at Section 19, T 150N, R98W, 22,920 sq. ft., McKenzie County, ND.

Public hearing to hear comment on a Conditional Use Permit Application submitted by Erica Beard for an in home occupation- flower shop, on R1 zoned property located at 512 N Main St, McKenzie County, ND.

Public hearing to hear comment on Zone Change Application submitted by P. Deutsch, LLC, Paul & Nancy Deutsch for property located in Lot 1 of East Watford Depot Subdivision & IT 1109, Section 15, T150N, R98W, 9.67 acres, McKenzie County, ND. Application will re-zone Ag property to C1.

Public hearing to hear comment on Boundary Line Adjustment Map submitted by P. Deutsch, LLC for property located in in Lot 1 of East Watford Depot Subdivision, Section 15, Township 150 North, Range 98 West, 9.67 acres, McKenzie County, ND.

Public hearing to hear comment on Zone Change Application submitted by Bakken Development Solutions/The Crossings, for property located in a portion of the NW ¼ of Section 22, T150N, R98W, 16.35 acres, McKenzie County, ND. Application will re-zone C1 property to CB.

Public hearing to hear comment on a Final Amended Subdivision Plat Application submitted by Bakken Development Solutions/ The Crossings for property located in a portion of the NW ¼ of Section 22, T150N, R98W, 29.82 acres, McKenzie County, ND.

Public hearing to hear comment on a Final Subdivision Plat Application, 1<sup>st</sup> addition, submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 7.002 acres, McKenzie County, ND.

Public hearing to hear comment on a Final Subdivision Plat Application, 2<sup>nd</sup> Addition, submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 18.112 acres, McKenzie County, ND.

Public hearing to hear comment on a Conditional Use annual review issued to Ray and Billie Jo Morken on property located at 1004 4<sup>th</sup> Ave SE, Lot 1-2 Blk 3, 2<sup>nd</sup> Addition - Cherry Creek to Watford City for consideration to operate a

Home Occupation to operate a home based office.

Public hearing to hear comment on a Conditional Use annual review issued to Ray Morken Jr. on the following described properties, 905 3<sup>rd</sup> Ave SE., 305 10<sup>th</sup> St SE., 313 10<sup>th</sup> St SE., 308 10<sup>th</sup> St SE., 312 10<sup>th</sup> St SE., 400 10<sup>th</sup> St SE., 1005 4<sup>th</sup> Ave SE., 305 11<sup>th</sup> St SE., 316 9<sup>th</sup> St SE., 312 Bolken Drive. Cherry Creek Addition and Cherry Creek 2<sup>nd</sup> Addition to Watford City, for consideration to allow Temporary Workforce Housing.

Public hearing to hear comment on a Conditional Use annual review issued to Marty & Crystal Mulder on property located at 608 2<sup>nd</sup> Ave SW, lot 33 & 34 Blk 1, Schell & Jarland addition to Watford City, for consideration to allowing Temporary Workforce Housing.

### **Call to Order Regular Meeting**

### **Minutes of September 30, 2013 Meeting**

#### **Unfinished Business:**

1. Simple Lot Split- Rolfson Prproperty
2. Variance- Ray Morken
3. Conditional Use Permit- Erica Beard
4. Zone Change- P. Deutsch
5. Boundary line adjustment- P. Deutsch
6. Zone Change- Bakken Development
7. Final Amended Plat- Bakken Development
8. Final Subdivision Plat- Hunters Run phase 1
9. Final Subdivision Plat- Hunters Run Phase 2
10. Conditional Use renewal- Ray Morken
11. Conditional Use renewal- Ray Morken
12. Marty Mulder- 205 2<sup>nd</sup> Ave SW
13. Zone Change- Tom Dillon

#### **New Business:**

1. Shane Albers

## Review Building Permits

2686	Sept	Todd Rothrock	113 3rd St SW		New Single Family Home	\$145,000.00	9/25/13	\$1,237.50	#1129
2687	Sept	James Ballard	105 9th Ave SE		Subway interior	\$80,000.00	9/26/13	\$850.00	#7302
2688	Sept	Christopher Buchholz	100 6th St NE		Chain Link Fence	\$0.00	9/27/13	\$25.00	Cash
2689	Sept	Triple AAA Safety	208 13th Ave SW		New Sign	\$0.00	9/30/13	\$100.00	#10789
2690	Sept	Gen Hutmaeher	517 5th St NE		New Window/ Remodeling 2 bathroom	\$15,000.00	9/30/13	\$247.00	#3725

### Building Permits 2013

No.	Month	Applicant	Address	Parcel #	Description	Value	Date	Fee	PD
2691	Sept	MDU	107 10th St SW		New MDU Building	2.5 million	9/30/13	\$11,239.00	#18318
2692	Oct	McKenzie Co. School	100 3rd St NE		New Roof on the Gym	\$83,896.00	10/2/13	\$878.00	#27263
2693	Oct	Lon Rosenlund	1612 11th Ave SE		Western Union Sign		10/3/13	\$100.00	#3363
2694	Oct	Gary Swartzenberger	1202 2nd Ave SW		18,000 Sq Ft Bldg.	1.354 Million	10/3/13	\$6,562.00	#20008
2695	Oct	Gary Swartzenberger	1001 15th Ave SW		remodeling/ Deck	\$27,000.00	10/4/13	\$410.00	#Card
2696	Oct	Doug Bolken	125 3rd St		New Park	\$90,000.00	10/7/13	\$0.00	0
2697	Oct	Tim Olsen	109 2nd St NW		New Roof	\$3,000.00	10/7/13	\$79.00	#12662
2698	Oct	Tiffany Cluchie	505 6th Ave NE		Redoing Basement	\$30,000.00	10/7/13	\$440.00	#1001
2699	Oct	Hillside Court	205 5th St NW		Repairing Damage	\$3,200.00	10/7/13	\$81.80	Cash
2700	Oct	Bruce Pedersen	770 3rd Ave Sw		New Vet Clinic	\$1,000,000.00	10/15/13	\$5,500.00	#1272
2701	Oct	Kent Norbeck	City Airport		New Plane Hanger	\$68,000.00	10/15/13	\$766.00	#1030
2701	Oct	SWWilliams & Son	404 2nd Ave		re-roof	\$4,950.00	10/18/13	\$106.30	#1863
2703	Oct	RAC Construction	220 5th St NE		12x16 deck	\$2,500.00	10/18/13	\$72.00	#5151

## Adjournment

Melissa Sandry  
Secretary/Planning Assistant

**\*\*\*If you are not able to attend a Planning Commission meeting, please notify Melissa prior to the meeting\*\*\***

**PLANNING COMMISSION MINUTES**  
**WATFORD CITY, ND**  
**September 30, 2013**

The regular monthly meeting of the Watford City Planning Commission was held on August 26, 2013 at 6:00 p.m. at the Civic Center. In attendance: Chairman Glen Beard, Board members: Sonja Johnson, Teri Wolff, Shane Homiston, Rick Holm, Jesse Lawrence, and Cory Johnson. Also present City Attorney Wyatt Voll, City Planner Curt Moen, Mildred Williams, Steve Williams, Seth Sampson, and Melissa Sandry.

Public Hearing called to order at 6:00 pm:

Public hearing to hear comment on Zone Change Application submitted by Midwest Realty Advisors/ Tom Dillon, for property located in Lots 1, 2,3,4,5 of Block 2, Schell Jarland Addition, Section 24, T150N, R99W, approximately 17,920 square feet, McKenzie County, ND. The application will re-zone R1 property to C1.

Public hearing to hear comment on Zone Change Application submitted by Hunter's Run/ Marco Nordio, for property located in a portion of the East ½ of Section 16, T150N, R98W, 294.10 acres, McKenzie County, ND. Application will re-zone R1, R2, R3, R4, C1, C2, and I property to R1, R2, R3, R4, C1, C2, and I. This is an adjustment to Hunter's Run Master Land Use Map.

Public hearing to hear comment on a Subdivision Preliminary Map submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 5.969 acres, McKenzie County, ND.

Public hearing to hear comment on a Subdivision Preliminary Map submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 20.598 acres, McKenzie County, ND.

Public hearing to hear comment on Zone Change Application submitted by Northway Enterprises, LLC/ Mike Malais, for property located at 11<sup>th</sup> Ave SW, Section 25, T150N, R99W, 35.33 acres, McKenzie County. Application will re-zone R1 property to R2.

Public hearing to hear comment on Zone Change Application submitted by Shangcheng Development, LLC, for property located in the South ½ of the NE ¼ and the SE ¼ of Section 14, T150N, R99W, 237 acres, McKenzie County, ND. Application will re-zone AG property to R1, R3, R4, and C1.

Public hearing to hear comment on a Subdivision Preliminary Map submitted by Emerald Ridge/ Daniel Kuo for property located in the South ½ of the NE ¼ and all of the SE ¼ of Section 14, T150N, R99W, 237.02 acres, McKenzie County, ND.

Public hearing to hear comment on Zone Change Application submitted by The Highlands at Watford City for property located on 4<sup>th</sup> Ave NW at 6<sup>th</sup> St. NW, Section 13, T150N, R99W, 42.66 acres, McKenzie County, ND. Application will re-zone R1 property to R2, and R3.

Public hearing to hear comment on Zone Change Application submitted by Blue Bison Development for property located in the NW ¼ of Section 18, T150N, R98W, 65.54 acres, McKenzie County, ND. Application will re-zone R2 property to R4, and C1.

Public hearing to hear comment on Simple Lot Split submitted by Blue Bison Development, for the purpose of splitting the lots into two parcels for future rezoning and development, on property located in the NW ¼ of Section 18, Township 150 North, Range 98 West, 65.54 Acres, McKenzie County, North Dakota.

Public hearing to hear comment on Simple Lot Split submitted by Watford City Town Center, LLC/ Diana Guadagnino, for the purpose of splitting the lots into two parcels for future rezoning and development on property located at 902 11<sup>th</sup> Ave SW, Section 24, Township 150 North, Range 99 West, 120 Acres, McKenzie County, North Dakota.

Public hearing to hear comment on amending Chapter XV, Article XIII of the City of Watford City ordinances relating to R-3 Medium Density Residential District. The R-T Townhome Residential District is intended for the purpose of allowing townhome/medium-density to high-density multifamily dwellings that are intended for ownership by the inhabitants.

Public hearing to hear comment on amending Chapter XV, Article VIII of the City of Watford City ordinances relating to Districts and Boundaries. The Corridor Overlay Districts purpose is intended for transportation corridors identified herein to promote and protect the public health, safety and welfare by providing for consistent and coordinated treatment of properties bordering and within the identified transportation corridors in the City of Watford City, North Dakota, and in the City of Watford City's ETA Jurisdiction.

Public hearing to hear comment on amending Chapter XV, Article XVIII of the City of Watford City ordinances relating to Central Business District Zone. The R-C Condominium/ high-density multifamily dwellings that are intended for ownership by the inhabitants. The North Dakota Century Code Chapter 47-04.1, Condominium Ownership of real Property, defines the requirements for the mapping of common- wall properties.

Public hearing to hear comment regarding the City's Master Land Use Plan.

Public hearing to hear comment on a Conditional Use Permit Application submitted by Christopher Buchholz for an in home licensed daycare, on R3 zoned property located at 100 6<sup>th</sup> SE, McKenzie County, ND.

Public hearing to hear comment on the purpose of a Conditional Use Permit annual review issued to Montana Dakota Dev. / Rolfson Oil, north side of 3<sup>rd</sup> Ave SW, Section 24. Township 150 North, Range 99 West for consideration of a Conditional Use Permit allowing Employee Housing, 2 RV units.

Public hearing to hear comment on the purpose of a Conditional Use Permit annual review issued to Watford City Hospitality Associates, LLC on property located at 604 4<sup>th</sup> Ave NE, Lot-5, Blk-2, Stevens Addition to Watford City for consideration of a Conditional Use Permit issued allowing Temporary Workforce Housing.

Public hearing to hear comment for the purpose of considering a Conditional Use Permit application annual review to HKE/Danny Mathews, on property located in the NW ¼ of Section 22, Township 150N, Range 98W, McKenzie County, ND, for consideration to allow Employee Housing.

Public hearing to hear comment for the purpose of a Conditional Use Permit annual review issued to Warren Hovland, on property located at 401 10<sup>th</sup> St SE, Lot 7-8-9 Blk 1, 2<sup>nd</sup> Addition - Cherry Creek to Watford City for consideration of a Conditional Use Permit issued 1-31-11 to allow Temporary Workforce Housing.

Public hearing to hear comment on the purpose of considering a Conditional Use Permit application annual renewal issued to Ace in the Hole Construction, LLC on the following described property: E1/2SW1/4SE1/4 of Sec 8, TWP 150 Range 098, McKenzie County, ND for consideration to allow Employee Housing.

Public Hearing for the purpose of a Conditional Use Permit annual review issued to BBR RV Park, Ray Morken Jr., on the following properties: 1000 5<sup>th</sup> Ave SE, 1004 5<sup>th</sup> Ave SE, 1008 5<sup>th</sup> Ave SE, 1012 5<sup>th</sup> Ave SE, 1016 5<sup>th</sup> Ave SE, 317 10<sup>th</sup> St SE, 321 10<sup>th</sup> St SE, 304 10<sup>th</sup> St SE, 909 2<sup>nd</sup> Ave SE, 911 2<sup>nd</sup> Ave SE, 1025 2<sup>nd</sup> Ave SE, 1029 2<sup>nd</sup> Ave SE, 1033 2<sup>nd</sup> Ave SE, 1037 2<sup>nd</sup> Ave SE, 301 11<sup>th</sup> St SE. Cherry Creek Addition and Cherry Creek 2<sup>nd</sup> Addition to Watford City for consideration of a Conditional Use Permit issued 11-29-10 allow Temporary Workforce Housing.

After discussion, Chairman Glen Beard closed the Public Hearing at 8:08 pm.

The Minutes for meeting held on August 26, 2013 were reviewed, S. Homiston moved to approve minutes as presented, seconded by C. Johnson. All ayes; motion carried.

### **UNFINISHED BUSINESS:**

- 1. Zone Change – Midwest Realty Advisors/Tom Dillon-** Moved by C. Johnson to recommend approval to City Council for a Zone Change Application submitted by Midwest Realty Advisors/ Tom Dillon, for property located in Lots 1, 2,3,4,5 of Block 2, Schell Jarland Addition, Section 24, T150N, R99W, approximately 17,920 square feet, McKenzie County, ND, re-zoning R1 property to C1. Motion died for lack of second.
- 2. Zone Change- Hunter's Run –** Moved by R. Holm to recommend approval to City Council for a Zone Change Application submitted by Hunter's Run/ Marco Nordio, for property located in a portion of the East ½ of Section 16, T150N, R98W, 294.10 acres, McKenzie County, ND. Application will re-zone R1, R2, R3, R4, C1, C2, and I property to R1, R2, R3, R4, C1, C2, and I. This is an adjustment to Hunter's Run Master Land Use Map. Seconded by S. Johnson and carried by the following roll call vote: ayes; S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 3. Preliminary Subdivision Map- Hunter's Run First Addition -** Moved by S. Homiston to recommend approval to City Council for a Preliminary Subdivision Plat submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 5.969 acres, McKenzie County, ND. Seconded by R. Holm and carried

by the following roll call vote: S. Johnson, R. Holm, S. Homiston, T. Wolff, C. Johnson, and J. Lawrence. Nays; None. Motion Carried.

4. **Preliminary Subdivision Map- Hunter's Run Second Addition** - Moved by R. Holm to recommend approval to City Council for a Preliminary Subdivision Plat submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 20.598 acres, McKenzie County, ND. Seconded by R. Holm, and carried by the following roll call vote: S. Johnson, R. Holm, S. Homiston, T. Wolff, C. Johnson, and J. Lawrence. Nays; None. Motion Carried.
5. **Zone Change- Northway Enterprises, LLC/ Mike Malais** - Moved by J. Lawrence to recommend approval to City Council for a Zone Change Application submitted by Northway Enterprises, LLC/ Mike Malais, for property located at 11<sup>th</sup> Ave SW, Section 25, T150N, R99W, 35.33 acres, McKenzie County. Application will re-zone R1 property to R2. Seconded by S. Johnson, and carried by the following roll call vote: R. Holm, S. Johnson, and T. Wolff. Nays: C. Johnson and S. Homiston. Motion Carried.
6. **Zone Change- Emerald Ridge-** Moved by S. Homiston to recommend approval to City Council for a Zone Change Application submitted by Shangcheng Development, LLC, for property located in the South ½ of the NE ¼ and the SE ¼ of Section 14, T150N, R99W, 237 acres, McKenzie County, ND. Application will re-zone AG property to R1, R3, R4, and C1. Seconded by C. Johnson, and carried by the following roll call vote: R. Holm, S. Johnson, S. Homiston, C. Johnson and T. Wolff. Nays: None. Motion Carried.
7. **Preliminary Subdivision Map- Emerald Ridge-** Moved by S. Homiston to recommend approval to City Council for a Preliminary Subdivision Plat submitted by Emerald Ridge/ Daniel Kuo for property located in the South ½ of the NE ¼ and all of the SE ¼ of Section 14, T150N, R99W, 237.02 acres, McKenzie County, ND. Seconded by R. Holm, and carried by the following roll call vote: S. Johnson, R. Holm, S. Homiston, T. Wolff, C. Johnson, and J. Lawrence. Nays; None. Motion Carried.
8. **Zone Change- The Highlands at Watford City-** Moved by R. Holm to recommend approval to City Council for a Zone Change Application submitted by The Highlands at Watford City for property located on 4<sup>th</sup> Ave NW at 6<sup>th</sup> St. NW, Section 13, T150N, R99W, 42.66 acres, McKenzie County, ND. Application will re-zone R1 property to R2, and R3. The City approves new improved proposed zoning plan. Seconded by S. Homiston, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried. . Motion Carried.
9. **Zone Change- Blue Bison Development-** Moved by R. Holm to recommend approval to City Council for a Zone Change Application submitted by Blue Bison Development for property located in the NW ¼ of Section 18, T150N, R98W, 65.54 acres, McKenzie County, ND. Application will re-zone R2 property to R4, and C1. Seconded by S. Homiston and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried. . Motion Carried.
10. **Simple Lot Split- Blue Bison Development-** Moved by S. Homiston to recommend

approval to City Council Simple Lot Split submitted by Blue Bison Development, for the purpose of splitting the lots into two parcels for future rezoning and development, on property located in the NW ¼ of Section 18, Township 150 North, Range 98 West, 65.54 Acres, McKenzie County, North Dakota. Seconded by J. Lawrence, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.

- 11. Simple Lot Split- Watford City Town Center-** Moved by C. Johnson to recommend approval to City Council Simple Lot Split submitted by Watford City Town Center, LLC/ Diana Guadagnino, for the purpose of splitting the lots into two parcels for future rezoning and development on property located at 902 11<sup>th</sup> Ave SW, Section 24, Township 150 North, Range 99 West, 120 Acres, McKenzie County, North Dakota. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 12. Townhome Residential District-** Moved by S. Homiston to recommend approval to City Council on amending Chapter XV, Article XIII of the City of Watford City ordinances relating to R-3 Medium Density Residential District. The R-T Townhome Residential District is intended for the purpose of allowing townhome/medium-density to high-density multifamily dwellings that are intended for ownership by the inhabitants. Applicants may apply for R3 zoning, then submit an application for RT zone. Approval contingent upon correction of home occupation being a conditional use. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 13. The Corridor Overlay District-** Moved by J. Lawrence to recommend approval to City Council on amending Chapter XV, Article VIII of the City of Watford City ordinances relating to Districts and Boundaries. The Corridor Overlay Districts purpose is intended for transportation corridors identified herein to promote and protect the public health, safety and welfare by providing for consistent and coordinated treatment of properties bordering and within the identified transportation corridors in the City of Watford City, North Dakota, and in the City of Watford City's ETA Jurisdiction. Committee discussed possible solutions such as fencing, greenscape, landscape. Seconded by S. Homiston, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 14. Condominium/ High Density Multifamily Dwellings-** Moved by R. Holm to recommend approval to City Council on amending Chapter XV, Article XVIII of the City of Watford City ordinances relating to Central Business District Zone. The R-C Condominium/ high-density multifamily dwellings that are intended for ownership by the inhabitants. The North Dakota Century Code Chapter 47-04.1, Condominium Ownership of real Property, defines the requirements for the mapping of common- wall properties. Seconded by S. Johnson, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 15. Master Land Use Map-** This map was on the Agenda for a second time for public hearing. It was informational only and no recommendation is needed. Land Owners have one year to



submit changes is proposed Hard Zoning.

- 16. Conditional Use-** Christopher Buchholz- Moved by R. Holm to recommend approval to City Council for a Conditional Use Permit submitted by Christopher Buchholz for an in home licensed daycare, on R3 zoned property located at 100 6<sup>th</sup> SE, McKenzie County, ND. Committee inquired about parking, existing licenses, and winter conditions. Also the need for childcare was acknowledged. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 17. Conditional Use Renewal-**Montana Dakota Dev. Rolfson Oil- Moved by S. Homiston to recommend approval to City Council for a Conditional Use Permit annual review issued to Montana Dakota Dev. / Rolfson Oil, north side of 3<sup>rd</sup> Ave SW, Section 24. Township 150 North, Range 99 West for consideration of a Conditional Use Permit allowing Employee Housing, 2 RV units. Seconded by J. Lawrence, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 18. Conditional Use Renewal-**Watford City Hospitality Associates, LLC- Moved by S. Homiston to recommend denial to City Council for a Conditional Use Permit annual review issued to Watford City Hospitality Associates, LLC on property located at 604 4<sup>th</sup> Ave NE, Lot-5, Blk-2, Stevens Addition to Watford City for consideration of a Conditional Use Permit issued allowing Temporary Workforce Housing. The Project is no longer in progress. Seconded by J. Lawrence, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 19. Conditional Use Renewal-HKE/ Danny Mathews-** Moved by C. Johnson to recommend approval to City Council for a Conditional Use Permit application annual review to HKE/Danny Mathews, on property located in the NW ¼ of Section 22, Township 150N, Range 98W, McKenzie County, ND, for consideration to allow Employee Housing. Approval contingent upon submittal of an employee occupant list. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 20. Conditional Use Renewal-** Warren Hovland- Moved by S. Homiston to recommend approval to City Council for a Conditional Use Permit annual review issued to Warren Hovland, on property located at 401 10<sup>th</sup> St SE, Lot 7-8-9 Blk 1, 2<sup>nd</sup> Addition - Cherry Creek to Watford City for consideration of a Conditional Use Permit issued 1-31-11 to allow Temporary Workforce Housing. Seconded by S. Johnson, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 21. Conditional Use Renewal-** Ace in the Hold Construction- Moved by C. Johnson to recommend approval to City Council for a Conditional Use Permit application annual renewal issued to Ace in the Hole Construction, LLC on the following described property: E1/2SW1/4SE1/4 of Sec 8, TWP 150 Range 098, McKenzie County, ND for consideration to allow Employee Housing. Approval contingent upon submittal of verified employees.

Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.

**22. Conditional Use Renewal-BBR RV Park-** Moved by S. Homiston to recommend approval to City Council for a Conditional Use Permit annual review issued to BBR RV Park, Ray Morken Jr., on the following properties: 1000 5<sup>th</sup> Ave SE, 1004 5<sup>th</sup> Ave SE, 1008 5<sup>th</sup> Ave SE, 1012 5<sup>th</sup> Ave SE, 1016 5<sup>th</sup> Ave SE, 317 10<sup>th</sup> St SE, 321 10<sup>th</sup> St SE, 304 10<sup>th</sup> St SE, 909 2<sup>nd</sup> Ave SE, 911 2<sup>nd</sup> Ave SE, 1025 2<sup>nd</sup> Ave SE, 1029 2<sup>nd</sup> Ave SE, 1033 2<sup>nd</sup> Ave SE, 1037 2<sup>nd</sup> Ave SE, 301 11<sup>th</sup> St SE. Cherry Creek Addition and Cherry Creek 2<sup>nd</sup> Addition to Watford City for consideration of a Conditional Use Permit issued 11-29-10 allow Temporary Workforce Housing. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.

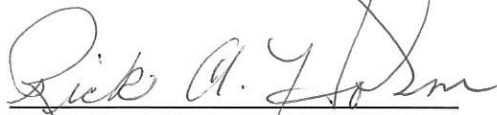
### **NEW BUSINESS**

#### **BUILDING PERMITS:**


Building Permits reviewed and approved.

#### **ADJOURNMENT:**

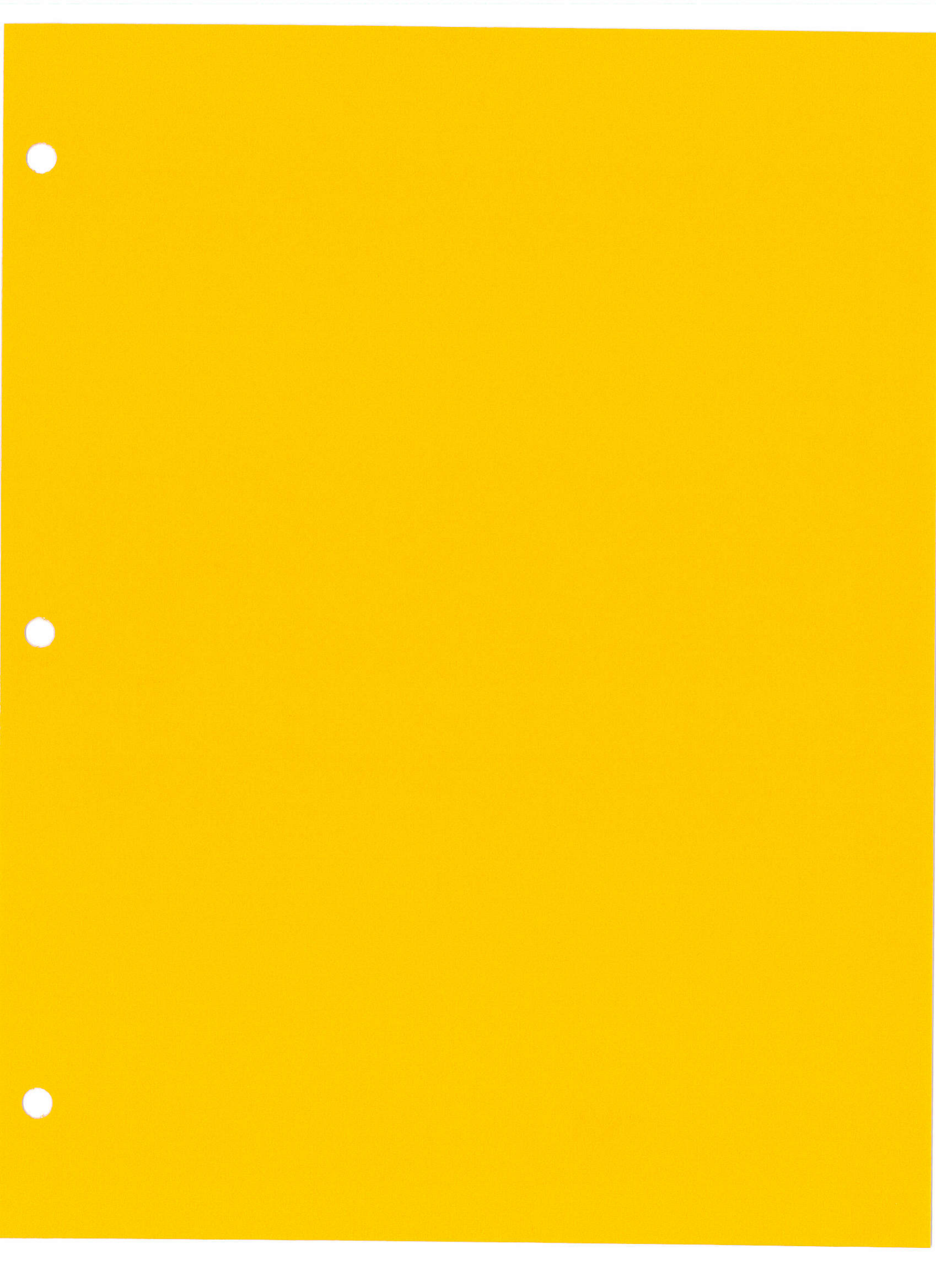
R. Holm moved to adjourn, J. Lawrence seconded motion. All ayes, Motion carried. No further business, the meeting adjourned at 8:08 pm.



Glen Beard  
Chairman



Melissa Sandry  
Planning Assistant



**PLANNING COMMISSION MINUTES**  
**WATFORD CITY, ND**  
**September 30, 2013**

The regular monthly meeting of the Watford City Planning Commission was held on August 26, 2013 at 6:00 p.m. at the Civic Center. In attendance: Chairman Glen Beard, Board members: Sonja Johnson, Teri Wolff, Shane Homiston, Rick Holm, Jesse Lawrence, and Cory Johnson. Also present City Attorney Wyatt Voll, City Planner Curt Moen, Mildred Williams, Steve Williams, Seth Sampson, and Melissa Sandry.

Public Hearing called to order at 6:00 pm:

Public hearing to hear comment on Zone Change Application submitted by Midwest Realty Advisors/ Tom Dillon, for property located in Lots 1, 2,3,4,5 of Block 2, Schell Jarland Addition, Section 24, T150N, R99W, approximately 17,920 square feet, McKenzie County, ND. The application will re-zone R1 property to C1.

Public hearing to hear comment on Zone Change Application submitted by Hunter's Run/ Marco Nordio, for property located in a portion of the East ½ of Section 16, T150N, R98W, 294.10 acres, McKenzie County, ND. Application will re-zone R1, R2, R3, R4, C1, C2, and I property to R1, R2, R3, R4, C1, C2, and I. This is an adjustment to Hunter's Run Master Land Use Map.

Public hearing to hear comment on a Subdivision Preliminary Map submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 5.969 acres, McKenzie County, ND.

Public hearing to hear comment on a Subdivision Preliminary Map submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 20.598 acres, McKenzie County, ND.

Public hearing to hear comment on Zone Change Application submitted by Northway Enterprises, LLC/ Mike Malais, for property located at 11<sup>th</sup> Ave SW, Section 25, T150N, R99W, 35.33 acres, McKenzie County. Application will re-zone R1 property to R2.

Public hearing to hear comment on Zone Change Application submitted by Shangcheng Development, LLC, for property located in the South ½ of the NE ¼ and the SE ¼ of Section 14, T150N, R99W, 237 acres, McKenzie County, ND. Application will re-zone AG property to R1, R3, R4, and C1.

Public hearing to hear comment on a Subdivision Preliminary Map submitted by Emerald Ridge/ Daniel Kuo for property located in the South ½ of the NE ¼ and all of the SE ¼ of Section 14, T150N, R99W, 237.02 acres, McKenzie County, ND.

Public hearing to hear comment on Zone Change Application submitted by The Highlands at Watford City for property located on 4<sup>th</sup> Ave NW at 6<sup>th</sup> St. NW, Section 13, T150N, R99W, 42.66 acres, McKenzie County, ND. Application will re-zone R1 property to R2, and R3.

Public hearing to hear comment on Zone Change Application submitted by Blue Bison Development for property located in the NW ¼ of Section 18, T150N, R98W, 65.54 acres, McKenzie County, ND. Application will re-zone R2 property to R4, and C1.

Public hearing to hear comment on Simple Lot Split submitted by Blue Bison Development, for the purpose of splitting the lots into two parcels for future rezoning and development, on property located in the NW ¼ of Section 18, Township 150 North, Range 98 West, 65.54 Acres, McKenzie County, North Dakota.

Public hearing to hear comment on Simple Lot Split submitted by Watford City Town Center, LLC/ Diana Guadagnino, for the purpose of splitting the lots into two parcels for future rezoning and development on property located at 902 11<sup>th</sup> Ave SW, Section 24, Township 150 North, Range 99 West, 120 Acres, McKenzie County, North Dakota.

Public hearing to hear comment on amending Chapter XV, Article XIII of the City of Watford City ordinances relating to R-3 Medium Density Residential District. The R-T Townhome Residential District is intended for the purpose of allowing townhome/medium-density to high-density multifamily dwellings that are intended for ownership by the inhabitants.

Public hearing to hear comment on amending Chapter XV, Article VIII of the City of Watford City ordinances relating to Districts and Boundaries. The Corridor Overlay Districts purpose is intended for transportation corridors identified herein to promote and protect the public health, safety and welfare by providing for consistent and coordinated treatment of properties bordering and within the identified transportation corridors in the City of Watford City, North Dakota, and in the City of Watford City's ETA Jurisdiction.

Public hearing to hear comment on amending Chapter XV, Article XVIII of the City of Watford City ordinances relating to Central Business District Zone. The R-C Condominium/ high-density multifamily dwellings that are intended for ownership by the inhabitants. The North Dakota Century Code Chapter 47-04.1, Condominium Ownership of real Property, defines the requirements for the mapping of common- wall properties.

Public hearing to hear comment regarding the City's Master Land Use Plan.

Public hearing to hear comment on a Conditional Use Permit Application submitted by Christopher Buchholz for an in home licensed daycare, on R3 zoned property located at 100 6<sup>th</sup> SE, McKenzie County, ND.

Public hearing to hear comment on the purpose of a Conditional Use Permit annual review issued to Montana Dakota Dev. / Rolfson Oil, north side of 3<sup>rd</sup> Ave SW, Section 24. Township 150 North, Range 99 West for consideration of a Conditional Use Permit allowing Employee Housing, 2 RV units.

Public hearing to hear comment on the purpose of a Conditional Use Permit annual review issued to Watford City Hospitality Associates, LLC on property located at 604 4<sup>th</sup> Ave NE, Lot-5, Blk-2, Stevens Addition to Watford City for consideration of a Conditional Use Permit issued allowing Temporary Workforce Housing.

Public hearing to hear comment for the purpose of considering a Conditional Use Permit application annual review to HKE/Danny Mathews, on property located in the NW ¼ of Section 22, Township 150N, Range 98W, McKenzie County, ND, for consideration to allow Employee Housing.

Public hearing to hear comment for the purpose of a Conditional Use Permit annual review issued to Warren Hovland, on property located at 401 10<sup>th</sup> St SE, Lot 7-8-9 Blk 1, 2<sup>nd</sup> Addition - Cherry Creek to Watford City for consideration of a Conditional Use Permit issued 1-31-11 to allow Temporary Workforce Housing.

Public hearing to hear comment on the purpose of considering a Conditional Use Permit application annual renewal issued to Ace in the Hole Construction, LLC on the following described property: E1/2SW1/4SE1/4 of Sec 8, TWP 150 Range 098, McKenzie County, ND for consideration to allow Employee Housing.

Public Hearing for the purpose of a Conditional Use Permit annual review issued to BBR RV Park, Ray Morken Jr., on the following properties: 1000 5<sup>th</sup> Ave SE, 1004 5<sup>th</sup> Ave SE, 1008 5<sup>th</sup> Ave SE, 1012 5<sup>th</sup> Ave SE, 1016 5<sup>th</sup> Ave SE, 317 10<sup>th</sup> St SE, 321 10<sup>th</sup> St SE, 304 10<sup>th</sup> St SE, 909 2<sup>nd</sup> Ave SE, 911 2<sup>nd</sup> Ave SE, 1025 2<sup>nd</sup> Ave SE, 1029 2<sup>nd</sup> Ave SE, 1033 2<sup>nd</sup> Ave SE, 1037 2<sup>nd</sup> Ave SE, 301 11<sup>th</sup> St SE. Cherry Creek Addition and Cherry Creek 2<sup>nd</sup> Addition to Watford City for consideration of a Conditional Use Permit issued 11-29-10 allow Temporary Workforce Housing.

After discussion, Chairman Glen Beard closed the Public Hearing at 8:08 pm.

The Minutes for meeting held on August 26, 2013 were reviewed, S. Homiston moved to approve minutes as presented, seconded by C. Johnson. All ayes; motion carried.

### **UNFINISHED BUSINESS:**

- 1. Zone Change – Midwest Realty Advisors/Tom Dillon-** Moved by C. Johnson to recommend approval to City Council for a Zone Change Application submitted by Midwest Realty Advisors/ Tom Dillon, for property located in Lots 1, 2,3,4,5 of Block 2, Schell Jarland Addition, Section 24, T150N, R99W, approximately 17,920 square feet, McKenzie County, ND, re-zoning R1 property to C1. Motion died for lack of second.
- 2. Zone Change- Hunter's Run –** Moved by R. Holm to recommend approval to City Council for a Zone Change Application submitted by Hunter's Run/ Marco Nordio, for property located in a portion of the East ½ of Section 16, T150N, R98W, 294.10 acres, McKenzie County, ND. Application will re-zone R1, R2, R3, R4, C1, C2, and I property to R1, R2, R3, R4, C1, C2, and I. This is an adjustment to Hunter's Run Master Land Use Map. Seconded by S. Johnson and carried by the following roll call vote: ayes; S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 3. Preliminary Subdivision Map- Hunter's Run First Addition -** Moved by S. Homiston to recommend approval to City Council for a Preliminary Subdivision Plat submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 5.969 acres, McKenzie County, ND. Seconded by R. Holm and carried

by the following roll call vote: S. Johnson, R. Holm, S. Homiston, T. Wolff, C. Johnson, and J. Lawrence. Nays; None. Motion Carried.

4. **Preliminary Subdivision Map- Hunter's Run Second Addition** - Moved by R. Holm to recommend approval to City Council for a Preliminary Subdivision Plat submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 20.598 acres, McKenzie County, ND. Seconded by R. Holm, and carried by the following roll call vote: S. Johnson, R. Holm, S. Homiston, T. Wolff, C. Johnson, and J. Lawrence. Nays; None. Motion Carried.
5. **Zone Change- Northway Enterprises, LLC/ Mike Malais** - Moved by J. Lawrence to recommend approval to City Council for a Zone Change Application submitted by Northway Enterprises, LLC/ Mike Malais, for property located at 11<sup>th</sup> Ave SW, Section 25, T150N, R99W, 35.33 acres, McKenzie County. Application will re-zone R1 property to R2. Seconded by S. Johnson, and carried by the following roll call vote: R. Holm, S. Johnson, and T. Wolff. Nays: C. Johnson and S. Homiston. Motion Carried.
6. **Zone Change- Emerald Ridge**- Moved by S. Homiston to recommend approval to City Council for a Zone Change Application submitted by Shangcheng Development, LLC, for property located in the South ½ of the NE ¼ and the SE ¼ of Section 14, T150N, R99W, 237 acres, McKenzie County, ND. Application will re-zone AG property to R1, R3, R4, and C1. Seconded by C. Johnson, and carried by the following roll call vote: R. Holm, S. Johnson, S. Homiston, C. Johnson and T. Wolff. Nays: None. Motion Carried.
7. **Preliminary Subdivision Map- Emerald Ridge**- Moved by S. Homiston to recommend approval to City Council for a Preliminary Subdivision Plat submitted by Emerald Ridge/ Daniel Kuo for property located in the South ½ of the NE ¼ and all of the SE ¼ of Section 14, T150N, R99W, 237.02 acres, McKenzie County, ND. Seconded by R. Holm, and carried by the following roll call vote: S. Johnson, R. Holm, S. Homiston, T. Wolff, C. Johnson, and J. Lawrence. Nays; None. Motion Carried.
8. **Zone Change- The Highlands at Watford City**- Moved by R. Holm to recommend approval to City Council for a Zone Change Application submitted by The Highlands at Watford City for property located on 4<sup>th</sup> Ave NW at 6<sup>th</sup> St. NW, Section 13, T150N, R99W, 42.66 acres, McKenzie County, ND. Application will re-zone R1 property to R2, and R3. The City approves new improved proposed zoning plan. Seconded by S. Homiston, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried. . Motion Carried.
9. **Zone Change- Blue Bison Development**- Moved by R. Holm to recommend approval to City Council for a Zone Change Application submitted by Blue Bison Development for property located in the NW ¼ of Section 18, T150N, R98W, 65.54 acres, McKenzie County, ND. Application will re-zone R2 property to R4, and C1. Seconded by S. Homiston and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried. . Motion Carried.
10. **Simple Lot Split- Blue Bison Development**- Moved by S. Homiston to recommend

approval to City Council Simple Lot Split submitted by Blue Bison Development, for the purpose of splitting the lots into two parcels for future rezoning and development, on property located in the NW ¼ of Section 18, Township 150 North, Range 98 West, 65.54 Acres, McKenzie County, North Dakota. Seconded by J. Lawrence, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.

- 11. Simple Lot Split- Watford City Town Center-** Moved by C. Johnson to recommend approval to City Council Simple Lot Split submitted by Watford City Town Center, LLC/ Diana Guadagnino, for the purpose of splitting the lots into two parcels for future rezoning and development on property located at 902 11<sup>th</sup> Ave SW, Section 24, Township 150 North, Range 99 West, 120 Acres, McKenzie County, North Dakota. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 12. Townhome Residential District-** Moved by S. Homiston to recommend approval to City Council on amending Chapter XV, Article XIII of the City of Watford City ordinances relating to R-3 Medium Density Residential District. The R-T Townhome Residential District is intended for the purpose of allowing townhome/medium-density to high-density multifamily dwellings that are intended for ownership by the inhabitants. Applicants may apply for R3 zoning, then submit an application for RT zone. Approval contingent upon correction of home occupation being a conditional use. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 13. The Corridor Overlay District-** Moved by J. Lawrence to recommend approval to City Council on amending Chapter XV, Article VIII of the City of Watford City ordinances relating to Districts and Boundaries. The Corridor Overlay Districts purpose is intended for transportation corridors identified herein to promote and protect the public health, safety and welfare by providing for consistent and coordinated treatment of properties bordering and within the identified transportation corridors in the City of Watford City, North Dakota, and in the City of Watford City's ETA Jurisdiction. Committee discussed possible solutions such as fencing, greenscape, landscape. Seconded by S. Homiston, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 14. Condominium/ High Density Multifamily Dwellings-** Moved by R. Holm to recommend approval to City Council on amending Chapter XV, Article XVIII of the City of Watford City ordinances relating to Central Business District Zone. The R-C Condominium/ high-density multifamily dwellings that are intended for ownership by the inhabitants. The North Dakota Century Code Chapter 47-04.1, Condominium Ownership of real Property, defines the requirements for the mapping of common- wall properties. Seconded by S. Johnson, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 15. Master Land Use Map-** This map was on the Agenda for a second time for public hearing. It was informational only and no recommendation is needed. Land Owners have one year to



submit changes is proposed Hard Zoning.

- 16. Conditional Use-** Christopher Buchholz- Moved by R. Holm to recommend approval to City Council for a Conditional Use Permit submitted by Christopher Buchholz for an in home licensed daycare, on R3 zoned property located at 100 6<sup>th</sup> SE, McKenzie County, ND. Committee inquired about parking, existing licenses, and winter conditions. Also the need for childcare was acknowledged. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 17. Conditional Use Renewal-**Montana Dakota Dev. Rolfson Oil- Moved by S. Homiston to recommend approval to City Council for a Conditional Use Permit annual review issued to Montana Dakota Dev. / Rolfson Oil, north side of 3<sup>rd</sup> Ave SW, Section 24. Township 150 North, Range 99 West for consideration of a Conditional Use Permit allowing Employee Housing, 2 RV units. Seconded by J. Lawrence, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 18. Conditional Use Renewal-**Watford City Hospitality Associates, LLC- Moved by S. Homiston to recommend denial to City Council for a Conditional Use Permit annual review issued to Watford City Hospitality Associates, LLC on property located at 604 4<sup>th</sup> Ave NE, Lot-5, Blk-2, Stevens Addition to Watford City for consideration of a Conditional Use Permit issued allowing Temporary Workforce Housing. The Project is no longer in progress. Seconded by J. Lawrence, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 19. Conditional Use Renewal-HKE/ Danny Mathews-** Moved by C. Johnson to recommend approval to City Council for a Conditional Use Permit application annual review to HKE/Danny Mathews, on property located in the NW ¼ of Section 22, Township 150N, Range 98W, McKenzie County, ND, for consideration to allow Employee Housing. Approval contingent upon submittal of an employee occupant list. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 20. Conditional Use Renewal-** Warren Hovland- Moved by S. Homiston to recommend approval to City Council for a Conditional Use Permit annual review issued to Warren Hovland, on property located at 401 10<sup>th</sup> St SE, Lot 7-8-9 Blk 1, 2<sup>nd</sup> Addition - Cherry Creek to Watford City for consideration of a Conditional Use Permit issued 1-31-11 to allow Temporary Workforce Housing. Seconded by S. Johnson, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.
- 21. Conditional Use Renewal-** Ace in the Hold Construction- Moved by C. Johnson to recommend approval to City Council for a Conditional Use Permit application annual renewal issued to Ace in the Hole Construction, LLC on the following described property: E1/2SW1/4SE1/4 of Sec 8, TWP 150 Range 098, McKenzie County, ND for consideration to allow Employee Housing. Approval contingent upon submittal of verified employees.

Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.

- 22. Conditional Use Renewal-BBR RV Park-** Moved by S. Homiston to recommend approval to City Council for a Conditional Use Permit annual review issued to BBR RV Park, Ray Morken Jr., on the following properties: 1000 5<sup>th</sup> Ave SE, 1004 5<sup>th</sup> Ave SE, 1008 5<sup>th</sup> Ave SE, 1012 5<sup>th</sup> Ave SE, 1016 5<sup>th</sup> Ave SE, 317 10<sup>th</sup> St SE, 321 10<sup>th</sup> St SE, 304 10<sup>th</sup> St SE, 909 2<sup>nd</sup> Ave SE, 911 2<sup>nd</sup> Ave SE, 1025 2<sup>nd</sup> Ave SE, 1029 2<sup>nd</sup> Ave SE, 1033 2<sup>nd</sup> Ave SE, 1037 2<sup>nd</sup> Ave SE, 301 11<sup>th</sup> St SE. Cherry Creek Addition and Cherry Creek 2<sup>nd</sup> Addition to Watford City for consideration of a Conditional Use Permit issued 11-29-10 allow Temporary Workforce Housing. Seconded by R. Holm, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.

### **NEW BUSINESS**

#### **BUILDING PERMITS:**

Building Permits reviewed and approved.

#### **ADJOURNMENT:**

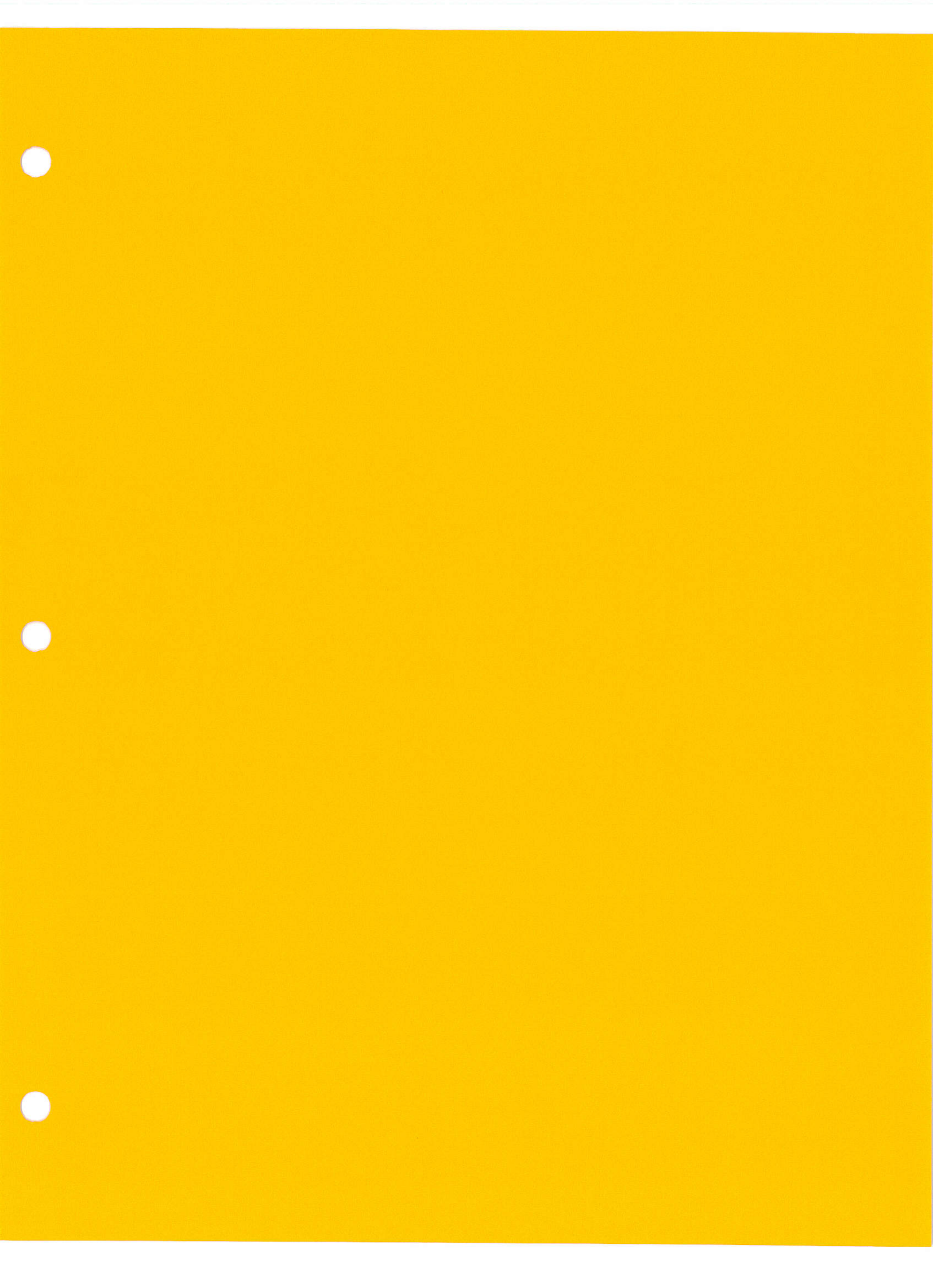
R. Holm moved to adjourn, J. Lawrence seconded motion. All ayes, Motion carried. No further business, the meeting adjourned at 8:08 pm.

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Glen Beard  
Chairman

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Melissa Sandry  
Planning Assistant



## LAND USE APPLICATION

Watford City Planning Department

See Reverse for Submittal Requirements

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: <u>10/2/13</u>	APPLICATION NUMBER: <u>SJS 09-2013</u>
<input checked="" type="checkbox"/> ZONE CHANGE - \$200.00 fee	PROCESSES BY: <u>MS</u>	MEETING DATES: P&Z: <u>10/28</u> CC: <u>11/4</u>
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT - \$350.00 fee plus publishing cost	FEE: <u>450.00</u>	ADVERTISE DATE: <u>10/16 &amp; 10/23</u>
<input checked="" type="checkbox"/> VARIANCE - \$200.00 fee	RECEIPT #: <u>N/A</u>	PROPERTY OWNERS NOTIFIED:
<input checked="" type="checkbox"/> STREET NAME CHANGE	SECTION/TOWNSHIP/RANGE: <u>16, TISON, R98W</u>	
<input checked="" type="checkbox"/> VACATION and ABANDONMENT	RELATED CASE NOS:	
<input checked="" type="checkbox"/> SIMPLE LOT SPLIT - \$450.00	FINAL ACTION MEMORANDUM ISSUED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: David A Rolfsen  
 APPLICANT: Garden Creek Enterprises LLP

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: David Rolfsen  
 ADDRESS: 3121 124th Ave NW  
 CITY: Watford City STATE: ND ZIP CODE: 58854  
 TELEPHONE: 842 2040 EMAIL: \_\_\_\_\_  
 ASSESSOR'S PARCEL NUMBER(S): 20-00-11100  
 LEGAL DESCRIPTION: Section 14 - TSP 150 98  
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 17th Ave NW  
 GROSS/NET ACREAGE: 10.7/147.86 PRESENT ZONE CLASSIFICATION: Ag  
 DESIRED ZONE CLASSIFICATION: \_\_\_\_\_ CURRENT LAST USE: Ag

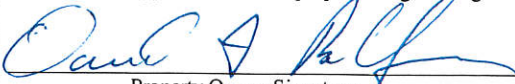
DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

Being sold to Watford City for Municipal Improvements

DESCRIBE THE SOURCE OF WATER/SEWER: Rural Do you have a will serve letter  YES  NO

**Land Use Applications Cannot be Accepted over the Front Counter**  
Please Call (701) 444-2533 to schedule an appointment

(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.

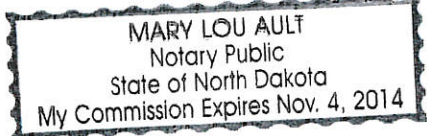
  
Property Owner Signature

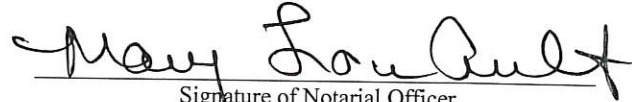
  
Print of Type Owner Name

**NOTARY**

State of North Dakota  
County of McKenzie

This instrument was acknowledged before me on 10-2-2013 by David A. Rolfson  
Date Name of Person



  
Signature of Notarial Officer

**Documents Required for Submitting Land Use Applications**

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Info.	Application Fees
Conditional Use Permit	1	1	4	1 <sup>9</sup>		1 <sup>11</sup>	4 <sup>12</sup>	1 <sup>13</sup>	1 <sup>14</sup>	\$350.00
Zone Change	1	1	4	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>	4 <sup>12</sup>		1 <sup>14</sup>	\$200.00
Variance	1	1	4			1 <sup>11</sup>				\$200.00
Vacation and Abandonment	1		4	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>				Refer to Fee Schedule
Street Name Change*	1					1 <sup>11</sup>				Refer to Fee Schedule

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications

\*Plus all sign costs

**Procedures for Filing Land Use Applications:**

- After assembling the required materials as outlined above, schedule an appointment by calling the Watford City Planning Department at (701) 444-2533. Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). 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 MANDATORY, 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 the Commission'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 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.
- Site Development Plan Application is required on all Conditional Use Applications.

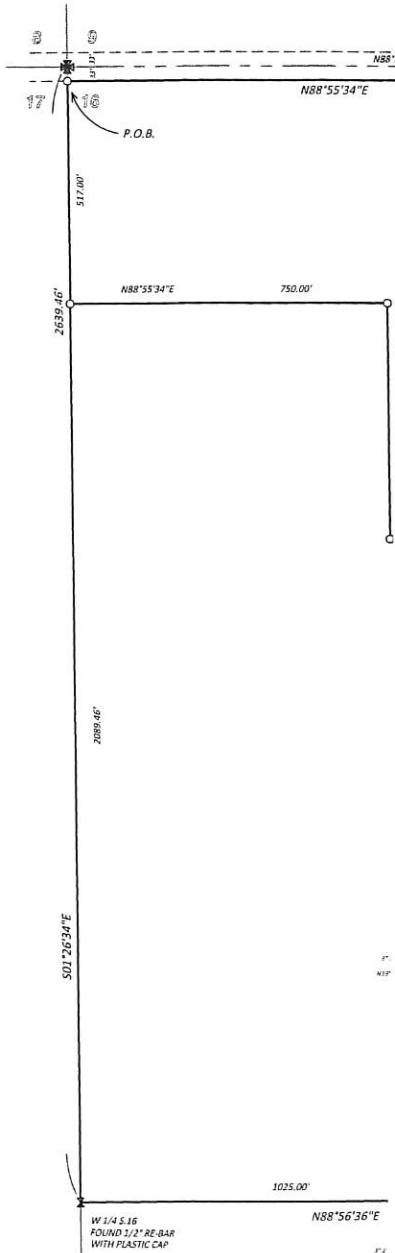
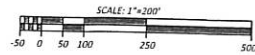
Watford City Planning Department  
213 2<sup>nd</sup> St NE  
Watford City, ND 58854  
Phone: (701)444-2533 Fax: (701)444-3004 Website: www.4eyes.net



PREPARED BY:  
**JACKOLA ENGINEERING & ARCHITECTURE, P.C.**  
 MAIN OFFICE: 2250 HWY 93 SOUTH, P.O. BOX 1134, KALISPELL, MT 59503, 406-755-3208  
 BRANCH OFFICE: 1300 HWY 23, STE D, P.O. BOX 2268, WATFORD CITY, ND 58577, 701-842-2567

PREPARED REQUESTED BY:  
 CITY OF WATFORD CITY  
 P.O. BOX 494  
 WATFORD CITY, ND 58854

OWNERS:  
 DAVID & JAN A. ROLFSON  
 3121 124TH AVE. NW  
 WATFORD CITY, ND 58854



**DESCRIPTION - LOT 1**

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE A 150 NORTH, RANGE 98 WEST, 5TH PRINCIPAL MERIDIAN, N, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 10 SAID SECTION, A DISTANCE OF 33.00 FEET TO THE TRUE PO

THENCE S01°26'34\"/>

THIS TRACT CONTAINS 38.93 ACRES AND SUBJECT TO AND RECORDED AND UNRECORDED

NOTE: NO SEARCH HAS BEEN MADE FOR EASEMENTS OTHER THAN THOSE SHOWN AFFECTING THIS PROPERTY, AND THIS SURVEY DOES NOT PURPORT TO SHOW ALL APPLICABLE EASEMENTS.

**UTILITY APPROVALS**

WE THE UNDERSIGNED UTILITY DOES HEREBY APPROVE OF THE UTILITY EASEMENTS AS SHOWN ON THE PLAT AS PRESENTED, DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_

MONTANA DAKOTA UTILITY  
 PRINTED NAME \_\_\_\_\_

STATE OF NORTH DAKOTA )  
 COUNTY OF MCKENZIE )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED, \_\_\_\_\_, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE CERTIFICATE. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED 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 \_\_\_\_\_

WE THE UNDERSIGNED UTILITY DOES HEREBY APPROVE OF THE UTILITY EASEMENTS AS SHOWN ON THE PLAT AS PRESENTED, DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_

RESERVATION TELEPHONE COOPERATIVE  
 PRINTED NAME \_\_\_\_\_

STATE OF NORTH DAKOTA )  
 COUNTY OF MCKENZIE )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED, \_\_\_\_\_, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE CERTIFICATE. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED 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 \_\_\_\_\_

WE THE UNDERSIGNED UTILITY DOES HEREBY APPROVE OF THE UTILITY EASEMENTS AS SHOWN ON THE PLAT AS PRESENTED, DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_

MCKENZIE ELECTRIC COMPANY  
 PRINTED NAME \_\_\_\_\_

STATE OF NORTH DAKOTA )  
 COUNTY OF MCKENZIE )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED, \_\_\_\_\_, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE CERTIFICATE. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED 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.

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

STATE OF NORTH DAKOTA )  
 COUNTY OF MCKENZIE )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENT SANFORD, MAYOR, AND PENI PETERSON, CITY AUDITOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WATFORD CITY PLANNING AND ZONING COMMISSION.

NOTARY PUBLIC, MCKENZIE COUNTY, NORTH DAKOTA  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**AUDITOR'S CERTIFICATE OF TAXES**

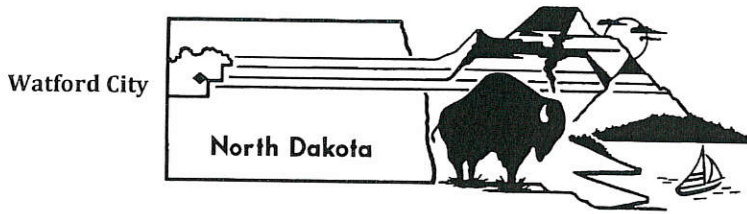
TAXES, DELINQUENT TAXES, DELINQUENT SPECIAL ASSESSMENT OR INSTALLMENTS OF SPECIAL ASSESSMENTS OR TAX ESTIMATES FOR THE PROPERTY DESCRIBED ON THE ATTACHED INSTRUMENT ARE PAID IN THE AMOUNT OF \$ \_\_\_\_\_ PLUS PENALTY AND INTEREST. CERTIFIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

LINDA SVIHOCV, 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. 2013 AND WAS RECORDED AS DOCUMENT NUMBER \_\_\_\_\_

ANN M. JOHNSRUD, MCKENZIE COUNTY RECORDER



**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)

October 14, 2013

## STAFF REPORT

SLP-10-2013

## SIMPLE LOT SPLIT

Applicant

Garden Creek Enterprises, LLC.

Property Owners

David Rolfson  
3121 124<sup>th</sup> Ave NW  
Watford City, ND 58854

*Mail Correspondence to Property Owner*

**Property Address:** 17<sup>th</sup> Ave NE, 147.86 Acres, Parcel # 20-00-11100

**Simple Lot Split Requested:** LOG-DATA REFERENCE ONLY, Staff Reports not created for SLS Reference:

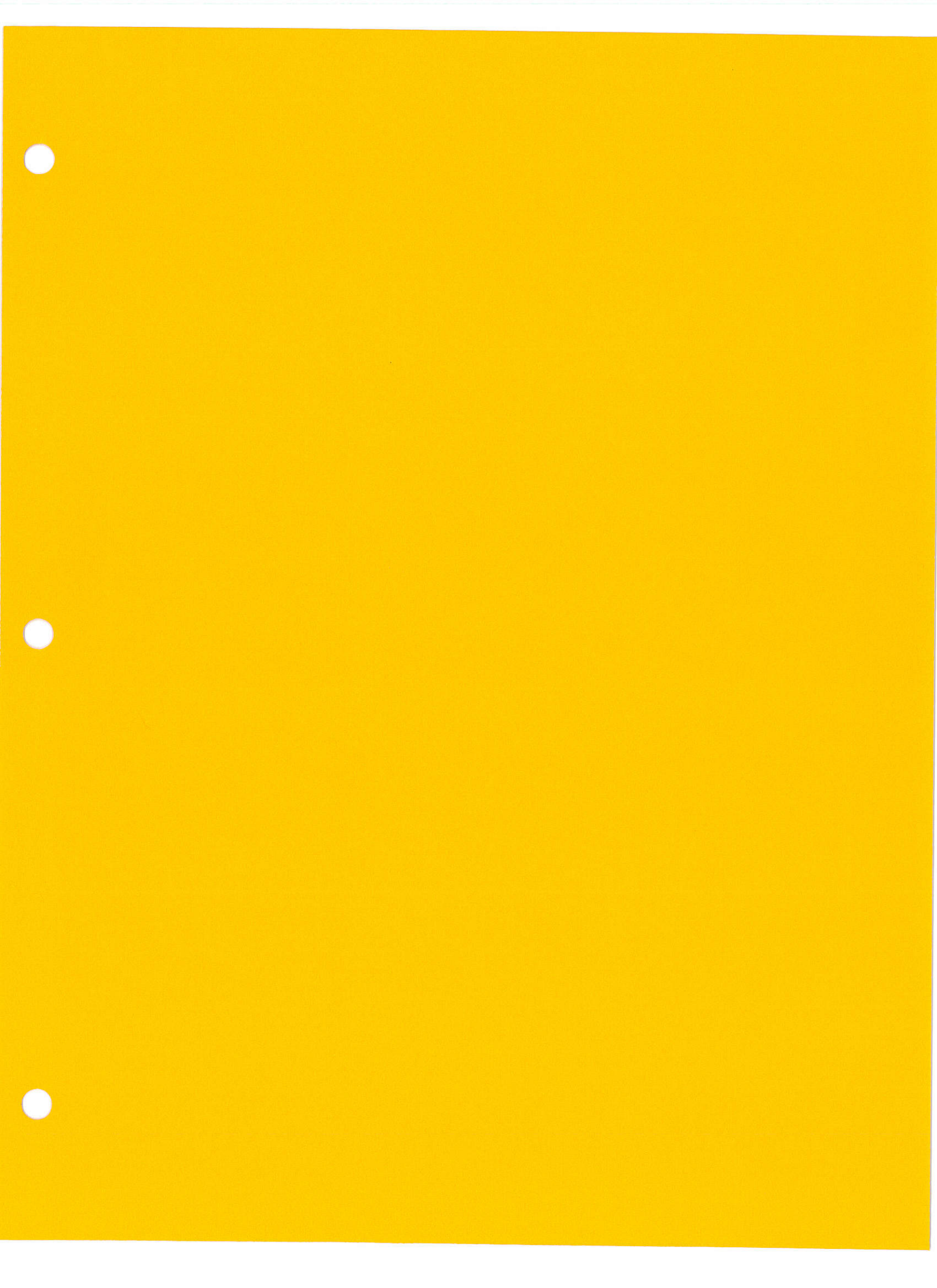
**Discussion:** Applicant is requesting to split acreage to facilitate property sale to City of Watford City for municipal improvements.

**Surrounding Land Use Inventory:**

West: Zoning -	AG
Use -	Agriculture
South: Zoning -	R3
Use -	Medium Density Residential
North: Zoning -	AG
Uses -	Agriculture
East: Zoning -	R1
Uses -	Single Family Residential

Contact:

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





**LAND USE APPLICATION pg. 1 of 2**  
Watford City Planning Department

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: 9/25/13	APPLICATION NUMBER:
<input checked="" type="checkbox"/> ZONE CHANGE - \$200.00 fee	PROCESSES BY: MS	MEETING DATES: P&Z: 10/28 CC: 11/4
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT \$350.00 fee plus publishing cost	FPA 200	ADVERTISE DATE: 10/16 & 10/23
<input checked="" type="checkbox"/> VARIANCE - \$200.00 fee	RECEIPT #: 467167	PROPERTY OWNERS NOTIFIED:
<input checked="" type="checkbox"/> STREET NAME CHANGE	SECTION/TOWNSHIP/RANGE: 19/150/98 W	
<input checked="" type="checkbox"/> VACATION & ABANDONMENT	RELATED CASE NOS:	
<input checked="" type="checkbox"/> SIMPLE LOT SPLIT - \$450.00 fee	FINAL ACTION MEMORANDUM ISSUED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Ray & Billie Morken  
 APPLICANT: Ray Morken - BBR RV Park

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: \_\_\_\_\_  
 ADDRESS: PO Box 251  
 CITY: Watford City STATE: ND ZIP CODE: 58854  
 TELEPHONE: 701-444-2201 EMAIL: \_\_\_\_\_  
 ASSESSOR'S PARCEL NUMBER(S): 82-20-05600  
 LEGAL DESCRIPTION: Sec 19 Twn 150 Rng 98  
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 1000-1002-1004 5th Ave Watford  
 GROSS/NET ACREAGE: 22,920 SF PRESENT ZONE CLASSIFICATION: \_\_\_\_\_  
 DESIRED ZONE CLASSIFICATION: \_\_\_\_\_ CURRENT LAST USE: \_\_\_\_\_

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

Asking for 19' variance from 25' on 5th Ave SE.  
and 12' variance on 10th Street SE.  
Replacing skid house for mobile homes

DESCRIBE THE SOURCE OF WATER/SEWER: City water/sewer Do you have a will serve letter  YES  NO

Watford City Planning Department  
 213 2nd St NE / PO Box 494  
 Watford City, ND 58854

Phone: (701)444-2533 Fax: (701)444-3004 Website: www.mckenziecounty.net

# LAND USE APPLICATION pg. 2

Watford City Planning Department

(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.

*Ray Morken*  
Property Owner Signature

*Ray Morken*  
Print of Type Owner Name

### NOTARY

State of North Dakota  
County of Mckenzie

This instrument was acknowledged before me on Sept. 23, 2013 by Ray Morken  
Date Name of Person

MILDRED WILLIAMS  
Notary Public  
State of North Dakota  
My Commission Expires Feb. 25, 2019

*Mildred Williams*  
Signature of Notarial Officer

### Documents Required for Submitting Land Use Applications

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Info.	Application Fees
Conditional Use Permit	1	1	2	1 <sup>9</sup>		1 <sup>11</sup>	1 <sup>12</sup>	1 <sup>13</sup>	1 <sup>14</sup>	\$350.00
Zone Change	1	1	2	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>	1 <sub>12</sub>		1 <sup>14</sup>	\$200.00
Variance	1 ✓	1 ✓	2			1 <sup>11</sup>				\$200.00
Vacation and Abandonment	1		2	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>				Refer to Fee Schedule
Street Name Change*	1					1 <sup>11</sup>				Refer to Fee Schedule

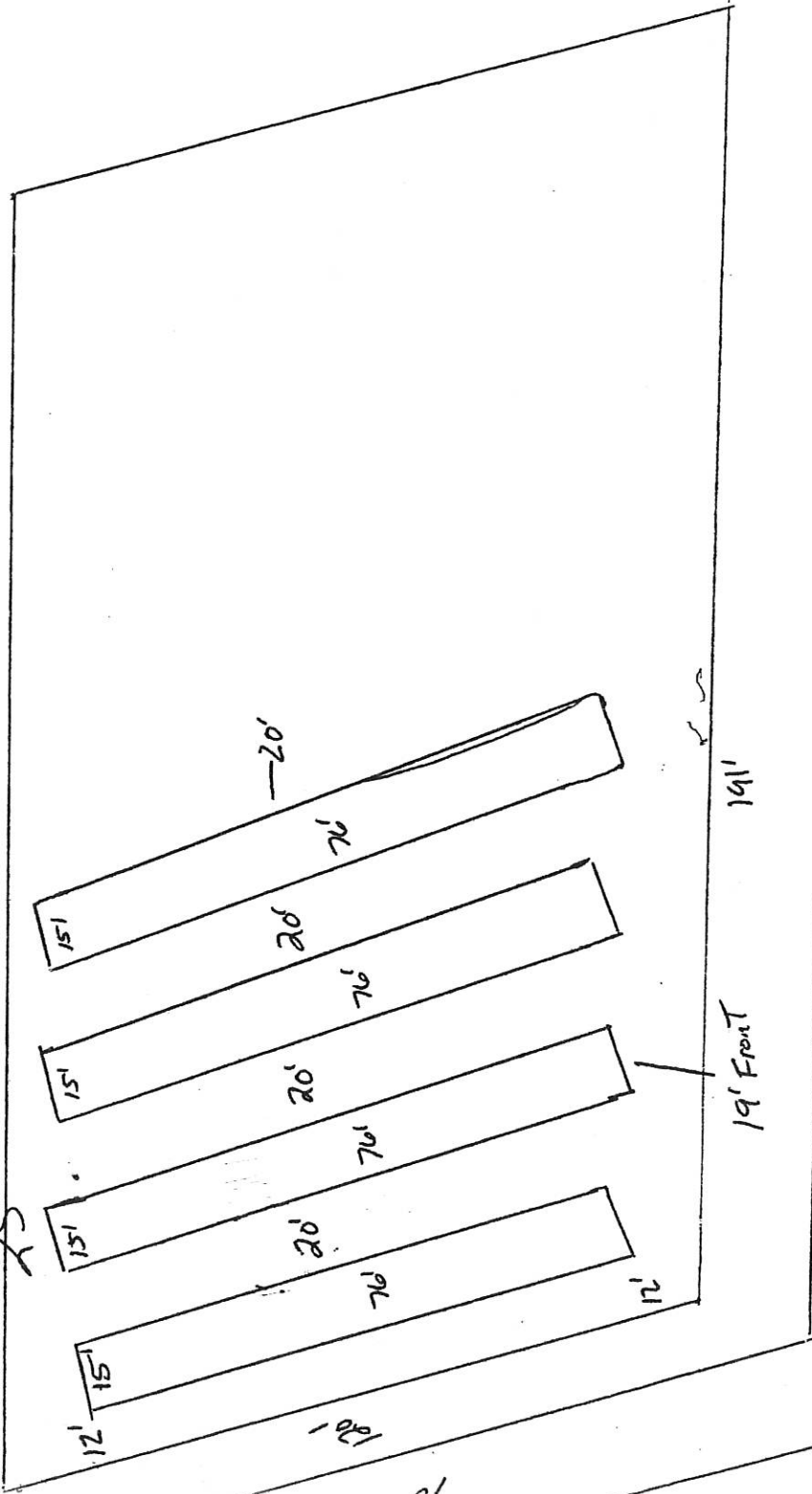
Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications  
\*Plus all sign costs

#### Procedures for Filing Land Use Applications:

- A. After assembling the required materials as outlined above, only completed applications shall be accepted for filing.
- B. Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- D. A letter indicating the Commission'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.
- E. 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.
- F. The Planning Commission 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.
- G. Site Development Plan Application is required on all Conditional Use Applications.

Watford City Planning Department  
213 2<sup>nd</sup> St NE / PO Box 494  
Watford City, ND 58854  
Phone: (701)444-2533 Fax: (701)444-3004 Website: www.mckenziecounty.net

25' from Rear 191'



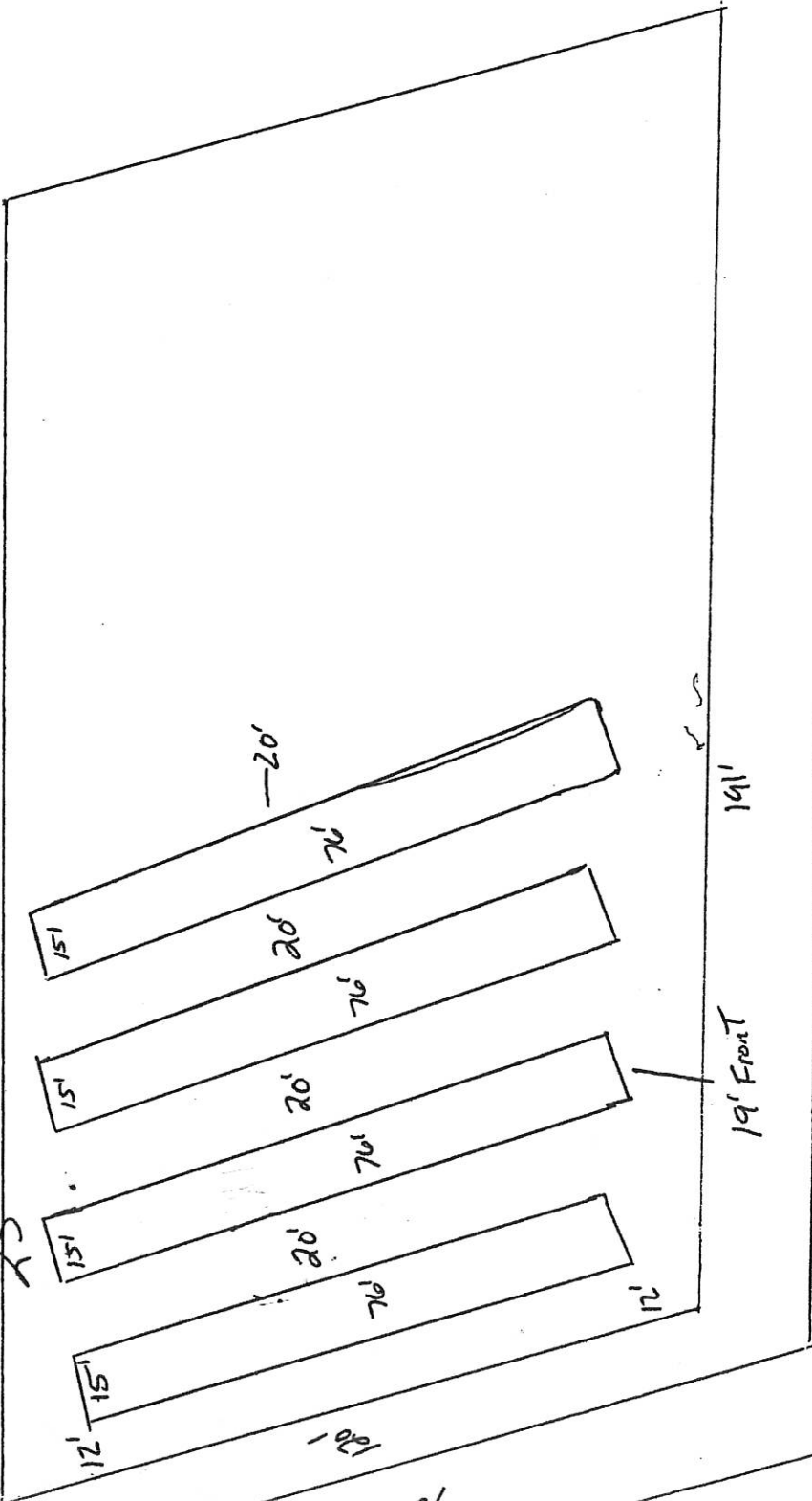
10th Street SE

19' Front

191'

5th Ave SE

25' from Rear 191'



19' Front

191'

10th Street SE

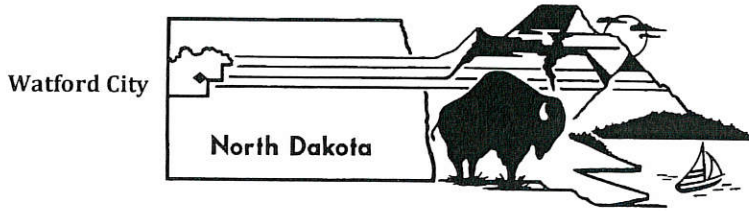
5th Ave SE



Google earth

feet  
meters





**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)

October 21, 2013

## STAFF REPORT

**V-4-2013**

### VARIANCE

Applicant

Ray Morken-BBR RV Park  
PO Box 251  
Watford City, ND 58854

Property Owners

Ray and Billie Morken

Property Address: 1000-1002-1004 5<sup>th</sup> Ave SE

Zone Change Requested:

A request for a 19" variance from 25" on 5<sup>th</sup> Ave SE and a 12" variance on 10<sup>th</sup> St SE.

Reference: Watford City City Code Sec. XV – Article XXVII, Variances

Discussion: Replacing skid shacks with mobile homes.

Watford City City Code Sec. XV – Article XXVII, Variances - Section 1 – Requirements for Variances and Section 2 – Limitations

Article XXVII, Section 1 of the Watford City Zoning Ordinance outlines the following circumstances that must be shown in order to grant a variance:

1. Unique conditions apply to this property that do not generally apply to other properties in the vicinity as a result of exceptional narrowness, shallowness, or shape, by reason of exceptional topographical conditions, or other extraordinary or exceptional circumstances the strict application of the terms of this zoning ordinance actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. The yard regulation variance may not be more than one-half (1/2) the required yard and shall not encroach upon the required setback for adjacent buildings.

In granting a variance, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner.

The planning Commission shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute a direct and obvious amendment to

the district regulations or district boundaries. Under no circumstances shall the Planning Commission grant a variance allowing a use within a district not permissible under the terms of this ordinance.

The property is located on 5<sup>th</sup> Street SE, 22,920 SF

The existing property is currently occupied with skid shacks and is accessible from 5<sup>th</sup> Ave SE and 10<sup>th</sup> Street SE. 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.

*Surrounding Land Use Inventory:*

West: Zoning -	R2M, Watford City
Use -	Residential Mobile Home
South: Zoning -	R2M, Watford City
Use -	Residential Mobile Home
North: Zoning -	R2M, Watford City
Uses -	Residential Mobile Home
East: Zoning -	R2M, Watford City
Uses -	Residential Mobile Home

*Site Development*

*Access: The property is accessible from 5th Ave SE which and 10<sup>th</sup> St SE.*

*Sewer: There are city sanitary sewer mains on the property.*

*Water: There are city water mains on the property.*

*Analysis: The proposed variance requested will allow for a more desirable structure in allowing for mobile homes rather than skid shacks on the property.*

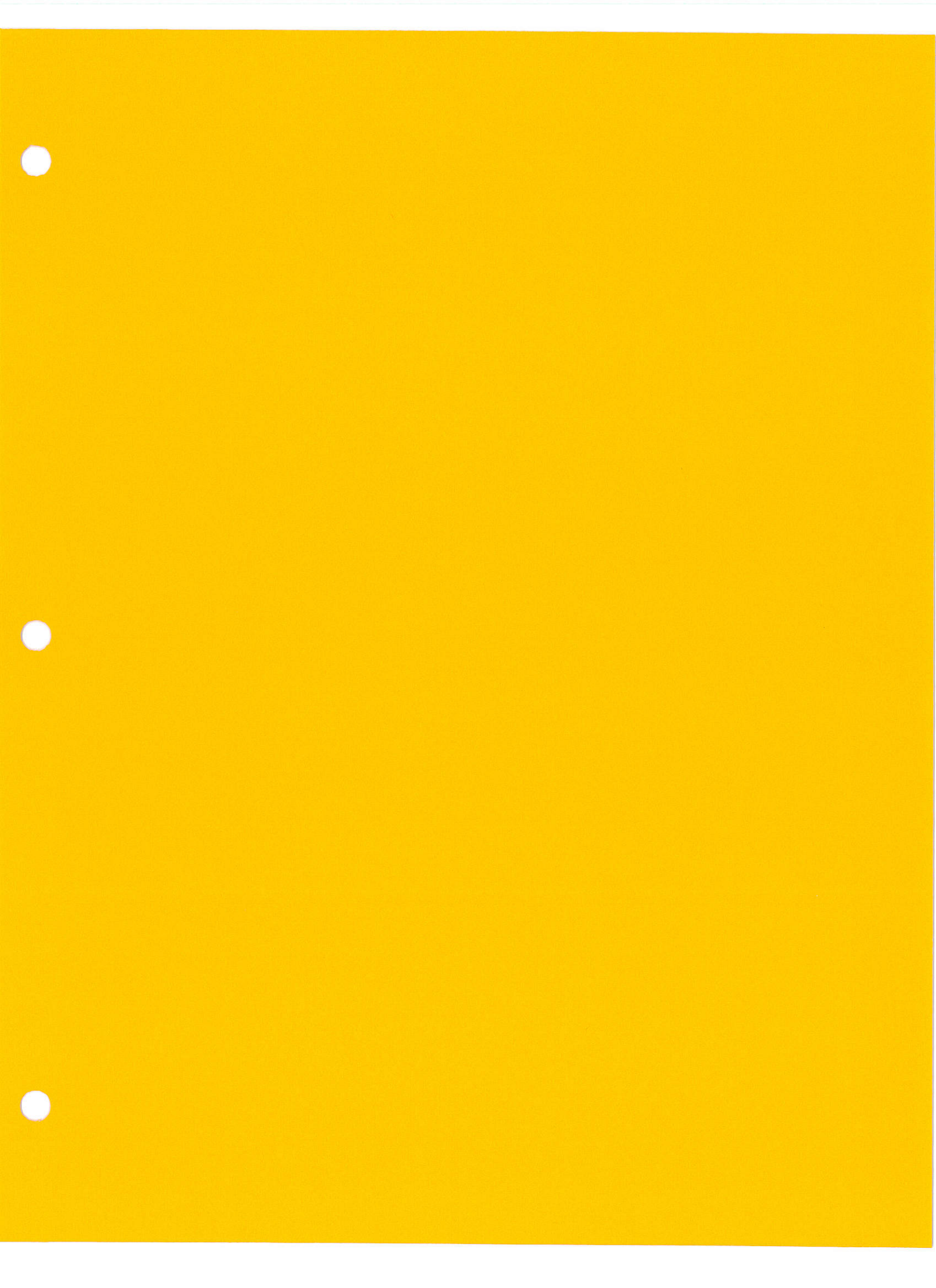
Recommendation:

It is recommended that the Watford City Planning Commission approve the above requested variance for the property subject to the following conditions for any future development within the site:

1. The developer will not be allowed any further variances on the property to keep any further development from infringing on the public street right of way.
2. The development plan is subject to final approval by the city council.
3. All changes to the approved development plan are subject to further review and approval by the P&Z commission and the city council.

Contact:

Seth Sampson, Assistant City Planner  
ssampson@nd.gov





**LAND USE APPLICATION pg. 1 of 2**  
Watford City Planning Department

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: <u>9/20/13</u>	APPLICATION NUMBER:
<input checked="" type="checkbox"/> ZONE CHANGE - \$200.00 fee	PROCESSES BY: <u>LLS</u>	MEETING DATES: P&Z: <u>10/28</u> CC: <u>11/4</u>
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT \$350.00 fee plus publishing cost	FEE: <u>35000</u>	ADVERTISE DATE: <u>10/16 &amp; 10/23</u>
<input checked="" type="checkbox"/> VARIANCE - \$200.00 fee	RECEIPT #: <u>#467145</u>	PROPERTY OWNERS NOTIFIED:
<input checked="" type="checkbox"/> STREET NAME CHANGE	SECTION/TOWNSHIP/RANGE: <u>18/150N/98W</u>	
<input checked="" type="checkbox"/> VACATION & ABANDONMENT	RELATED CASE NOS:	
<input checked="" type="checkbox"/> SIMPLE LOT SPLIT - \$450.00 fee	FINAL ACTION MEMORANDUM ISSUED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Erica Beard  
 APPLICANT: Prairie Rose Flower Shop, LLC "Petals"

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Erica Beard  
 ADDRESS: PO Box 849  
 CITY: Watford City STATE: ND ZIP CODE: 58854  
 TELEPHONE: 701-440-7700 EMAIL: erica@straight8logistics.com  
 ASSESSOR'S PARCEL NUMBER(S): 82-10-03900  
 LEGAL DESCRIPTION: lot 11, block 3 - Section 18, Township 150 N, Range 98W  
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 512 N Main St, 6th Ave, 5th Ave  
 GROSS/NET ACREAGE: \_\_\_\_\_ PRESENT ZONE CLASSIFICATION: Residential  
 DESIRED ZONE CLASSIFICATION: Commercial CURRENT LAST USE: \_\_\_\_\_

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

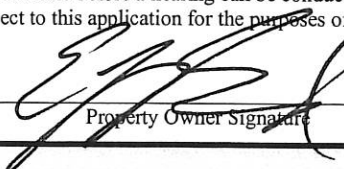
I would like to run a flower shop out of this cute home. I will be living out this location as well. This shop will have standard business hours. This shop will provide the community w/ a much needed service funerals, weddings, special events, & holidays are all missing floral arrangements at this time in Watford City.

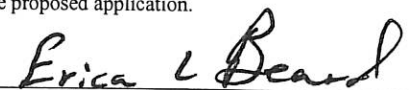
DESCRIBE THE SOURCE OF WATER/SEWER: City Water Do you have a will serve letter  YES  NO

## LAND USE APPLICATION pg. 2

Watford City Planning Department

(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.

  
 \_\_\_\_\_  
 Property Owner Signature

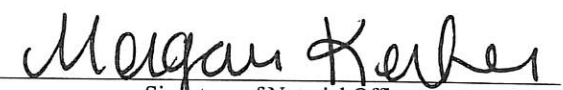
  
 \_\_\_\_\_  
 Print of ~~the~~ Owner Name

**NOTARY**

State of North Dakota  
 County of Mckenzie

This instrument was acknowledged before me on 9/20/13 by Erica Beard  
 Date Name of Person

**MORGAN KERBER**  
 Notary Public  
 State of North Dakota  
 My Commission Expires Nov. 6, 2018

  
 \_\_\_\_\_  
 Signature of Notarial Officer

### Documents Required for Submitting Land Use Applications

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Info.	Application Fees
Conditional Use Permit	1	1	2 ✓	1 <sup>9</sup> ✓		1 <sup>11</sup>	1 <sup>12</sup>	1 <sup>13</sup>	1 <sup>14</sup>	\$350.00
Zone Change	1	1	2	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>	1 <sub>12</sub>		1 <sup>14</sup>	\$200.00
Variance	1	1	2			1 <sup>11</sup>				\$200.00
Vacation and Abandonment	1		2	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>				Refer to Fee Schedule
Street Name Change*	1					1 <sup>11</sup>				Refer to Fee Schedule

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications  
 \*Plus all sign costs

**Procedures for Filing Land Use Applications:**

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- C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- D. A letter indicating the Commission'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.
- E. 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.
- F. The Planning Commission 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.
- G. Site Development Plan Application is required on all Conditional Use Applications.


Watford City Planning Department  
 213 2<sup>nd</sup> St NE / PO Box 494  
 Watford City, ND 58854

Phone: (701)444-2533 Fax: (701)444-3004 Website: www.mckenziecounty.net

Site Plans

I plan on running a flower shop out of the home on 512 N Main St. This shop will hold standard business hours. This shop will employ persons in Watford City, ND and add a much needed service to our community. I plan on living at the location as well.

Regards,

A handwritten signature in black ink, appearing to read 'Erica Beard', written in a cursive style.

Erica Beard

Please contact 701-339-3676

with questions

# PURCHASE AGREEMENT

THIS IS A LEGALLY BINDING CONTRACT BETWEEN PURCHASER AND SELLER.  
IF YOU DO NOT UNDERSTAND IT, SEEK LEGAL ADVICE.

1. **PARTIES TO CONTRACT – PROPERTY DESCRIPTION:** Erica Beard, hereinafter referred to as **Purchaser(s)**, offers and agrees to purchase from Natalie Koeser and Kay Stringham, hereinafter referred to as **Seller(s)**, upon the terms and conditions set forth, the property legally described as: 512 Main Street North, legal described as L/B/P 11-3-AARHUS Addition to Watford City, McKenzie County, North Dakota.
  
2. **EARNEST MONEY DEPOSIT:** Earnest Money in the amount of \$5,000.00 (Five Thousand Dollars) accompanies this offer and shall be held by McKenzie County Guaranty and Title Company. All earnest shall be applied to the purchase price at closing.
  
3. **PURCHASE PRICE:** The total purchase price is to be **\$149,900 (One hundred forty-nine thousand dollars)**. After earnest money herein is credited, the remaining balance is to be paid by Purchaser at closing.
  
4. **FINANCING:** This offer is a CASH OFFER. A letter of verification of funds will be delivered within 10 days of acceptance of this agreement.
  
5. **APPRAISAL:** This offer IS NOT subject to the property appraising for at least the purchase price.
  
6. **SELLER’S PROPERTY DISCLOSURE:** Purchaser acknowledges receipt of Seller’s property condition disclosure and lead based paint disclosure dated August 17, 2013.
  
7. **SURVEY:**
  - New location survey depicting all improvements on the property
  - Existing location survey depicting all improvements on the property
  - Seller to mark all property corners before closing at Seller’s expense.
  - Other: Purchaser waives survey.

Cost of survey, if any, will be paid by Seller.
  
8. **TAXES/PRORATIONS:** Purchaser is aware that property taxes may or may not be based upon "Owner Occupied Status". Any and all Special Assessments are to be paid by Seller unless otherwise specified in this agreement.  
Taxes, rents, road maintenance, water, sewer, and homeowner’s association fees, if any are:  
To be prorated to DATE OF CLOSE  
  
Tax proration will be based upon the: most current county information (new assessment if available).
  
9. **TITLE:** Merchantable title shall be conveyed by Warranty Deed or other sufficient conveyance instrument, acceptable to Purchaser, subject to conditions, zoning, restrictions and easements of record, if any, which do not interfere with or restrict the existing use of the property. An owner’s policy of Title Insurance in the amount of the purchase price will be furnished with cost to be the responsibility of the Seller.
  
10. **CLOSING/POSSESSION:** Closing date will be on or before **September 16, 2013 with possession to be given to Purchaser upon payment of additional earnest money of \$145,000 (one hundred forty five thousand dollars)** to be held by McKenzie County Guaranty and Title Company. All earnest shall be applied to the purchase price at closing. If the abstract needs to be brought up to date, Buyer is aware it could take up to 90 days to close. Before occupancy, Buyer also agrees to provide proof of insurance coverage on

property until time of closing. Buyer also agrees to have utility put into Buyers name prior upon occupancy. Closing service fees, if any, cost to be distributed as follows: Purchaser 50% / Seller 50%.

11. **EARNEST MONEY/DEPOSITS:** If an accepted offer and agreement to purchase does not close, regardless of the circumstances, both Purchaser and Seller must agree in writing prior to release of earnest money or in the alternative, pursuant to paragraph 12 of this agreement.
12. **AGREEMENT TO MEDIATE:** Any dispute or claim arising out of or relating to this contract will be submitted to mediation in accordance with the rules and procedures of the state of North Dakota. Any costs of mediation will be shared equally between Purchaser and Seller, by signing and accepting this purchase agreement below both parties acknowledge and agree to the above.
13. **PERSONAL PROPERTY:** Any personal property, free of liens and without warranty of condition, shall be transferred to Purchaser by a separate bill of sale.
14. **OTHER PROVISIONS TO BE MADE PART OF THIS AGREEMENT:**  
All personal property in the home is included in the purchase price. This property is contingent upon Buyer's father viewing the home within 3 days of acceptance of this offer and giving his approval, if father finds home unacceptable any and all earnest money shall be returned to the Buyer.
15. **ADDENDA TO THIS AGREEMENT:** The following documents are addenda to this contract and are attached and become part of this contract by reference. If none so state: condition report and lead based paint.
16. Buyer may obtain information about the sex offender register and persons registered with the registry on the internet at <http://www.sexoffender.nd.gov>
17. This Agreement is void if not accepted by Seller by 08/31/2013 at 5:00 PM.
18. The laws of North Dakota govern this transaction. All disputes arising hereunder shall be venued in State District Court, McKenzie County, North Dakota.
19. **TIME IS OF THE ESSENCE OF THIS CONTRACT:** Dated this 08/30/2013.

---

Purchaser: Erica Beard

---

Purchaser:

Address: P.O. Box 860, Watford City, ND 58854

Phone: 701.440.7700

Email: Erica@straight8logistics.com

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ the foregoing offer is:

ACCEPTED (sellers initials) \_\_\_\_/\_\_\_\_. NOT ACCEPTED (sellers initials) \_\_\_\_/\_\_\_\_. COUNTERED \_\_\_\_/\_\_\_\_ (see attachment)

\_\_\_\_\_  
Seller – Kay Stringham

\_\_\_\_\_  
Seller

Address: 409 Jesweak Court, Athens, GA 30605

Phone: (M) 706.254.5372 or (H) 706.549.1458

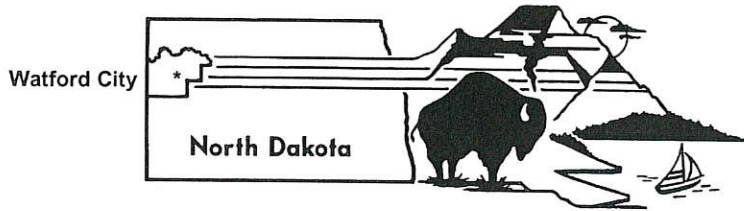
Email: ayms@charter.net

This offer was drafted on: 8/30/2013 at 3 PM by Michelle Buntin Watford City Realty.

Watford City Realty, P.O. Box 2346, Watford City Realty, ND 58854

This offer was presented on: \_\_\_\_\_ at (time): \_\_\_\_\_ AM PM by (Licensee and firm)

\_\_\_\_\_



**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  
[www.mckenziecounty.net](http://www.mckenziecounty.net)

October 17, 2013

## STAFF REPORT

CU-14-2013

Conditional Use

Applicant

Prairie Rose Flower Shop, LLC  
Erica Beard  
PO Box 849  
Watford City, ND 58854

Property Owners

Erica Beard

**Property Address:** 512 N Main St., Lot 11 Block 3, Parcel # 82-10-03900

**Conditional Use Requested:** Home Occupation

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

**Discussion:** This application was filed for the purpose of commercial business (flower shop) from applicants home within R1 Single Family Dwelling District.

The property is located at 512 N. Main St., Lot 11, Block 3.

The existing property is currently developed as a single family residential structure. The site is accessed from north Main Street which is paved and has access to city water and sewer. The site is within the City limits and therefore falls within the jurisdiction of the Watford City Planning and Zoning Commission.

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 - R-1, Watford City  
Use - Residential  
South: Zoning - R-1, Watford City  
Use - Residential  
North: Zoning - CF, Watford City  
Uses - Community Facilities  
East: Zoning - R-1, Watford City  
Uses - Residential

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 north Main Street which is paved.  
*Sewer:* There is an existing city sanitary sewer main within the property.  
*Water:* There is an existing city water main within the property.



HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (2) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding six square-feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- (3) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (4) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**Recommendation:**

Staff recommends approval of the conditional use only as temporary use. This permit is temporary to facilitate the operation of commercial business within single family residential dwelling district. The scope of the application is outside of the zoning standards for Home Occupation; however the shortage of retail/commercial space is currently limited in Watford City. Planning and Zoning recommend temporary approval of Ms. Beard's business operation under the conditions listed below:

**Conditions of Approval:**

1. Approval of Conditional Use Permit application shall be for the term on 12 months only not to be renewed at expiration. Ms. Beard will have 12 months to move her business to an appropriate location and or to bring her property into Commercial District compliance, i.e. zoning application, site plan review & improvements; all to be considered by planning & zoning upon submittal.
2. The conditional use permit shall be specific as to number of parking spaces to be provided for customers and employees; employees will park behind the business, parking area will be improved as to not cause track out issues.
3. Conditional Use Permit will expire after 6 months if no action is undertaken by the applicant.

Contact:

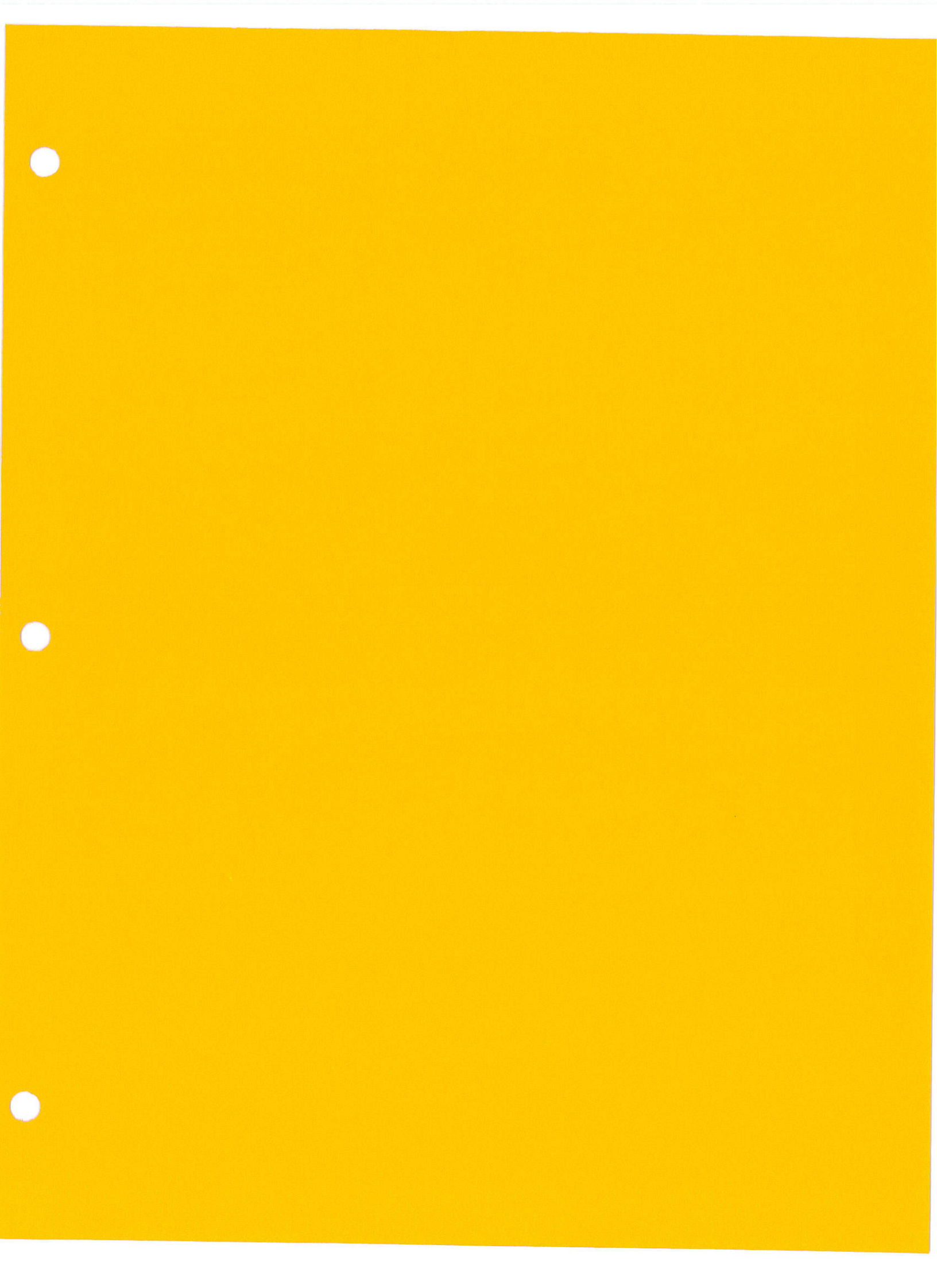
Mildred Williams  
Assistant City Planner  
City of Watford City  
(701) 444-2533  
[miwilliams@nd.gov](mailto:miwilliams@nd.gov)



Google earth

feet  
meters





# LAND USE APPLICATION

Watford City Planning Department

See Reverse for Submittal Requirements

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: <u>10/10/13</u>	APPLICATION NUMBER: <u>ZC-36-2a3</u>
<input checked="" type="checkbox"/> ZONE CHANGE - \$200.00 fee	PROCESSES BY: <u>MS</u>	MEETING DATES: P&Z: <u>10/28</u> CC: <u>11/4</u>
<input type="checkbox"/> CONDITIONAL USE PERMIT - \$350.00 fee plus publishing cost	FEE: <u>200.00</u>	ADVERTISE DATE: <u>10/16 &amp; 10/23</u>
<input type="checkbox"/> VARIANCE - \$200.00 fee	RECEIPT #: <u>467175</u>	PROPERTY OWNERS NOTIFIED: <u>Yes</u>
<input checked="" type="checkbox"/> STREET NAME CHANGE	SECTION/TOWNSHIP/RANGE: <u>15   150N   78 W</u>	
<input type="checkbox"/> VACATION and ABANDONMENT	RELATED CASE NOS:	
<input type="checkbox"/> SIMPLE LOT SPLIT - \$450.00	FINAL ACTION MEMORANDUM ISSUED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: P. DEUTSCH, LLC AND PAUL & NANCY DEUTSCH

APPLICANT: SAME

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: STEVE RUDE

ADDRESS: PO Box 2023

CITY: DICKINSON STATE: ND ZIP CODE: 58601

TELEPHONE: 225-9636 EMAIL: steve.rude@ae2s.com

ASSESSOR'S PARCEL NUMBER(S): 20-19-00100, 20-00-10300

LEGAL DESCRIPTION: LOT 1 OF EAST WATFORD DEPOT SUBDIVISION & IT 1109

PROPERTY ADDRESS AND NEAREST CROSS STREETS: Hwy 1806

GROSS/NET ACREAGE: 9.67 PRESENT ZONE CLASSIFICATION: EAG

DESIRED ZONE CLASSIFICATION: C-1 CURRENT LAST USE: NONE

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

SEE APPLICATION COVER LETTER

DESCRIBE THE SOURCE OF WATER/SEWER: ON-SITE

Do you have a will serve letter  YES  NO

**Land Use Applications Cannot be Accepted over the Front Counter**  
**Please Call (701) 444-2533 to schedule an appointment**

(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.

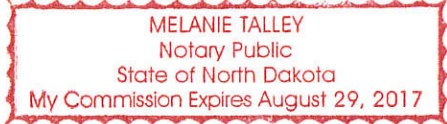
Paul Deutsch  
 Property Owner Signature

\_\_\_\_\_  
 Print of Type Owner Name

**NOTARY**

State of North Dakota  
 County of McKenzie

This instrument was acknowledged before me on October 8, 2013 by Paul Deutsch  
 Date Name of Person



Melanie Talley  
 Signature of Notarial Officer

**Documents Required for Submitting Land Use Applications**

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Info.	Application Fees
Conditional Use Permit	1	1	4	1 <sup>9</sup>		1 <sup>11</sup>	4 <sup>12</sup>	1 <sup>13</sup>	1 <sup>14</sup>	\$350.00
Zone Change	1	1	4	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>	4 <sup>12</sup>		1 <sup>14</sup>	\$200.00
Variance	1	1	4			1 <sup>11</sup>				\$200.00
Vacation and Abandonment	1		4	1 <sup>9</sup>	1 <sup>8</sup>	1 <sup>11</sup>				Refer to Fee Schedule
Street Name Change*	1					1 <sup>11</sup>				Refer to Fee Schedule

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications

\*Plus all sign costs

**Procedures for Filing Land Use Applications:**

- A. After assembling the required materials as outlined above, schedule an appointment by calling the Watford City Planning Department at (701) 444-2533. Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.
- B. Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- D. A letter indicating the Commission'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.
- E. 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.
- F. The Planning Commission 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.
- G. Site Development Plan Application is required on all Conditional Use Applications.

Watford City Planning Department  
 213 2<sup>nd</sup> St NE  
 Watford City, ND 58854  
 Phone: (701)444-2533 Fax: (701)444-3004 Website: www.4eyes.net

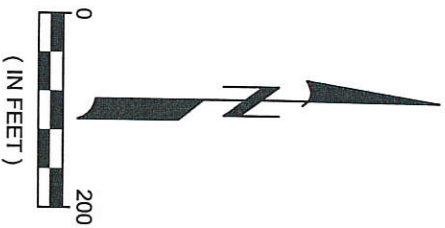
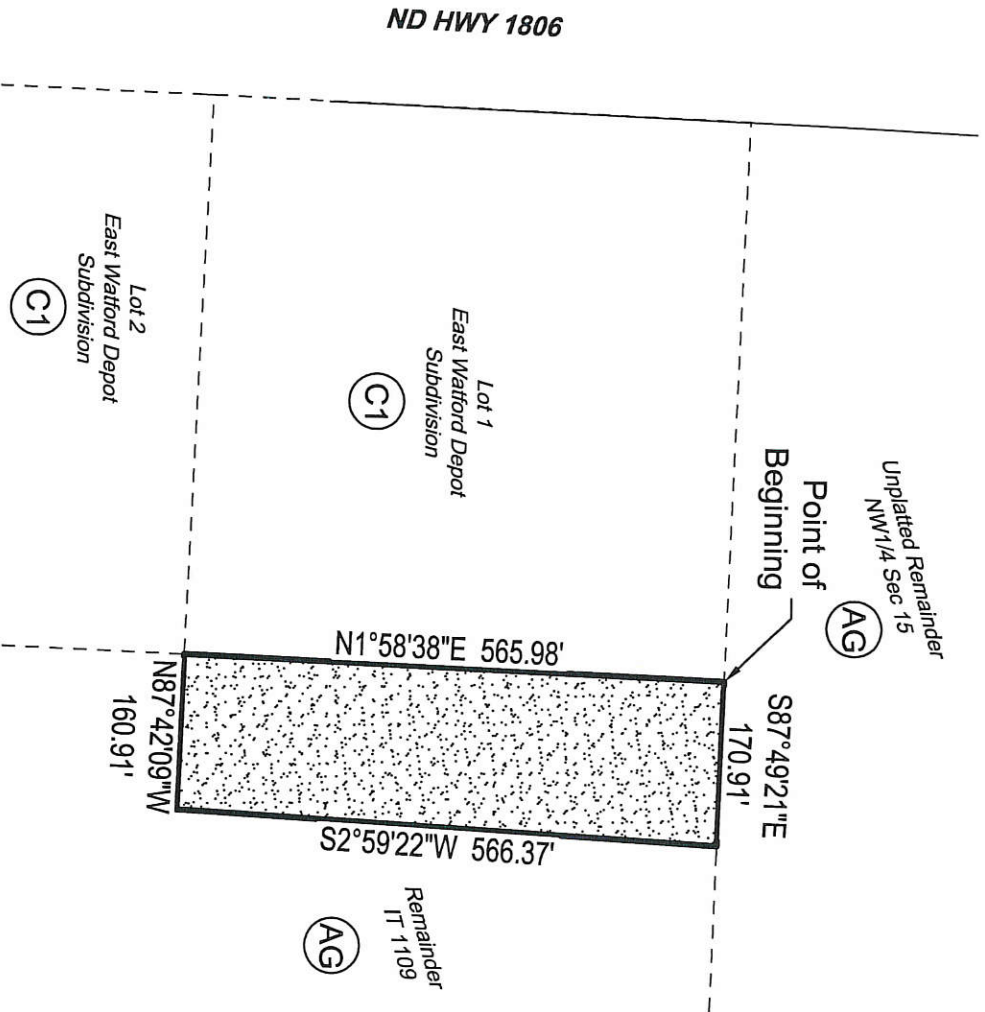


Google earth



# ZONE MAP AMENDMENT

## A PORTION OF IRREGULAR TRACT 1109 IN THE NW1/4 SECTION 15, T150N, R98W, 5th PM, MCKENZIE COUNTY, NORTH DAKOTA



### DESCRIPTION

A portion of Irregular Tract 1109 in the NW1/4 Section 15, T150N, R98W, 5th PM, McKenzie County, North Dakota, and being further described as follows:

Beginning at the northeast corner of Lot 1 of East Watford Depot Subdivision; thence along the easterly extension of the north line of Lot 1 S87°49'21"E a distance of 170.91 feet; thence S02°59'22"W a distance of 566.37 feet; thence N87°42'09"W a distance of 160.91 feet to the southeast corner of Lot 1; thence along the east line of Lot 1 N01°58'38"E a distance of 565.98 feet to the Point of Beginning.

Said parcel contains 93,931 SqFt or 2.16 acres.

### LEGEND



NEW ZONING - C-1




EXISTING ZONING - C-1



EXISTING ZONING - AG



Advanced Engineering and Environmental Services, Inc.  
 446 3rd Ave. West, Dickinson, ND  
 Ph: 701-225-9636 Fax: 701-225-9616 Web:  
 www.AE2S.com  
 \\10.11.0.1\projects\Deutsch-Paul\13-00 Taylor  
 Add\Drawings\EXHIB\SZMA.dwg

<p>Document Prepared By:</p> <p>MCKENNETT FORSBERG  VOLL &amp; GJOVIG, P.C.  217 North Main Street  P.O. Box 1469  Watford City, North Dakota 58854-1469  Telephone: (701) 444-2619</p> 	<p>Return to: <span style="float: right;">452116</span></p> <p>MCKENNETT LAW FIRM  BOX 1469  WATFORD CITY ND 58854-1469  COUNTY RECORDER, MCKENZIE COUNTY, ND</p> <p>County Recorder  McKenzie County  Watford City ND 58854  Page 1 of 2</p> <p>I certify that this instrument was filed and recorded, <span style="float: right;">452116</span></p> <p>Ann M Johnsrud, County Recorder      Fee    \$13.00</p> <p>By <u>Ann M. Johnsrud</u>      Jun 04, 2013 02:51 PM</p>
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**QUIT CLAIM DEED**

THIS INDENTURE, Made this 29<sup>th</sup> day of May, 2013, between Paul Deutsch and Nancy Deutsch, husband and wife, of PO Box 1054, Watford City, North Dakota 58854, Grantors, and **P. Deutsch, LLC**, a limited liability company authorized to do business in the State of North Dakota, of PO Box 1054, Watford City, North Dakota 58854, Grantee:

WITNESSETH, That the Grantors, for and in consideration of the sum of One and no/100 Dollars (\$1.00) and other good and valuable consideration in hand paid by the Grantee, the receipt whereof is hereby acknowledged, do by these presents BARGAIN, SELL, REMISE, RELEASE and QUIT-CLAIM unto the Grantee, its successors and assigns, FOREVER, all right, title and interest in and to the following described real property located in McKenzie County, North Dakota:

Lot 1 of East Watford Depot Subdivision, being a portion of the South Half (1/2) of the Northwest Quarter (NW1/4) of Section 15, Township 150 North, Range 98 West of the 5th Principal Meridian, McKenzie County, North Dakota

TO HAVE AND TO HOLD, The above quit-claimed premises, together with all the hereditaments and appurtenances thereunto belonging or in any wise appertaining, to the Grantee, its successors and assigns, FOREVER.



IN TESTIMONY WHEREOF, The Grantors have hereunto set their hands the day and year first above written.

Paul Deutsch  
Paul Deutsch

Nancy Deutsch  
Nancy Deutsch

STATE OF NORTH DAKOTA )  
  ):ss.  
COUNTY OF MCKENZIE )

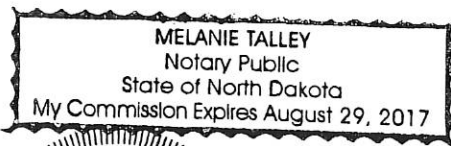
The foregoing instrument was acknowledged before me this 29<sup>th</sup>  
day of May, 2013 by Paul Deutsch.

(SEAL) 

Melanie Talley  
Notary Public for the State of North Dakota  
My Commission Expires: \_\_\_\_\_

STATE OF NORTH DAKOTA )  
  ):ss.  
COUNTY OF MCKENZIE )

The foregoing instrument was acknowledged before me this 29<sup>th</sup>  
day of May, 2013 by Nancy Deutsch.

(SEAL) 

Melanie Talley  
Notary Public for the State of North Dakota  
My Commission Expires: \_\_\_\_\_



I certify that the requirement for a report or statement of full consideration paid does not apply because this is a transaction exempted under subdivision i of subsection 7 of NDCC 11-18-02.2.  
Date: 5/29/13  
Signed: Melanie Talley  
Grantee or Agent

Delinquent Taxes and Special Assessments, or Installments

of Special Assessments, paid and transfer entered this

4 day of June, 2013.

by Kinda Subrove County Auditor

by Vanice Johnson Deputy

County Recorder  
McKenzie County  
Watford City ND 58854

452116



**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)

October 21, 2013

**STAFF REPORT**

**ZC-36-2013 ZONE CHANGE**

Applicant  
Steve Rude  
PO Box 2023  
Dickinson, ND 58601

Property Owners  
P. Deutch, LLC

Property Address: Lot 1 of East Watford Depot Subdivision and IT 1109

Zone Change Requested: A request to change the zoning of the above-referenced lots from AG to C-1

Reference: Watford City City Code Sec. XV – Article XXVI, Amendments

Discussion: Article XXVI, Section 1 of the Watford City Zoning Ordinance states that “A proposal for an amendment or a change in zoning may be initiated by the City Council, by the Planning Commission, or upon application of the owner of the property affected.”

The property is located in lot 1 of East Watford Depot Subdivision in IT 1109. 9.67 acres.

-The existing property is currently zoned as AG. The site will have access to city water and sewer service and is accessed from Hwy 1806. 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 intent of the zone change application is to bring the IT which is currently zoned AG into the same zoning district as the adjacent lot currently is zoned which is C1.

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.

In granting a zone change, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the zone change is in the best long-term interests of the City of Watford City and the other affected properties. The Planning Commission shall also find that the zone change, if granted, is in harmony with the intended spirit and purpose of the zoning

ordinance and does not constitute "spot zoning" so as to allow a use that would otherwise not be permitted.

Under no circumstances shall the Planning Commission recommend a zone change not permissible under the terms of this ordinance.

*Surrounding Land Use Inventory:*

West: Zoning -	C1, McKenzie County
Use -	Commercial
South: Zoning -	R1, McKenzie County
Use -	Low Density Residential
North: Zoning -	R1, McKenzie County
Uses -	Low Density Residential
East: Zoning -	AG, McKenzie County
Uses -	Agricultural

**Comprehensive Zoning Plan and Zoning Comparison:**

***At this time, the city does not have a detailed Comprehensive Zoning Plan that can be used as a basis for this decision. Therefore, each request for a zoning amendment must be based solely on the judgment of the commission. The commission must exercise prudence when evaluating this request. All of the possible uses that could occur on this property and the possible effect on surrounding properties must be considered when evaluating whether this zone change should be approved. The "C1" Commercial Zoning District is intended for the purpose of allowing basic retail, service and office uses. This district is also intended to provide locations for commercial activity that do not require a central location downtown.***

Site Development

*Access: The property is accessible from Hwy 1806.*

*Sewer: There are currently no city sanitary sewer mains on the property that will be available.*

*Water: There are currently no city water mains accessible to the property.*

*Analysis: The proposed zoning will bring the IT into the same zoning designation of the current land surrounding the property. The desired zone change is appropriate use with current and future development.*

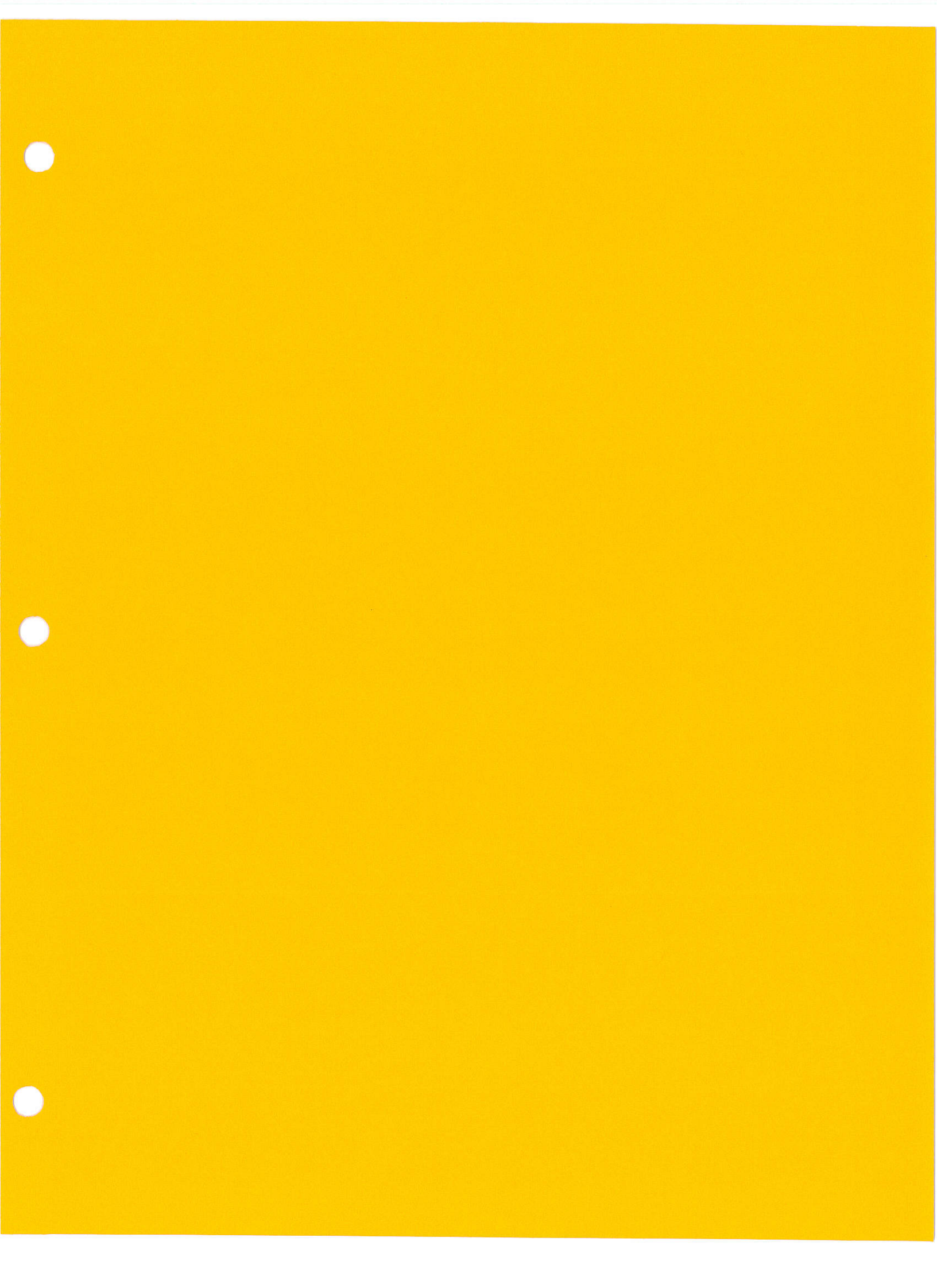
Recommendation:

It is recommended that the Watford City Planning Commission approve a zone change from Ag to C1 for the property subject to the following conditions for any future development within the site:

1. The development plan is subject to final approval by the city council.
2. All changes to the approved development plan are subject to further review and approval by the P&Z commission and the city council.

Contact:

Seth Sampson, Assistant City Planner  
ssampson@nd.gov



# DIVISION OF LAND / PLANNING APPLICATION

CITY OF WATFORD CITY  
PO Box 494 / 213 2nd St NE Watford City, ND 58854

<b>APPLICATION TYPE</b>	DATE FILED: <u>10/10/13</u>	APPLICATION NUMBER:
<input type="checkbox"/> SUBDIVISION PRELIMINARY MAP	PROCESSED BY: <u>MIS</u>	PLANNING AND ZONING: <u>10/28</u>
<input type="checkbox"/> SUBDIVISION FINAL MAP	FEE: <u>300<sup>00</sup></u>	CITY COUNCIL: <u>11/4</u>
<input type="checkbox"/> PARCEL MAP SUBSEQUENT	RECEIPT #: <u>467175</u>	SECTION // TOWNSHIP // RANGE: <u>15 // 150N // 98W</u>
<input type="checkbox"/> PARCEL MAP NON-SUBSEQUENT	RELATED CASE FILES:	FINAL ACTION LETTER ISSUED DATE:
<input type="checkbox"/> ROAD/STREET ABANDONMENT	PROPERTY OWNER: <u>P. Deutsch, LLC &amp; PAUL AND NANCY DEUTSCH</u>	
<input type="checkbox"/> LARGE PARCELS MAP PRELIMINARY	APPLICANT: <u>SAME</u>	
<input type="checkbox"/> LARGE PARCELS MAP FINAL	<i>CORRESPONDENCE FOR THIS APPLICATION SHOULD BE ADDRESSED TO:</i>	
<input type="checkbox"/> MAP OF REVERSION	NAME: <u>STEVE RUDE, PLS 40 AE2S</u>	
<input checked="" type="checkbox"/> BOUNDARY LINE ADJUSTMENT MAP <sup>4300</sup>	PHONE: <u>701-225-9636</u>	
<input type="checkbox"/> AGRICULTURAL EXEMPTION	ADDRESS: <u>PO Box 2023 <del>DE</del></u>	
<input type="checkbox"/> FAMILY CEMETERY DESIGNATION	CITY: <u>DICKINSON</u> STATE: <u>ND</u> ZIP CODE: <u>58602</u>	
	EMAIL: <u>steve.rude@ae2s.com</u>	

ASSESSOR'S PARCEL NUMBER(S): 20-14-00000, 20-00-10300

LEGAL DESCRIPTION: LOT 1 OF EAST WATFORD DEPOT SUBDIVISION, IT 1109

PROPERTY ADDRESS AND NEAREST CROSS STREETS: HWY 1806


GROSS/NET ACREAGE: 9.67 NUMBER OF LOTS: 1 ZONING: C-1, AG

DESCRIBE THE METHOD OF PROVIDING WATER & SEWER: ON-SITE, PRIVATE SYSTEMS

ARE ANY WAIVERS OR VARIANCES REQUIRED TO SUPPORT THIS APPLICATION?: NO

(IF YES, ATTACH A JUSTIFICATION LETTER DESCRIBING SUCH WAIVERS OR VARIANCES). WAIVERS AND VARIANCES

(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 CITY OF WATFORD CITY 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.

Property Owner (Signature): 

Property Owner (Print): \_\_\_\_\_

Property Owner (Signature): \_\_\_\_\_

Property Owner (Print): \_\_\_\_\_

### SURVEYOR / ENGINEER INFORMATION

NAME: STEVEN RUDE, PLS LICENSE NO: LS-6261

ADDRESS: PO Box 2023

CITY: DICKINSON STATE: ND ZIP: 58602

PHONE: 225-9636 FAX/Email: steve.rude@ae2s.com



October 7, 2013

Curt Moen  
City of Watford City  
213 2<sup>nd</sup> St NE  
Watford City, ND 58854

**RE: Land Use and Division of Land Applications – Simple Lot Split and Zone Change Request  
Lot 1 of East Watford Depot Subdivision**

Dear Curt:

Please find enclosed the following items for your review of applications for a boundary line adjustment and zone change request for Lot 1 of the East Watford Depot Subdivision and a portion of Irregular Tract 1109 in the NW1/4 Section 15, T150N, R98W.

- A signed Land Use Application.
- A signed Division of Land/Planning Application
- A review fee check in the amount of \$500, consisting of \$300 for the Division of Land Application and \$200 for the Land Use Application.
- One 24"x36" and five 11"x17" copies of the proposed subdivision plat.
- One copy of the deed which shows current ownership.
- One copy of the proposed Zone Map Amendment.

**Project Description.** Lot 1 of East Watford Depot Subdivision was created and zoned in April 2013. Its parent parcel was Irregular Tract 1109 which was created in the 1980's. Mr. Deutsch now desires to increase the size of Lot 1 to accommodate anticipated site development by adding land from IT1109.

**Zoning.** Lot 1 is currently zoned C-1. The applicant hereby requests a zoning designation of C-1 for the additional area shown on the included Zone Map Amendment.

**Access.** Legal and physical access will be directly from ND Highway 1806.

**Utilities.** Lot 1 will require on-site water supply and sewage disposal facilities; it will not be connected to City services.

If you have any questions or require any additional information, please call us at 701-225-9636 or email me at [steve.rude@ae2s.com](mailto:steve.rude@ae2s.com).

Sincerely,

A handwritten signature in blue ink that reads 'Steve Rude'.

Steve Rude, PLS  
Land Surveyor