

■ 1. Case # 2026-07	City Limits
■ 2. Case # 2026-09	City Limits
■ 3. Case # 2026-10	Two Mile Boundary
■ 4. Case # 2026-11	Two Mile Boundary
■ 5. Case # 2026-12	Two Mile Boundary

## **NOTICE OF PUBLIC HEARING**

The City of Minot Planning Commission will meet in regular session on Tuesday, March 10, 2026, at 5:30p.m. in the Council Chambers of City Hall located at 10 3<sup>rd</sup> Ave. SW to hold public hearings on the items contained in this published notice.

Each item is available for review and on file at the Minot City Public Works building located at 1025 31st St. SE, Minot, ND 58701 between 8:00am and 4:30pm Monday through Friday preceding the public hearing. Chapter 9.1 and Article 10 of the Land Development Ordinance of the City of Minot provides the relevant application procedures pertaining to each application, including protest and appeals available, for each respective application type. Interested members of the public are encouraged to contact the Planning Division by phone at 701-857-4122 or by e-mail at [planner@minotnd.gov](mailto:planner@minotnd.gov) for additional information on each item and associated protest and appeals procedures available.

### **Case #2026-07. Zone Change, Annex, Conditional Use Permit**

Public hearing request by Brian Sullivan, representing Forward Building Investments, owner for a request of a zoning map amendment to change zoning from "RR" Rural Residential District to "P" Public District, annexation and a conditional use permit for an electric power substation. The legal description for the property is Lots 1, 2 & 3 of Davis Addition to the City of Minot, Ward County, North Dakota

The subject property address is 2701 30<sup>th</sup> Ave NW.

### **Case #2026-09. Public Zone Master Plan**

Public hearing request by Jason Sorenson, Public Works Director, Representing the City of Minot, owner for a request of an approval of a "P" Public District Site Master Plan on a property zoned "P" Public District. The legal description for the property is Outlot 14 of the SW 1/4 SW 1/4 Section 20, Township 155, Range 82 Ward County, North Dakota

The subject property address is 1000 31<sup>st</sup> St. SE.

### **Case #2026-10. Preliminary Plat**

Public hearing request by Casey Schmidt, owner for a request of a preliminary plat to subdivide a property zoned "C2" General Commercial District. The legal description for the property is Lots A and B along with Outlot 3 lying in the SE 1/4 Section 26, Township 156, Range 83, Ward County, North Dakota

The subject property address is 200 62<sup>nd</sup> Ave NW.

### **Case #2026-11. Zone Change, Annex, Preliminary Plat, Easement Vacation**

Public hearing request by Rob Berard, Ackerman Surveying representing Four Season Construction Inc., owner for a request of a zoning map amendment from "AG" Agricultural District to "R1S" Single-Family District with Small Lot Flexibility and "P" Public District, annexation, preliminary plat and easement vacation. The legal description for the property is Stonebridge Farms 1<sup>st</sup> & 4<sup>th</sup> Additions less N 40' to the City of Minot, Ward County, North Dakota

The subject property address is unassigned.

**Case #2026-12. Conditional Use Permit for Cause Hearing**

Public hearing request by the City of Minot for a request of a show of cause hearing on a property zoned "R3B" Multiple Residence District ("RM" Medium Density Residential District) for the Planning Commission to consider the revocation of a Conditional Use Permit for the operation of a Group Home and hear evidence of multiple violations of the conditions as outlined in Conditional Use Permit # 2023-11-1. The legal description for the property is Blaisdells S/D of Block 13 Ramstads Riverview S/D Lot 1 Addition to the City of Minot, Ward County, North Dakota

The subject property address is 425 Main St S.

**Case #2026-16. Zoning Ordinance Text Amendment**

Public hearing request by Brian Billingsley, Community Development Director, Representing the City of Minot for a request of a zoning text amendment the Land Development Ordinance addressing day cares, land use buffer yards, fuel stations in the Central Business District, paving requirements and parking on grass.



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Planning Commission Application

#### GENERAL INFORMATION

Forward Building Investments	PO BOX 879, Minot, ND 58702	
Owner Name	Address	Primary Contact?
Phone Brian Sullivan	Email 414 Nicollet Mall, floor 6, Minneapolis, MN 55401	Yes
Applicant Representative (if applicable)	Address	Primary Contact?
Phone	Email	

#### APPLICATION INFORMATION

See attached Survey	RR
Current Legal Description See attached Survey	Current Zoning P - Public
Proposed Legal Description (if applicable) 2701 30TH AVE NW; Parcels: HA101090000030, HA101090000020, OHA101090000010	Requested Zoning (if applicable)
Address Rezone for an electric substation use of the property to service electricity to the northwest part of minot.	
Brief Description of Reason for Request	

#### APPLICATION FOR Check all that apply and submit checklist materials with application.

Major Plat: Preliminary:

<input checked="" type="checkbox"/> Annexation by Petition \$75	<input type="checkbox"/> Interim Use Permit \$350*	<input type="checkbox"/> Variance in Zoning Regulation \$500 for first section of code + \$100 for every section after*	<input type="checkbox"/> 1-10 Lots*** \$400
<input type="checkbox"/> Future Land Use Map Amendment \$500*	<input type="checkbox"/> Plat Vacation \$500 <= 1year; \$1500 1+ year*	<input checked="" type="checkbox"/> Zone Change \$600*	<input type="checkbox"/> 11-30 Lots*** \$600
<input type="checkbox"/> Conditional Use Permit \$500*	<input type="checkbox"/> PUD Plan Review \$1,000*	<input type="checkbox"/> Minor Plat \$300	<input type="checkbox"/> Over 30 Lots*** \$800
<input type="checkbox"/> Other (see next page)			

\*Letters to property owners within 300', 600' in Two-Mile Extraterritorial Jurisdiction, of the area requested are required.

\*\*Memorandum of ownership must be provided.

\*\*\*A letter from the Parks and Recreation Dept. in regards to a Public Land Dedication and/or Fee Per Unit agreement for subdivisions over 3 acres or 10+ units must accompany application.

Total Application Fees \$ 675

ATTENTION: All applications, fees, and required attachments must be completed and submitted to the Planning Office before the deadline in order to be considered for the Planning Commission agenda.

Applications for Planning Commission are due by 2:00 PM on the date provided on the City's website and included in the Planning Commission Application Packet. This date is approximately five (5) weeks prior to the corresponding Planning Commission meeting date and allows time for staff to research each application to ensure conformance with the zoning code and Comprehensive Plan of the City of Minot. If an application is incomplete, any request will be held until a complete application is provided to the Planning Department. To avoid delay, it is recommended that applicants schedule a meeting with the Development Review Team (DRT) prior to submitting an application to the Planning Department.

Brian Sullivan

Digital signature by Brian Sullivan  
Digi-C-US, E-mail: brian.sullivan@xcelenergy.com, O-Xcel Energy,  
Our People, Bill & Linda Register, CH-Brian Sullivan  
Date: 2025-01-07 08:34:02-06:00

01/07/26

Signature of Applicant

Date

**Office Use Only**

Project #	Receipt #	Date Received
If other was selected on the front page, please choose one from one of the following:		
<input type="checkbox"/>	Application Type	Application Fee
<input type="checkbox"/>	Major Plat: Final	\$300
<input type="checkbox"/>	Easement Vacation*	\$350
<input type="checkbox"/>	Manufactured Home Community Site Plan Review*	\$250
<input type="checkbox"/>	Public Zone Plan Review*	\$250
<input type="checkbox"/>	Tax Increment Finance Review	\$1,000
<input type="checkbox"/>	Temporary Use Permit	\$50
<input type="checkbox"/>	Text Amendment	\$750
<input type="checkbox"/>	Zoning Confirmation Letter	First hour is free, after the first hour it will be \$25 per hour
<input type="checkbox"/>	Appeals	\$250
<input type="checkbox"/>		
<input type="checkbox"/>		
	*Certified letters to property owners within 300' of the area requested	
<input type="checkbox"/>		

\*Certified letters to property owners within 300' of the area requested



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Agreement to Pay City and Professional Fees

I/we, the undersigned Applicant(s) hereby agree that I/we will pay all fees and charges that may be incurred by the City of Minot for planning, engineering, legal and any other professional services directly related to and incurred by the City during the examination, review and processing of this application, and during any necessary enforcement action subsequent to this request. I/we understand that the application fee is only an administrative charge intended to defray costs associated with City Staff services and resources required for the processing of this application. If a determination is made by the City that additional professional services are necessary for the review and processing of this application, the Applicant(s) may be required to enter into a development review agreement and deposit funds in escrow with the City of Minot. The sum to be deposited will be based upon the anticipated direct costs to the City. The City will also make every reasonable effort possible to keep these charges to a minimum, yet still provide the needed level of professional services. If direct costs for professional services are in excess of funds placed in escrow, then additional escrow funds may be required to be submitted prior to further processing of the request. Otherwise any fees resulting in charges above the escrow funds placed on deposit will be billed and promptly paid by the Applicant(s) prior to the final deposition of the request by the City. If direct costs to the City are less than the sum placed in escrow, then the balance will be refunded to the Applicant(s) upon final disposition of the request by the City.

Address or Legal Description \_\_\_\_\_

Print Applicant(s) Name(s) Brian Sullivan

Signature of Applicant(s) Brian Sullivan Date 01/07/26

Digitally signed by Brian Sullivan  
DN: C-US, E=brian.e.sullivan@scelenergy.com,  
O=Xcel Energy, OU="Principal, Siting & Land  
Rights", CN=Brian Sullivan  
Date: 2026.01.07 08:35:00-06'00"



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Acknowledgement and Signature

The undersigned applicant hereby represents upon all of the penalties of the law, for the purpose of inducing the City of Minot to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinance of the City of Minot, and the laws of the State of North Dakota, and that the undersigned applicant will pay all fees and charges incurred by the City for the examination and review of this petition.

**Brian Sullivan**

Digitally signed by Brian Sullivan  
DN: C=US,  
E=brian.e.sullivan@soelenergy.com,  
O=Xcel Energy, OU="Principal, Siting &  
Land Rights", CN=Brian Sullivan  
Date: 2026.01.07 08:35:51-06'00'

Signature of Applicant

DocuSigned by:

*Stacy Norton*

EFB4D87887A840A...  
Signature of Property Owner\*

**Brian Sullivan**

Print Applicant(s) Name

**Stacy Norton**

Print Property Owner(s) Name

01/07/2026

Date

12/23/2025

Date

\*If the applicant is different than the property owners, please provide a copy of the Offer to Purchase or other documentation from the property owner giving permission to make the requested changes to the property.

#### Application Fees and Refunds

Planning application fees cover the following costs: meeting room time, copies, minutes, public hearing and legal notices. The review deposit will be utilized for the cost of staff review time, consultants, meeting with applicants, neighborhood meetings, preparation of staff reports, certified letters, preparation of legal documents, review and editing of Planning Commission minutes, staff reports and legal documents. Refunds of application fee will be one-half of the fee and any remaining review fees if the application is withdrawn prior to publication of the public hearing notice. After publication, no refunds will be given. Any remaining review fees will be refunded after the City Council reading(s) have taken place and all requirements have been met.

**Planning Commission Applications are not complete until all required  
submittal documents have been received.**



414 Nicollet Mall  
Minneapolis, MN 55401

January 30, 2026

Planning Department – City of Minot  
1025 31<sup>st</sup> St. SE  
Minot, ND 58702  
Doug Diedrichsen and Planning Commission

### Conditional Use Permit Application

**DATE:** January 30, 2026

**PROPERTY OWNER:** Forward Building Investments

**APPLICANT:** Xcel Energy Siting & Land Rights

**PROJECT NAME:** Xcel Energy Badlands Substation (formally known as Roughrider)

**REQUEST:** Request to allow an electric substation use on the below described property, with a 10 ft tall security fence and designated construction storage area.

**PROJECT ADDRESS:** 2701 30TH AVE NW, Minot, ND 58703

**PARCEL IDs:** HA101090000030, HA101090000020, HA101090000010

**EXISTING ZONING:** RR (Rural Residential) \*Proposed P (Public)

### BRIEF PROJECT DESCRIPTION

Xcel Energy's engineers and planners have determined the need for additional electrical capacity on the west side of Minot. The new **Badlands substation** will provide for current and future growth and add resilience and redundancy to the electrical grid, all to support the growth of Minot and the surrounding community. The new substation is **approximately 3 acres of graded area**, enclosed with a **10 foot-tall chain link security fence**. The security fence is the Xcel Energy adopted standard for compliance with the *Federal Energy Regulatory Commission* (FERC) issued Order No. 802 – CIP-014-1 *Physical Security*. A **construction storage area** is proposed on the property to allow storage of material and equipment during the duration of construction of the substation and other projects undertaken by the company.

The site is an old farmstead about 17.5 acres on the northwest city limits of Minot. It is in a rural area with abutting properties having both commercial and agricultural uses including the use of an outdoor storage area on the west side of the site. Existing tree groves on the north, east, and south of the property will be utilized for screening of the substation. Existing landscaping and topography of the site will be used as buffers. Wetlands on the northeast corner of the site have been identified and protected in the general arrangement.

**JUSTIFICATION:**

1. The request will be harmonious with the general and applicable specific objectives of the City's Comprehensive Plan and Land Development Ordinance.

**Response:** Our proposed uses are consistent with the policy and purpose of the Comprehensive Plan and intend to support growth and energy needs within Minot. The intent of the "P" district is "to retain and provide land areas owned by the utility companies, private organizations, federal, state, and local governments for public use" according to the Land Development Ordinance SECTION 2.22-1 GENERAL DESCRIPTION.

2. The proposed conditional use at the specified location will not be detrimental to or endanger the health, safety, welfare, comfort, or convenience of the public.

**Response:** The proposed electric substation is an essential service and will provide a reliable source of electrical energy to residents and businesses of Minot. The new substation will enhance the health, safety, welfare, comfort, or convenience of the public. The substation will not alter the locality of the area or produce noise, light or air nuisance to its surroundings during operation. Screening requirements will be complied with, including tree coverage to diminish view of the facility.

3. The proposed conditional use will not cause substantial injury to the value of other property within the area in which it is located.

**Response:** The abutting properties to the site include agricultural and commercial uses. The substation is sited to take advantage of existing screening provided by groves of trees on the north, south and east sides of the property. To the west is commercial use and the use abutting the east and south property lines are agricultural.

4. The location, size, design and operating intensity of the proposed conditional use will not prevent the development and use of neighboring property in accordance with the applicable zoning district. In making this determination, the Planning Commission will consider the sitting, nature and height of the existing and proposed buildings and structures, and the extent and effectiveness of proposed buffering or landscaping.

**Response:** The proposed conditional use has been thoughtfully designed to ensure that its location, size, and operational intensity do not hinder the development or use of neighboring properties in accordance with the zoning district. Xcel Energy is committed to infrastructure and operations that maintain a pleasant environment with the communities we are a part of. Infrastructure within the substation compound is carefully and precisely engineered, and the 10 feet fence height is required height for crucial security measures. The site plan composition sites the substation on the rear part of the property further from traffic and public view, with trees surrounding the perimeter to create a natural buffer and screening.

5. Adequate public services and facilities exist or will be provided by the developer at the time of development, including adequate utilizes, water and sewer systems, drainage structures, and other such facilities and services which are necessary to serve the development.

**Response:** The facility is an unmanned facility and will not require water or sewer services. Upon completion of the substation, maintenance crews will be on site periodically. Access to the site will be via an existing driveway that will be improved to meet the needs of the facility. The substation will be connected to power by extended transmission line connection from existing lines in the area. Proper drainage and water runoff will be accounted for by water basins and an approved storm water management plan.

6. The request will not create excessive additional requirements for public facilities and services at public cost and will not be detrimental to the economic welfare of the community.

**Response:** The new proposed substation will ensure customers receive safe and reliable electrical services, and support future economic growth and opportunity in the area by providing increased energy capacity.

7. Adequate access roads or entrance and exit drives exist or will be provided by developer to prevent traffic safety hazards and minimize traffic congestion on public streets.

**Response:** The existing access drive from 30<sup>th</sup> Ave. on the north property line will be improved and extended towards the construction staging area and substation at the rear of the property. A turnaround is proposed near the substation entrance for efficient traffic movement onsite. Once in operation, the substation itself will generate a minimal amount of traffic to the facility. The construction storage area will reduce hauling on and off the site during construction and provide a convenient location for storage of material on the west side of Minot. Traffic generated by the storage facility will fluctuate, based on projects in the area. Traffic safety hazards or congestion are minimized with convenient access to Hwy 83.

8. The request will not result in the destruction, loss, damage of a natural, scenic, or historic feature of major importance.

**Response:** The development will not lead to the destruction, loss, or damage of any natural, scenic, or historic features of major importance. The wetlands located on site has been carefully evaluated and the site plan revised to ensure that the proposed additions will be constructed in a way that preserves the integrity of the wetlands and the surrounding environment.

9. How do you plan to mitigate any potential nuisances produced by the proposed conditional use? Examples included restricted hours of operation, considerations for noise mitigation, lighting and health and safety.

**Response:** The proposed facility has been sited to reduce the potential for noise or light impacts to surrounding properties. The substation does not produce an appreciable amount of noise and as noted earlier is located to the rear of the property in an area that is proposed for commercial uses. Lighting will be designed with cutoff shields to direct light downward to minimize the spread of light to surrounding property. The site plan is designed to reduce public view and unauthorized access by setting the facility at the rear of the property, providing tree screening on the perimeter, and a security fence around the compound.

The proposed construction of the electrical substation, 10-foot security fence, and construction storage area is necessary to reliably serve Minot and the surrounding community. Xcel Energy respectfully requests your review and approval of our conditional use permit. Please reach out to if you need additional information or have questions about the proposal.

Regards,



**Ella Clobes**

**Xcel Energy**

**Siting & Land Rights**

414 Nicollet Mall, Floor 6, Minneapolis, MN 55401

P: 612-216-9316

E: [ella.clobes@xcelenergy.com](mailto:ella.clobes@xcelenergy.com)



**Brian Sullivan**

**Principal, Siting and Land Rights**

414 Nicollet Mall, 414-06, Minneapolis, MN 55401

P: 612-216-8083

E: [Brian.E.Sullivan@xcelenergy.com](mailto:Brian.E.Sullivan@xcelenergy.com)

**MAKING ENERGY WORK BETTER**



414 Nicollet Mall  
Minneapolis, MN 55401

January 7, 2026

Planning Department – City of Minot  
1025 31<sup>st</sup> St. SE  
Minot, ND 58702  
Doug Diedrichsen and Planning Commission

**RE: Zone Change Request – RR to Public  
Annexation Request – Incorporate into Minot City Limits**

Site Address: 2701 30TH AVE NW, Minot, ND 58703  
PIDs: HA101090000030, HA101090000020, HA101090000010

Dear Mr. Diedrichsen;

Providing reliable energy to customers in a safe and efficient way is a top priority for Xcel Energy. The energy industry is constantly growing and adapting, and we take pride in our facilities doing so as well. We strive to grow in a way that works best for customer needs and satisfaction, and the communities we are a part of. Xcel Energy has determined the need for a new electric substation to support the growth of Minot. The property identified as the site for the new Badlands Substation is located at 2701 30TH AVE NW, MINOT, ND 58703. The site is contiguous to the northwest city limits of Minot, an area prioritized for increased energy load capacity.

Currently the site is west adjacent to city limits and is zoned **RR**. Parcels north and south of the site are zoned **AG**, and parcels east and west are zoned **C2**. We propose to annex the parcels and incorporate them into city limits with a **zone change to Public**. Annexing the parcels is of interest and will provide consistency with growing city limits and trends. A zone change to **Public** is necessary for the future intended electric substation use and material laydown yard to store equipment and materials on site for the duration of construction.

In order to continue to reliably serve this community, we propose to **annex the parcels to city limits** in which they are contiguous to, and **rezone them from RR to P**. This will allow for the future intended use of the Badlands substation on the site. It is understood that a conditional use and minor plat will also need to be approved before the intended use can be attained per DRT feedback. **Xcel Energy respectfully requests your review and approval of our Annexation and Zone Change application.**

Regards,

**Ella Clobes**

**Xcel Energy**

**Siting & Land Rights**

414 Nicollet Mall, Floor 6, Minneapolis, MN 55401

**P: 612-216-9316**

**E: [ella.clobes@xcelenergy.com](mailto:ella.clobes@xcelenergy.com)**



Secondary Contact:

**Brian Sullivan**

**Principal, Siting and Land Rights**

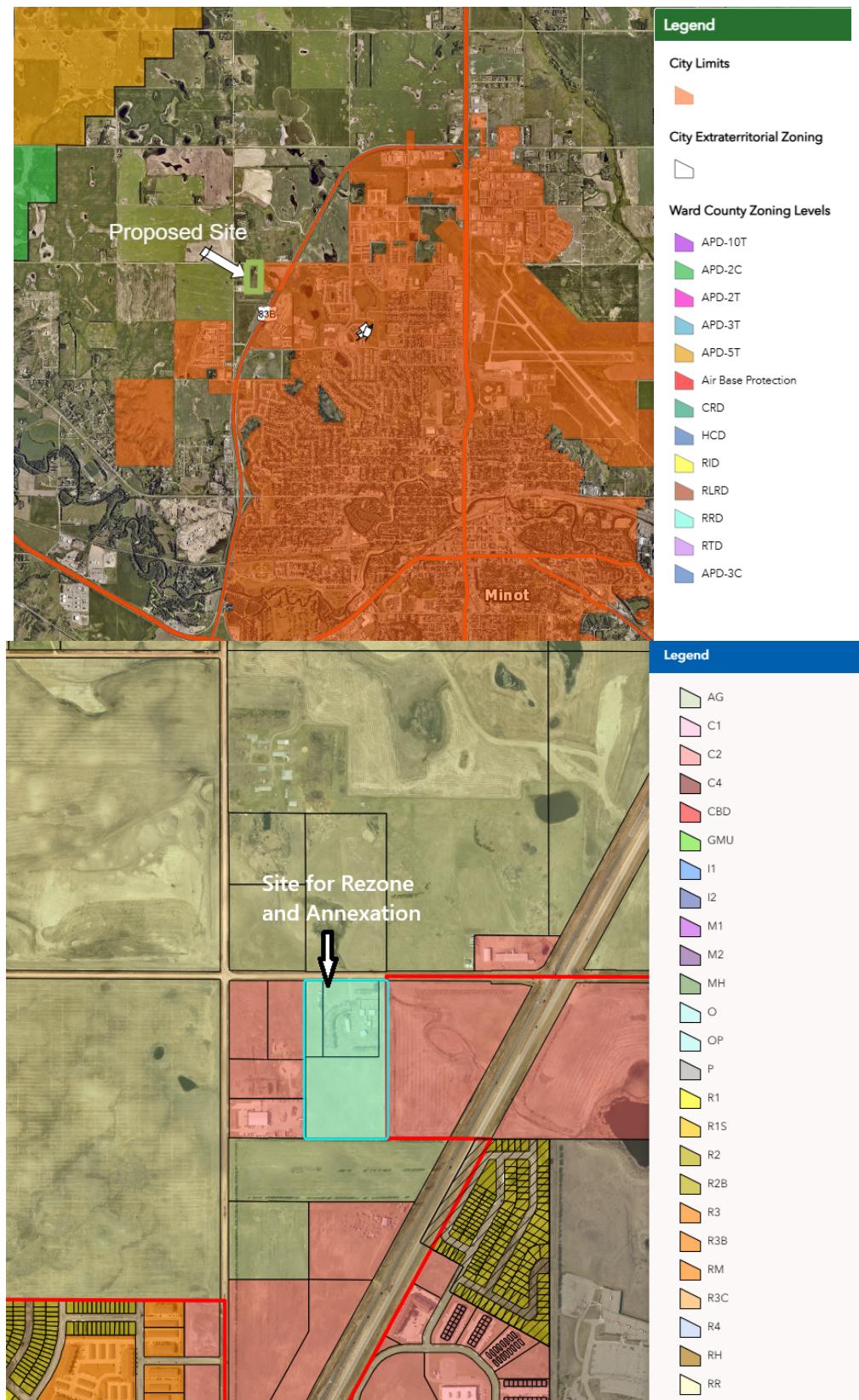
414 Nicollet Mall, 414-06, Minneapolis, MN 55401

**P: 612-216-8083**

**E: [Brian.E.Sullivan@xcelenergy.com](mailto:Brian.E.Sullivan@xcelenergy.com)**

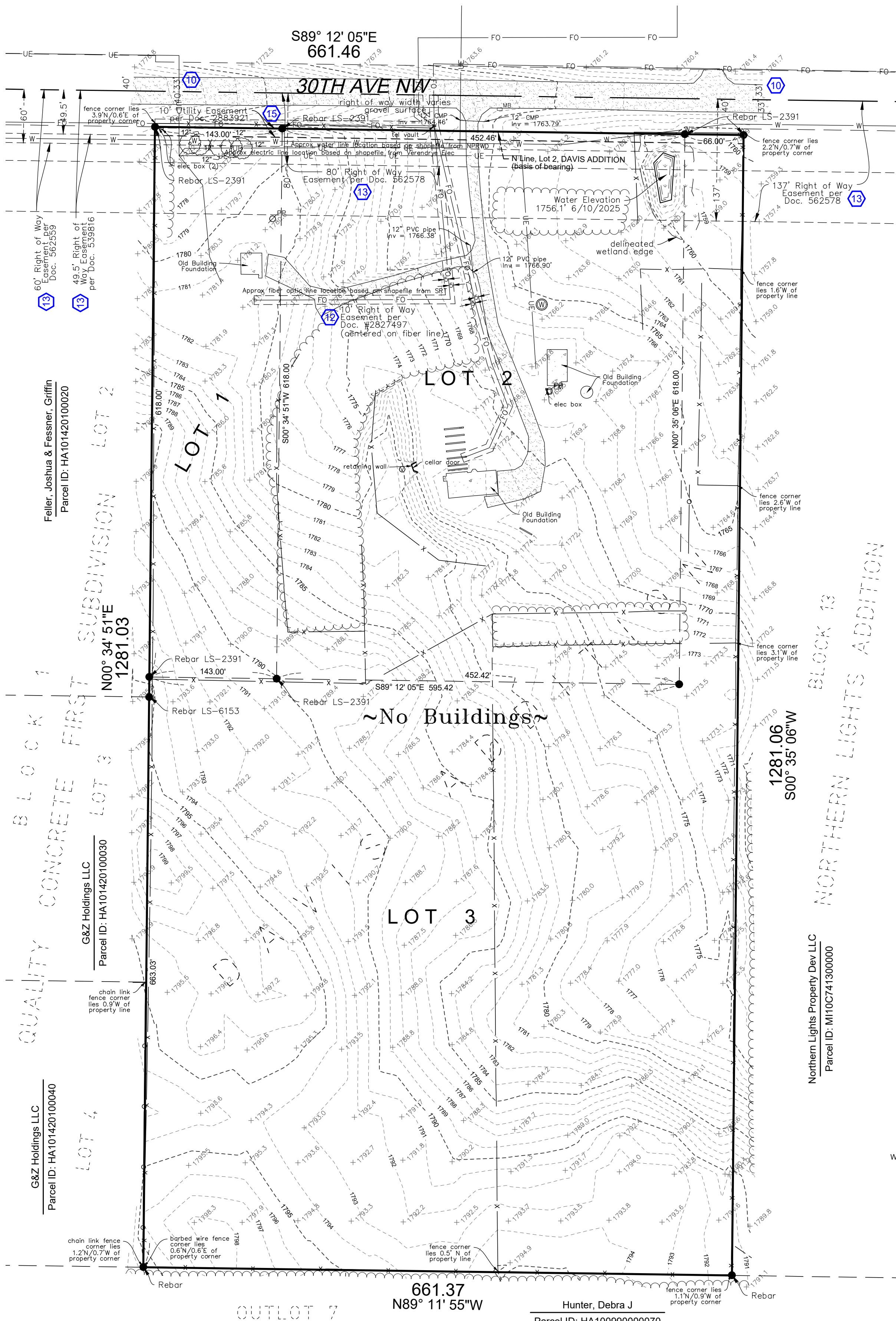
**MAKING ENERGY WORK BETTER**

## Location and Zoning Map

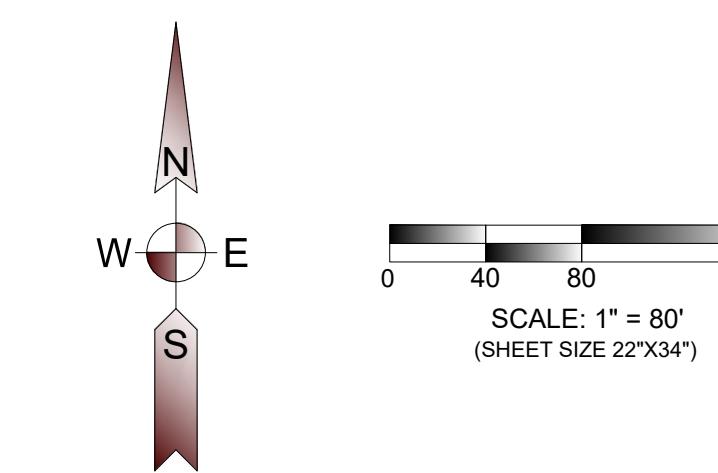


# Northern States Power Company

Lots 1, 2, and 3, DAVIS ADDITION to the City of Minot, Ward County, North Dakota

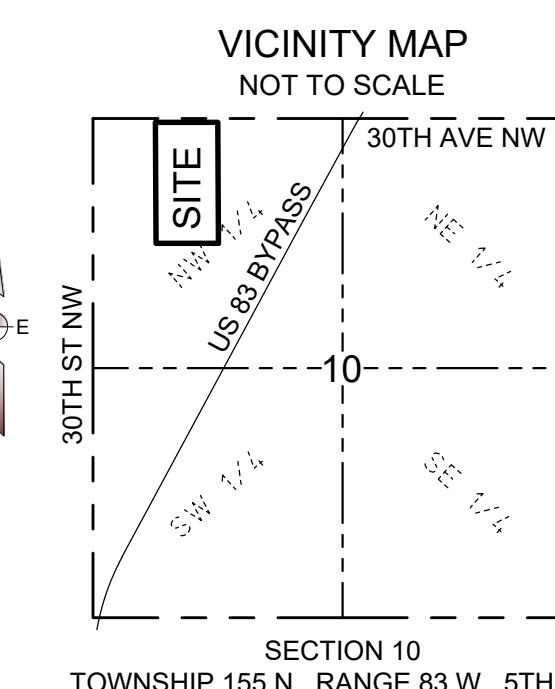


## ALTA/NSPS LAND TITLE SURVEY



### GENERAL SURVEY NOTES:

- This survey was made in accordance with laws and/or Minimum Standards of the State of North Dakota.
- This survey is referenced to North Dakota State Plane Coordinate System, North Zone (NAD 1983, 2011 Adjustment), International Feet, based on OPUS solution to CP-151 (see Project Benchmark).
- For the purposes of this survey, the north line of Lot 2, DAVIS ADDITION is assumed to bear South 89° 12' 05" East and as shown herein.
- Distances shown herein are grid distances.
- Address of subject property per the above referenced commitment for title insurance as follows:  
Lot 1: 2703 30th Avenue Northwest, Minot, North Dakota  
Lot 2: 2701 30th Avenue Northwest, Minot, North Dakota  
Lot 3: No address is assigned
- Per Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map No. 38101C0590 D with an effective date of January 19, 2000, for Ward County, North Dakota, subject property is located within OTHER AREA ZONE X - Areas determined to be outside the 0.2% annual chance floodplain.
- Subject property has a gross land area of 847,298 square feet or 19.45 acres, more or less.
- One foot contours and spot elevations shown herein based on a ground survey, referenced to NAVD 88, derived from Geoid12, and based on OPUS-derived elevation of 1765.44' for Project Benchmark CP-151 as shown herein.
- Zoning information was not provided to the surveyor. The following zoning information derived from City of Minot Website. Refer to that document for additional information:  
Zoning: RR - Residential Rural  
Building: Front - 35 feet  
Front facing platted or proposed arterial/collector street - 40 feet  
Side (interior lot line) - 20 feet  
Side (facing platted or proposed arterial/collector street) - 40 feet  
Rear - 35 feet
- No permanent buildings currently exist on the surveyed property.
- No marked parking spaces currently exist on the surveyed property.
- No party walls were observed on surveyed property during the course of this survey.
- Delineated wetlands shown herein are based on information provided by the client and should be considered approximate in nature.
- Visible above ground utilities have been field located as shown. Evidence of underground utilities shown herein are represented based upon information provided by NORTH DAKOTA ONE CALL ticket numbers 25059853 and 25059654, through field marking or mapping provided. The underground utilities have not been physically located as a part of this survey. Prior to excavation or digging, contact NORTH DAKOTA ONE CALL at 811 or 800-795-0555.
- Names and Parcel Identification Numbers of adjoining owners are shown on survey.
- Surveyed property has direct access to 30th Ave NW.
- There is no observed evidence of current earth moving work, building construction or building additions except as shown or noted herein.
- There are no proposed changes in street right of way lines provided to the surveyor. There is no observed evidence of recent street or sidewalk construction or repairs except as shown or noted herein.
- Plotable offsite easements disclosed in documents provided to the surveyor are shown herein.
- The field work for this survey was completed on 6/11/2025.



## ALTA/NSPS LAND TITLE SURVEY

Lots 1, 2, and 3, DAVIS ADDITION to the City of Minot, Ward County, North Dakota

Revision	Date	Description	By
1	9/19/2025	Changed to Northern States Power Co. NES	
2	12/05/2025	Added fiber & elec based on SHP files	NES

### PROPERTY DESCRIPTION

(Per Exhibit A of Schedule A of ALTA Commitment for Title Insurance No. CP75421 issued by Commercial Partners Title, a division of Chicago Title Insurance Company with a date of June 6, 2025 at 7:00 AM)

Lots 1, 2 and 3, Davis Addition to the City of Minot, North Dakota.

Ward County, North Dakota

### SCHEDULE B, PART II EXCEPTIONS:

(per above referenced Commitment for Title Insurance)

- 1 & 2 - **Not Survey Related**
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land. **As shown hereon, if any.**
- 4 through 9 - **Not Survey Related**
10. Statutory right of way for public road purposes 33 feet wide along section lines pursuant to NDCC 24-07-03. **As shown hereon.**
- 11 - **Not Survey Related**
12. Right of way easement for above and below ground level communication facilities, together with rights set forth in, Right of Way Easement dated June 27, 2003, recorded December 12, 2003, as Document No. 2827497. **Easement is 10 feet wide and centered on underground facilities as shown hereon.**
13. Terms, conditions and covenants of and perpetual easement for underground water transmission lines or system, together with right of ingress and egress in favor of North Prairie Rural Water Association contained in:  
Right-of-Way Easement dated September 16, 1977, recorded December 30, 1977, in Book 255 of Misc., Page 247, as Document No. 562578. **As shown hereon.**  
Right-of-Way Easement dated August 5, 1977, recorded December 30, 1977, in Book 255 of Misc., Page 224, as Document No. 562559. **As shown hereon.**  
Right-of-Way Easement dated June 24, 1974, recorded November 25, 1975, in Book 226 of Misc., Page 409, as Document No. 539816. **As shown hereon.**
14. Terms and conditions of and easement for a gas pipe line or lines and related purposes in favor of Montana-Dakota Utilities Co., a Delaware corporation, contained in:  
Montana-Dakota Utilities Co. Pipe Line Easement by Owner dated July 8, 1955, recorded September 22, 1955, in Book 74 of Misc., Page 441, as Document No. 401859. **Easement does not affect the NW1/4 of Section 10.**  
Montana-Dakota Utilities Co. Pipe Line Easement by Owner dated March 30, 1963, recorded May 13, 1963, in Book 125 of Misc., Page 53, as Document No. 452199. **Easement does not affect the NW1/4 of Section 10.**
15. Easements, right of ways and other matters disclosed on the recorded plat of Davis Addition to the City of Minot, North Dakota recorded June 16, 2008, as Document No. 2863921. **As shown hereon.**

### LEGEND OF SYMBOLS:

●	Found Monument (as described)
◊	Electric Meter
□	Mailbox
Ø	Power Pole
+	Spot Elevation
ST	Vent
○	Water Spigot
W	Well
—	Deciduous Tree, Trunk Dia.
—	Concrete Surface
—	Gravel Surface
—	Delineated Wetland
—	Overhead Electric
—	Storm Sewer
—	Water Main (based on shape file)
—	Underground Fiber Optic (based on shape file)
—	Underground Electric (based on shape file)
—	Chain Link Fence
—	Barbed Wire Fence (poor condition)
—	Tree Line
—	Edge of Water
—	Contour

### SURVEYOR'S CERTIFICATE

To Northern States Power Company Inc., a Minnesota Corporation; Forward Building Investments, LLC; Commercial Partners Title; and Chicago Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b)(1), 7(b)(2), 7(c), 8, 9, 10, 11(a), 11(b), 12, 13, 14, 15, 16, 17, 18, and 19 of Table A thereof. The fieldwork was completed on 6/11/2025.

Date of Plat or Map: September 9, 2025



Kurt M. Kisch

North Dakota License Number LS-4597

Project Number: 25.00852  
Date: 12/5/2025  
Drawn By: NES  
Reviewed By: KMK  
Approved By: KMK  
Sheets: 1 of 1



# Visual Screening and Landscape Plan

*Minot, ND Substation*

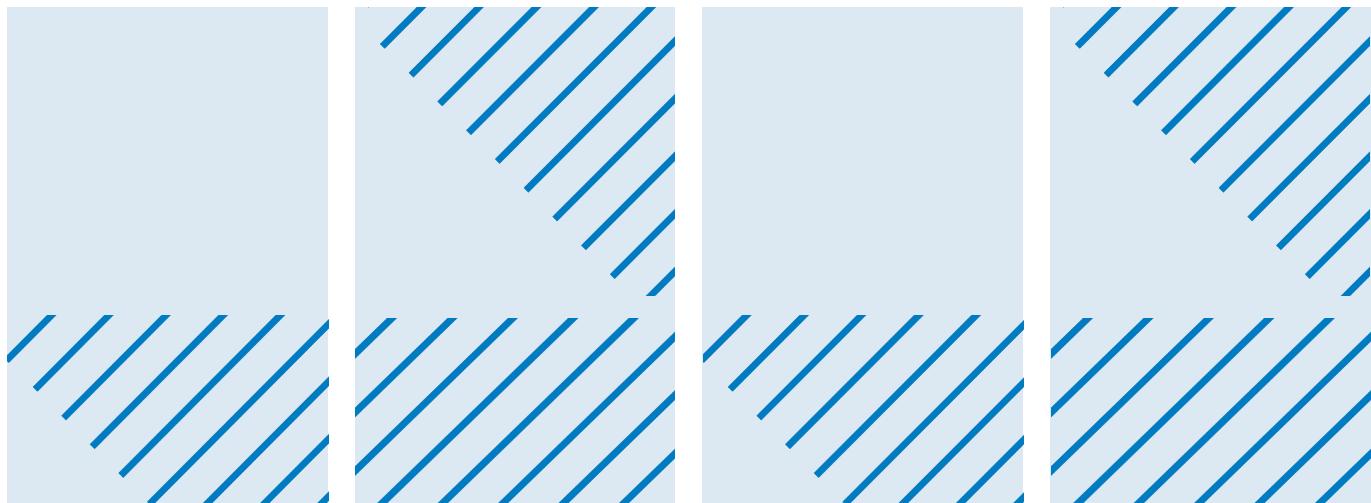


Prepared for  
Xcel Energy

Prepared by  
Barr Engineering Co.

January 2026

4585 Coleman Street  
Bismarck, ND 58503





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January 2026

||||||||||||

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# 1 Project Overview

Xcel Energy is constructing a new 115-kV transmission line around the City of Minot, which includes a new substation on property located along 30th Avenue NW. This memorandum outlines the proposed visual screening and landscaping approach for the substation site in accordance with the City of Minot Zoning Ordinance, Article 7 – Landscaping. The intent is to meet the minimum requirements for landscaping and screening while considering existing vegetation and site constraints. Appendix 1 provides the screening and landscape plan associated with this memo.

## 2 Site Context

The substation parcel is currently zoned RR but is anticipated to be rezoned to P (Public). Adjacent properties include AG zoning to the north and south and C2 zoning to the east and west. The north property line abuts 30th Avenue NW, with a driveway providing site access from this street. Existing vegetation consists primarily of grouped deciduous trees along portions of the northwest and northeast boundaries, and these existing trees will remain in place to the extent practicable, though select trees may need to be removed to accommodate transmission lines entering the site from the north. The south and east adjacent properties contain a double row of evergreen trees, which provides substantial screening. The substation will be enclosed by a 10-foot-tall chain link fence. If included in the final site design, outdoor storage areas will be screened up to a height of 8 feet to meet requirements. The landscape plan includes native seed mixes to stabilize disturbed areas and support long-term site restoration.

## 3 Applicable Ordinance Requirements

The City of Minot Zoning Ordinance, Article 7, establishes landscaping and screening standards for new development. Section 7.1-3(A) requires a ten-foot-wide landscaped strip along street frontages, with one deciduous canopy tree of at least one and one-half inch caliper for every fifty linear feet of frontage. Section 7.1-4(C) requires a twenty-foot-wide buffer yard where a more intensive land use abuts a residential or agricultural district, with one tree for every twenty linear feet of buffer yard and at least fifty percent of those trees being evergreen species with a minimum height of five feet. Landscaping will be arranged so it does not block clear sight lines at the driveway entrance and exit, as required by Section 7.1-2(I) of the ordinance. Section 7.1-2(B) encourages the use of native species, and Section 7.1-2(D) establishes minimum size requirements for plant material.

### 3.1 North Boundary (30th Ave NW)

Along the north boundary, which fronts 30th Avenue NW, the ordinance requires a ten-foot-wide landscaped strip and one deciduous canopy tree for every fifty feet of frontage. The frontage length is approximately 650 linear feet, resulting in a requirement for 13 deciduous canopy trees. These trees will be installed to maintain visibility at the driveway entrance in accordance with Section 7.1-2(I). Existing deciduous trees on the site, which occur in scattered groupings, have been taken into account when determining the placement of new trees so that the overall spacing meets ordinance requirements while preserving existing vegetation and the existing screening they provide. Native species will be selected to meet diversity and climate suitability standards.

### **3.2 East Boundary (Adjacent C2 Zoning)**

The east boundary is adjacent to C2 zoning. Section 7.1-4(C) specifies buffer yards only when a more intensive zoning district abuts a less intensive district, such as a more intensive use next to residential or agricultural zoning. Because the substation parcel is zoned Public (P) and the adjacent property is zoned C2, no buffer yard is required.

### **3.3 South Boundary (Adjacent AG Zoning)**

The south boundary is adjacent to AG zoning, which triggers the buffer yard requirement under Section 7.1-4(C). A twenty-foot-wide buffer yard with one tree per twenty feet of length and fifty percent of those trees being evergreen species is required. The boundary length is approximately three hundred feet, resulting in a requirement for fifteen trees, including at least eight evergreens. The adjacent parcel to the south contains a double row of evergreen trees that meets the buffer yard requirements of Section 7.1-4(C). Although the ordinance specifies that buffer yards are to be installed and maintained on the subject site, existing vegetation on adjacent parcels may be considered in evaluating compliance, consistent with the flexibility provisions outlined in Section 7.1-1(E). No additional planting is proposed along this boundary.

### **3.4 West Boundary (Adjacent C2 Zoning)**

The west boundary is adjacent to C2 zoning. As with the east side, no buffer yard is required because buffer yards are only required where a more intensive use abuts agricultural or residential zoning.

## **4 Tree Species Selection**

Plant material will be selected from species recommended by the North Dakota Tree Handbook published by NDSU Extension. Suitable deciduous trees include Bur Oak (*Quercus macrocarpa*), Common Hackberry (*Celtis occidentalis*), and Ironwood (*Ostrya virginiana*). While evergreen species are not part of the proposed plan, recommended options for future consideration or other site areas include Black Hills spruce (*Picea glauca* var. *densata*) and eastern red cedar (*Juniperus virginiana*).

## **5 Seed Mix Selection**

Seed mixes were selected based on anticipated site conditions, disturbance type, and long-term maintenance considerations for upland, road right-of-way (ROW), and wetland areas associated with the project. Mixes emphasize native and regionally appropriate species where feasible, with consideration for utility corridor requirements, durability, and erosion control.

Upland areas will be seeded with ND SM01 PF CRP CP42 Pollinator with Grass (or approved equal) to provide a diverse grass and forb community suitable for disturbed upland soils. Areas within the road ROW will be seeded with NDDOT Class III Salt Tolerant Grass (or approved equal) to establish low-growing, durable vegetative cover compatible with utility access and maintenance activities. Wetland areas will be seeded with NDDOT Wetland West (or approved equal) to establish hydrophytic vegetation.

## 6 Establishment and Maintenance

To promote plant survival in Minot's cold and dry climate, the plan may incorporate supplemental watering during the establishment period using methods such as tree watering bags or similar methods.

Maintenance will include monitoring, trimming, and replacement of dead plants within the first five years.

Snow damage and other seasonal impacts will be addressed through routine inspections.

Disturbed areas will be seeded following completion of grading and construction activities to stabilize soils and establish vegetative cover. Site preparation will include scarification or light tillage of compacted soils, removal of debris, and application of seed using drill seeding or broadcast methods appropriate for site conditions. Temporary erosion control measures (e.g., straw mulch, hydromulch, and/or erosion control blankets) will be implemented to promote germination and reduce erosion during the establishment period.

During the establishment period, seeded areas will be monitored for successful germination and coverage. Maintenance activities may include reseeding areas with poor establishment, invasive species control, and mowing as needed to manage vegetation height and maintain access necessary for site requirements.

## 7 Operational Clearances and Access

Vegetation will be placed outside required electrical clearance zones to maintain safe distances from live equipment, overhead lines, and areas requiring maintenance access. No trees can be located within 10 feet of the fence line per Xcel Energy standards and safety considerations. Plantings will not impede gate turning radii, fire access routes, or sightlines for security cameras, while still complying with ordinance requirements.

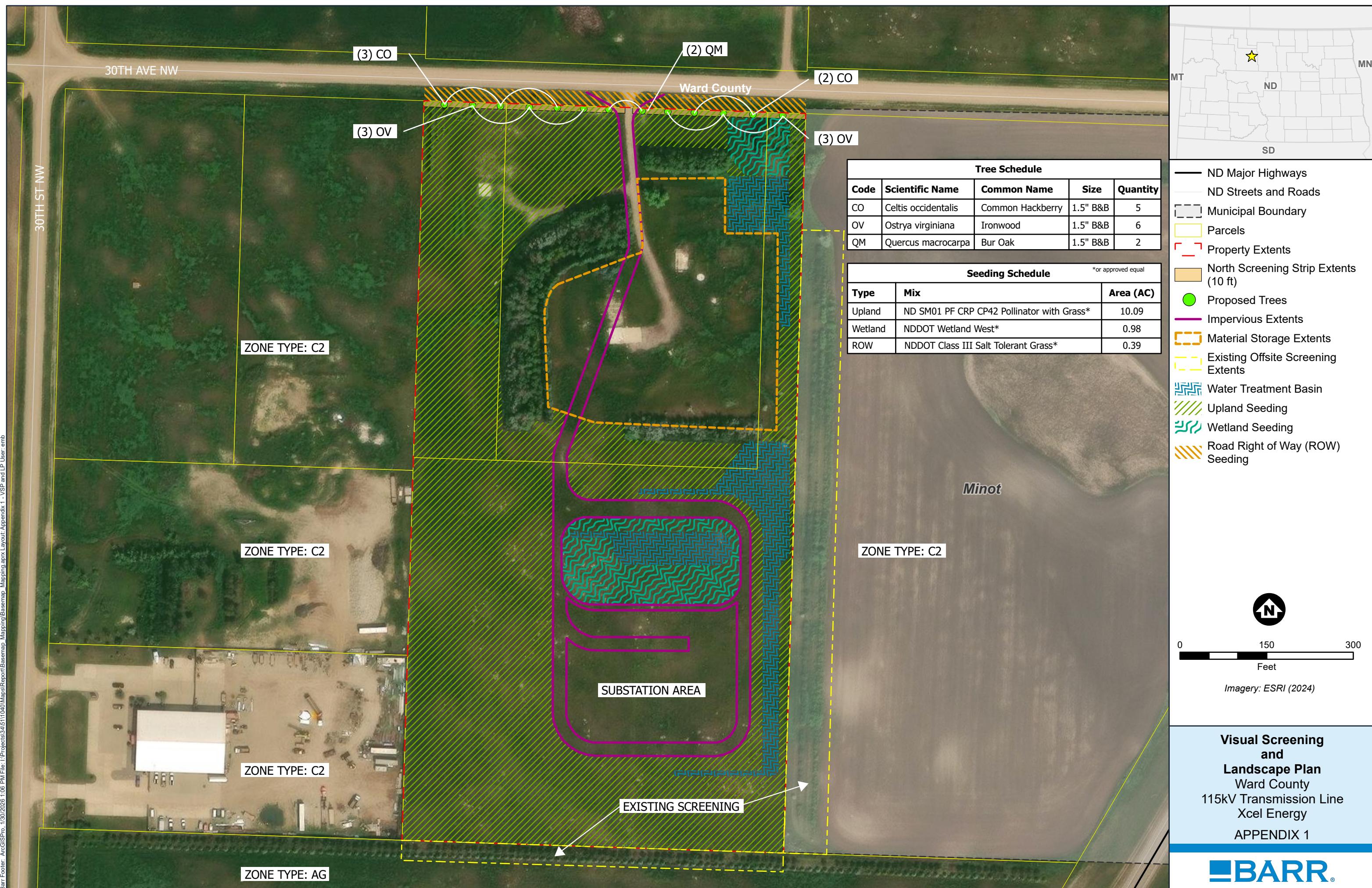
## 8 Schedule

Planting and seeding will occur following completion of substation construction. Maintenance and monitoring will begin immediately after installation, with inspections scheduled monthly during the growing season for the first five years to ensure plant health and compliance with the approved plan.



## **Appendix 1**

### **Visual Screening and Landscape Plan**





Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Annexation Checklist

- Meet with the Planning Department to discuss future intentions.
- Complete Petition for Annexation Whereas, the properties described below are contiguous to the City of Minot city limits at least at one point; and, whereas, there exists a community of interest, the owner(s) of the property(ies) described below respectfully request incorporation in the City of Minot.

Signature of Owner \_\_\_\_\_

DocuSigned by:

*Stacy Norton*

EFB4D87887A845A...

Legal Description of Property \_\_\_\_\_

(Attached in Survey) PIDs: HA101090000030, HA101090000020, HA101090000010

Signature of Owner \_\_\_\_\_

Legal Description of Property \_\_\_\_\_

Signature of Owner \_\_\_\_\_

Legal Description of Property \_\_\_\_\_

Signature of Owner \_\_\_\_\_

Legal Description of Property \_\_\_\_\_

I hereby certify that I circulated this instrument, that the signatures are true and correct and that I:

- Represent myself only.
- Represent myself and am acting as agent for the aforementioned property owners.
- Am acting as agent only for the aforementioned property owners

*B. Sullivan*

Signature of Applicant/Representative

*1/7/26*

Date

State of Minnesota

County of Hennepin

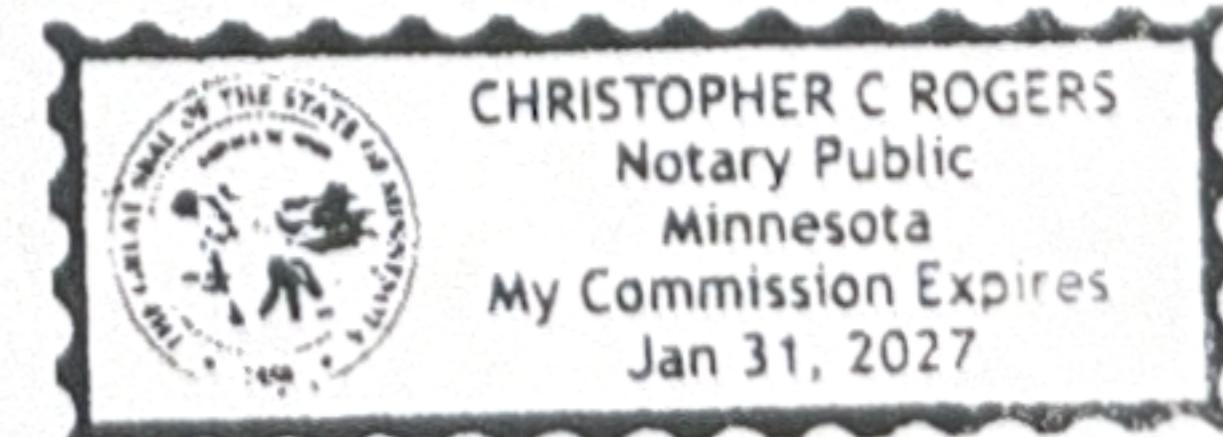
On this 7th day of January, 2026, before me, a Notary Public in and for the said county and state, personally appeared Brian Sullivan known to me to be the person described and who executed the foregoing instrument and acknowledged to me that he/she executed the same.

*Notary Public*

*1-31-27*

Date

*1-7-26*



My Commission Expires



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Planning Commission Application

#### GENERAL INFORMATION

City of Minot

Owner Name

Address

Primary Contact?

Phone

Email

Applicant Representative (if applicable)

Address

Primary Contact?

Phone

Email

#### APPLICATION INFORMATION

Current Legal Description

Current Zoning

Proposed Legal Description (if applicable)

Requested Zoning (if applicable)

Address

Master plan Application for Water/Sewer Building

Brief Description of Reason for Request

#### APPLICATION FOR

 Check all that apply and submit checklist materials with application.

<input type="checkbox"/> Annexation by Petition \$75	<input type="checkbox"/> Interim Use Permit \$350*	<input type="checkbox"/> Variance in Zoning Regulation \$500 for first section of code + \$100 for every section after*	<input type="checkbox"/> 1-10 Lots*** \$400
<input type="checkbox"/> Future Land Use Map Amendment \$500*	<input type="checkbox"/> Plat Vacation \$500 <= 1year; \$1500 1+ year*	<input type="checkbox"/> Zone Change \$600*	<input type="checkbox"/> 11-30 Lots*** \$600
<input type="checkbox"/> Conditional Use Permit \$500*	<input type="checkbox"/> PUD Plan Review \$1,000*	<input type="checkbox"/> Minor Plat \$300	<input type="checkbox"/> Over 30 Lots*** \$800
<input type="checkbox"/> Other (see next page)			

Major Plat: Preliminary:

\*Letters to property owners within 300', 600' in Two-Mile Extraterritorial Jurisdiction, of the area requested are required.

\*\*Memorandum of ownership must be provided.

\*\*\*A letter from the Parks and Recreation Dept. in regards to a Public Land Dedication and/or Fee Per Unit agreement for subdivisions over 3 acres or 10+ units must accompany application.

Total Application Fees \$

ATTENTION: All applications, fees, and required attachments must be completed and submitted to the Planning Office before the deadline in order to be considered for the Planning Commission agenda.

Applications for Planning Commission are due by 2:00 PM on the date provided on the City's website and included in the Planning Commission Application Packet. This date is approximately five (5) weeks prior to the corresponding Planning Commission meeting date and allows time for staff to research each application to ensure conformance with the zoning code and Comprehensive Plan of the City of Minot. If an application is incomplete, any request will be held until a complete application is provided to the Planning Department. To avoid delay, it is recommended that applicants schedule a meeting with the Development Review Team (DRT) prior to submitting an application to the Planning Department.

2/2/2026

Signature of Applicant

Date

**Office Use Only**

Project #	Receipt #	Date Received
If other was selected on the front page, please choose one from one of the following:		
<input type="checkbox"/>	Application Type	Application Fee
<input type="checkbox"/>	Major Plat: Final	\$300
<input type="checkbox"/>	Easement Vacation*	\$350
<input type="checkbox"/>	Manufactured Home Community Site Plan Review*	\$250
<input type="checkbox"/>	Public Zone Plan Review*	\$250
<input type="checkbox"/>	Tax Increment Finance Review	\$1,000
<input type="checkbox"/>	Temporary Use Permit	\$50
<input type="checkbox"/>	Text Amendment	\$750
<input type="checkbox"/>	Zoning Confirmation Letter	First hour is free, after the first hour it will be \$25 per hour
<input type="checkbox"/>	Appeals	\$250
<input type="checkbox"/>		
<input type="checkbox"/>		
*Certified letters to property owners within 300' of the area requested		
<input type="checkbox"/>		



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Agreement to Pay City and Professional Fees

I/we, the undersigned Applicant(s) hereby agree that I/we will pay all fees and charges that may be incurred by the City of Minot for planning, engineering, legal and any other professional services directly related to and incurred by the City during the examination, review and processing of this application, and during any necessary enforcement action subsequent to this request. I/we understand that the application fee is only an administrative charge intended to defray costs associated with City Staff services and resources required for the processing of this request. If a determination is made by the City that additional professional services are necessary for the review and processing of this application, the Applicant(s) may be required to enter into a development review agreement and deposit funds in escrow with the City of Minot. The sum to be deposited will be based upon the anticipated direct costs to the City. The City will also make every reasonable effort possible to keep these charges to a minimum, yet still provide the needed level of professional services. If direct costs for professional services are in excess of funds placed in escrow, then additional escrow funds may be required to be submitted prior to further processing of the request. Otherwise any fees resulting in charges above the escrow funds placed on deposit will be billed and promptly paid by the Applicant(s) prior to the final deposition of the request by the City. If direct costs to the City are less than the sum placed in escrow, then the balance will be refunded to the Applicant(s) upon final disposition of the request by the City.

Address or Legal Description \_\_\_\_\_

Print Applicant(s) Name(s) \_\_\_\_\_

Signature of Applicant(s) \_\_\_\_\_ Date \_\_\_\_\_



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Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Acknowledgement and Signature

The undersigned applicant hereby represents upon all of the penalties of the law, for the purpose of inducing the City of Minot to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinance of the City of Minot, and the laws of the State of North Dakota, and that the undersigned applicant will pay all fees and charges incurred by the City for the examination and review of this petition.

---

Signature of Applicant

---

Signature of Property Owner\*

---

Print Applicant(s) Name

---

Print Property Owner(s) Name

---

Date

---

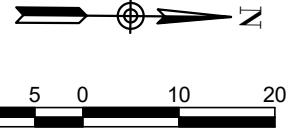
2/2/2026

\*If the applicant is different than the property owners, please provide a copy of the Offer to Purchase or other documentation from the property owner giving permission to make the requested changes to the property.

#### Application Fees and Refunds

Planning application fees cover the following costs: meeting room time, copies, minutes, public hearing and legal notices. The review deposit will be utilized for the cost of staff review time, consultants, meeting with applicants, neighborhood meetings, preparation of staff reports, certified letters, preparation of legal documents, review and editing of Planning Commission minutes, staff reports and legal documents. Refunds of application fee will be one-half of the fee and any remaining review fees if the application is withdrawn prior to publication of the public hearing notice. After publication, no refunds will be given. Any remaining review fees will be refunded after the City Council reading(s) have taken place and all requirements have been met.

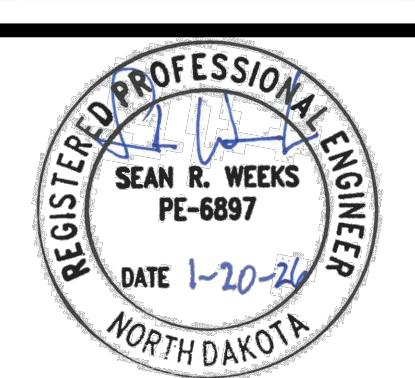
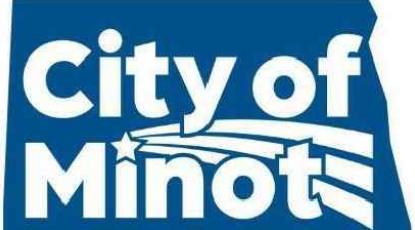
**Planning Commission Applications are not complete until all required  
submittal documents have been received.**



GRAPHIC SCALE:

ATTENTION IS DRAWN TO THE FACT THAT DRAWING SCALES MAY BE ALTERED DURING REPRODUCTION PROCESSES. SCALES SHOWN HEREON ARE BASED ON A FULL SCALE SHEET SIZE OF 24" X 36".

SCALE: 1" = 20'



## WATER & SEWER BUILDING

CITY OF MINOT  
1000 31st St. SE  
MINOT, ND 58701

### CONSTRUCTION DOCUMENTS

#### REVISION SCHEDULE

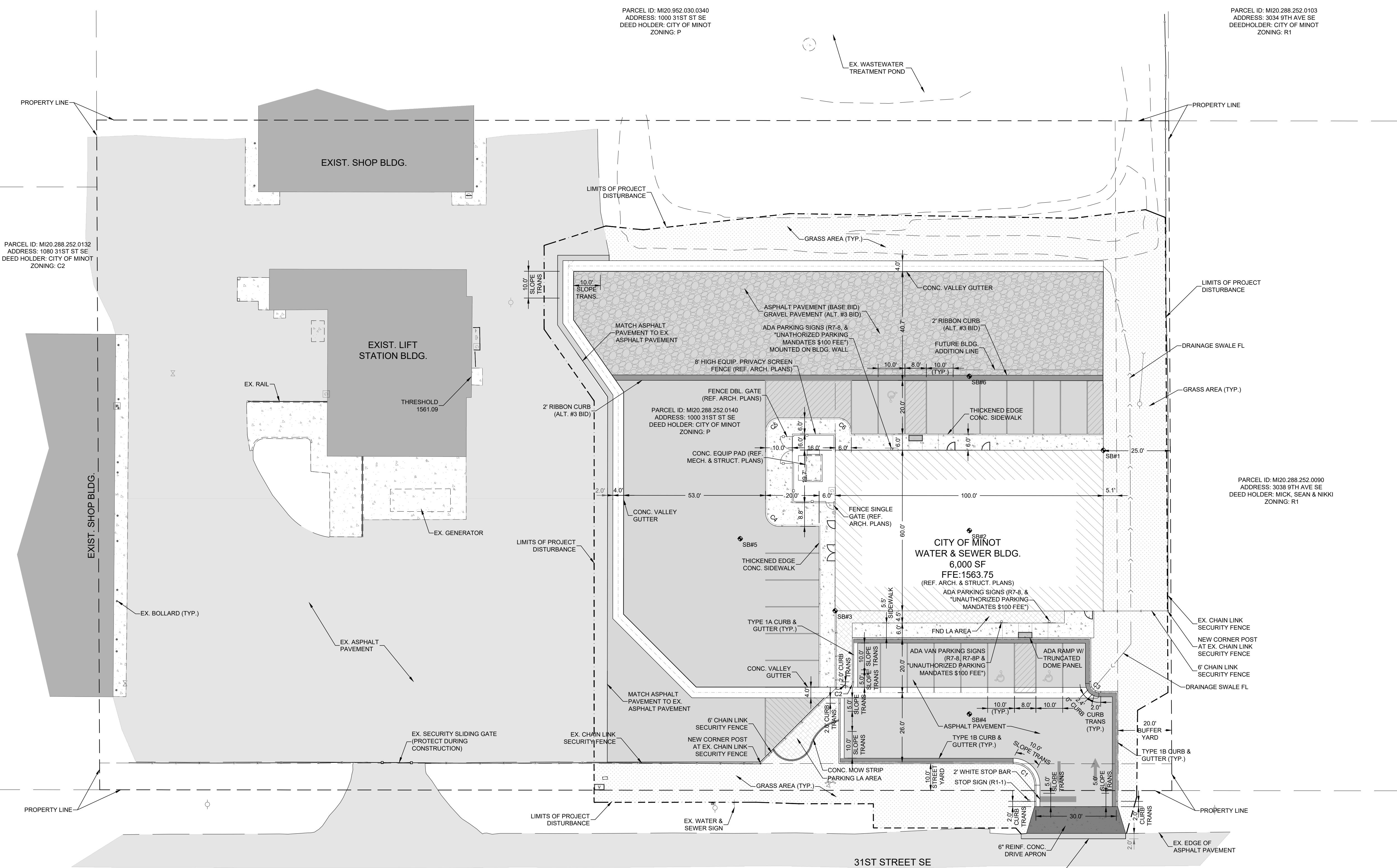
#	DATE	REVISION

PROJECT NO.: R25132  
DRAWN BY: ARB  
CHECKED BY: ARB

SHEET

C401

SITE PLAN





Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Planning Commission Application

#### GENERAL INFORMATION

Casey Schmidt

Owner Name

5300 36th St SW

Address

yes

Primary Contact?

Phone

Email

Applicant Representative (if applicable)

Address

Primary Contact?

Phone

Email

#### APPLICATION INFORMATION

Being OL3, Lot A of OL3 + Lot B of OL3

Current Legal Description

Current Zoning

Plat of Sunset Gardens

Proposed Legal Description (if applicable)

Requested Zoning (if applicable)

Address

Brief Description of Reason for Request

#### APPLICATION FOR

 Check all that apply and submit checklist materials with application.

<input type="checkbox"/> Annexation by Petition \$75	<input type="checkbox"/> Interim Use Permit \$350*	<input type="checkbox"/> Variance in Zoning Regulation \$500 for first section of code + \$100 for every section after*
<input type="checkbox"/> Future Land Use Map Amendment \$500*	<input type="checkbox"/> Plat Vacation \$500 <= 1 year; \$1500 1+ year*	<input type="checkbox"/> Zone Change \$600*
<input type="checkbox"/> Conditional Use Permit \$500*	<input type="checkbox"/> PUD Plan Review \$1,000*	<input type="checkbox"/> Minor Plat \$300
<input type="checkbox"/> Other (see next page)		

Major Plat: Preliminary:

1-10 Lots\*\*\*  
\$400

11-30 Lots\*\*\*  
\$600

Over 30 Lots\*\*\*  
\$800

\*Letters to property owners within 300', 600' in Two-Mile Extraterritorial Jurisdiction, of the area requested are required.

\*\*Memorandum of ownership must be provided.

\*\*\*A letter from the Parks and Recreation Dept. in regards to a Public Land Dedication and/or Fee Per Unit agreement for subdivisions over 3 acres or 10+ units must accompany application.

Total Application Fees \$ 700<sup>00</sup>

ATTENTION: All applications, fees, and required attachments must be completed and submitted to the Planning Office before the deadline in order to be considered for the Planning Commission agenda.

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Signature of Applicant

1-28-26

Date



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

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Address or Legal Description outlot 3, Lot A & B of O.L.3 26-156-83

Print Applicant(s) Name(s) Casay Schmidt

Signature of Applicant(s)  Date 1-28-2026



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Acknowledgement and Signature

The undersigned applicant hereby represents upon all of the penalties of the law, for the purpose of inducing the City of Minot to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinance of the City of Minot, and the laws of the State of North Dakota, and that the undersigned applicant will pay all fees and charges incurred by the City for the examination and review of this petition.

A handwritten signature in black ink, appearing to read "Lars".

Signature of Applicant

Signature of Property Owner\*

A handwritten signature in black ink, appearing to read "Casey Schmidt".

Print Applicant(s) Name

Print Property Owner(s) Name

A handwritten signature in black ink, appearing to read "1-28-2026".

Date

Date

\*If the applicant is different than the property owners, please provide a copy of the Offer to Purchase or other documentation from the property owner giving permission to make the requested changes to the property.

#### Application Fees and Refunds

Planning application fees cover the following costs: meeting room time, copies, minutes, public hearing and legal notices. The review deposit will be utilized for the cost of staff review time, consultants, meeting with applicants, neighborhood meetings, preparation of staff reports, certified letters, preparation of legal documents, review and editing of Planning Commission minutes, staff reports and legal documents. Refunds of application fee will be one-half of the fee and any remaining review fees if the application is withdrawn prior to publication of the public hearing notice. After publication, no refunds will be given. Any remaining review fees will be refunded after the City Council reading(s) have taken place and all requirements have been met.

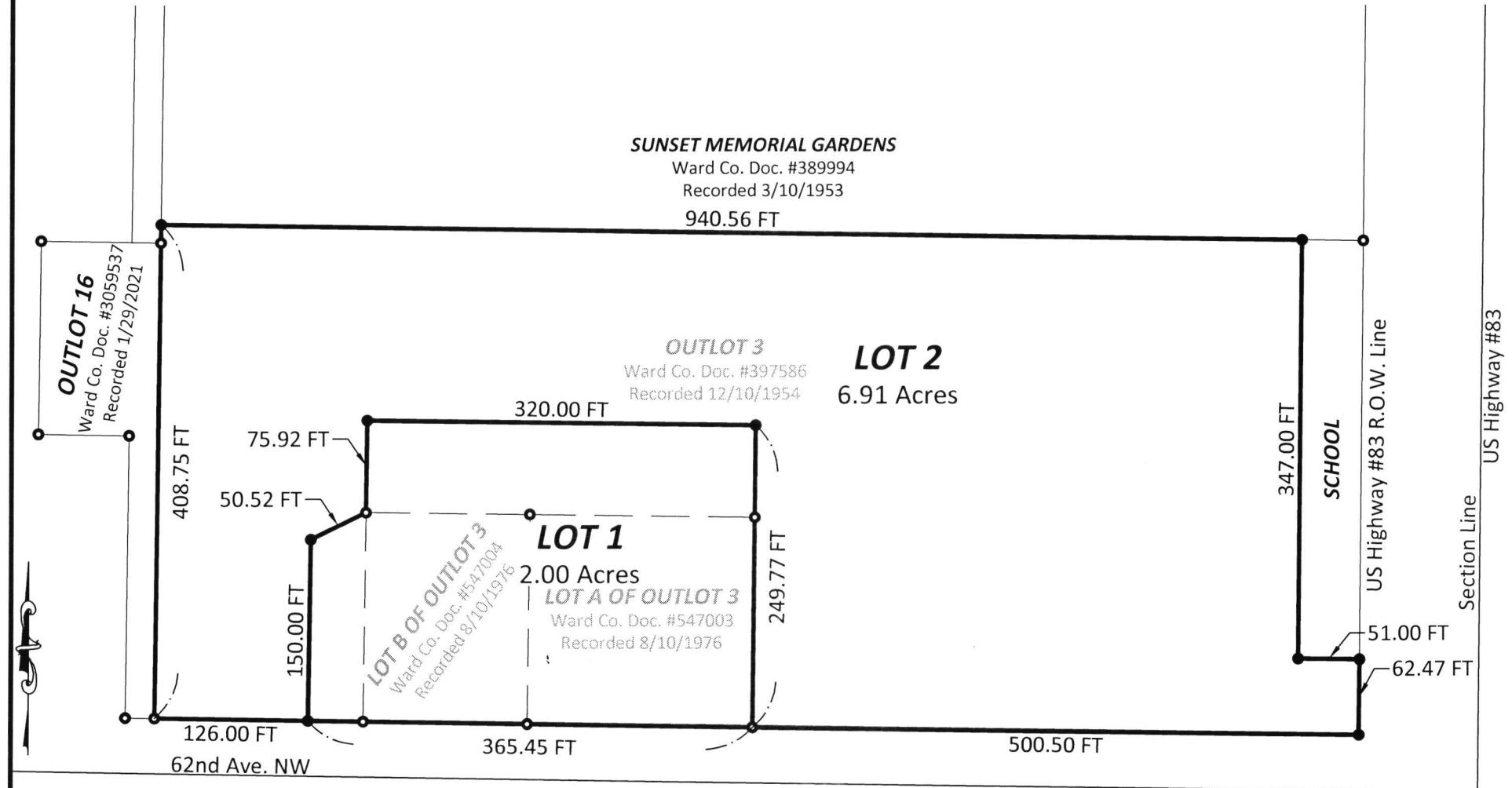
**Planning Commission Applications are not complete until all required  
submittal documents have been received.**

**Office Use Only**

Project #	Receipt #	Date Received
If other was selected on the front page, please choose one from one of the following:		
<input type="checkbox"/>	Application Type	Application Fee
<input checked="" type="checkbox"/>	Major Plat: Final	\$300
<input type="checkbox"/>	Easement Vacation*	\$350
<input type="checkbox"/>	Manufactured Home Community Site Plan Review*	\$250
<input type="checkbox"/>	Public Zone Plan Review*	\$250
<input type="checkbox"/>	Tax Increment Finance Review	\$1,000
<input type="checkbox"/>	Temporary Use Permit	\$50
<input type="checkbox"/>	Text Amendment	\$750
<input type="checkbox"/>	Zoning Confirmation Letter	First hour is free, after the first hour it will be \$25 per hour
<input type="checkbox"/>	Appeals	\$250
<input type="checkbox"/>		
<input type="checkbox"/>		
*Certified letters to property owners within 300' of the area requested		
<input type="checkbox"/>		

**PRELIMINARY PLAT OF SUNSET GARDENS  
TO THE CITY OF MINOT, NORTH DAKOTA**

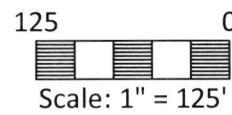
BEING OUTLOT 3, LOT A OF OUTLOT 3 AND LOT B OF OUTLOT 3, LYING IN THE SE $\frac{1}{4}$ ,  
SECTION 26, TOWNSHIP 156 N, RANGE 83 W,  
TO THE CITY OF MINOT



- Denotes Property Corners Proposed
- Denotes Property Corners Found

**NOTES:**

- For planning purposes only.
- Bearings and Distances may vary from previous plats due to different methods of measurement.
- Plat is subject to all prior easements of record.
- A 10' utility Easement is located on the street side of every lot and where noted.





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Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Planning Commission Application

#### GENERAL INFORMATION

Four Seasons Construction Inc.	1105 Hiawatha ST Minot, ND 58701	Mike Hayes
Owner Name	Address	Primary Contact?
[REDACTED]	[REDACTED]	
Phone	Email	
Ackerman Surveying & Associates, INC.	1907 17th ST SE Minot, ND 58701	Rob Berard
Applicant Representative (if applicable)	Address	Primary Contact?
[REDACTED]	[REDACTED]	
Phone	Email	

#### APPLICATION INFORMATION

See Planning drawing for description	AG
Current Legal Description	Current Zoning
Stonebridge Farms 7th Addition	Lot 1, Blk 1 and Lot 1 Blk 2 = AG - Lot 2 Blk 2 = P Lots 3-5, Blk 1 and # thru 7, Block 2 = R1
Proposed Legal Description (if applicable)	Requested Zoning (if applicable)
N/A	
Address	
Subdividing in to AG, P and Residential Lots	
Brief Description of Reason for Request	

#### APPLICATION FOR

 Check all that apply and submit checklist materials with application.

<input checked="" type="checkbox"/> Annexation by Petition \$75	<input type="checkbox"/> Interim Use Permit \$350*	<input type="checkbox"/> Variance in Zoning Regulation \$500 for first section of code + \$100 for every section after*	<input type="checkbox"/> 1-10 Lots*** \$400
<input type="checkbox"/> Future Land Use Map Amendment \$500*	<input type="checkbox"/> Plat Vacation \$500 <= 1 year; \$1500 1+ year*	<input checked="" type="checkbox"/> Zone Change \$600*	<input checked="" type="checkbox"/> 11-30 Lots*** \$600
<input type="checkbox"/> Conditional Use Permit \$500*	<input type="checkbox"/> PUD Plan Review \$1,000*	<input type="checkbox"/> Minor Plat \$300	<input type="checkbox"/> Over 30 Lots*** \$800
<input type="checkbox"/> Other (see next page)			

Major Plat: Preliminary:

\*Letters to property owners within 300', 600' in Two-Mile Extraterritorial Jurisdiction, of the area requested are required.

\*\*Memorandum of ownership must be provided.

\*\*\*A letter from the Parks and Recreation Dept. in regards to a Public Land Dedication and/or Fee Per Unit agreement for subdivisions over 3 acres or 10+ units must accompany application.

Total Application Fees \$ 1925

ATTENTION: All applications, fees, and required attachments must be completed and submitted to the Planning Office before the deadline in order to be considered for the Planning Commission agenda.

Applications for Planning Commission are due by 2:00 PM on the date provided on the City's website and included in the Planning Commission Application Packet. This date is approximately five (5) weeks prior to the corresponding Planning Commission meeting date and allows time for staff to research each application to ensure conformance with the zoning code and Comprehensive Plan of the City of Minot. If an application is incomplete, any request will be held until a complete application is provided to the Planning Department. To avoid delay, it is recommended that applicants schedule a meeting with the Development Review Team (DRT) prior to submitting an application to the Planning Department.

Signature of Applicant

1/29/26

Date

**Office Use Only**

Project #	Receipt #	Date Received
If other was selected on the front page, please choose one from one of the following:		
<input type="checkbox"/>	Application Type	Application Fee
<input checked="" type="checkbox"/>	Major Plat: Final	\$300
<input checked="" type="checkbox"/>	Easement Vacation*	\$350
<input type="checkbox"/>	Manufactured Home Community Site Plan Review*	\$250
<input type="checkbox"/>	Public Zone Plan Review*	\$250
<input type="checkbox"/>	Tax Increment Finance Review	\$1,000
<input type="checkbox"/>	Temporary Use Permit	\$50
<input type="checkbox"/>	Text Amendment	\$750
<input type="checkbox"/>	Zoning Confirmation Letter	First hour is free, after the first hour it will be \$25 per hour
<input type="checkbox"/>	Appeals	\$250
<input type="checkbox"/>		
*Certified letters to property owners within 300' of the area requested		
<input type="checkbox"/>		
<input type="checkbox"/>		



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Agreement to Pay City and Professional Fees

I/we, the undersigned Applicant(s) hereby agree that I/we will pay all fees and charges that may be incurred by the City of Minot for planning, engineering, legal and any other professional services directly related to and incurred by the City during the examination, review and processing of this application, and during any necessary enforcement action subsequent to this request. I/we understand that the application fee is only an administrative charge intended to defray costs associated with City Staff services and resources required for the processing of this request. If a determination is made by the City that additional professional services are necessary for the review and processing of this application, the Applicant(s) may be required to enter into a development review agreement and deposit funds in escrow with the City of Minot. The sum to be deposited will be based upon the anticipated direct costs to the City. The City will also make every reasonable effort possible to keep these charges to a minimum, yet still provide the needed level of professional services. If direct costs for professional services are in excess of funds placed in escrow, then additional escrow funds may be required to be submitted prior to further processing of the request. Otherwise any fees resulting in charges above the escrow funds placed on deposit will be billed and promptly paid by the Applicant(s) prior to the final deposition of the request by the City. If direct costs to the City are less than the sum placed in escrow, then the balance will be refunded to the Applicant(s) upon final disposition of the request by the City.

Address or Legal Description \_\_\_\_\_

Print Applicant(s) Name(s) \_\_\_\_\_

Signature of Applicant(s) \_\_\_\_\_  Date \_\_\_\_\_ 1/29/26



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Acknowledgement and Signature

The undersigned applicant hereby represents upon all of the penalties of the law, for the purpose of inducing the City of Minot to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinance of the City of Minot, and the laws of the State of North Dakota, and that the undersigned applicant will pay all fees and charges incurred by the City for the examination and review of this petition.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Property Owner\*

\_\_\_\_\_  
Print Applicant(s) Name

*Mike Hayes - Four Season Construction*  
\_\_\_\_\_  
Print Property Owner(s) Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\*If the applicant is different than the property owners, please provide a copy of the Offer to Purchase or other documentation from the property owner giving permission to make the requested changes to the property.

#### Application Fees and Refunds

Planning application fees cover the following costs: meeting room time, copies, minutes, public hearing and legal notices. The review deposit will be utilized for the cost of staff review time, consultants, meeting with applicants, neighborhood meetings, preparation of staff reports, certified letters, preparation of legal documents, review and editing of Planning Commission minutes, staff reports and legal documents. Refunds of application fee will be one-half of the fee and any remaining review fees if the application is withdrawn prior to publication of the public hearing notice. After publication, no refunds will be given. Any remaining review fees will be refunded after the City Council reading(s) have taken place and all requirements have been met.

**Planning Commission Applications are not complete until all required  
submittal documents have been received.**

PRELIMINARY PLAT OF  
STONEBRIDGE FARMS 7TH ADDITION

TO THE CITY OF MINOT, NORTH DAKOTA  
(BEING AN UNPLATTED PORTION OF THE SE1/4 OF SECTION 1,  
TOWNSHIP 155 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA)

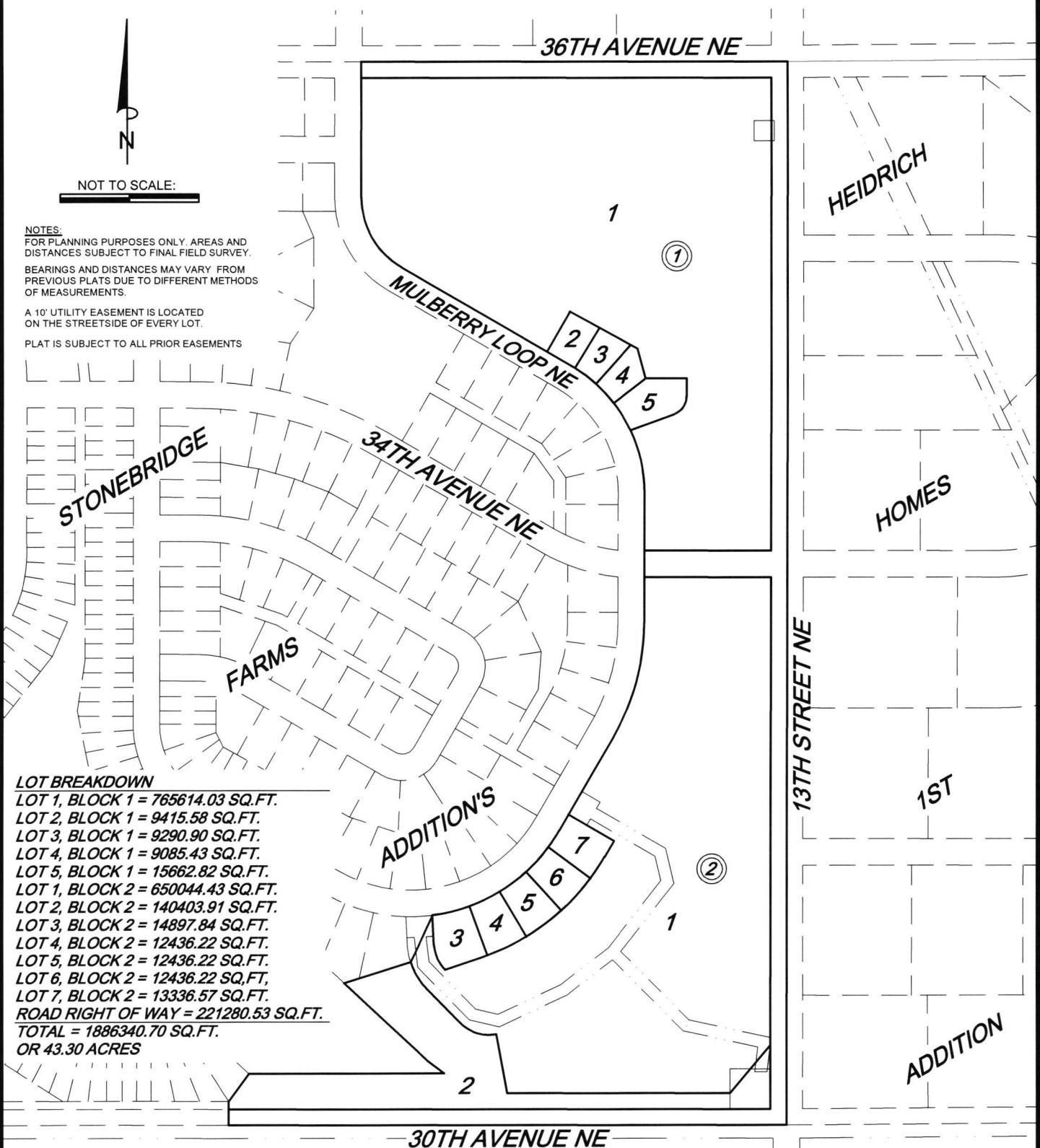


NOT TO SCALE:

NOTES:  
FOR PLANNING PURPOSES ONLY. AREAS AND  
DISTANCES SUBJECT TO FINAL FIELD SURVEY.  
BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENTS.

A 10' UTILITY EASEMENT IS LOCATED  
ON THE STREET SIDE OF EVERY LOT.

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS



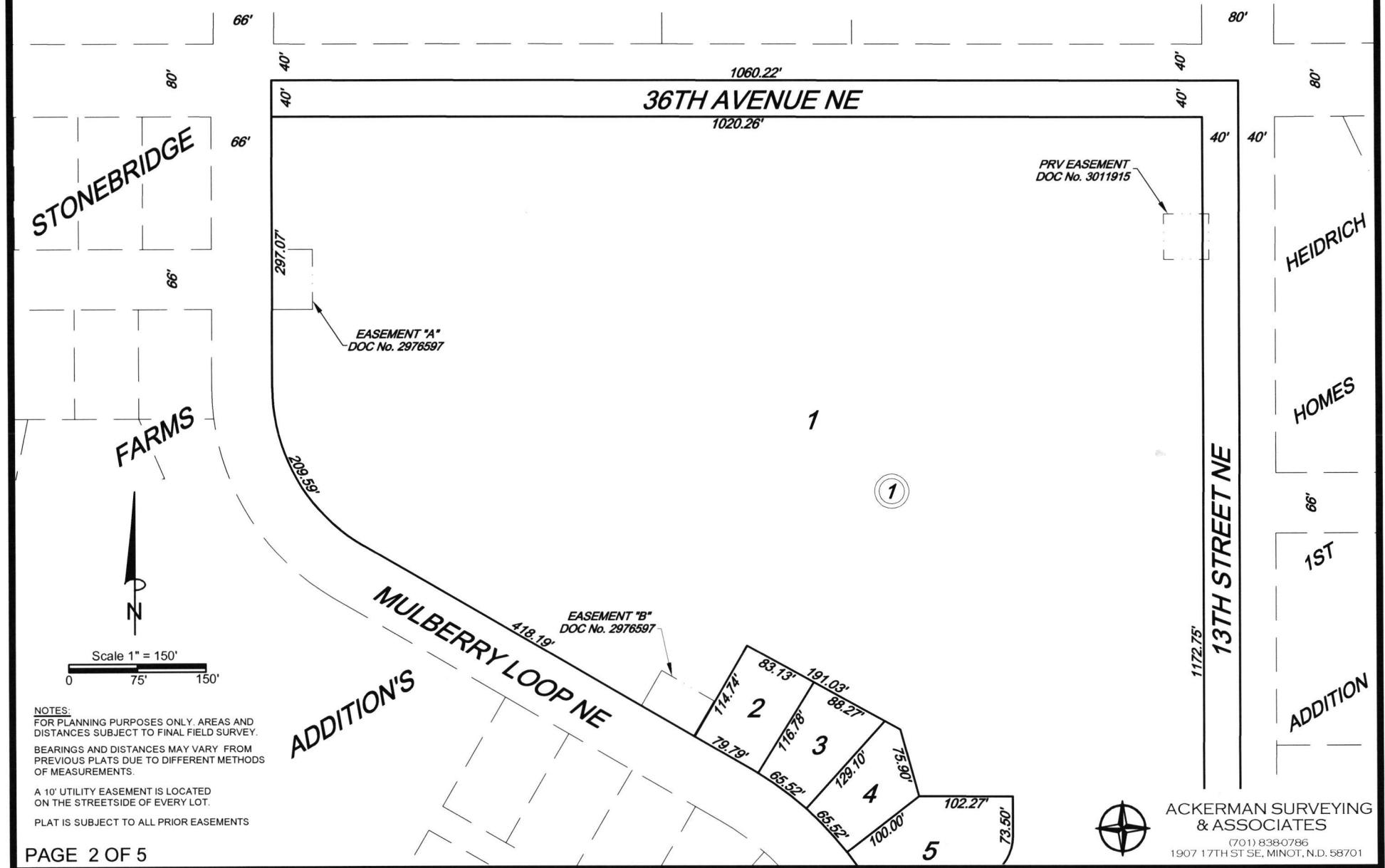
LOT BREAKDOWN

LOT 1, BLOCK 1 = 765614.03 SQ.FT.  
LOT 2, BLOCK 1 = 9415.58 SQ.FT.  
LOT 3, BLOCK 1 = 9290.90 SQ.FT.  
LOT 4, BLOCK 1 = 9085.43 SQ.FT.  
LOT 5, BLOCK 1 = 15662.82 SQ.FT.  
LOT 1, BLOCK 2 = 650044.43 SQ.FT.  
LOT 2, BLOCK 2 = 140403.91 SQ.FT.  
LOT 3, BLOCK 2 = 14897.84 SQ.FT.  
LOT 4, BLOCK 2 = 12436.22 SQ.FT.  
LOT 5, BLOCK 2 = 12436.22 SQ.FT.  
LOT 6, BLOCK 2 = 12436.22 SQ.FT.  
LOT 7, BLOCK 2 = 13336.57 SQ.FT.  
ROAD RIGHT OF WAY = 221280.53 SQ.FT.  
TOTAL = 1886340.70 SQ.FT.  
OR 43.30 ACRES



ACKERMAN SURVEYING  
& ASSOCIATES  
(701) 838-0786  
1907 17TH ST SE, MINOT, N.D. 58701

**PRELIMINARY PLAT OF  
STONEBRIDGE FARMS 7TH ADDITION  
TO THE CITY OF MINOT, NORTH DAKOTA  
(BEING AN UNPLATTED PORTION OF THE SE1/4 OF SECTION 1,  
TOWNSHIP 155 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA)**



PRELIMINARY PLAT OF  
STONEBRIDGE FARMS 7TH ADDITION

TO THE CITY OF MINOT, NORTH DAKOTA  
(BEING AN UNPLATTED PORTION OF THE SE1/4 OF SECTION 1,  
TOWNSHIP 155 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA)

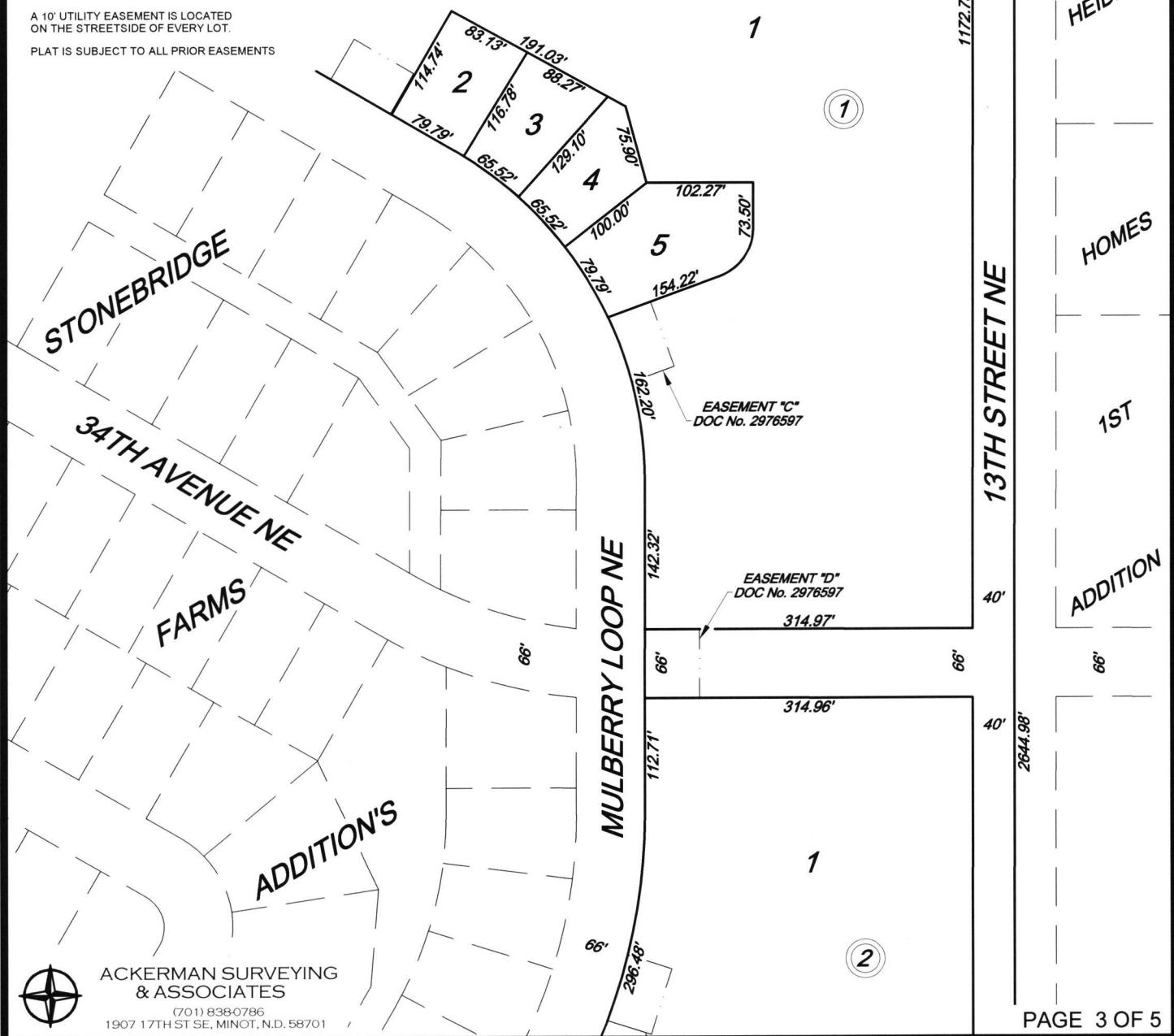


Scale 1" = 150'  
0 75' 150'

**NOTES:**  
FOR PLANNING PURPOSES ONLY. AREAS AND  
DISTANCES SUBJECT TO FINAL FIELD SURVEY.  
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A 10' UTILITY EASEMENT IS LOCATED  
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PRELIMINARY PLAT OF  
STONEBRIDGE FARMS 7TH ADDITION

TO THE CITY OF MINOT, NORTH DAKOTA  
(BEING AN UNPLATTED PORTION OF THE SE1/4 OF SECTION 1,  
TOWNSHIP 155 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA)

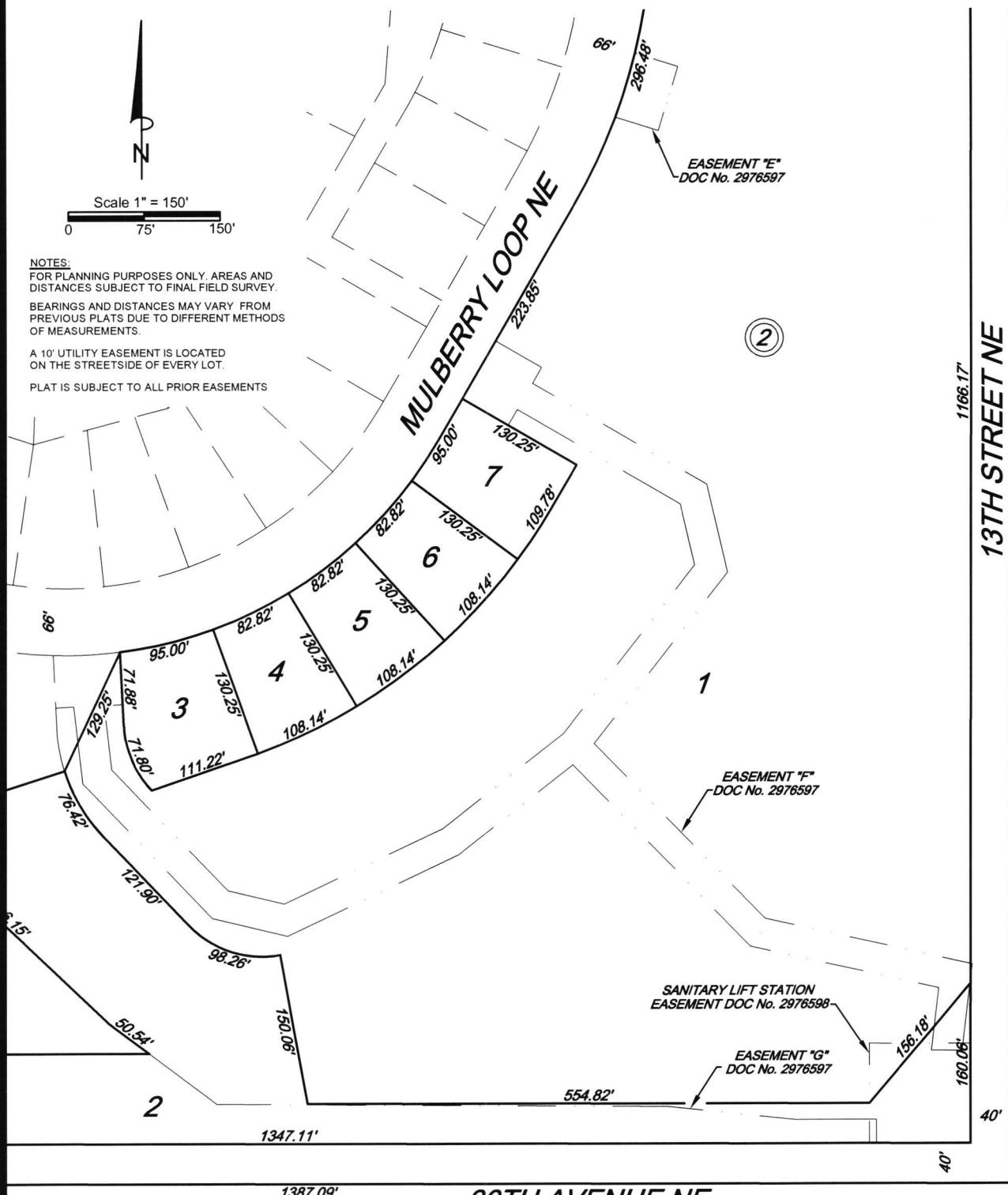


Scale 1" = 150'  
0 75' 150'

**NOTES:**  
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ACKERMAN SURVEYING  
& ASSOCIATES  
(701) 838-0786  
1907 17TH ST SE, MINOT, N.D. 58701

UNPLATTED  
SEC. 12-155-83

PRELIMINARY PLAT OF  
STONEBRIDGE FARMS 7TH ADDITION

TO THE CITY OF MINOT, NORTH DAKOTA  
(BEING AN UNPLATTED PORTION OF THE SE1/4 OF SECTION 1,  
TOWNSHIP 155 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA)

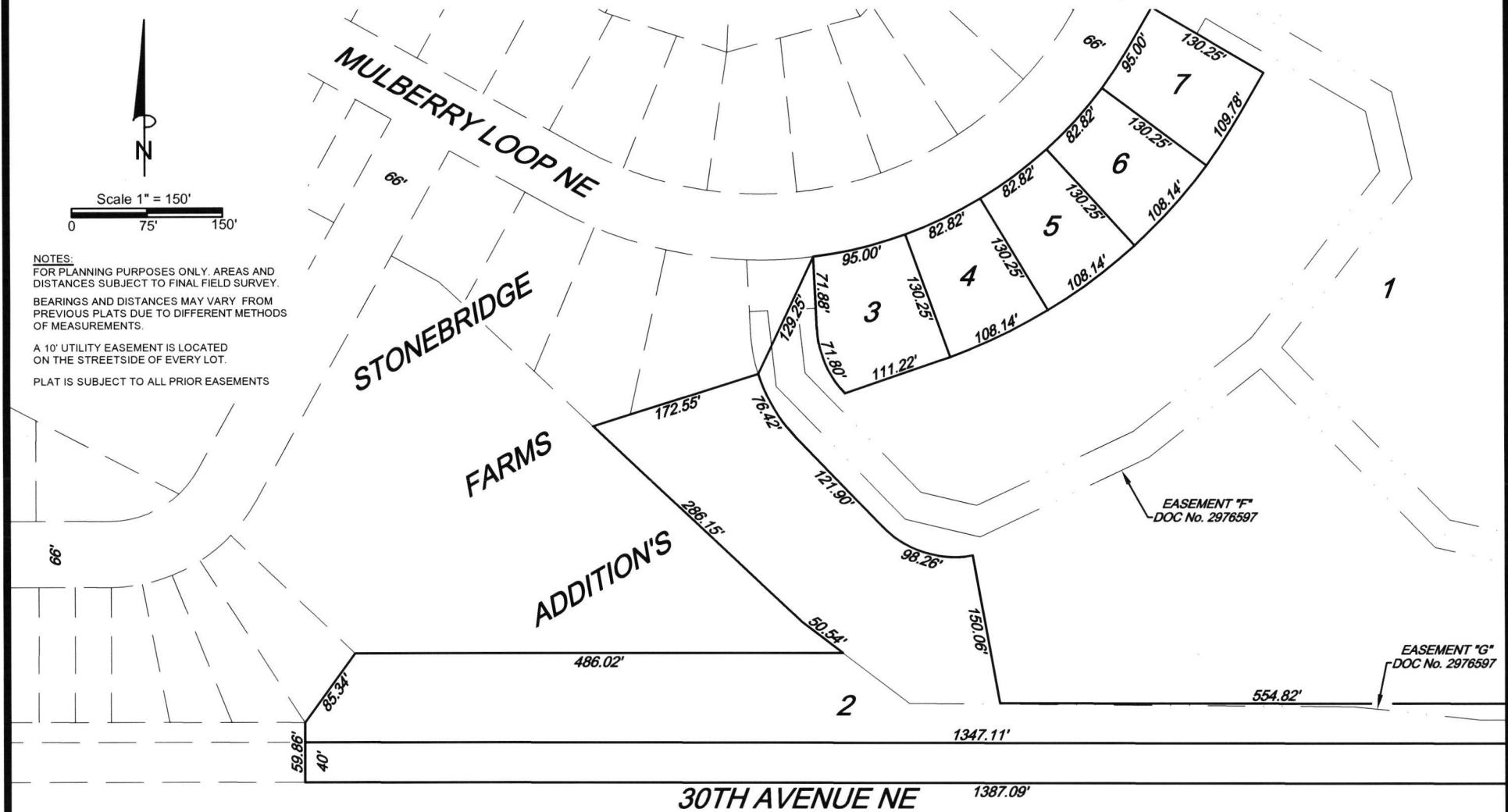


Scale 1" = 150'  
0 75' 150'

NOTES:  
FOR PLANNING PURPOSES ONLY. AREAS AND  
DISTANCES SUBJECT TO FINAL FIELD SURVEY.  
BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENTS.

A 10' UTILITY EASEMENT IS LOCATED  
ON THE STREETSIDE OF EVERY LOT.

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS

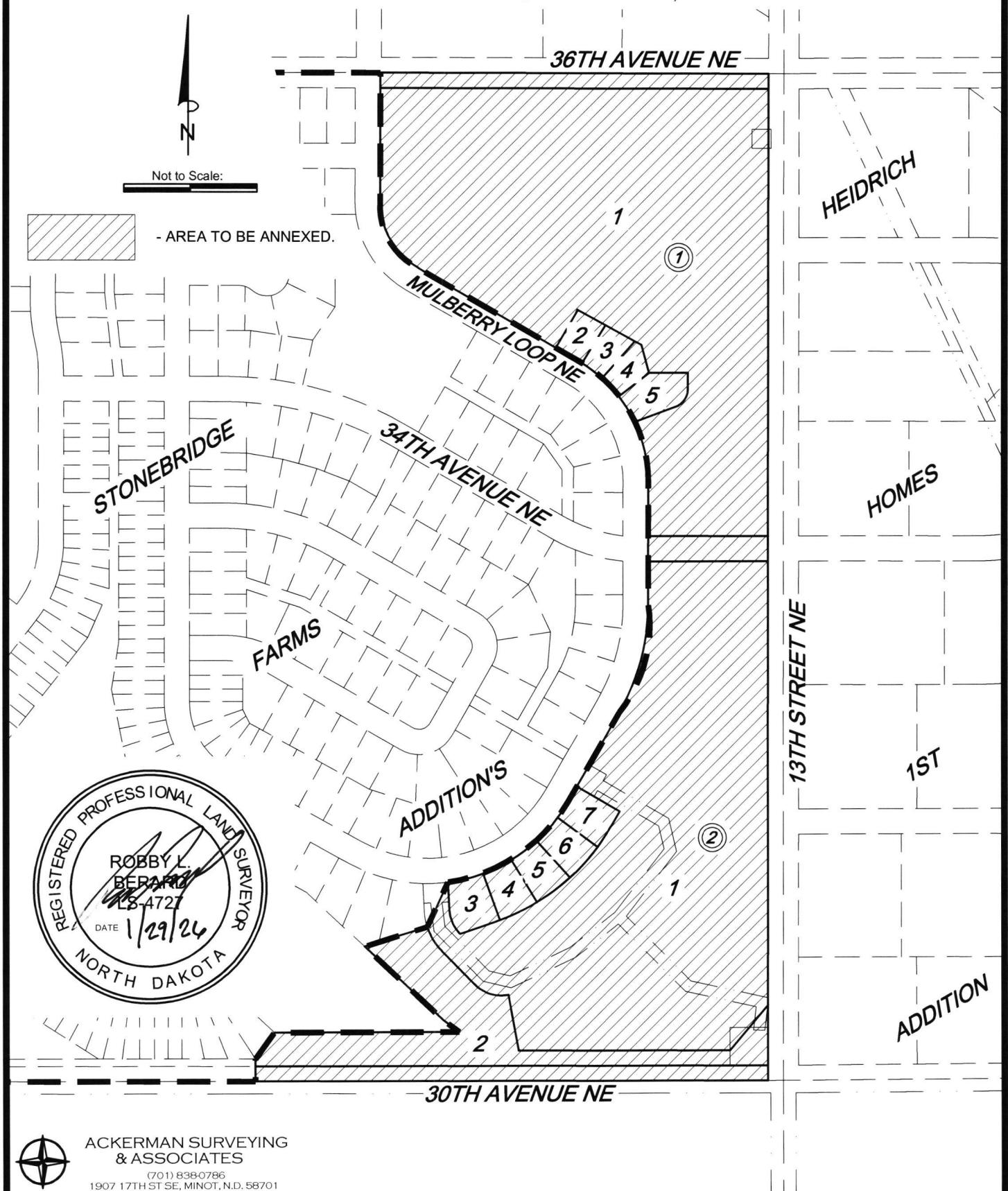


ACKERMAN SURVEYING  
& ASSOCIATES  
(701) 838-0786  
1907 17TH ST SE, MINOT, N.D. 58701

# ANNEXATION EXHIBIT

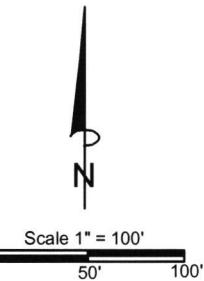
TO THE CITY OF MINOT, NORTH DAKOTA

(BEING PORTIONS OF 30TH AVENUE NE, 34TH AVENUE NE, 36TH AVENUE NE AND  
LOTS 1 THRU 5 BLOCK 1, LOTS 1 THRU 7, BLOCK 2, STONEBRIDGE FARMS 7TH ADDITION  
TO THE CITY OF MINOT, NORTH DAKOTA)



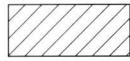
# EASEMENT VACATION

TO THE CITY OF MINOT, NORTH DAKOTA  
(BEING A PORTION OF A SANITARY LIFT STATION EASEMENT FILED AS  
EXHIBIT 2 DOCUMENT No. 2976598 AT THE WARD COUNTY RECORDERS OFFICE)



**NOTES:**  
FOR PLANNING PURPOSES ONLY. AREAS AND  
DISTANCES SUBJECT TO FINAL FIELD SURVEY.  
BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENTS.

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS



- PORTION TO BE VACATED.  
(1499.25 SQ.FT.)

EASEMENT "F"  
DOC No. 2976597

②

1

SANITARY LIFT STATION  
EASEMENT DOC No. 2976598

EASEMENT "G"  
DOC No. 2976597

PORTION TO BE VACATED

40'

40'

30TH AVENUE NE

UNPLATTED  
SEC. 12-155-83



ACKERMAN SURVEYING  
& ASSOCIATES  
(701) 838-0786  
1907 17TH ST SE, MINOT, ND. 58701

HEIDRICH

HOMES

1ST

ADDITION

1-12-2026

CXL, LLC  
PO Box 3100  
Minot, ND  
58702

**RE: Violation of Condition Use Permit 2023-11-1**

**Physical Address: 425 MAIN ST S Parcel ID: MI24.326.000.0010**

The City of Minot has received several complaints against this property concerning its operation that are in violation of conditional use permit #2023-11-1. The following sections of the conditional use permit have been violated and must be remedied immediately, or the permit will be revoked:

Condition #2 states that parking must be in the spaces leased in the adjacent parking lot or at another location as approved by the Community Development Director or his designee. Vehicles and trailers parked up against the house violate this provision as well as Ordinance for no parking on an approved hard surface. Expiration of the parking lease without an approved alternative parking plan is grounds for revocation.

Conditions #3, 5, and 6. This building is currently considered an unsafe building by the Building Official and needs to be remedied before it can be occupied. The Inspections department has been working with the applicant on building permit #C25-00126, which has been paid for, but the hard card has not been picked up as of 1/12/2026. It needs to be restated that this only allows for occupancy in the part of the building denoted in this permit, any occupancy of the back part of the building would be a violation.

Condition #12 states that residents of the property cannot be sex offenders. On 12/22/2025 we confirmed via the North Dakota Sex Offender Registry that an Oscar Manuel Delacruz has registered his address as 425 Main St S, Minot ND which is a violation of this condition.

All the above violations of the conditional use permit must be remedied no later than January 30<sup>th</sup> , 2026. If any of these violations are not remedied a show cause hearing will be held at the February 10<sup>th</sup>, 2026 Planning Commission, at which time the Planning staff will recommend revocation of conditional use permit 2023-11-1.

Sincerely,



Daniel Falconer – Assistant Planner  
Phone: 701-857-4122 or Email: planner@minotnd.gov



701-857-4122

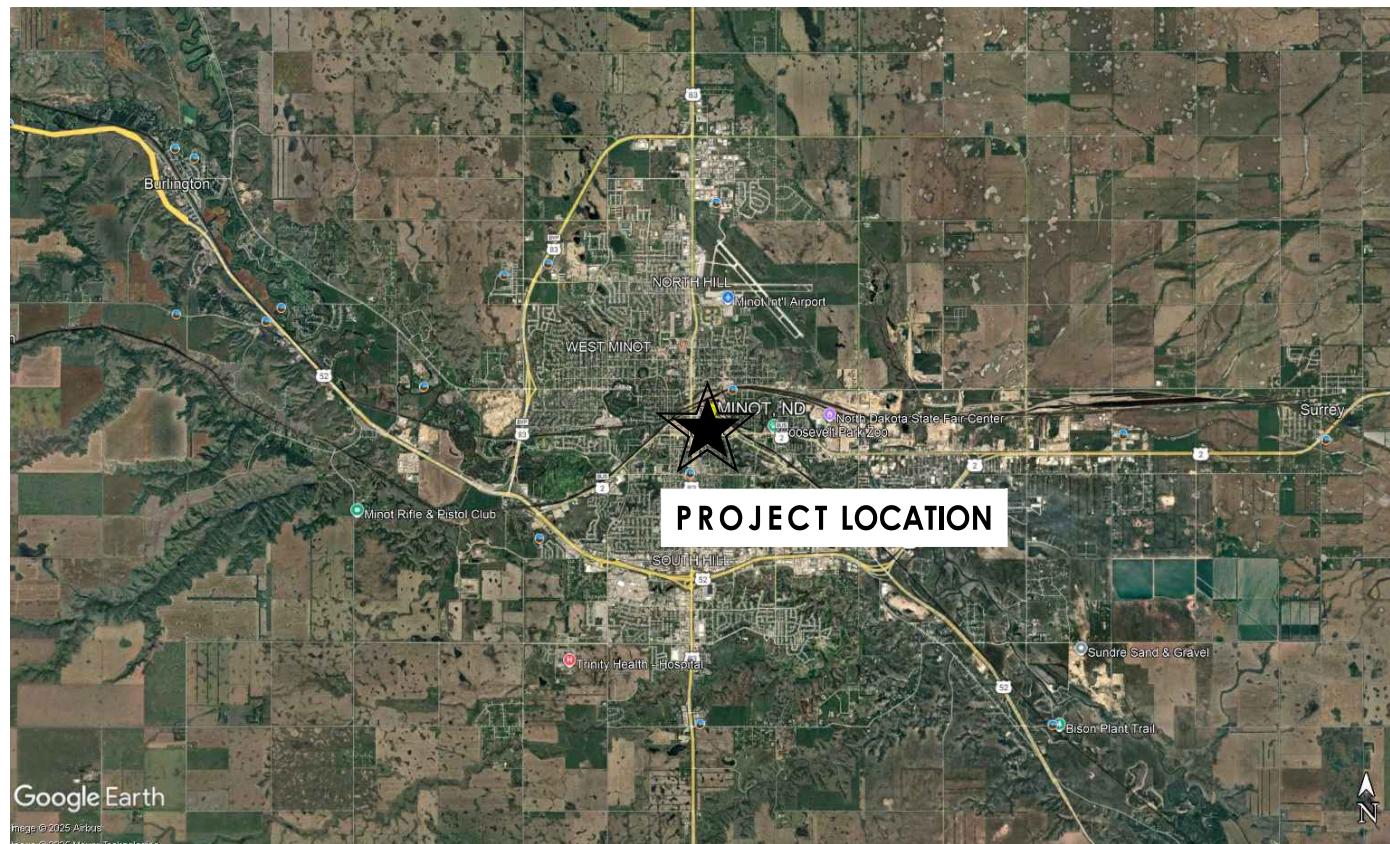


1025 31<sup>st</sup> St. SE  
Minot, ND. 58701

# SEEDS OF EDEN GROUP HOME REMODEL

425 S. MAIN ST., MINOT, NORTH DAKOTA

LOCATION PLAN



NORTH-EAST BUILDING PHOTO



VICINITY PLAN



PROJECT TEAM

OWNER  
SEEDS OF EDEN  
425 S. MAIN ST.  
MINOT, ND 58701  
PH. 701.202.8524

info@seedsofeden.net

ARCHITECT  
ACKERMAN-ESTVOLD  
1907 17TH ST SE  
MINOT, ND 58701  
PH. 701.857.9135

paul.kramer@ackerman-estvold.com

STRUCTURAL ENGINEER  
CW STRUCTURAL ENGINEERS  
1000 E CALGARY AVE STE #2  
BISMARCK, ND 58501  
PH. 701.221.3286

chriswenz@cwstructural.net

DRAWING INDEX

G000 TITLE SHEET  
A100 LIFE SAFETY PLAN & CODE STUDY  
A200 BASEMENT FLOOR PLAN  
A201 MAIN FLOOR PLAN  
A202 UPPER FLOOR PLAN  
A300 BUILDING ELEVATION

S1.1 MAIN FLOOR PLAN FRAMING PLAN  
S1.2 SECOND FLOOR FRAMING PLAN  
S1.3 ROOF FRAMING PLAN  
S2.1 FRAMING DETAILS  
S2.2 FRAMING DETAILS  
S2.3 FRAMING DETAILS  
S3.1 GENERAL STRUCTURAL NOTES

SEEDS OF EDEN  
GROUP HOME REMODEL  
MINOT, NORTH DAKOTA

DRAWN BY: PTK  
CHECKED BY: ---

DATE: 04/24/2025

REVISIONS

⚠ --/-/---  
# --/-/---  
# --/-/---  
# --/-/---

Project No.  
R23169

TITLE SHEET

G000

ACKERMAN  
ESTVOLD  
1907 17TH ST SE • Minot, ND • www.ackerman-estvold.com  
701.837.8737 • Minot, ND | Williston, ND | Bismarck, ND

Google Earth  
I hereby certify that this plan specifically  
that this plan was prepared by or  
on my behalf by a Registered Architect under  
the laws of the State of North Dakota  
and is in accordance with the  
Date 1/1/2025, Ref. No. 1774  
S. J. Estvold, AIA

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All rights reserved.  
THIS WORK, INCLUDING ALL DESIGNS, DRAWINGS, AND  
RENDERINGS CONTAINED HEREIN, IS THE INTELLECTUAL  
PROPERTY OF THE AUTHOR, ACKERMAN-ESTVOLD, AND  
THEIR CONSULTANTS. THIS WORK, IN WHOLE OR IN PART, IS  
PROTECTED AGAINST UNAUTHORIZED USE OR  
REPRODUCTION BY COPYRIGHT LAW. ANY USE OF THIS  
WORK, IN WHOLE OR IN PART, BY ANY PERSON OR ENTITY  
FOR USE OTHER THAN THAT CONTAINED HEREIN MUST BE  
PRECEDED BY WRITTEN CONSENT FROM THE AUTHOR.

BUILDING CODE REVIEW  
2021 INTERNATIONAL BUILDING CODE:

OCCUPANCY CLASSIFICATION:  
Business Condition 1 B

(SECTION 310)  
(SECTION 310.5.1)

CONSTRUCTION TYPE:  
Type V-B, Automatic Sprinkler System.

(TABLE 601)

ALLOWABLE AREA:  
Allowable Area: 7,000 s.f.  
Actual Area: 5,234 s.f.

(TABLE 506.2)

BUILDING HEIGHT:  
Allowable Height: 60'-0"  
Actual Height: 34'-6"

(TABLE 504.3)

ALLOWABLE NUMBER OF STORIES ABOVE GRADE PLANE:  
Allowable No. of Stories: 3 Stories  
Actual No. of Stories: 2 Stories

(TABLE 504.4)

REQUIRED SEPARATION OF OCCUPANCIES:  
None Required

(TABLE 508.4)

OCCUPANT LOAD:

15 (TABLE 1004.5)

	Gross Floor Area	Flr. Area / Occupant	Occupant Load
Upper Level Floor: Residential	2,513 s.f.	200	13
Main Level Floor: Business	1,138 sf	200	12
Basement Level Floor: Storage/Mechanical	753 sf	200	3
<b>Totals</b>	<b>1,891 sf</b>		<b>15</b>

REQUIRED EXITS:  
Actual Occupant Load: 15  
Exits Required: 1  
Exits Provided: 1

(TABLE 1006.3.3)

EXIT ACCESS TRAVEL DISTANCE:  
Maximum Allowable: 75'-0"

(SECTION 1006.2.2.6)

CORRIDOR FIRE RESISTANCE RATING:  
One Hour where Occupant Load is greater than 10.

(TABLE 1020.2)

MINIMUM REQUIRED PLUMBING FIXTURES:  
Water Closets:  
Water Closets Required: 15 Occupants / 25

(TABLE 2902.1)

Water Closets Provided:	1	1
-------------------------	---	---

Lavatories: Lavatories Required: 15 Occupants / 40	1	1
-------------------------------------------------------	---	---

Bathtubs/Showers Required: 31 Occupants / 8	5	5
---------------------------------------------	---	---

Drinking Fountains Required: 15 Occupants / 100	1	1
-------------------------------------------------	---	---

Service Sinks Required: 15 Occupants / 100	1	1
--------------------------------------------	---	---

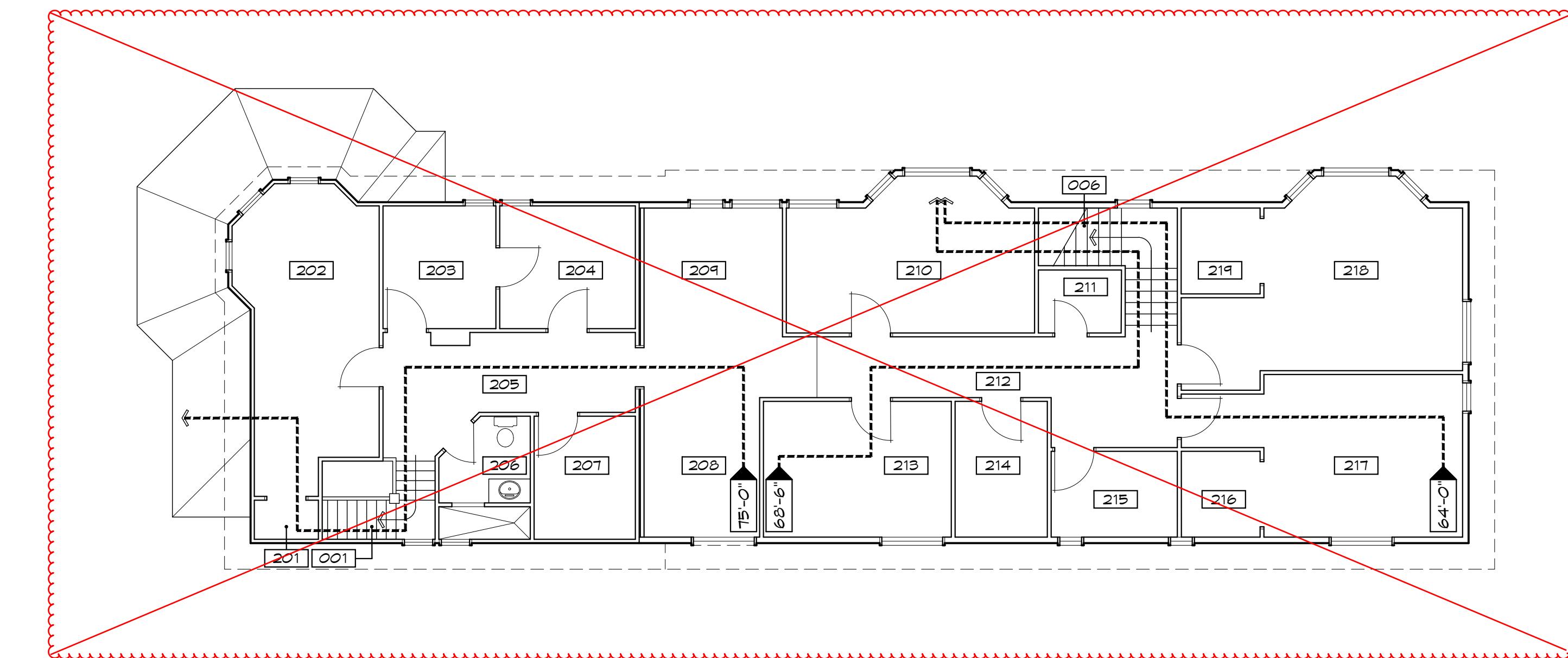
Occupant Load provided is for the entire building. Edited to work area.

LIFE SAFETY PLAN SYMBOL KEY:

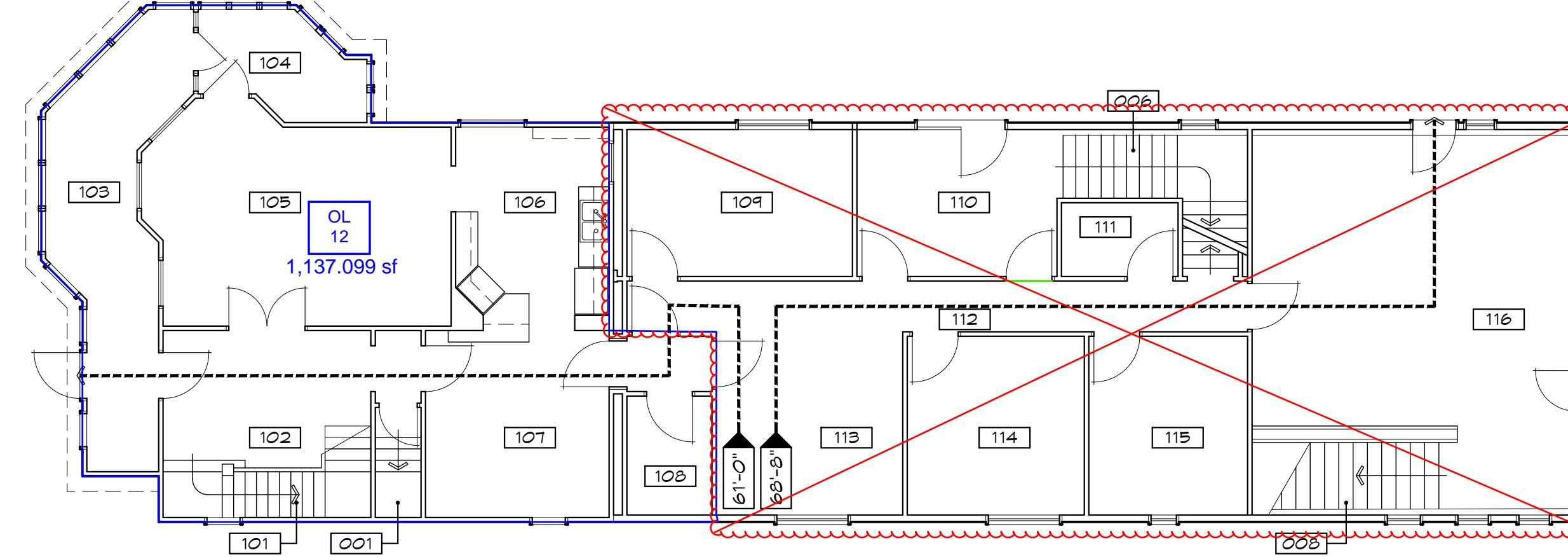
Agriculture — Indicates Function of Space  
1,400 sf — Indicates Floor Area  
300 — Indicates Occupant Load Factor  
5 — Indicates Occupant Load of Space

60'-0" — Indicates Exit Access Travel Distance

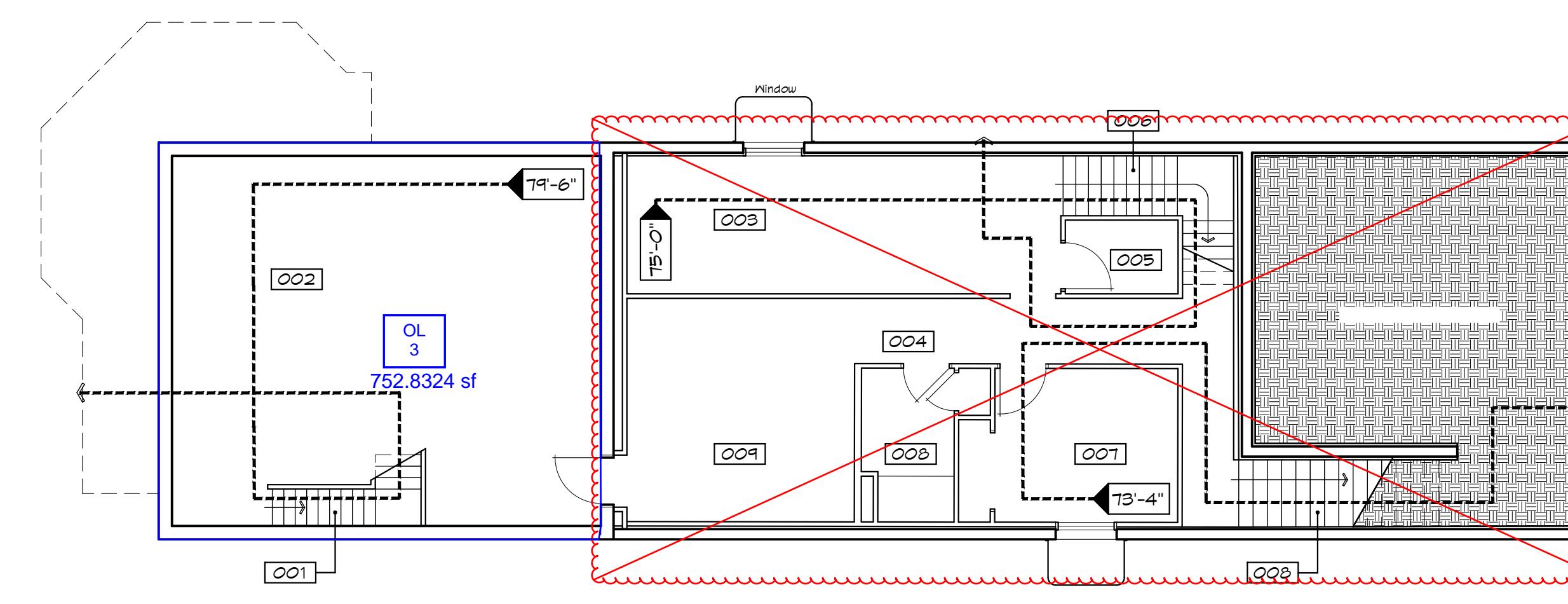
----- — Indicates Exist Access Path of Egress



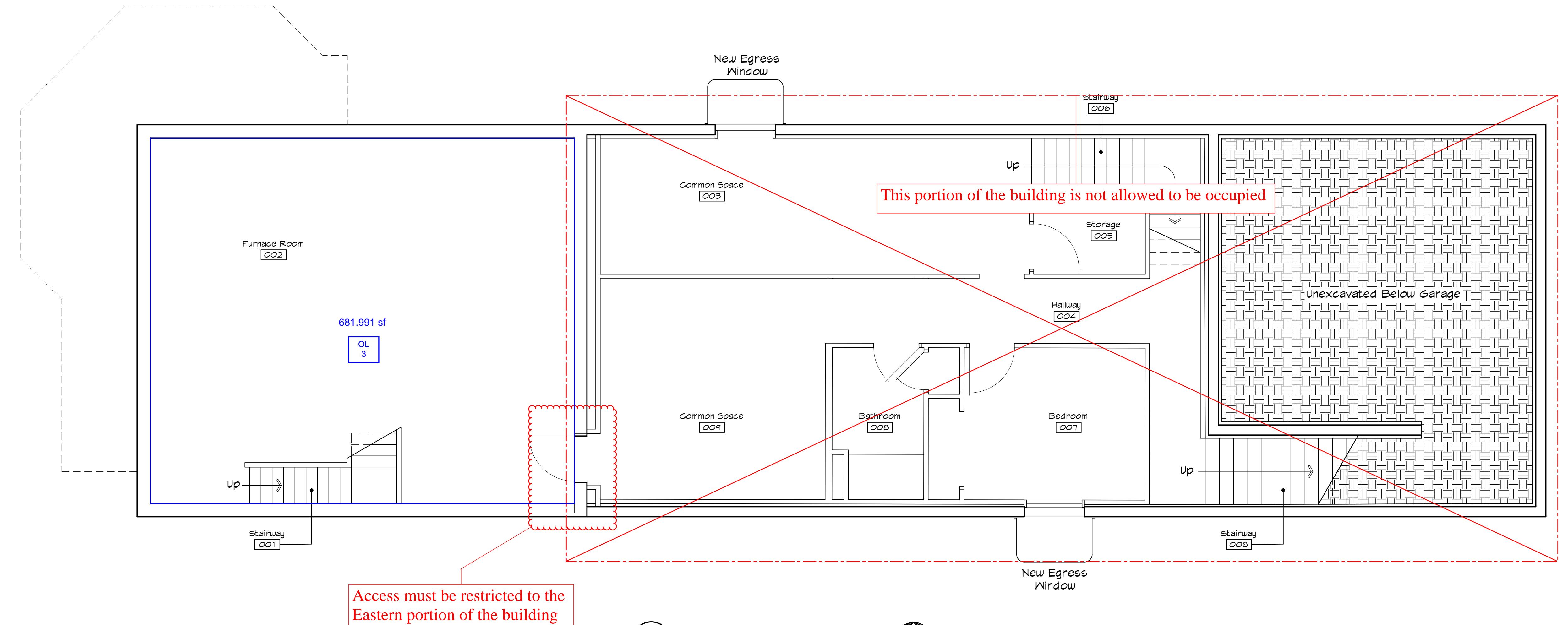
3 A100 SCALE: 1/8" = 1'-0" 2,513 Square Feet



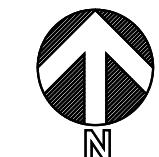
2 A100 SCALE: 1/8" = 1'-0" 2,721 Square Feet



1 A100 SCALE: 1/8" = 1'-0" 1,865 Square Feet



1 BASEMENT FLOOR PLAN  
A-200 SCALE: 1/4" = 1'-0"



SEEDS OF EDEN  
GROUP HOME REMODEL  
MINOT, NORTH DAKOTA

ACKERMAN  
ESTVOLD  
1907 77th St SE - Minot, ND 58701  
701.837.8737 • www.ackerman-estvold.com  
Minot, ND | Fargo, ND | Williston, ND | Boise, ID

Architectural Drawing  
Ref. No. 1714  
Date 4/24/2025  
Scales: 1/4" = 1'-0"

DRAWN BY: DWL  
CHECKED BY: PTK

DATE: 04/24/2025

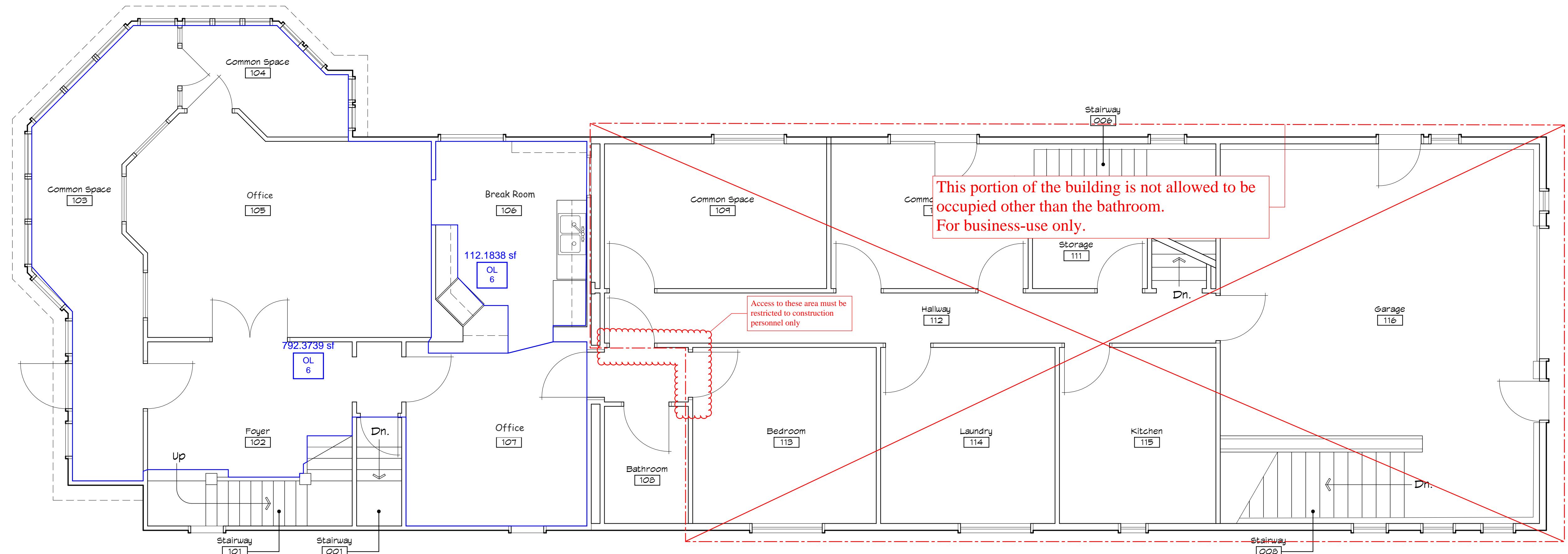
REVISIONS

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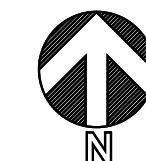
Project No.  
R23169

BASEMENT  
PLAN

A200



1 MAIN FLOOR PLAN  
A-201 SCALE: 1/4" = 1'-0"



SEEDS OF EDEN  
GROUP HOME REMODEL  
MINOT, NORTH DAKOTA

ACKERMAN  
ESTVOLD  
1907 77th St SE - Minot, ND 58701  
701.837.8737 • www.ackerman-estvold.com  
Minot, ND | Fargo, ND | Williston, ND | Bismarck, ND  
Date 4/24/2025 Ref. No. 1774

DRAWN BY: DWL  
CHECKED BY: PTK

DATE: 04/24/2025

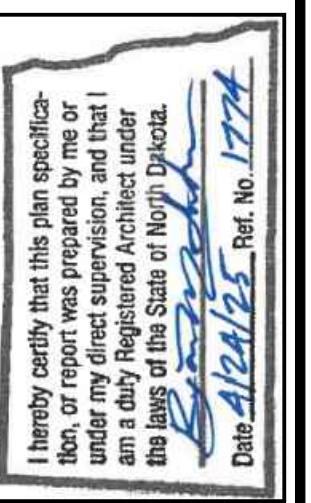
REVISIONS

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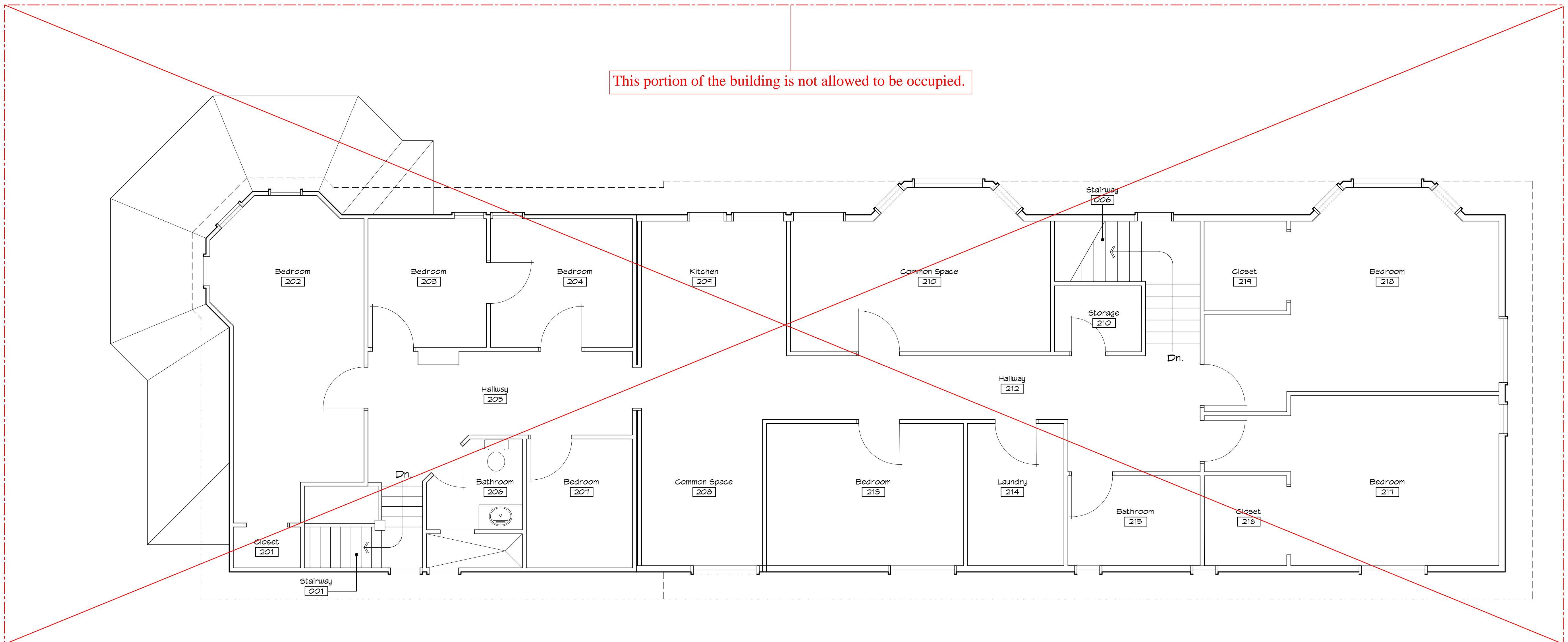
Project No.  
R23169

MAIN FLOOR  
PLAN

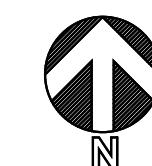
A201



SEEDS OF EDEN  
GROUP HOME REMODEL  
MINOT, NORTH DAKOTA



1  
A-202  
UPPER FLOOR PLAN  
SCALE: 1/4" = 1'-0"



DRAWN BY: DWL  
CHECKED BY: PTK

DATE: 04/24/2025

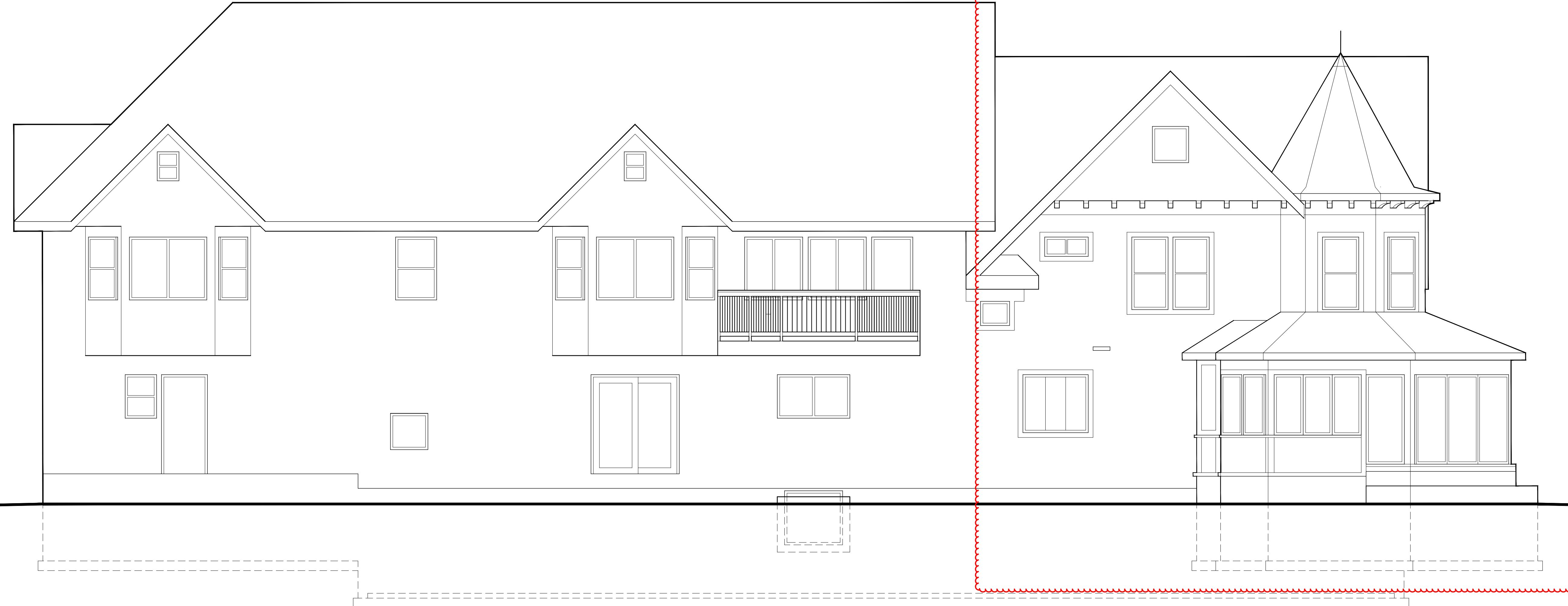
REVISIONS

⚠	--/-/-
#	--/-/-
#	--/-/-
#	--/-/-

Project No.  
R23169

UPPER FLOOR  
PLAN

A202



1 NORTH ELEVATION  
A-300 SCALE: 1/4" = 1'-0"

SEEDS OF EDEN  
GROUP HOME REMODEL  
MINOT, NORTH DAKOTA

DRAWN BY: DWL  
CHECKED BY: PTK

DATE: 04/24/2025

REVISIONS

⚠ -/-/-  
# -/-/-  
# -/-/-  
# -/-/-

Project No.  
R23169

ELEVATION

A300

ACKERMAN  
ESTVOLD  
1907 77th St SE - Minot, ND 58701  
701.837.8737 • www.ackerman-estvold.com  
Minot, ND | Fargo, ND | Williston, ND | Bismarck, ND

Architectural Drawing  
Ref. No. 1714  
Date 4/24/25

## MASTER LEASE AGREEMENT

THIS LEASE AGREEMENT entered this 1st Day of October, by and between **Trinity Health**, located at 2305 37<sup>th</sup> Ave SW, Minot, ND 58701 hereinafter called Landlord and **Seeds of Eden, Isaiah Keller**, hereinafter called Tenant(s).

In consideration of the rents and covenants hereinafter set forth, Landlord hereby leases unto Tenant and Tenant hereby leases from the Landlord the following premises situated in Ward County, North Dakota:

5 Parking Space(s)  
Trinity Health – South Parking Lot  
5<sup>th</sup> Ave SW / Opposite 425 Main St.  
Minot, ND 59701

### TERM

The term of this Lease is for a period of Six (6) Months, commencing on the 1st day of March 2024, and expiring on the 30th day of September 2024. This Lease is renewable on a month-to-month basis thereafter.

### RENT

Tenant will pay to Landlord as rent for the premises the sum of \$100.00 (one hundred dollars) per month in advance on the first day of each month during the 6 Months of this Lease.

A \$35.00 (thirty-five dollar) late fee will be charged if rent is not paid by the 5<sup>th</sup> of the month. Landlord does not have to give notice to Tenant to pay the rent. Tenant understands that Landlord will not accept a partial payment of rent and must pay rent in full monthly and not subtract any amount from it. Every tenant listed above is individually responsible for paying the full amount of rent owed to Landlord.

### UTILITIES

At current time, there are no utilities at this location.

### SECURITY DEPOSIT

Tenant shall pay \$100.00 (one hundred dollars) as Security Deposit. The Security Deposit shall be held by the Landlord as security for the faithful performance for cleaning or repairing any damage to said premises, or, at Landlords option, any or all of said deposit may be applied to the payment of any overdue rent. Upon termination of this Lease, Landlord shall return to the tenant, upon the return by tenant to the Landlord keys for said premises, any unused portion of said deposit provided that the tenant shall not then be in default of any of the provisions of this Lease.

### REPAIRS & MAINTENANCE

Tenant shall not make any alterations to the property without written consent of the Landlord.

Any damages whether willful or accidental shall be repaired in a workmanlike manner by the Tenant or its contractors and shall return the premises to the Landlord in the same condition as was accepted upon move in, normal wear and tear excepted.

All snow and ice precautions and removal will be the responsibility of the tenant.

#### **USE OF PREMISES**

The Tenant will use the premises as parking space in compliance with all Federal, State and Municipal laws and regulations governing such activity.

#### **DRUGS AND CRIMINAL ACTIVITY**

The Tenant, occupants, guests, family members or other persons related to or affiliated with the Tenant in any way promise not to engage in any criminal activity or the use, possession, manufacture, sale or distribution of any illegal controlled substance (as defined by local, state and federal laws). To do so is an illegal act and a violation of this Lease.

#### **ASSIGNMENT AND SUBLEASING**

Tenant shall not assign this lease, or sublet the premises or any part thereof, without the prior written consent of the Landlord.

#### **LIABILITIES OF THE PARTIES**

Landlord and its employees shall not be liable for any loss, damage, injuries, or other casualty of whatsoever kind or by whomsoever caused, to the person or property of anyone, including Tenant and occupants on or off the premises, including sidewalks, adjacent, or approaches thereto, rising out of or resulting from the tenant and occupants use or possession thereof, or from defects in the premises whether apparent or hidden, whether due in whole or in part to the negligent acts or admission of the Landlord and his employees; and tenant for himself, his heirs and assigns hereby agrees to indemnify and hold Landlord or its employees harmless from and against all claims, liabilities, suites, or actions for such loss, damage, injury, or other casualty.

Landlord further agrees to maintain a comprehensive general liability insurance policy, issued by a reliable company, with liability limits satisfactory to Tenant. Landlord will, upon the request of Tenant, deliver to Tenant evidence of such insurance.

Landlord and Tenant will each insure his own property under a policy of insurance, which provides that such insurance shall not be invalidated or otherwise affected by a prior waiver of rights against any person for loss of or damage to the insured property.

It is recommended that Tenant obtain renters insurance.

### **PREMISES SUBJECT TO SALE**

The premises may be sold by the Landlord at any time during the term of this lease without affecting the Tenants right and obligations. If the Landlord sells the premises, he shall thereby be released of all his obligations hereunder, which obligations shall be assumed by the purchaser.

### **INSPECTION AND DISPLAY BY LANDLORD**

Landlord may, at any reasonable time, inspect any part of the premises.

### **LEASE TERMINATION BY TENANT**

If Tenant wants to vacate lease when the Lease term ends, Tenant must give Landlord prior written notice at least sixty (60) days before the Lease term ends. If the Tenant is on a month-to-month lease, Tenant must give Landlord at least thirty (30) days' notice of termination. If the Tenant does not give the required notice to Landlord, the Tenant is liable for rent and utilities to the end of the notice period or the date that the spaces is re-rented, whichever date comes first. Vacate inspection will be completed before the security deposit is returned to Tenant.

### **LEASE TERMINATION BY LANDLORD**

Any termination of this Lease will be carried out in accordance with state and local laws and the terms of this Lease. The Landlord reserves the right to terminate or not renew the Lease for serious or repeated violations of the Lease such as, but not limited to the following:

- Non-payment of rent, Tenant utilities, other charges under the Lease or repeated chronic late payment of rent and other charges (chronic late payment is defined as more than 2 late notices or Lease termination notices sent within a 12 month period)
- Failure to dispose of garbage, waste and rubbish in a safe and sanitary manner. Failure to keep grounds immediately surrounding Tenant's unit free of debris and in a neat and orderly fashion.
- Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests or associates to refrain from such acts.
- Failure to pay responsible charges (other than normal wear and tear) for the repair of damages to the unit or lot.
- Any activity that threatens the health, safety, or right to peaceful enjoyment of the unit or buildings by other tenants or employees of Landlord.
- Any drug related and/or criminal activity on or off the premises.
- Alcohol abuse that the Landlord determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
- Violation of material terms of the lease.
- The filing of a bankruptcy petition by Tenant, entry of an adjudication of Tenant's bankruptcy, or the appointment of a receiver or the execution of an assignment for the benefit of Tenant's creditors.

If the Landlord proposes to terminate this Lease, the Tenant shall be given at least fourteen (14) days notice of termination. The notice of Lease termination from the Landlord shall be sent to the Tenant by certified mail and shall specify the date the Lease will be terminated and state the grounds for termination.

Upon the Landlord's election to declare a default and after the expiration of the Tenant's grace period, Landlord shall be entitled to re-enter and take possession of the premises upon ten days notice, or such shorter notice as may be permitted by law.

The Landlord's declaration of a default and re-entry and repossession of the premises shall not operate to terminate the lease or the Tenant's obligation to pay rent for the full term of the lease or his other obligations. If the Landlord declares a default and re-enters the premises, he shall exert reasonable efforts to obtain a new Tenant, and the Tenant shall be liable for the expenses of obtaining a new Tenant and the deficiency between the rent paid by the new Tenant and the rent to be paid by the Tenant for the full term of the Lease.

If the Landlord does not elect to declare a default, the lease shall not be terminated and the Tenant's obligations to pay rent and his other obligations shall continue for the full term of the Lease.

#### **LEASE BINDING**

All the covenants and agreements herein made shall extend to and be binding upon the heirs, administrators, successors and assigns of the parties hereto, and no modification of this Lease shall be binding unless in writing and signed by the parties hereto.

#### **NO WAIVER**

Any failure of Landlord to enforce any terms of this Lease for any period of time shall not prevent Landlord from enforcing such terms at a later time.

IN WITNESS WHEREOF, the parties to this lease agreement set their signatures below:

TENANT:

Isaiah Keller (Seeds of Eden)

Signature

LANDLORD:



Signature:

Isaiah Keller (Seeds of Eden)

Printed Name

Signature

Printed Name



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Planning Commission Application

#### GENERAL INFORMATION

##### City of Minot

Owner Name \_\_\_\_\_ Address \_\_\_\_\_ Primary Contact? \_\_\_\_\_

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

Applicant Representative (if applicable) \_\_\_\_\_ Address \_\_\_\_\_ Primary Contact? \_\_\_\_\_

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

#### APPLICATION INFORMATION

Current Legal Description \_\_\_\_\_ Current Zoning \_\_\_\_\_

Proposed Legal Description (if applicable) \_\_\_\_\_ Requested Zoning (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Text Amendments - childcare, gas station in CBD, paving in outdoor rec, bufferyard modification, parking on grass municode

Brief Description of Reason for Request \_\_\_\_\_

**APPLICATION FOR** Check all that apply and submit checklist materials with application. Major Plat: Preliminary:

<input type="checkbox"/> Annexation by Petition \$75	<input type="checkbox"/> Interim Use Permit \$350*	<input type="checkbox"/> Variance in Zoning Regulation \$500 for first section of code + \$100 for every section after*	<input type="checkbox"/> 1-10 Lots*** \$400
<input type="checkbox"/> Future Land Use Map Amendment \$500*	<input type="checkbox"/> Plat Vacation \$500 <= 1year; \$1500 1+ year*	<input type="checkbox"/> Zone Change \$600*	<input type="checkbox"/> 11-30 Lots*** \$600
<input type="checkbox"/> Conditional Use Permit \$500*	<input type="checkbox"/> PUD Plan Review \$1,000*	<input type="checkbox"/> Minor Plat \$300	<input type="checkbox"/> Over 30 Lots*** \$800
<input type="checkbox"/> Other (see next page)			

\*Letters to property owners within 300', 600' in Two-Mile Extraterritorial Jurisdiction, of the area requested are required.

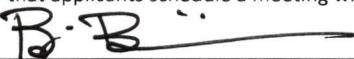
\*\*Memorandum of ownership must be provided.

\*\*\*A letter from the Parks and Recreation Dept. in regards to a Public Land Dedication and/or Fee Per Unit agreement for subdivisions over 3 acres or 10+ units must accompany application.

Total Application Fees \$ \_\_\_\_\_

ATTENTION: All applications, fees, and required attachments must be completed and submitted to the Planning Office before the deadline in order to be considered for the Planning Commission agenda.

Applications for Planning Commission are due by 2:00 PM on the date provided on the City's website and included in the Planning Commission Application Packet. This date is approximately five (5) weeks prior to the corresponding Planning Commission meeting date and allows time for staff to research each application to ensure conformance with the zoning code and Comprehensive Plan of the City of Minot. If an application is incomplete, any request will be held until a complete application is provided to the Planning Department. To avoid delay, it is recommended that applicants schedule a meeting with the Development Review Team (DRT) prior to submitting an application to the Planning Department.



2/2/2026

Date \_\_\_\_\_

**Office Use Only**

Project #	Receipt #	Date Received
If other was selected on the front page, please choose one from one of the following:		
<input type="checkbox"/>	Application Type	Application Fee
<input type="checkbox"/>	Major Plat: Final	\$300
<input type="checkbox"/>	Easement Vacation*	\$350
<input type="checkbox"/>	Manufactured Home Community Site Plan Review*	\$250
<input type="checkbox"/>	Public Zone Plan Review*	\$250
<input type="checkbox"/>	Tax Increment Finance Review	\$1,000
<input type="checkbox"/>	Temporary Use Permit	\$50
<input type="checkbox"/>	Text Amendment	\$750
<input type="checkbox"/>	Zoning Confirmation Letter	First hour is free, after the first hour it will be \$25 per hour
<input type="checkbox"/>	Appeals	\$250
<input type="checkbox"/>		
<input type="checkbox"/>		
	*Certified letters to property owners within 300' of the area requested	
<input type="checkbox"/>		



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Agreement to Pay City and Professional Fees

I/we, the undersigned Applicant(s) hereby agree that I/we will pay all fees and charges that may be incurred by the City of Minot for planning, engineering, legal and any other professional services directly related to and incurred by the City during the examination, review and processing of this application, and during any necessary enforcement action subsequent to this request. I/we understand that the application fee is only an administrative charge intended to defray costs associated with City Staff services and resources required for the processing of this request. If a determination is made by the City that additional professional services are necessary for the review and processing of this application, the Applicant(s) may be required to enter into a development review agreement and deposit funds in escrow with the City of Minot. The sum to be deposited will be based upon the anticipated direct costs to the City. The City will also make every reasonable effort possible to keep these charges to a minimum, yet still provide the needed level of professional services. If direct costs for professional services are in excess of funds placed in escrow, then additional escrow funds may be required to be submitted prior to further processing of the request. Otherwise any fees resulting in charges above the escrow funds placed on deposit will be billed and promptly paid by the Applicant(s) prior to the final deposition of the request by the City. If direct costs to the City are less than the sum placed in escrow, then the balance will be refunded to the Applicant(s) upon final disposition of the request by the City.

Address or Legal Description \_\_\_\_\_

Print Applicant(s) Name(s) \_\_\_\_\_

Signature of Applicant(s) \_\_\_\_\_ Date 2/2/2026 \_\_\_\_\_



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: planner@minotnd.gov  
Office Number: 701-857-4122

## Planning Department

### Acknowledgement and Signature

The undersigned applicant hereby represents upon all of the penalties of the law, for the purpose of inducing the City of Minot to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinance of the City of Minot, and the laws of the State of North Dakota, and that the undersigned applicant will pay all fees and charges incurred by the City for the examination and review of this petition.

A handwritten signature in black ink, appearing to read "Brian Billingsley".

Signature of Applicant

Signature of Property Owner\*

A handwritten signature in black ink, appearing to read "Brian Billingsley".

Print Applicant(s) Name

Print Property Owner(s) Name

2/2/2026

Date

Date

\*If the applicant is different than the property owners, please provide a copy of the Offer to Purchase or other documentation from the property owner giving permission to make the requested changes to the property.

#### Application Fees and Refunds

Planning application fees cover the following costs: meeting room time, copies, minutes, public hearing and legal notices. The review deposit will be utilized for the cost of staff review time, consultants, meeting with applicants, neighborhood meetings, preparation of staff reports, certified letters, preparation of legal documents, review and editing of Planning Commission minutes, staff reports and legal documents. Refunds of application fee will be one-half of the fee and any remaining review fees if the application is withdrawn prior to publication of the public hearing notice. After publication, no refunds will be given. Any remaining review fees will be refunded after the City Council reading(s) have taken place and all requirements have been met.

**Planning Commission Applications are not complete until all required  
submittal documents have been received.**

# Exhibit 1

## SECTION 7.1-3. MINIMUM LANDSCAPING REQUIRED

### C. Buffer Yards

These provisions apply when a proposed use is developing in a more intensive zoning district which is adjacent to a less intensive zoning district or use, even if the less intensive property is undeveloped.

**Table 7.1-4(a). Buffer Yard Requirements**

More Intensive District	Less Intensive District	Width (Depth) of Required Buffer Yard	Width (Depth) if separated by a Street or Alley*
RM, RH, R3C, MH, P	RR, R1, R1S, R2	20 feet*	Reduction to 10 feet w/ written approval
C1, C2, P, M1, M2, GMU OP, P	RR, R1, R1S, R2, RM, RH, R3C, MH	20 feet*	Reduction to 10 feet w/ written approval

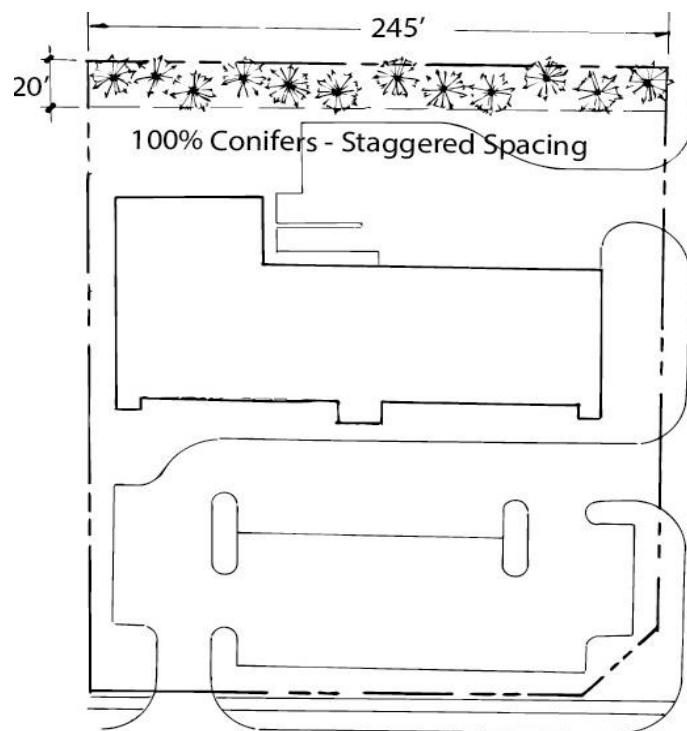
Note:

\*See Section 6.1-4(D) for requirements for reduced width buffer yards.

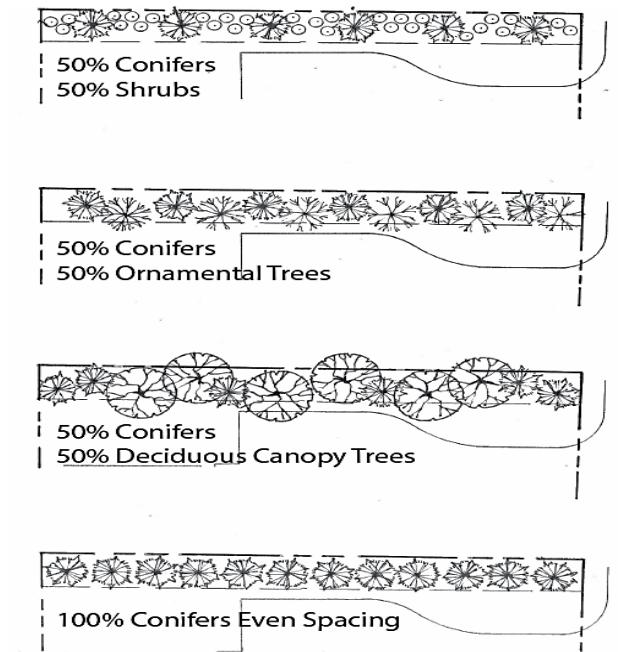
1. The owner/developer of a commercial or industrial use adjacent to a residential zone or use shall install and maintain a twenty-foot (20') wide-landscaped buffer yard on his/her site abutting the entire length of the boundary along the residential site.
2. All buffer yards must be reasonably free of paved areas, access ways, sidewalks, storage, or other disturbances, excluding intermittent drives. Each required buffer yard must be entirely landscaped with grass or other suitable plant material with a minimum of one (1) tree for each twenty lineal feet (20') of buffer yard. At least fifty percent (50%) of the required trees shall be evergreen conifers, five to six feet (5'-6') minimum in height. The remaining fifty percent (50%) of trees can be ornamental trees, deciduous canopy trees, shrubs (five {5} shrubs equal one {1} tree), or a combination thereof (See Diagram 7.1-4(c) and Diagram 7.1-4(d)).

**Note:** The five to one substitution for trees to shrubs is only valid in satisfying the buffer yard requirement and is not a permitted option for other site landscaping requirements contained in this Chapter.

Diagram 7.1-4(c) – Landscaped Buffer Yard



*Diagram 7.1-4(d) – Landscape Buffer Design Options*



#### **D. Reduced Width Allowance**

1. When a street with a “local road” classification or alley separates adjacent zoning districts requiring a buffer yard, the width of the buffer yard may be reduced to ten feet (10'). When an industrial use is adjacent to a less intensive commercial use, the owner/developer of the more intensive use shall install and maintain a 10' wide landscaped buffer yard on his/her site abutting the entire length of the less intensive common boundary.
  - a. In either case, given the reduced area, the developer must erect a solid fence or wall on the inside or outside line of the buffer yard, at least six feet (6') in height and is 100% opaque for the entire length of the required buffer yard (unless waived by the Planning Division), and plant one hundred percent (100%) evergreen trees of a compact, upright growth habit. The specific species and/or cultivar shall be called out on the Landscape Plan for approval by the Planning Division in meeting these special requirements. Required spacing shall be one (1) tree per each ten lineal feet (10') of buffer yard for the entire length of the buffer yard (See Diagram 7.1-4(e)). Chain link fencing with privacy slats shall not be used to meet the fencing requirement, except in industrial zones M1 and M2.
2. When a street with a “collector road” or greater intensity classification separates adjacent zoning districts requiring a buffer yard, the width of the buffer yard may be reduced to ten feet (10') with or without a fencing requirement depending on the site configuration at the discretion of the Planning Division.
  - a. Given the reduced area, the developer must erect a solid fence or wall on the inside or outside line of the buffer yard if light pollution from internal traffic could create a nuisance to adjacent properties, at least six feet (6') in height and is 100% opaque for the entire length of the required buffer yard (unless waived by the Planning

Division), and plant sufficient landscaping to prevent any light pollution into less intensive zones or uses.

b. When right-of-way width between more and less intense uses is greater than one hundred (100') feet and when a street with a “collector road” or greater intensity classification separates uses, commercial uses are exempt from buffering and fencing requirements with approval of the Planning Division.

3. Projects located on lots platted prior to July 1, 2013 will be allowed to employ alternative strategies to buffer between less intensive uses.

a. Site Plans must include at least one element to buffer uses. Walls, fences, hedgerows, trees, landscaping, changes in topography and similar strategies can be used to effectively buffer between less intensive uses as approved by the Planning Division.

4. Properties zoned “P” Public where the primary use is public or private parks, open space of related facilities, and where landscaping is incorporated throughout the development to add to the public enjoyment of the space, are exempt from buffer yard requirements with the approval of the Planning Division.

a. This exemption is intended to allow for seamless incorporation of public spaces into the surrounding aesthetic of the existing built environment, therefore this evaluative criterion will be the primary factor in approval of the final landscaping plans and to qualify for this exemption.

b. Applicants seeking this exemption are encouraged to schedule a pre-application meeting to discuss their project with planning staff.

c. A development review team meeting with an Alderman and Planning Commissioner present and approval of a site master plan by the Planning Commission are required for all “P” Public District properties with this requirement also being included for this exemption where the application includes a request for a zoning map amendment to bring a property into the “P” Public District from another zoning district.

## **SECTION 4.1-5. PUBLIC AND INSTITUTIONAL USES**

### M. Day Care Centers

#### 1. All Districts Where Permitted:

- a. Day care providers must be licensed and adhere to all applicable federal, state, and local regulations.
- b. Outdoor activities shall be restricted to house of operation between 8 AM and 9 PM.

#### 2. All Residential Districts Where Permitted or allowed by Conditional Use Permit:

#### Article 4: Standards Specific to Uses and Districts Page 4-10

- a. Day Care Centers shall be not located in a non-residential building (e.g. church, indoor recreation facility, or educational facility (primary or secondary) must meet all standard for the district they are located within.

#### 3. Day Care Centers Located in Residential Buildings in All Districts Where Conditionally Permitted:

- a. Prior to submitting a complete application to the Planning Division, applicants are encouraged to do the following:

1. Meet with the Planning Division to review the proposed conditional use permit application. This meeting provides a screening process to identify and resolve potential issues before the application is submitted. Upon review, staff will either recommend further pre-application review with the Development Review Team or formal submittal of the conditional use permit application.

2. Meet with the Development Review Team to solicit City input beyond the Planning Division. City staff will schedule the Development Review Team meeting and invite all participants.

- b. Comply with all State Building and Fire Codes.

- c. Meet all state and local licensing requirements.

- d. Traffic Impact Study may be required at the discretion of the City Engineer.

1. Any traffic improvements required would be at the expense of the developer

- e. Sound mitigation may be required.

- f. Site plan addressing traffic flow and parking is required.

- g. Notification are for all public hearing notifications will be increased to 600 ft.

## **SECTION 4.1-6. COMMERCIAL USES**

### D. Convenience Stores/Fuel Station

#### 1. ~~C1, C2, M1, and H~~ All Districts where permitted:

- a. Motor fuel facilities shall be installed in accordance with State and City standards.
- b. Filling station pumps and pump islands shall not be located within twenty feet (20') of any property line nor within one hundred feet (100') from the boundary of any residential district.
- c. Adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps.
- d. Underground fuel storage tanks shall be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access, and other activities on the site.
- e. Filling station canopies shall not extend within fifteen feet (15') of any property line.
- f. All canopy lighting shall be recessed or fully shielded.
- g. All access drives shall be subject to approval by the Engineering Department.

#### 2. CBD District:

- a. Can only be located on parcels abutting a principal arterial.

## **SECTION 6.1-7. RESIDENTIAL DISTRICTS – PARKING AND RELATED OUTDOOR STORAGE**

### **REQUIREMENTS**

#### **B. Parking Location Requirements**

In all residential districts, and residential PUD Overlay Districts, personal vehicles may park as specified in compliance with the location requirements specified below. Personal vehicles are defined as Class D or M including passenger cars, motorcycles, vans, pick-up trucks, campers, toppers and other similar appurtenances intended for attachment to personal vehicles; trailers under twenty feet in length and boats.

1. Currently licensed personal vehicle or equipment parking on residential lots may be parked in the following described areas:

- a. One space in each garage stall.
- b. Two spaces in driveway (length) per stall provided no vehicle extends into the public right-of-way including the sidewalk.
- c. No parking shall be permitted on the grass as described by Chapter 22 of the Municipal Code of Ordinances.
- d. No parking shall be permitted in the rear yard, unless alley access is provided or if the lot is wide enough to allow thru access from the front to rear yard.
- e. If no garage exists onsite, parking shall be allowed as wide as the driveway (meeting city definition) and two vehicles deep (in length) outside of the right-of-way.
- f. The parking area must comply with the requirements of Section 6.1-5. C. Conventional Paving.

## **SECTION 6.1-5. PARKING LOT DESIGN STANDARDS**

### **C. Conventional Paving**

Except in the AG and RR districts (excluding any non-housing and non-farming and ranching uses as denoted in Table 2.2), parking lot or motorized vehicle storage area must be hard surfaced so as to be free of dust and mud. This paving requirement includes the entire parking area including parking stalls, aisles and internal driveways. Driveways in the public right of way must be paved with concrete. All areas shall be surfaced with concrete, bituminous, or pavers.

An exception to the paving requirement may be granted **where:**

1. The adjoining roadway for which access is taken is unpaved.
2. The proposed use falls under the Parks and Open Space use table definition.

~~This~~ **These** exceptions shall not apply to Americans with Disability Act (ADA), state, or local accessibility requirements. Any exception requires administrative approval of both the Engineering Department and Planning Division. Any appeal to an administrative decision shall follow the appeals processes as provided in Section 9.1-9. Appeal of Administrative Decisions or related procedure available at the time of the appeal should the Land Development Ordinance of the City of Minot be changed in the future.

## Article 11: Flood Protectionplain Management

### Chapter 11.1. – Statutory Authorization, Findings of Fact, Purpose, and Objectives

#### SECTION 11.1-1. STATUTORY AUTHORIZATION

The Legislature of the State of North Dakota has in North Dakota Century Code, [Chapters 40-4705](#), [11-33-11](#) and [58-0306](#), delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the City Council of the City of Minot, North Dakota does ordain as follows:

#### SECTION 11.1-2. FINDINGS OF FACT

- A. The flood hazard areas of the City of Minot are subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

#### SECTION 11.1-3. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding, and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in special flood hazard areas;
- F. To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in a special flood hazard area; and,
- H. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

#### SECTION 11.1-4. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A.** Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or Article 11: Flood ~~Protection~~plain Management

Page 11-1

erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- B.** Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C.** Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D.** Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E.** Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### SECTION 11.1-5. LANDS TO WHICH THIS ~~CHAPTER~~ ORDINANCE APPLIES

This ~~chapter ordinance~~ shall apply to all special flood hazard areas within the corporate limits of the City and its extraterritorial jurisdiction.

#### SECTION 11.1-6. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for Ward County, North Dakota and Incorporated Areas", dated February 15, 2002 with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the office of the City Engineer in Minot, North Dakota.

#### SECTION 11.1-7. COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

#### SECTION 11.1-8. GREATER RESTRICTIONS

This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or

overlap, whichever imposes the more stringent restrictions shall prevail.

#### SECTION 11.1-9. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and,
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### SECTION 11.1-10. WARNING AND

#### DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of

Minot, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### SECTION 11.1-11. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

### **Chapter 11.2. – Administration**

#### SECTION 11.2-1. ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 11.1-6. Application for a development permit shall be made on forms furnished by the City Engineer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- a. Elevation in ~~relation to mean sea level~~the same datum (either NAVD88 or NGVD29) as the FIRM, of the lowest floor of all structures;
- b. Elevation in ~~relation to mean sea level~~the same datum (either NAVD88 or NGVD29) as the FIRM to which any structure will be floodproofed;
- c. Certification by a registered professional engineer or architect in the

State of North Dakota that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 11.3-2(B); and,

- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

## SECTION 11.2-2. DESIGNATION OF THE CITY ENGINEER

The City Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

## SECTION 11.2-3. DUTIES AND RESPONSIBILITIES OF THE CITY ENGINEER

Duties of the City Engineer shall include, but not be limited to:

### **A. Permit Review**

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. Approve or deny all application for development permits required by adoption of this ordinance.

2.3. ——Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

3.4. ——Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11.3- 3(E) are met.

### **B. Use of Other Base Flood Data**

Where base flood elevation data has not been provided in accordance with Section 11.1-6, BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available (known as best available data) from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with Section 11.3-2, SPECIFIC STANDARDS.

### **C. Information to be Obtained and Maintained**

1. Obtain and record the actual elevation (in relation to mean sea levelthe same datum (either NAVD88 or NGVD29) as the FIRM) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:

- a. obtain and record the actual elevation (in ~~relation to mean sea level~~~~the same datum (either NAVD88 or NGVD29) as the FIRM~~) to which the structure has been floodproofed;
- b. maintain the floodproofing certifications required in Section 11.2-1(C).

3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

**D. Alteration of**

Watercourses The

City Engineer

shall:

1. Notify nearby communities, water resource districts, and the North Dakota ~~State Engineer~~Department of Water Resources, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and,
3. Notify the appropriate water resource district prior to removal or placement of fill within two hundred feet of the bank of a body of water during normal flow or stage.

**E. Interpretation of Flood Insurance Rate Map (FIRM) Boundaries**

Make ~~1~~ interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 11.5-1.

**F. Encroachment Analysis**

~~When a regulatory floodway has not been designated, the City Engineer shall require that no new construction, substantial improvement, or other development, including fill, be permitted within special flood hazard areas unless it is demonstrated that the cumulative effect of the proposed~~

~~development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point within the community.~~

~~Development that would result in an increase in the base flood elevation of more than one foot may only be permitted in accordance with the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance regulations, following approval of a Conditional Letter of Map Revision (CLOMR) by the Federal Emergency Management Agency (FEMA).~~

## Chapter 11.3. – Provisions for Flood Hazard Reduction

### SECTION 11.3-1. GENERAL STANDARDS

In all special flood hazard areas the following standards are required:

#### ***A. Anchoring***

1. All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse, or lateral movement of the structure and shall be capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
3. All additions to manufactured homes shall be similarly anchored.

#### ***B. Construction Materials and Methods***

All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding and shall be installed at least one foot above the Base Flood Elevation.

#### ***C. Utilities***

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. All tanks must be watertight and all access openings must be at least

one foot above the Base Flood Elevation.

**D. Subdivision Proposals**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base Flood Elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

**SECTION 11.3-2. SPECIFIC STANDARDS**

In all special flood hazard areas where base flood elevation data have been provided as set forth in Section 11.1-6, BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS, or Section 11.2-~~23~~(B), Use of Other Base Flood Data, the following provisions are required:

**A. Residential Construction**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, and attendant utilities elevated ~~on fill~~ to at least one foot above the Base Flood Elevation.

**B. Nonresidential Construction**

Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated ~~on fill~~ to at least one foot above the Base Flood Elevation or, together with attendant utility and sanitary facilities shall:

1. Be floodproofed to at least two feet above the Base Flood Elevation, so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect in the State of North Dakota that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 11.2-~~23~~(C)(2).

**C. Manufactured Homes**

1. Manufactured homes shall be anchored in accordance with Section 11.3-1(A)(2).
2. All manufactured homes or those to be substantially improved shall be

~~elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated on fill to at least one foot above the Base Flood Elevation, and is securely anchored to an adequately anchored foundation system as hereinabove provided. Require all manufactured homes placed or substantially improved within special flood hazard areas on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an~~

expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision which has incurred substantial damage, be elevated on a permanent foundation so the lowest floor of the manufactured home is elevated on fill to at least one foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system as hereinabove provided.

3. Require that manufactured homes placed or substantially approved on sites in an existing manufactured home park or subdivision within special flood hazard areas not subject to other requirements of this section be elevated so that either:

- a. the lowest floor of the manufactured home is one foot above the base flood elevation, or
- b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36" in height above grade and be securely anchored to an adequately anchored foundation system as hereinabove provided.

#### **D. Recreational Vehicles**

In special flood hazard areas, all recreational vehicles to be placed on a site must:

1. Be elevated and anchored to meet the requirements in Section 11.3-2(C); OR 2. Be on the site for less than 180 consecutive days; AND

2.3. — Be fully licensed and — highway ready. SECTION 11.3-3.

#### **FLOODWAYS**

Located within the special flood hazard areas established in Section 11.1-6 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial

improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Any increase, as is used in this section, means any modeled impact greater than 0,00 feet.

2. If Section 11.3-3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 11.3, Provisions for Flood Hazard Reduction.
3. Under the provision of 44 CFR Section 65.12 of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

#### SECTION 11.3-4. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic

flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.

2.3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic entry and exit of floodwaters.

#### **Chapter 11.4. – Enforcement and Compliance Mechanisms**

##### SECTION 11.4-1. PENALTIES FOR VIOLATIONS

- A. The penalty for violating any of the provisions of this chapter ordinance or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall be as prescribed in Section 1-8 of the City of Minot Code of Ordinances. Each day such violation continues

shall be considered a separate offense.

- b.** Nothing herein contained shall prevent the City of Minot from taking such other lawful action as is necessary to prevent or remedy any violation.

## **Chapter 11.5. – Miscellaneous**

### **SECTION 11.5-1. VARIANCE PROCEDURE**

#### ***A. Appeal Board***

- 1. The Planning Commission as established by the Minot City Council shall hear and decide appeals and requests for variances from the requirements of this chapter ordinance.
- 2. Any application for a variance under this chapter ordinance shall be made in writing and shall address all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance, including, but not limited to, the considerations provided in 11.5- 1(A)(5) and 11.5- 1(B).
- 3. Appeals, The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this chapter ordinance, shall be heard pursuant to Section 9-1.9.
  - 4. Those aggrieved by the decision of the Planning Commission, or any taxpayer, relating to requests for variances under this chapter ordinance may appeal such decision, pursuant to Section 9-1.9. Any person aggrieved by the final decision of the Minot City Council under this chapter ordinance may appeal such decision to the North Dakota District Court in Ward County pursuant to law, as provided in NDCC Section 40-47-11.
  - 5. In deciding upon such variance applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:
    - a. the danger that materials may be swept onto other lands to the injury of others;
    - b. the danger to life and property due to flooding or erosion damage;
    - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - d. the importance of the services provided by the proposed facility to the community;
    - e. the necessity to the facility of a waterfront location, where applicable;

- f. the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
- g. the compatibility of the proposed use with existing and anticipated development;
- h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- 6. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 11.5- 1(A)(5) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 7. Upon consideration of the factors of Section 11.5-1(A)(5) and the purposes of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- 8. The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

***B. Conditions for Variances***

- 1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historical Places, without regard to the procedures set forth in the remainder of this section.
- 2. Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.
- 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4. Variances shall only be issued upon:
  - a. a showing of good and sufficient cause;
  - b. a determination that failure to grant the variance would result in

exceptional hardship to the applicant; and,

- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 11.5-1(A)(5), or conflict with existing local laws or ordinances.
5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **Chapter 11.6. – Definitions**

For the purpose of this ~~chapter ordinance~~, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Appeal** means a request for a review of the City Engineer's interpretation of any provision of this ordinance or a request for a variance.

**~~Area of jurisdiction shall mean the area within the corporate limits of the city, and any area in which the city has statutory planning and zoning authority.~~**

**Base flood or 100-year flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**~~Base Flood Elevation (BFE)~~** means the height of the base flood or 100-year flood usually in feet ~~above mean sea level measured in the same datum (either NAVD88 or NGVD-29) as the FIRM.~~

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides.

**Best Available Data (BAD)** means water elevation information from any source used to estimate or determine a base flood elevation (i.e. high water mark).

**Community** means any political subdivision that has the authority to zone, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**Conveyance or hydraulic conveyance** means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area.

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be

affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

***Expansion to an Existing Manufactured Home Park or Subdivision*** means the preparation of

additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

***Flood Insurance Rate Map (FIRM)*** means the official map issued by the Federal Emergency Management Agency where special flood hazard areas are designated as Zone A, AE, AO, AH, A1-A30 or A-99.

***Flood Insurance Study (FIS)*** means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

***Flood or flooding*** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or; from the unusual and rapid accumulation or runoff of surface waters from any source.

***Floodproofing (Dry)*** means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

***Floodway or regulatory floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

***Highest adjacent grade*** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

***Lowest floor*** means the lowest floor of a structure including the basement.

***Manufactured home*** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle," but does include "mobile home".

***Manufactured Home Park or Subdivision*** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

***New construction*** means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

**New Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Person** means any person, firm, partnership, association, corporation, limited liability company, agency, or any other private or governmental organization, which includes any agency of the United States, a state agency, or any political subdivision of the state.

**Reasonably safe from flooding** means base flood waters will not inundate the land or damage structures, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**Recreational vehicle** means a vehicle which

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck;
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.

**Special Flood Hazard Area (SFHA)** means an area of land that would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.

**Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Structure** means a walled and roofed building, including manufactured homes and gas or liquid above- ground storage tanks.

**Substantial damage** means damage of any origin sustained by a structure

whereby the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Variance** means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the community floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means only the channel and banks of an identifiable watercourse, and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel, except in the case of alluvial fans, where a channel is not typically defined. The definition of watercourse in NDCC Section 61-01-06 is not applicable in this ordinance.

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## **SECTION 10.3-1 GENERAL**

Improvements within subdivisions must be designed and installed in accordance with the standards of this Chapter, all other applicable requirements of this Land Development Ordinance and the following, as applicable:

1. All applicable provisions of the North Dakota Century Code;
2. The City's Building and Housing Codes;
3. Alignment with the Comprehensive Plan and other adopted plans or policies of the City.
4. The Capital Improvements Plan, including all streets, utility systems, drainage systems, and other infrastructure that may be included therein.
5. Rules of the Health Department, Department of Environmental Quality, and other local and state agencies responsible for providing facilities and services;
6. The rules of the North Dakota Department of Transportation;
7. The standards and regulations adopted by the Planning Commission and all boards, commissions, and agencies of the City;

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8. Requirements of the Flood Protection plain Management and Storm Water Management Ordinances of the City of Minot including any necessary permits required from other governmental agencies

## **SECTION 13.1-4. NONCONFORMING STRUCTURES**

### Replacement Criteria

1. Dwellings in AG, RR, R1, R1S, R2, RM, R3C, and RH Districts (Including all associated districts per

Table 1.2: Zoning Equivalency Table)

Legal nonconforming dwellings that are nonconforming only because they do not meet setbacks,

density, lot size, or lot coverage requirements can be replaced provided any replacement structure

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is within the same footprint as the original structure or within current setback requirements. The

replacement structure shall be of the same design character, height, and roof design as the original

structure. Flat roofs may be altered subject to approval of the Planning Division. The replacement

structure must met all of the requirements of Article 11: Flood **Protection Plain Management**.

## **Chapter 14.2. – Reference to Article Definitions**

In addition to the terms defined herein, some sections of this Ordinance contain their own content specific definitions:

- A. Design Standards: Additional terms pertaining to district-specific design standards are defined in Chapter 3.3.  
Article 14: Definitions Page 14-2
- B. Flood **Protection Plain Management**: Additional terms pertaining to flood **protection plain management** are defined in Chapter **10** 11.6.
- C. Landscaping: Additional terms pertaining to landscaping are defined in Chapter 6.2
- D. Parking and Loading: Additional terms pertaining to parking and loading are defined in Chapter 5.2.
- E. Signs: Additional terms pertaining to signage are defined in Chapter 4.2.
- F. Subdivisions: Additional terms pertaining to subdivisions are defined in Chapter 9.5.
- G. Use Table Definitions: Additional terms pertaining to uses are defined in Chapter 1.3.
- H. Wireless Communication Facilities: Additional terms pertaining to wireless communications are defined in Chapter 7.2.