

MCLEAN COUNTY VARIANCE APPLICATION

~~47-4161-19~~
47-2-6005-1
Horseshoe Valley
149-80

Name of Applicant: Hasco, LLC

Name of Owner (if different: Todd Haskins & Trail Haskins

Mailing Address: 2480 13th Ave NW Ruso, ND 58778

Daytime phone number: (701) 720-6212

Location of property:

Lot(s) 1 Block _____ Subdivision Heidrich's 2nd Addition

OR _____ in _____ (Quarter)

Section _____ Township _____ Range _____

The above-named applicants seek a variance for the following purpose:

to construct cabin on front lot & garage on rear lot

Describe proposed construction of buildings constructed on site:

~~3 bedroom, 2 bath cabin with walk out on lake side~~

detached garage

The applicant is required to:

- submit a site plan showing the lot and the requested distances to the lot lines;
- attend the Planning and Zoning Meeting for the variance request and County Commission Meeting, if requested (see schedule for dates);
- pay all costs associated with the newspaper publication(s); and,
- **obtain authorizing signatures from all affected property owners** (see back of application).

PROPERTY OWNER AUTHORIZATION:

Property Owner I

I (property owner) Glen Hardy authorize (applicant's name) Hasco, LLC to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

Glen Hardy
Printed Name of Property Owner

701-833-4746
Phone Number

Glen Hardy
Signature of Property Owner

6-28-25
Date

Property Owner II

I (property owner) Thomas J Foley authorize (applicant's name) Hasco, LLC to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

Thomas J Foley
Printed Name of Property Owner

701-833-5543
Phone Number

Thomas J Foley
Signature of Property Owner

6-29-2025
Date

Property Owner III

I (property owner) Tyson Rohrer authorize (applicant's name) Hasco, LLC to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

Tyson Rohrer
Printed Name of Property Owner

701-720-7257
Phone Number

Tyson Rohrer
Signature of Property Owner

6-29-25
Date

Property Owner IV

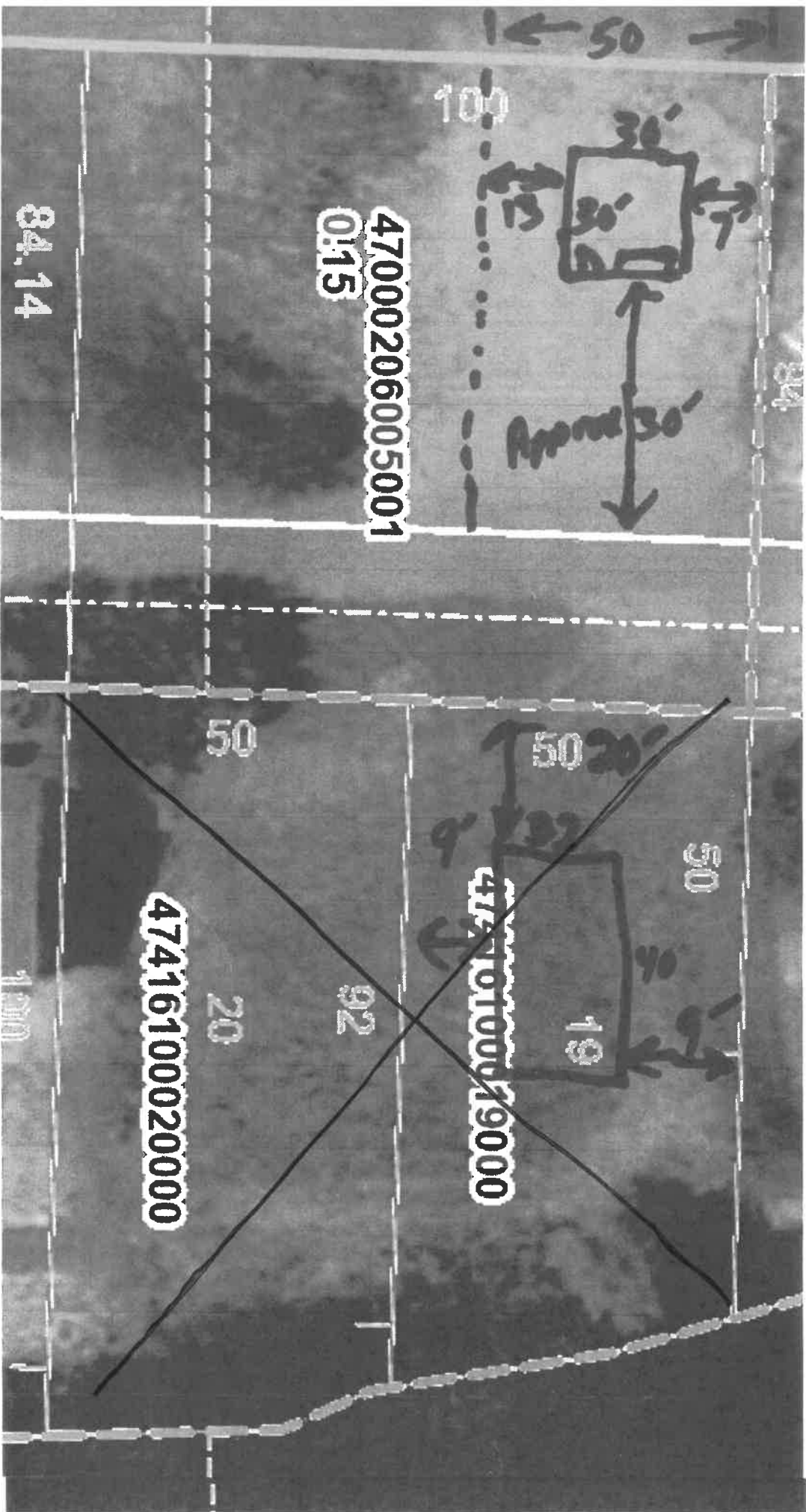
I (property owner) Shannon Cree authorize (applicant's name) Hasco, LLC to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

Shannon Cree
Printed Name of Property Owner

701-340-1150
Phone Number

Shannon Cree
Signature of Property Owner

6-29-25
Date



gauge
on
back
lot

cabm
on
front
lot
Hardy

Rohrer

BEING A PORTION OF QUIT CLAIM DEED, McLEAN CO. DOC. #3401959,
LYING IN GOV'T LOTS 3 AND 4
SECTION 2, TOWNSHIP 149 N, RANGE 80 W,
TO McLEAN COUNTY, NORTH DAKOTA

DISCLAIMER:
Know all men by these presents that Burton F. Langseth & W. Stacy Bray, being Owners and Proprietors, of Spitz Chain Drive, McLean Co., Inc., # 347298, being in Gov. Ltr 3 and 4, Section 2, Township 369 N, Range 80 W, of the San Francisco Meridian, in McLean County, North Dakota, being more particularly described as follows:

Beginning at the Southwest Corner, of Lot 31, of Heidrich's Addition, a Plat being on file at the McLean County Recorder's Office; Thence S 87°25'45" E, to the South line, of said Lot 31, a distance of 93.90 FT., to the Southwest Corner, of said Lot 31; Thence S 7°1'30" W, on the West line, of Paradise Street, a Plat being on file at the McLean County Recorder's Office, a distance of 398.77 FT., to the Southeast Corner, of Lot 30, of said Paradise Street; Thence N 87°26'34" W, a distance of 89.05 FT.; Thence N 6°25'35" W, a distance of 180.36 FT., to the Point of Beginning.

Land described tract, of land contains 0.25 Acres more or less. Have caused the same to be surveyed and plotted as shown herein, to be known as Lot 12345 and Addition, to McLeod County, North Dakota, the owners herewith affixed her signatures.

Dr. Sandy Levy

1

On this _____ Day of _____, 2024, before me, a Notary Public in and for said State, Appeared Chasen F. Langlois, and known to be the person described in the foregoing description and acknowledged to me that _____ executed the same on _____ even free act and deed.

STRANGE

STATE OF NORTH CAROLINA, COUNTY OF

On this _____ Day of _____, 2014, before me, a Notary Public in and for said State, Appeared W. Stacy Bray, well known to be the person described in the foregoing instrument and acknowledged to me that _____ executed the same on _____ from free act and deed.

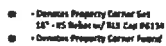
History Public, State of North Dakota

I, Thomas S. Leschewski, a duly Registered Professional Land Surveyor, do hereby certify that I have Surveyed and Platted the foregoing described land. That Lots, Distances, Areas and Sections as shown on the foregoing Plat and in the Description Thereof, are true and correct to the best of my Knowledge and Belief.

STATE OF NORTH DAKOTA, COUNTY OF

On the _____ Day of _____, 2024, before me, a Notary Public in and for said State, appeared Thomas E. Leathers, Jr., Registered Professional Land Surveyor, and he acknowledged to me that he executed the foregoing Surveyor's Certificate as his own free act and deed.

History Policy, State of North Dakota

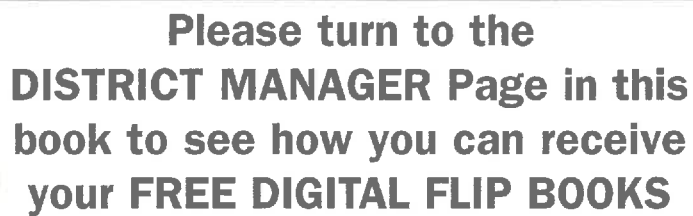


AND PITCH:

- Plot is subject to a prior assessment of Record.
- Recordings and Distances may vary from previous plots due to different methods of measuring forest.



110 East 19th Street • PO Box 282 • Hollings, SC 29020
 110 1/2 W. Avenue South • West • SC 29020
 110 Exchange Street • PO Box 737 • Myrtle Beach, SC 29577



HORSESHOE VALLEY PLAT

R-80-W



ROAD DISTRICT 9 TWP.

Gravel Co LLC 7
SECTION 28
1. Nelson, Clyde et ux 11

PIN
35 4196 67
148.82 (MALCOLM)

MCLEAN COUNTY VARIANCE APPLICATION

Name of Applicant: Dallas & Vicki Benzmilller

Name of Owner (if different: _____

Mailing Address: 1682 296 Ave NW Coleharbor, ND 58531

Daytime phone number: 701-400-3028

Location of property:

Lot(s) 85 Block _____ Subdivision Snake Creek Cottage Site
Malcolm Township

OR _____ in _____ (Quarter)

Section _____ Township _____ Range _____

The above-named applicants seek a variance for the following purpose:

We want to replace a storage building on our lot. We are requesting a variance from the rear of the building to the lot line to be 5 feet instead of 30 feet, and the right side of the building to be 5 feet from the lot line instead of 15 feet.

Describe proposed construction of buildings constructed on site:

This is a pre-built storage building which will be delivered and moved into place.

The applicant is required to:

- submit a site plan showing the lot and the requested distances to the lot lines;
- attend the Planning and Zoning Meeting for the variance request and County Commission Meeting, if requested (see schedule for dates);
- pay all costs associated with the newspaper publication(s); and,
- **obtain authorizing signatures from all affected property owners (see back of application).**

PROPERTY OWNER AUTHORIZATION:

Property Owner I

I (property owner) Ronald Meier authorize (applicant's name) Dallas & Vicki Benzmilller to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

Ronald Meier

Printed Name of Property Owner

Ronald Meier

Signature of Property Owner

207 891 1838

Phone Number

8-8-2025

Date

Property Owner II

I (property owner) Kevin Weiler authorize (applicant's name) Dallas & Vicki Benzmilller to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

Kevin Weiler

Printed Name of Property Owner

Kevin Weiler

Signature of Property Owner

701-690-8357

Phone Number

8-8-2025

Date

Property Owner III

I (property owner) KEN/COLETTE WIELAND authorize (applicant's name) Dallas & Vicki Benzmilller to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

Ken Wieland

Printed Name of Property Owner

Ken Wieland

Signature of Property Owner

701-400-2278

Phone Number

8-8-25

Date

Property Owner IV

I (property owner) _____ authorize (applicant's name) _____ to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

Printed Name of Property Owner

Phone Number

Signature of Property Owner

Date

Lot Line

5'

20'

Storage Building

5'

12'

House

Garage

Lot Line

Road



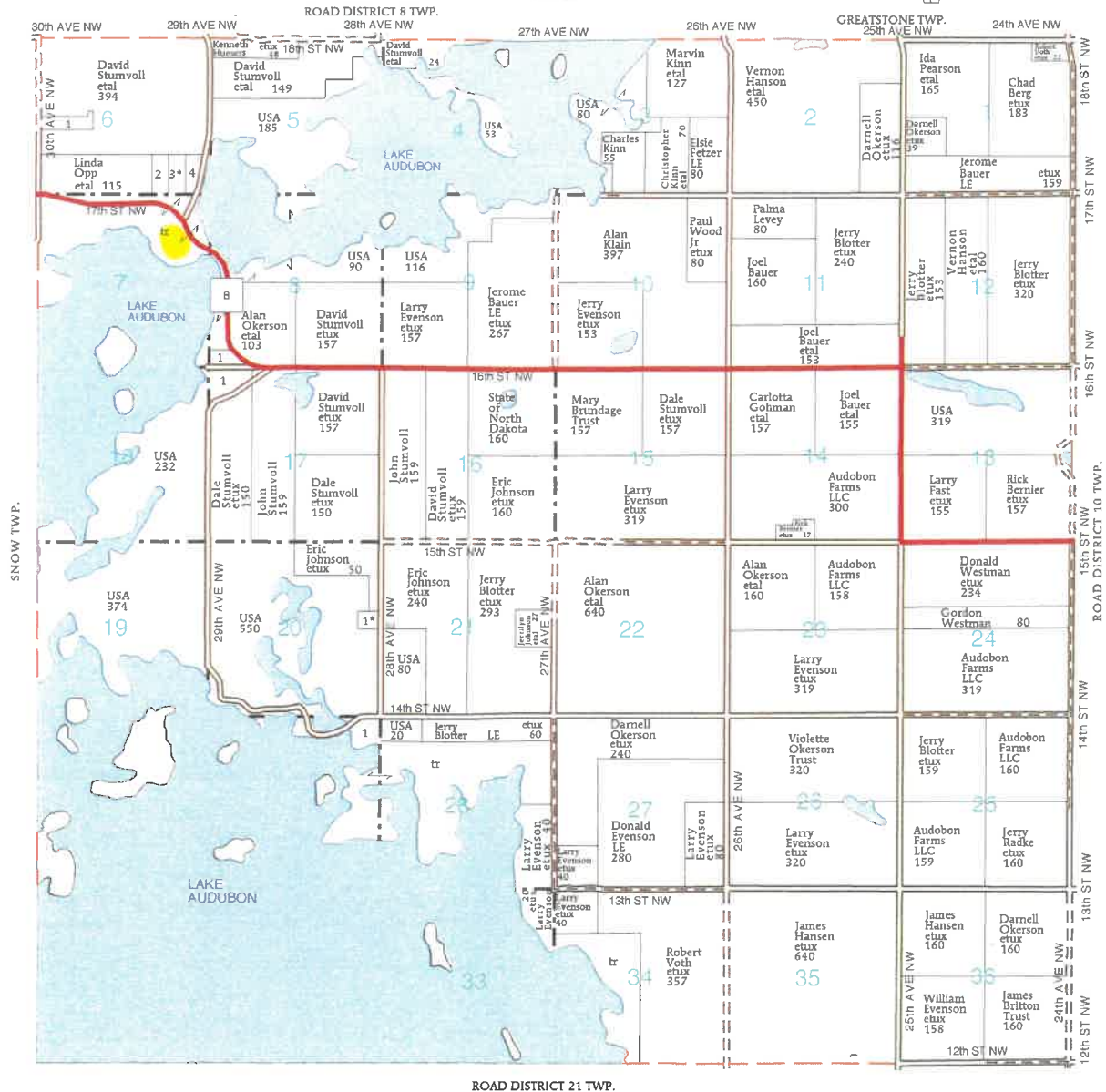


Please turn to the **DISTRICT MANAGER** Page in
this book to see how you can receive your
FREE DIGITAL FLIP BOOKS

T-148-N

MALCOLM PLAT
(Landowners)

R-82-W



MALCOLM TOWNSHIP
SECTION 6

1. Stumvoll, John 10
 2. Stumvoll, Lisa 10
 3. Stumvoll, David etux 13
 4. USA 7
- SECTION 8**
1. Conlin, Thomas 10

SECTION 17

1. USA 8

SECTION 20

1. Kinn, Orlien etux 10

SECTION 29

1. USA 10

47-16-6082
149-80
Horseshoe Valley

MC LEAN COUNTY PERMIT APPLICATION

CONDITIONAL USE ☐ ZONING CHANGE ☐ SUBDIVISION PLAT ☐ TEMP. USE ☐

Name of applicant: Fisher Sand & Gravel Co.

Mailing address: PO Box 1034
Dickinson, ND 58601

Telephone Number (701) 456-9184 (ofc) (701) 290-0627 (res)

Property is located in the SW (Quarter), Section 16, Township 149,
Range 80, or more specifically identified as:

Vent Wallace 701-290-0627 (Fisher Sand & Gravel)

Purpose of requested change:
open gravel pit

Describe proposed construction:
open gravel pit

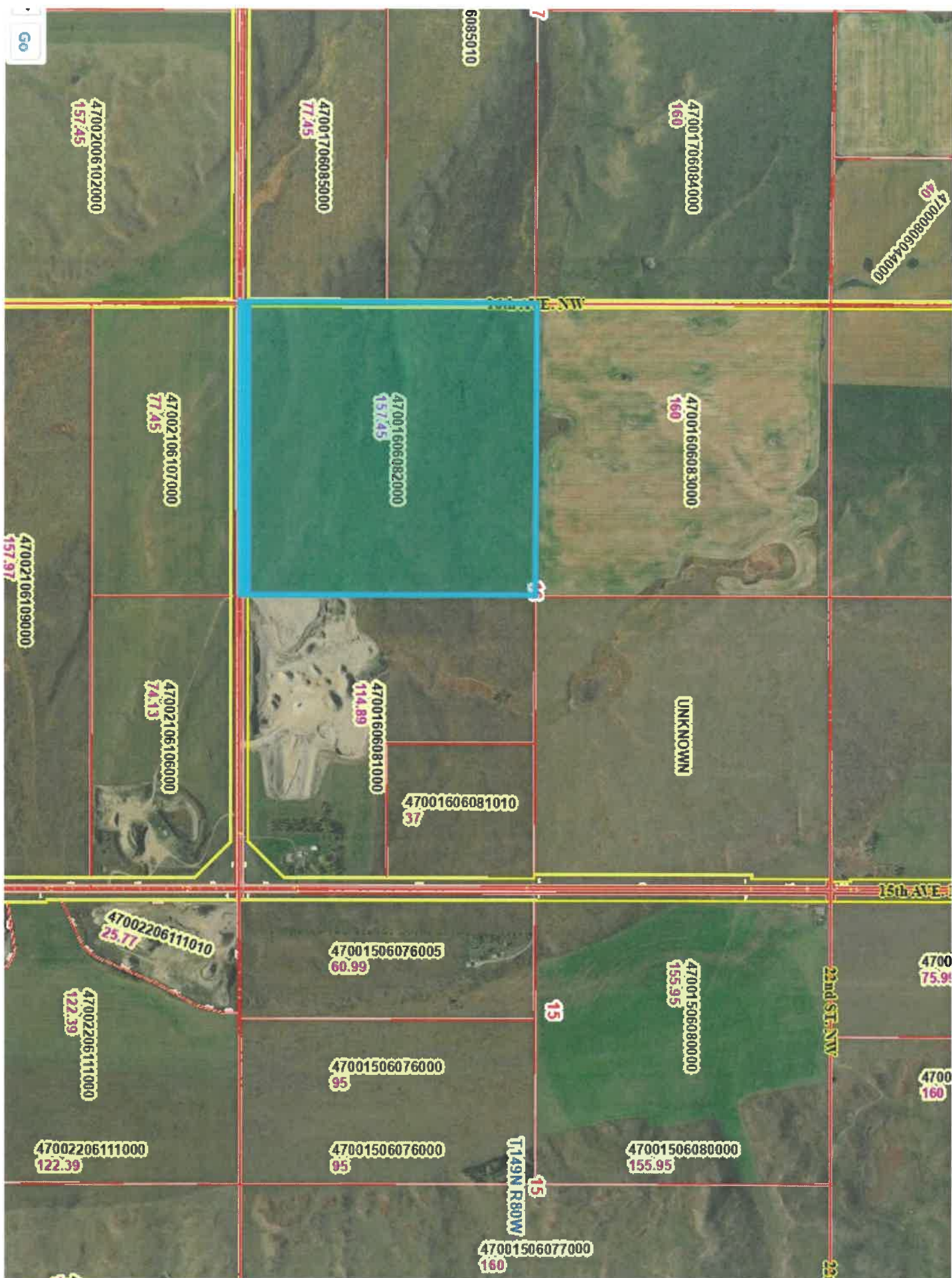
Present land use: pasture

Proposed land use: gravel pit

Additional items required to be attached:

- ☐ Map of area
- ☐ Boundary line survey of site
- ☐ Preliminary map showing location of structures.
- ☐ Timing schedule indicating the starting and completion dates.
- ☐ Written approval of highway authority for new access roads.
- ☐ Permit application fee in the amount of \$ 4,000.00

(MAKE CHECK PAYABLE TO McLEAN COUNTY TREASURER)

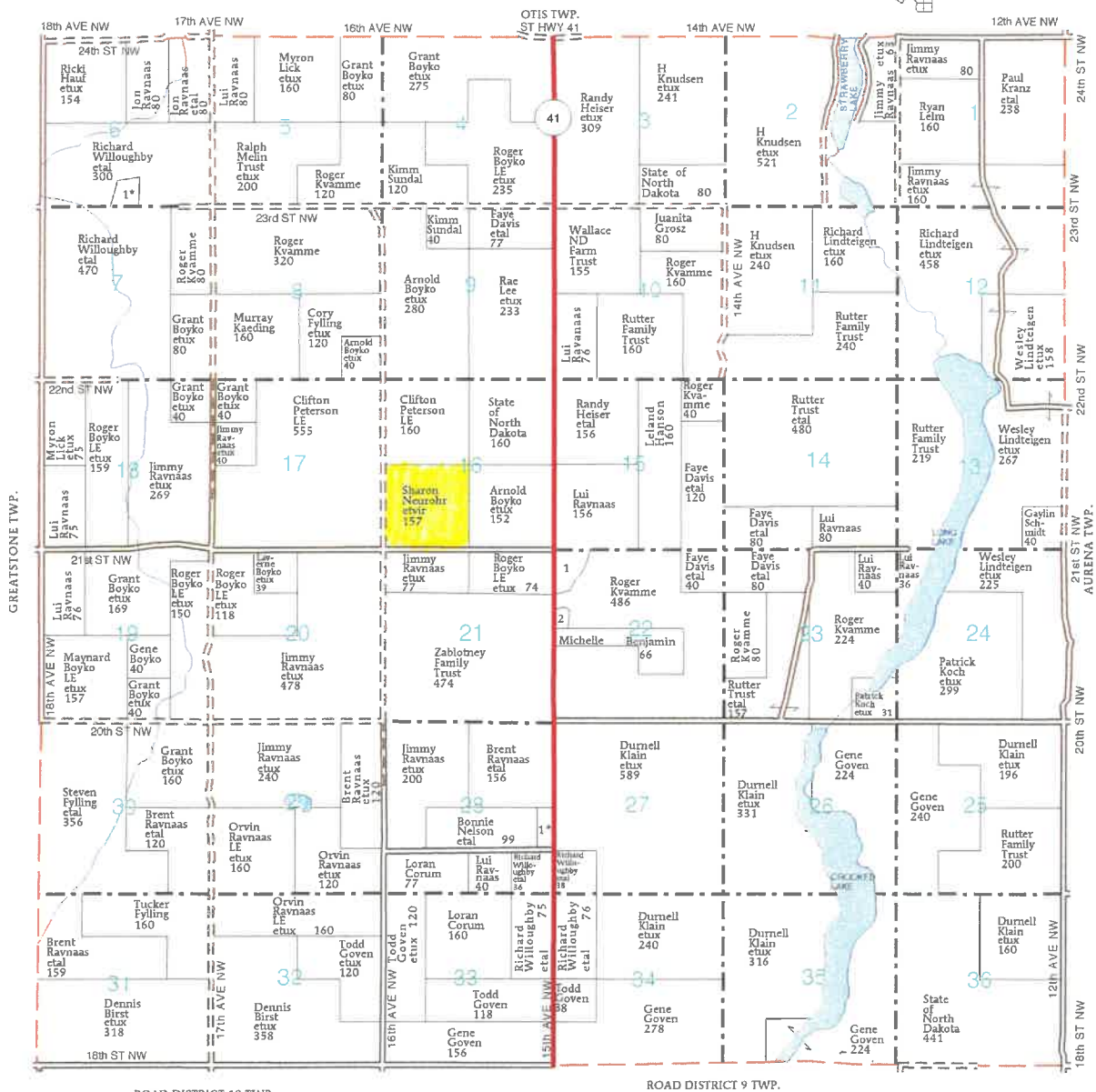


Please turn to the
DISTRICT MANAGER Page in this
book to see how you can receive
your **FREE DIGITAL FLIP BOOKS**

T-149-N

HORSESHOE VALLEY PLAT

R-80-W



HORSESHOE VALLEY

TOWNSHIP

SECTION 6

1. Fylling, Cory etux 15

SECTION 22

1. Horseshoe Valley

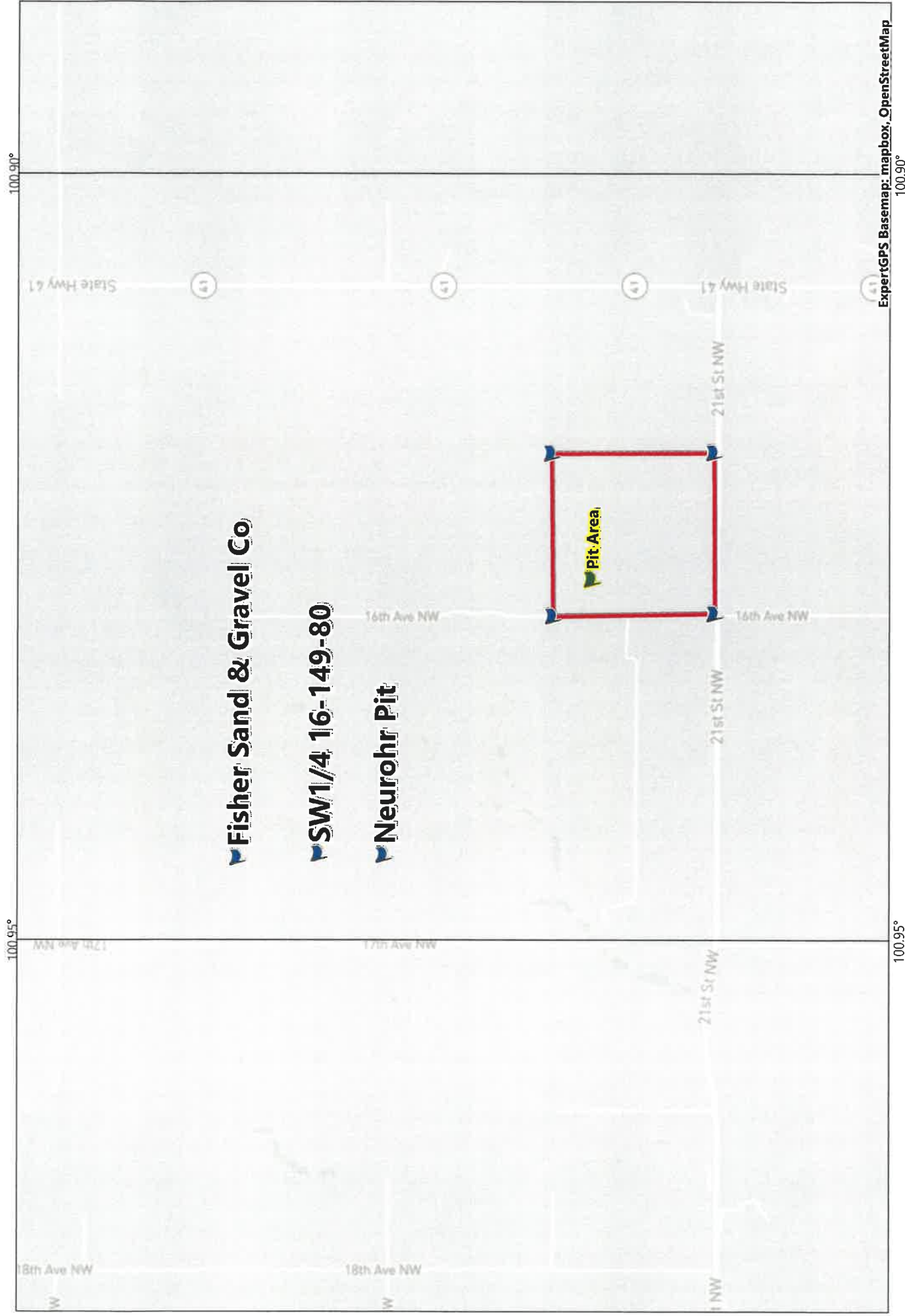
Gravel Co LLC 26

2. Horseshoe Valley

Gravel Co LLC 7

SECTION 28

1. Nelson, Clyde etux 11



0.25 mi

Office of
James A. Grey
Highway Superintendent
jagrey@nd.gov



712 5th Ave
P.O. Box 1108
Washburn, ND 58577-1108
Phone (701) 462-8802
Fax (701) 462-3523
www.mcleancountynd.gov

McLean County

STATE OF NORTH DAKOTA

HAUL ROAD MAINTENANCE AGREEMENT

Fisher Sand + Gravel of Dickinson, N.D.
(name of contractor) (address of contractor)

agrees to furnish and maintain suitable gravel on haul roads.

Gravel shall be a material of 3/4" minus and hauled to the locations determined by the Applicant and by a representative of McLean County Highway Department.

The Contractor shall comply with all legal load restrictions in the hauling of materials on public highways and not exceed 40MPH, loaded or empty and also, place warning signs up for public information where entering all season roads. Safety and careful driving habits are a must while driving on public roads.

Roadway will be maintained and replacement gravel hauled to areas required, in order to maintain the haul roads in at least as good or better condition than existing conditions, as mutually agreed upon by the Applicant and by a representative of McLean County Highway Department.

A final inspection will be conducted and a release signed if conditions are met.

This maintenance agreement may be altered or may be terminated at any time by a representative of McLean County Highway Department.

ROADS TO BE HAULED ON:

CR 6

ADDITIONAL REMARKS:

Dated this _____ day of _____, 20____

Name of Contractor

BY: _____

Dated this 21st day of August, 2025

McLean County Highway Department

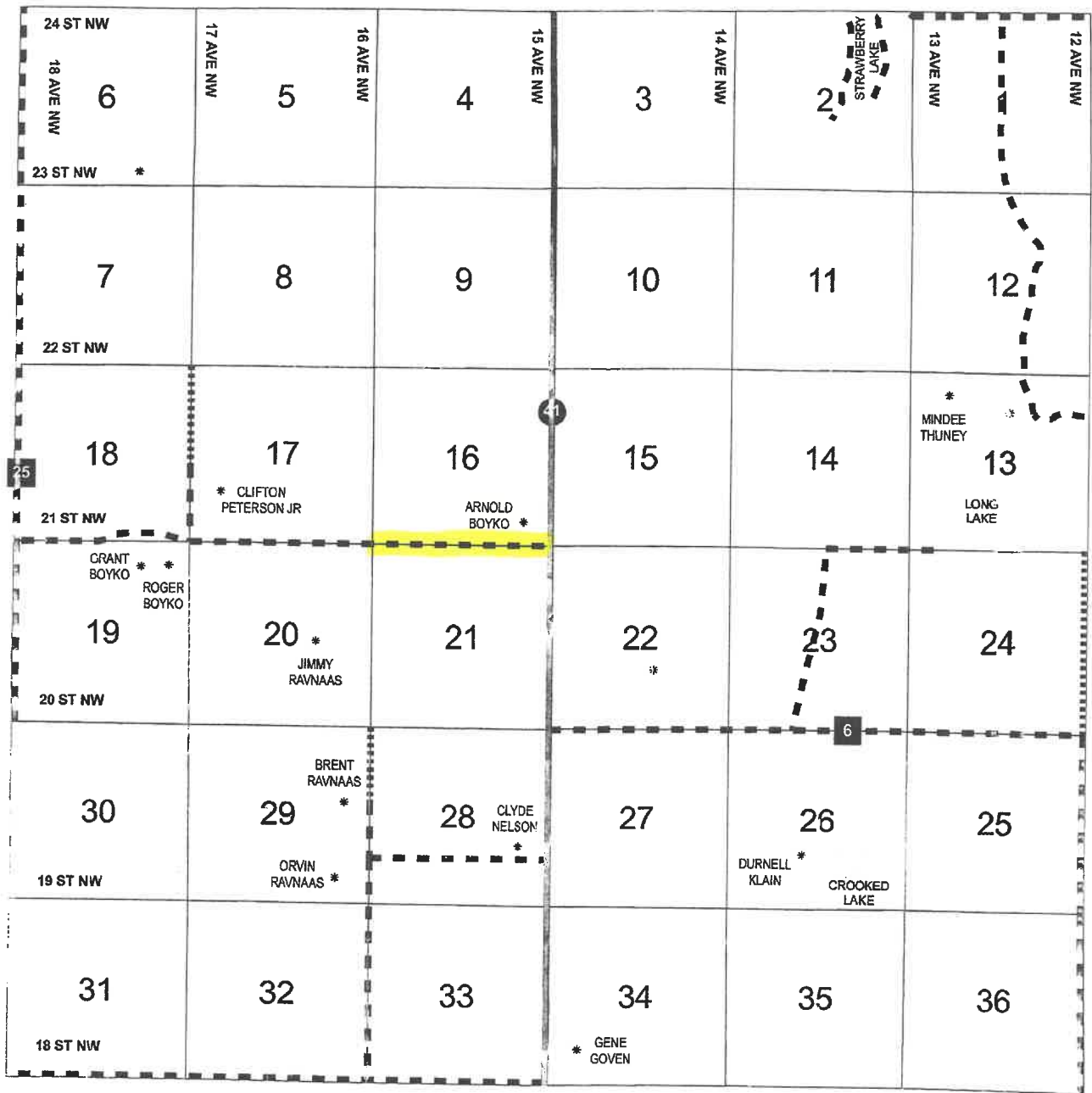
BY: Jim Gray

HORSESHOE VALLEY DIRECTORY

T-149-N

CODE: AY

R-80-W



Trucks 40 mph loaded
and empty
Truck entering signs

	R91W	R90W	R89W	R88W	R87W	R86W	R85W	R84W	R83W	R82W	R81W	R80W	R79W	R78W
T149N	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN
T148N	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	
T147N	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	
	BO	BP	BQ	BR				BS	BT	BU	BV	BW	BX	
T146N								BY	BZ	CA	CB	CC	CD	
T145N								CE	CF	CG	CH	CI	CJ	
T144N								CK	CL	CM	CN	CO		
T143N												CP	CQ	



Beaver Creek

ARCHAEOLOGY

August 22, 2025

To: NDDOT ETS

NDDOT ETS

BCA Project #: 2025-52

NDDOT Project #: Unknown

Client: Fisher Sand & Gravel Company

State: North Dakota

County: McLean

Quad: Horseshoe Valley

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Legal Description</u>
149N	80W	16	SW¼

Dear NDDOT ETS,

On August 21, 2025, BCA archaeologists Shea Keener, Jason McKellar, and Chris Weber performed a Class III cultural resource inventory at the above referenced legal location. This inventory was performed for Fisher Sand & Gravel Company.

The survey area in section 16 is approximately 159 acres. The survey area is located directly adjacent to existing roads (16th Avenue NW & 21st Street NW), and the pedestrian survey was performed up to these roads. The survey area is privately owned.

Vegetation consisted of native and non-native grasses, plants, and forbs, including brome and crested wheatgrass. The ground surface visibility ranged from 30-50%. Weather conditions consisted of overcast skies and the temperature was approximately 73°F. The elevation of the project area was approximately 1,924-1,966' AMSL.

The file search revealed one site, no site leads, and no isolated finds within the one-mile radius of the survey area. The previously recorded site is not located within the inventory area and no cultural resources were found within the survey area during the course of the inventory.

Consequently, *No Historic Properties Affected* is recommended; therefore, no further archaeological investigation of the survey area is recommended.

Please contact Wade Burns if you have any questions.

Sincerely,

Irene A. Altieri

Beaver Creek Archaeology

WHERE PROGRESS MEETS PRESERVATION

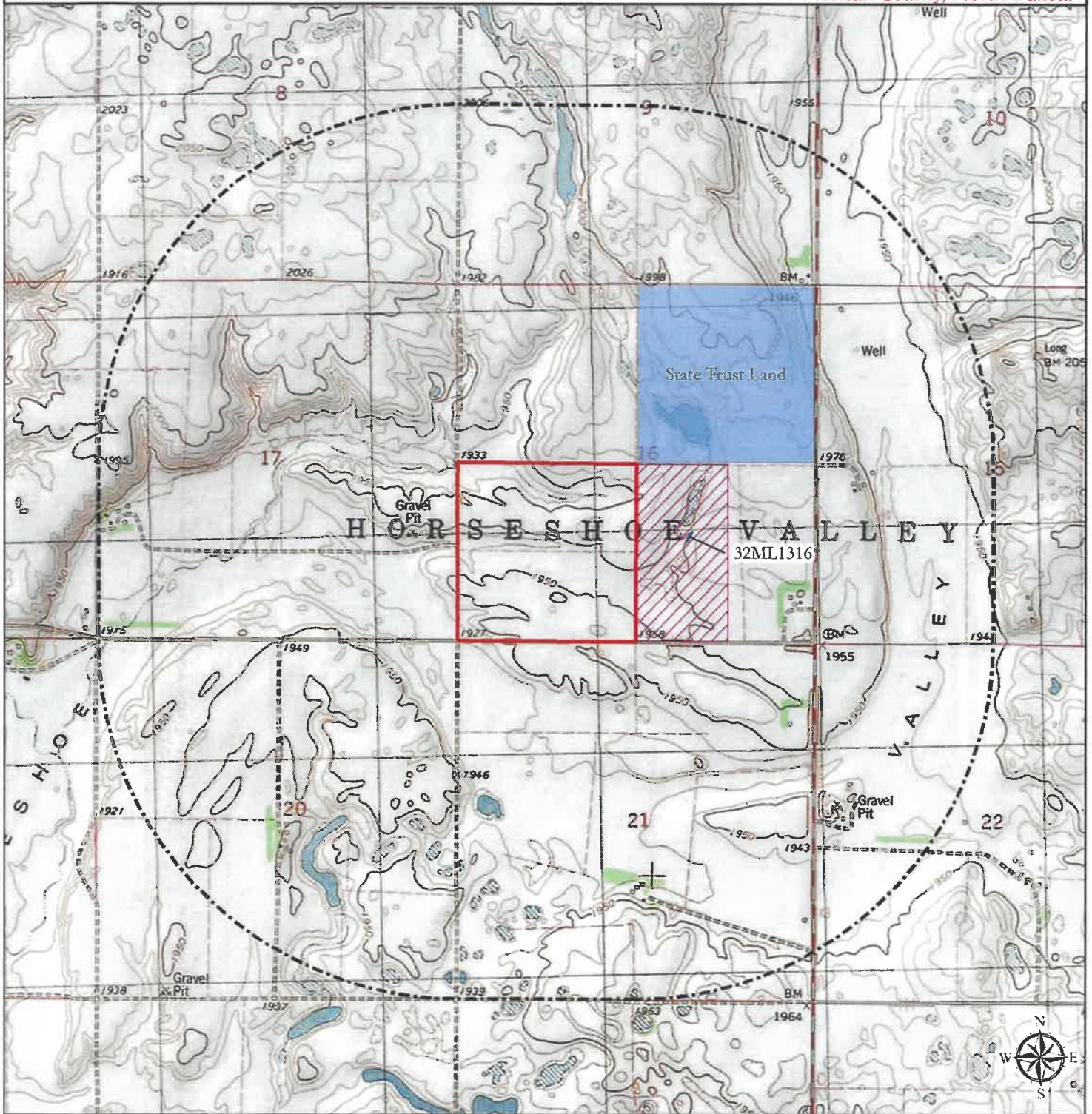
1632 Capitol Way, Bismarck, ND 58501-2100 PH (701) 663-5521 FX (701) 663-5589 Toll Free 1 866 603 9250

www.bcarch.org e-mail info@bcarch.org



Beaver Creek ARCHAEOLOGY

52- Neurohr Pit
Fisher Sand & Gravel Company
T149N R80W Sec. 16
Horseshoe Valley Quad. Map
Painted Woods Creek Drainage
McLean County, North Dakota



Legend

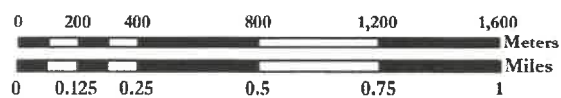
Inventory Area (159 acres)

Cultural Resources

Ineligible Site

Previously Surveyed

1 Mile Buffer



Base Map: USGS 7.5'
Scale: 1:24,000
UTM NAD83 Zone 14

Permit Conditions for Neurohr Pit (SW¼ 16-149-80)

The following are the conditions of the permit

1. No excavation shall take place within thirty (30) feet of an adjacent property line unless a written agreement is made otherwise with the owner of that property. Evidence of that agreement shall be submitted to the McLean County Land Use Administrator or his designated representative.
2. No excavation shall take place within one hundred twenty five (125) feet of an existing residence unless a written agreement is made otherwise with the owner of that residence. Evidence of that agreement shall be submitted to the McLean County Land Use Administrator or his designated representative.
3. Rock crushers shall be considered accessory to sand and gravel operations, provided that the material used and processed by said crusher is limited to that found on the site of the operation, or external materials are brought to the site and mixed with site material.
4. Any sand and gravel pit that has been vacated for two (2) or more years will be deemed abandoned, and the operator must reapply for a permit before renewing the excavation operation. Abandonment means no mining or material hauling. When the pit becomes abandoned reclamation of the site must commence and be expeditiously completed. Failure to reclaim a pit could result in a county demand of the performance bond or denial of future permits. Reclamation includes leveling the pit site; restoring the natural drainage unless the landowner prefers to impound water; restoring the top soil and reseeding the surface to the grass mixture present before pit operations, unless the landowner wants to crop the site or prefers another grass base. If the landowner wants a grass base that was not present when the pit was opened the applicant must reseed to that grass base. However, in that instance the applicant is not responsible to pay any additional costs of the grass base the landowner desires if it is more expensive to seed than the original grass base.
5. The applicant must provide a performance bond for reclamation purposes.

Performance bond for reclamation is \$100,000.00

6. The applicant must control noxious weeds from the opening of the pit until it is reclaimed.
7. The applicant must use the accompanying road plan for all pit operations including cooperating with McLean County for road maintenance on the haul road.

37-30-474.3
148-84

MC LEAN COUNTY PERMIT APPLICATION

CONDITIONAL USE ☐ ZONING CHANGE ☐ SUBDIVISION PLAT ☐ TEMP. USE ☐

Name of applicant: Don Miller

Mailing address: 741 Nagler Roaf
Selah, WA 98942

Telephone Number _____ (ofc) _____ (res)

Property is located in the SE 1/4 (Quarter), Section 30, Township 148,

Range 84, or more specifically identified as:

South Half of the SE 1/4 of the SE 1/4 of Section 30, Township 148, Range 84

Purpose of requested change:

Develop Miller Subdivision - 10 Lots

Describe proposed construction:

N/A

Present land use: Agricultural

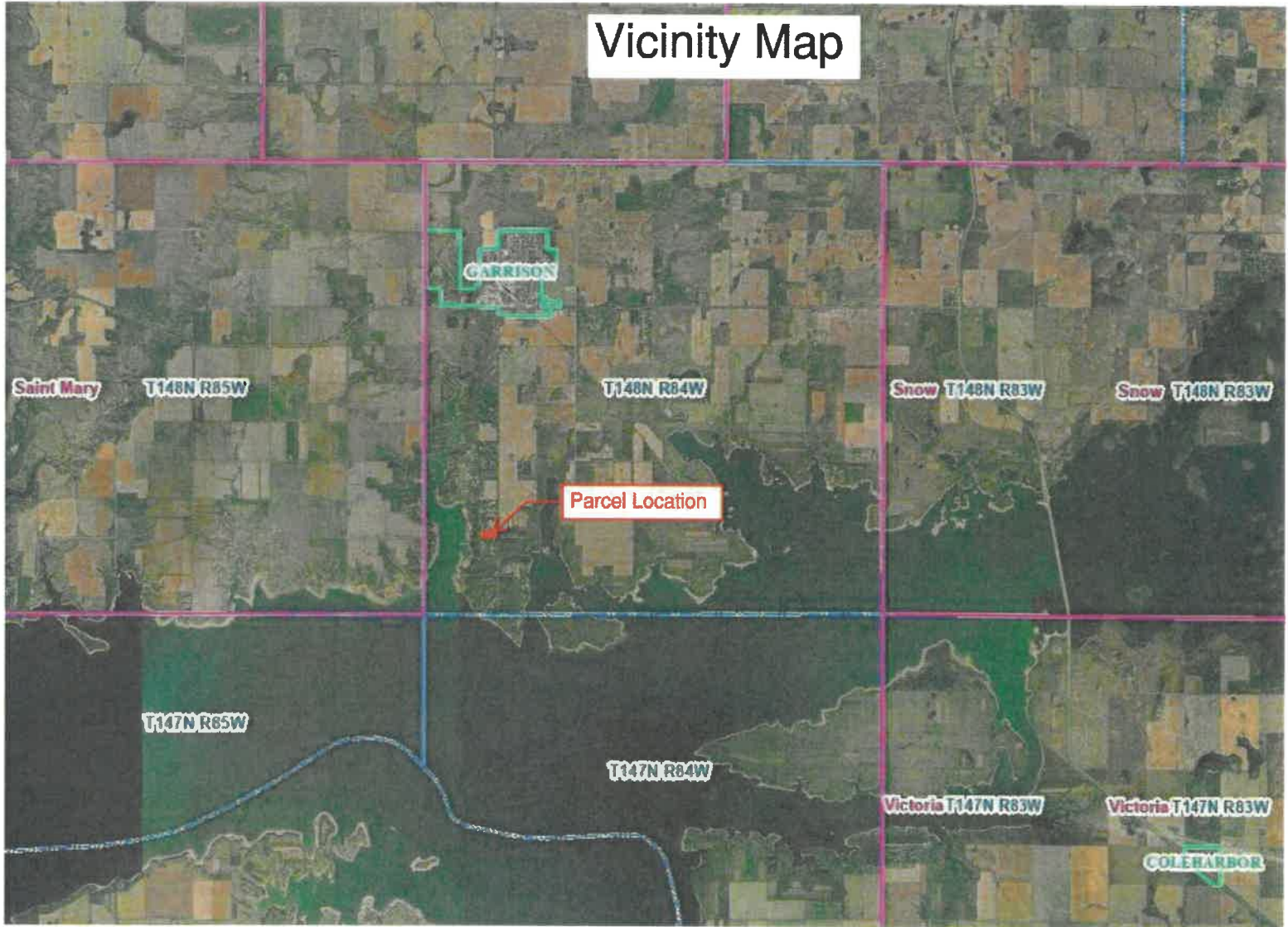
Proposed land use: Residential

Additional items required to be attached:

- ☐ Map of area
- ☐ Boundary line survey of site
- ☐ Preliminary map showing location of structures.
- ☐ Timing schedule indicating the starting and completion dates.
- ☐ Written approval of highway authority for new access roads.
- ☐ Permit application fee in the amount of \$ \$500

(MAKE CHECK PAYABLE TO McLEAN COUNTY TREASURER)

Vicinity Map



PROJECT No.	24187A
DATE	00.27.25
REVISED:	
DRAFTER:	MOO
REVIEWER:	JLR



[illegible]

PRELIMINARY

RESERVATIONS AND RESTRICTIVE COVENANTS

MILLER'S FIRST SUBDIVISION

TO THE PUBLIC:

This is a Declaration of Reservations and Restrictive Covenants of MILLER'S FIRST SUBDIVISION, a subdivision being a platted portion of the Lots

of Miller's First Subdivision, a subdivision being platted of the S½SE¼SE¼, Section 30, Township 148 North, Range 84 West, McLean County, North Dakota.

If the owners of such lots or any of them, or their heirs or assigns shall violate any of the covenants hereinafter set out, it shall be lawful for any other person owning real property situated in such subdivision to prosecute any proceedings at law or in equity against the person or persons violating any such covenants, and either to prevent his from doing so or to recover damages for such violation, or both.

1. PURPOSE: The purpose of these restrictions is to insure the use of the property for attractive residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the property, and to maintain the desired tone of the subdivision and thereby to secure to each site owner the full benefits and enjoyment of his home or cottage, with no greater restriction on the free and undisturbed use of the site than is necessary to insure the same advantages to the other site owners.

2. DURATION: All and each of these restrictions, conditions, and covenants herein are to run with the land and shall be binding on all parties and all persons claiming under them until such time as they may be changed by the owner of the property in the area by a correct legal procedure.

3. COVENANTS FOR IMPROVEMENTS: All lots conveyed are conveyed as unimproved property without any obligation on the part of the grantor to improve the same.

4. RESIDENTIAL RESTRICTION: No structure shall be erected, altered, or placed on any lot or tract other than one detached, single family dwelling not to exceed two (2) stories in height, except that this shall not preclude the erection, location or maintenance of other customary or necessary structures accessory to the dwelling and as recreational use. No building shall be erected closer than thirty-five feet (35') from the front line, fifteen feet (15') from the side or thirty feet (30') from the rear lot line. One detached storage building, not larger than 3,600 sq. ft., one story in height; with sidewalls not to exceed 18' may be constructed. This building shall be constructed with straight walls and the exterior of such building shall match that of the residence, no silver metal. Manufactured homes are not permitted on any of the lots of MILLER'S FIRST SUBDIVISION. No building shall be used for commercial use of any kind.

5. RECREATIONAL USE:

One (1) recreational vehicle may be used as temporary accommodation to allow the property owner to construct a permanent residence or remodel an existing residence on the lot. The use of the recreational vehicle shall be authorized with the written approval of the McLean County Land Use Administrator upon receipt of an approved site plan, building permit, construction schedule, and such shall not exceed one (1) year in duration, unless authorized by the McLean County Zoning Commission. The unit may be placed on the site only upon receipt of a valid building permit for a single-family dwelling and must be removed from occupancy within seven (7) days of completion of the residence. The unit shall comply with all setbacks appropriate to the zone in which it is to be placed and shall not be parked on nor in any way obstruct any public right-of-way. No person other than the owner of the residential property shall occupy the unit and the unit shall not be used as a temporary rental unit. A recreational vehicle is considered occupied if it is used as living quarters on any calendar day.

A) TEMPORARY USE OF RECREATIONAL VEHICLE REQUIREMENTS FOR CAMPING ON RESIDENTIAL PROPERTY.

The use of one (1) recreational vehicle as temporary accommodation for guests may be allowed on "developed residential property" with an established residential use. The unit shall not be parked on nor in any way obstruct any public right-of-way, and shall be located a minimum of five (5) feet from any other structure. The unit may not be skirted, provided a deck or patio above ground level, and the discharge of any gray water or sewage is prohibited. Use of the unit shall not exceed four (4) days at any one time or sixteen (16) days in any calendar year.

6. ROAD MAINTENANCE: The roads within this development are dedicated for public use. Post installation maintenance is the responsibility of the owners of this development. Costs of such maintenance shall be equally shared between the lots benefitting from such maintenance. Maintenance shall be approved by a simply majority of the affected owners. Established approaches shall be shared by lots that are adjacent to said approaches.

Construction of the initial road, together with graveling and bringing the road to grade shall be the responsibility of Developer. Thereafter, any maintenance, including snow removal, on the roads within Miller's First Addition shall be the responsibility of the Residential Lot Owners. The roads shall always be the responsibility of those living there. The County will not take over the maintenance of these roads.

7. SUBDIVISION OF LOTS: In accordance with the foregoing restriction limiting the number of dwellings on each lot, no subdivision of any lot shall be permitted.

8. DWELLING QUALITY AND SIZE: No building shall be erected, altered, placed, or permitted on any lot unless the design, location, materials, and workmanship is in harmony with existing structures and locations in the tract and does not violate any Restrictive Covenants. In any case, no dwelling shall have a ground floor square foot area of less than 800 square feet in the case of a one-story structure, nor less than 1,000 sq. ft. in the case of a one and one-half or two story structure. No trailer, tents, shack, other outbuildings or temporary structures may be

used on any lot at any time as a residence, either temporary or permanent.

9. LIVESTOCK AND ANIMALS: No form of livestock other than dogs and cats may be kept by an owner on any tract within the subdivision, and all dogs shall, if requested by the owners of the other lots on the property, be restricted to the owners premises and maintained on a leash so as not to run at large at any time. No livestock or poultry shall be kept or maintained on any of the lots. The commercial breeding and sales of any animal, including dogs, is forbidden upon any lot or tract.

10. RESTRICTIONS AGAINST POLLUTION: No building shall be constructed unless a permit shall have been received as may be required by the Zoning Regulations of McLean County, North Dakota. No septic tank or other means of sanitary disposal shall be constructed, used or maintained unless the same meets with the requirements of all state and local health laws, rules and regulations and in no event shall any person undertake or permit any use of the property which would be dangerous to the health of any other person residing in the area. All leach and drain fields and septic tanks shall be designed according to the State Health Department requirements.

11. GRADING: Neither grantee nor any person or persons claiming under him shall or will at any time raise the grade of any lot or lots which would affect adjoining lots.

12. NUISANCES: No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition, or that will be obnoxious to the eyes, or shall any substance, thing, or material be kept upon any lot that will emit foul or obnoxious odors or that will cause any noise that will or might disturb the peace, quiet, comfort, or serenity of the occupants of surrounding property. Unsightly storage of old cars, junk, trash, and unlicensed vehicles is prohibited.

13. SIGNS: No signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

14. ROAD MAINTENANCE: The roads within this development are dedicated for public use. Post installation maintenance is the responsibility of the owners of this development. Costs of such maintenance shall be equally shared between the lots benefitting from such maintenance. Maintenance shall be approved by a simple majority of the affected owners. Established approaches shall be shared by lots that are adjacent to said approaches.

15. ENFORCEMENT: These restrictions shall operate as covenants running with the land for the benefit of any and all persons who now may own, or who may hereafter own, property in MILLER'S FIRST SUBDIVISION, and such persons are specifically given the right to enforce these restrictions through any proceedings, at law or in equity, against any person or persons violating or threatening to violate such restrictions, and to recover any damages suffered by them for any violation thereof.

16. PARTIAL INVALIDITY: If any covenants or condition or restriction herein above contained, or any portion thereof, is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction.

17. MODIFICATION OF RESTRICTIONS: The covenants, agreements, conditions, reservations, and changes created and established herein for the benefit of MILLER'S FIRST SUBDIVISION and each lot therein, may be waived, terminated, or modified as to the whole of MILLER'S FIRST SUBDIVISION or any portion thereof with the written consent of the owners of seventy-five percent (75%) of the lots in MILLER'S FIRST SUBDIVISION. No such waiver, termination, or modification shall be effective until the property instrument, in writing, shall be executed and recorded in the office of the County Recorder, McLean County, State of North Dakota; provided, however, that no such modification shall be effective or recorded prior to the time that the same has been submitted in writing to the McLean County Zoning Board and the same has been approved by that governmental agency or its successor.

IN WITNESS WHEREOF, the owners have caused these presents to be signed this _____ day of June, 2025.

Don L. Miller

STATE OF _____)
(ss
COUNTY OF _____)

On this _____ day of June, 2025, before me, a notary public, personally appeared DON L. MILLER, known to me to be the person described in the foregoing instrument and severally acknowledged to me that he executed the within and foregoing instrument.

(SEAL)

Notary Public
My commission expires:



July 24,2024

Don Miller
Don Miller Subdivision

Development Location: **148-84 Section 30 S2SE4SE4**

RTC Networks has been contacted by Moore regarding if we have services (Internet, Phone, TV) available at the location referenced above. RTC Networks currently has fiber services in the area. If the project is approved by Mclean County Planning and Zoning, we will need to make some modifications to our infrastructure to get service into this development. We currently have fiber optic services on the south side of 13th ST NW. If the development is approved, we would need to bore under this road and continue north with fiber to this location.

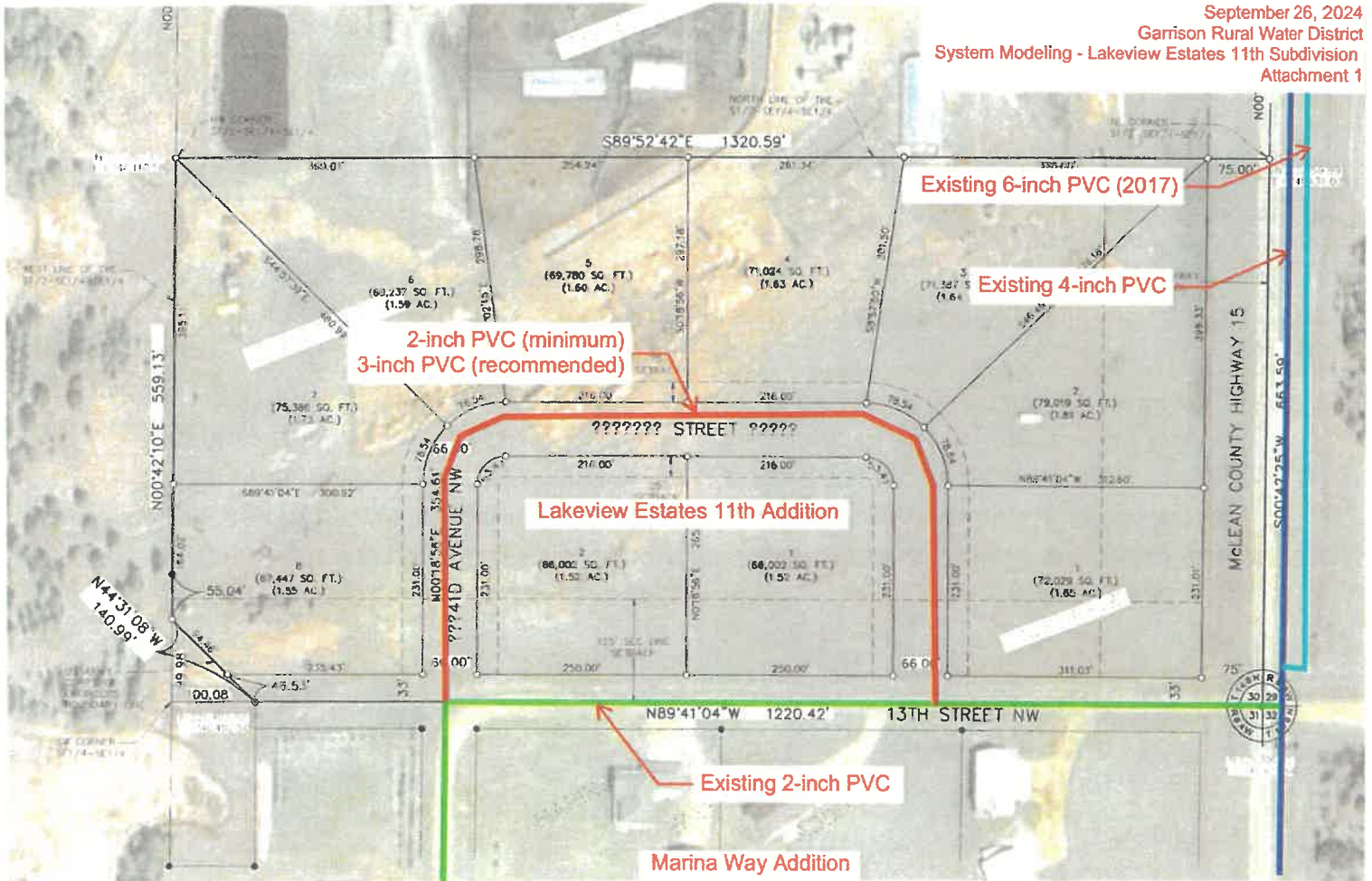
Sincerely

Chad Betz
RTC Networks
Outside Plant Manager East
Parshall ND, 58770

friendly • knowledgeable • helpful

24 Main Street North, PO Box 68, Parshall, ND 58770
Phone: 701.862.3115 Website: www.RTC.coop







1907 17th Street Southeast
Minot, ND 58701
701.837.8737
www.ackerman-estvold.com

MEMORANDUM

To: Garrison Rural Water District
From: Ackerman-Estfold
Date: September 26, 2024
Re: System Modeling – Lakeview Estate 11th Subdivision

Introduction

The intent of this memorandum is to report the hydraulic modeling results for the expansion of Garrison Rural Water District's (GRWD) distribution system in order to serve the Lakeview Estates 11th Subdivision, a proposed rural subdivision along the east side of Garrison Bay. The Lakeview Estates 11th Subdivision consists of 10 rural residential lots ranging in size from 1.52 acres to 1.81 acres and is located 3 miles south of Garrison along McLean County Road 15. The property owned by the developer, Don Miller, sits in the northwest corner of the intersection of CR 15 and 13th St NW. The development features a loop road that has access from 13th St NW at two locations with the west location being an extension of 41d Ave NW.

Proposed Subdivision

The 10 additional users in the Lakeview Estates 11th Subdivision have been modelled and there are no adverse effects that would result from the expansion of the rural water system in this location. Service pressures to the proposed development are anticipated to be around 95 – 100 psi, with little effect on the service pressures supplied to existing customers nearby. The existing service pressures at several key locations were reviewed to ensure the proposed pressures remained satisfactory once the development was connected. The influent pressures for both Pump Station 3 and Pump Station 4 along with the service pressure at the entrance to Fort Stevenson State Park were analyzed and were determined to be minimally effected by the connection for the Lakeview Estates 11th Subdivision. The watermain improvements constructed in 2017 which installed a 6-inch watermain along CR 15 allow for the connection of additional users south of Garrison. Several residential services were also reviewed and found to be minimally affected by the additional users.

Previous system expansion planning has identified that additional development in the Central Service Area can handle approximately 235 users. These users are served from the high service pumps located at the City of Garrisons Water Treatment Plant. Currently there are approximately 190 users in the service area. The existing system has adequate capacity to serve the 10 additional users. Other users in the Central Service Area will see very little, if any, effect from the additional 13 users in the Lakeview Estates 11th Subdivision.

Recommendation

Based upon the results of the hydraulic model and our knowledge of the GRWD's distribution system, the request for service to Lakeview Estates 11th Subdivision can be fulfilled without adversely affecting existing system users. Past improvements to the GRWD's distribution system allows for service to be expanded to the Lakeview Estates 11th Subdivision. The existing 2-inch watermain that is looped to serve the Marina Way Addition has sufficient capacity to serve the 10 users in the in development. A 2-inch watermain internal to the subdivision has the capacity to serve 10 users; however, it is recommended to install a 3-inch watermain in order to limit the potential for pressure issues during times of extremely high use.

The results of the modeling analysis are based upon information provided by the developer. The modeling effort assumes the developer provided information is accurate.

Attachments

Attachment 1 – Lakeview Estates 11th Subdivision watermain sketch.

Joshua Reiner

From: Lucas Schaaf <lucasjs@mcleanelectric.com>
Sent: Wednesday, July 24, 2024 7:07 AM
To: Aidan Kelly
Cc: Jerod Klabunde
Subject: RE: Don Miller Subdivision

Hi Aidan,

Thanks for the email. We do have a three-phase line on the east side of this property that would have capacity for the new development. It is difficult to estimate costs of installation of the infrastructure on the lots until we have a final layout with .kmz files. Please keep in mind that there will be costs incurred for installation of new infrastructure to each lot along with the need of applicable easements.

Thanks!

Lucas Schaaf, PE | Engineering Manager

McLean Electric Cooperative | 4031 Hwy 37 Bypass | PO Box 399 | Garrison, ND 58540

Direct: 701-463-6715 | Office: 701-463-6700

Email: lucasjs@mcleanelectric.com



From: Aidan Kelly <Aidan.Kelly@mooreengineeringinc.com>
Sent: Tuesday, July 23, 2024 5:28 PM
To: Lucas Schaaf <lucasjs@mcleanelectric.com>
Cc: Jerod Klabunde <jerod.klabunde@mooreengineeringinc.com>
Subject: Don Miller Subdivision

Hi Lucas,

Moore Engineering has been working with Don Miller to do some basic planning on a rural subdivision south of Garrison. Attached is a "concept" drawing, which is really just to visualize how many lots could fit on his land.

This is by no means a final drawing and it is not meant to be distributed. Based on communication with Don, if he does decide to develop, it may be in phases, starting with 4 lots, and finishing in a second phase.

Based on this, we are asking for feedback from McLean Electric

- Could your infrastructure support a partial buildout?
- Can your infrastructure support a full buildout?
- Is there a way to estimate costs (and would there be a drastic difference in cost if it were broken into phases)?

Answers to these questions will help us in our planning. We'd appreciate your feedback.

If you do in fact have the infrastructure to support this buildout, we'd seek a "will serve" letter/email for this subdivision.

Feel free to call with questions. Thanks,

Aidan Kelly, EI
Graduate Engineer
moore engineering, inc.

Phone 701.400.2380 | Direct 701.751.8388
4503 Coleman Street – Suite 105, Bismarck, ND 58503
aidan.kelly@mooreengineeringinc.com | www.mooreengineeringinc.com

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Schreiner, Todd A.

From: Shannon Jeffers <shannonw_jeffers@yahoo.com>
Sent: Friday, June 6, 2025 7:18 AM
To: Schreiner, Todd A.
Subject: Re: Miller Subdivision - Permit Application
Attachments: Miller Photos.pdf; Miller.PDF

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Todd,

I don't see much for water related issues to the south or west associated with the addition. Proximity to the Schlichting farm/cattle operation immediately to the north potentially more of an issue to folks, but not much we can do about that. Let me know if more questions.

Shannon

On Wednesday, June 4, 2025 at 11:34:02 AM CDT, Schreiner, Todd A. <tschreiner@nd.gov> wrote:



Todd A. Schreiner

McLean County

Equalization / Land Use / Veteran Service / E-911 Mapping / GIS

tschreiner@nd.gov

From: shannonw_jeffers <shannonw_jeffers@yahoo.com>
Sent: Wednesday, June 4, 2025 11:33 AM
To: Schreiner, Todd A. <tschreiner@nd.gov>
Subject: RE: Miller Subdivision - Permit Application

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10 4



Don Miller



Miller Addition