

Bowman Comprehensive and Transportation Plan

June 2013

1.0 Introduction

Over the past six years, the growth of the oil industry in western North Dakota has brought rapid growth and many changes to cities and counties in the region. The discovery of the Tyler Formation, which extends south of the Bakken Formation into South Dakota (see Figure 1), has given cities and counties in southwest North Dakota a reason to review their existing growth patterns, capital improvements, transportation characteristics and comprehensive plans. The boom and subsequent bust in the 1980's which resulted in out-migration and vacant properties, has provided a learning experience for the region. Bowman is taking this opportunity to not only plan for the near future and the potential impacts of the oil industry, but for several years into the future. Perhaps the most difficult aspect of planning for the future in a community anticipating an oil boom is identifying short term versus long term growth, due to the unknown rate of development. This plan acknowledges that, and emphasizes the importance of remaining flexible in terms of timeframes and adjustments that are needed to address job growth in the area and the corresponding demand for housing and retail sales and service.

This comprehensive plan outlines the goals, objectives, and policies for Bowman. It establishes a future land use plan, defines future transportation improvements, and lists steps the city will take in the direction of achieving short and long-term goals. This plan is meant to serve as a decision making tool, to be used by city staff and officials.

1.1 Why Plan

A comprehensive plan is not optional for communities that wish to exercise zoning authority. North Dakota communities are required to adopt a comprehensive plan as the foundation document for their zoning and subdivision regulations.

Any community can take a passive stance and allow changes to occur as they will, without any discussion or guidance as the growth takes on a life of its own. The changes that emerge from these passive situations are often based on short-term profits for individuals rather than of the long-term betterment of the community at large. People want to live in attractive communities, which make them more attractive to potential businesses.

Attractive communities don't happen by accident. Bowman understands it has the power to control the quality of its growth and steer the development in the community. The city has chosen to take a proactive stance in guiding developers towards building a bigger and better community while still

retaining its friendly, small-town character. This comprehensive plan is the first step towards that self-determination.

This comprehensive plan provides a roadmap to the future for Bowman. It was developed based on input from Bowman residents. Every community is unique and this plan is custom-tailored for Bowman, by Bowman. It was developed from ideas generated during public involvement session with residents and through conversations with city staff and city officials.

Every plan has some elements which are particularly valid for the current timeframe; other goals and objectives are long-term. Yet as a community evolves, the plan should periodically be revisited to determine whether updates are needed. Because the policies in this plan will guide development decisions, changes in the community's wants, needs, and opportunities may require future amendments to the plan. This plan is a living document, intended to reflect current and future community goals. Further guidance on updating elements of this plan is discussed throughout the remainder of the document.

1.2 North Dakota Century Code

The North Dakota Century Code (NDCC) contains several references to city comprehensive plans and master plans:

Chapter 40.05-1-06.11 Pertaining to Home Rule in Cities

"To provide for zoning, planning, and subdivision of public or private property within the city limits. To provide for such zoning, planning and subdivision of public or private property outside the city limits as may be permitted by state law."

Chapter 40-47-01 Pertaining to City Zoning

"For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing body of any city may, subject to the provisions of Chapter 54-21.3, regulate and restrict the height, number of stories, the size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes."

Chapter 40-47-03 Pertaining to City Zoning

This section of the Century Code states that the regulations provided for this chapter shall be made **in accordance with a comprehensive plan** and shall be designed to:

- Lessen congestion in the streets;
- Provide for emergency management;
- Promote health and the general welfare;
- Provide adequate light and air;
- Prevent the overcrowding of land;
- Avoid undue concentration of population; and
- Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.

The Century Code goes on to say that a comprehensive plan shall be a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

Chapter 40-51.2-02 Pertaining to City Zoning

The Century Code declares that the policies and procedures contained in this chapter are “necessary and desirable for the orderly growth of urban communities in the state of North Dakota.”. This section goes on to list the following as purposes of the law:

1. To encourage natural and well-ordered development of municipalities of the state;
2. To extend municipal government to areas which form a part of the whole community;
3. To simplify government structure in urban areas; and
4. To recognize the interrelationship and interdependence between a municipal corporation and areas contiguous or adjacent thereto

Chapter 40-48-02 Pertaining to Municipal Master Plans and Planning Commissions

Any municipality, by an ordinance of its governing body, may establish an official master plan of the municipality.... The official master plan is declared to be established to conserve and promote the public health, safety, and general welfare of the municipality.

Chapter 40-51.2-02 Pertaining to Extraterritorial Zoning Jurisdiction

The NDCC states that communities with a population of fewer than 5,000 persons (such as Bowman) have sole zoning authority out to ½ mile beyond the corporate boundary and have shared zoning authority from ½ mile to one mile beyond the corporate boundary. The outside half-mile is to be shared with the county, or in some cases with an organized township that has its own zoning authority. This area surrounding a city is known as the Extraterritorial Area or ETA. The purpose of the ETA is to allow cities to regulate what happens in their growth area for the purpose of maintaining orderly expansions of the community. When a city annexes land, the ETA line will also move further out by a distance proportional to the annexation.

There are alternatives to the joint-zoning jurisdiction for the outer half of the ETA. The authority to receive applications and issue permits may be changed by a written agreement between the city and the county. Bowman can obtain sole authority over the 1-mile ETA if Bowman County wishes to let it go.

Zoning must be in place for the city to have authority over the ETA. It is important to note that zoning authority should be initiated by the city’s action of approving city zoning districts for land in its ETA.