



# PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, January 14, 2026 at 7:10 AM MT  
City Hall – 38 1st Street West Dickinson, ND 58601

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## Commissioners:

**Chairman:** Jason Fridrich

**Vice Chairman:** Scott Bullinger

Dean Franchuk

Zach Keller

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

Mathew Rothstein

**CALL TO ORDER**

**ROLL CALL**

**OPENING CEREMONIES: PLEDGE OF ALLEGIANCE**

**1. ORDER OF BUSINESS:**

**2. MINUTES**

**A. 12.10.25 MINUTES**

**3. REGULAR AGENDA**

**A. PRELIMINARY MAJOR PLAT (PLP-001-2026)** - Presented by: City Planner, Natalie Birchak

To consider a Preliminary Major Subdivision Plat for the Energy Center 6th Addition Subdivision, being a replat of Lots 1, 1A, and 2 of Block 1 of the Energy Center 3rd Addition Subdivision, located in the SE ¼ of Section 1, Township 139 North, Range 96 West, in the City of Dickinson. The site is zoned General Industrial (GI) and Public (P). The site consists of +/- 70.71 acres.

**B. REZONING (REZ-001-2026)** - Presented by: City Planner, Natalie Birchak

To consider a Zoning Map Amendment from General Industrial (GI) and Public (P) to Public (P) for Lot 1 of Block 1 of the Energy Center 6th Addition Subdivision, a Zoning Map Amendment from General Industrial (GI) to Public (P) for Lot 7 of Block 1 of the

Energy Center 6th Addition Subdivision, and a Zoning Map Amendment from Public (P) and General Industrial (GI) to General Industrial (GI) for Lot 5 and Lot 6 of Block 1 of the Energy Center 6th Addition, located in the SE ¼ of Section 1, Township 139 North, Range 96 West, in the City of Dickinson. The site consists of +/- 31.98 acres.

**C. ZONING TEXT AMENDMENT (ZTA-001-2026)** - Presented by: City Planner, Natalie Birchak

To consider a zoning text amendment to Section 62-592 “Off-street parking design standards.” of the Zoning chapter of the City of Dickinson Municipal Code regarding industrial off-street parking and traffic circulation area regulations and requirements.

**D. ZONING TEXT AMENDMENT (ZTA-002-2026)** - Presented by: City Planner, Natalie Birchak

To consider zoning text amendments to Section 62-133 “Commercial use types.”, Table 62-162-2 “Table of Permitted Uses by Zoning District” in Section 62-162 “Development Regulations”, Section 62-469 “Commercial uses.”, and to Section 62-469 “Commercial uses.” of the Zoning Ordinance regarding the permitting and licensing of short-term rental uses.

**4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA**

**5. ITEMS NOT ON AGENDA**

**6. WORK SESSION**

**A. PERSONAL AND COMMERCIAL VEHICLE DEFINITION** - Presented by City Planner, Natalie Birchak

**B. RESIDENTIAL STORAGE CONTAINERS** - Presented by: City Planner, Natalie

**C. REZONE PROTEST PETITION** - Presented by: City Planner, Natalie Birchak

**7. ADJOURNMENT**

**Link for viewing Planning and Zoning Commission Meeting:**

<https://youtube.com/live/tmYVrJlt5Bk>

**This link will not be live until approximately 7:05 AM MT on January 14, 2026**

**Teams Meeting:** <https://tinyurl.com/4yh6c9x3>

**Teams Meeting ID:** 297 054 471 123 80

**Teams Phone #:** 1-701-506-0320

**Local Phone #:** 701-456-7006

**Meeting Passcode:** 6Mw2Rh9K

**Phone Conference ID:** 616 368 315#

***Persons desiring to attend the meeting who require special accommodations are asked to contact the City Administrator at (701) 456-7744 by the Friday preceding the meeting.***



# PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, December 10, 2025 at 7:10 AM MT  
City Hall – 38 1st Street West Dickinson, ND 58601

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**Commissioners:**

- Chairman:** Jason Fridrich
- Vice Chairman:** Scott Bullinger
- Dean Franchuk
- Zach Keller
- Val Decker
- Rick Haugen
- Aaron Johansen
- Mike Schwab
- Matthew Rothstein

**CALL TO ORDER**

**ROLL CALL**

**PRESENT**

- Chairman Jason Fridrich
- Vice Chairman Scott Bullinger
- Commissioner Dean Franchuk
- Commissioner Aaron Johansen
- Commissioner Richard Haugen
- Commissioner Val Decker
- Commissioner Mathew Rothstein

**ABSENT**

- Commissioner Mike Schwab
- Commissioner Zach Keller

**OPENING CEREMONIES: PLEDGE OF ALLEGIANCE**

**1. ORDER OF BUSINESS:**

Motion to approve as presented.

**Motion made by Commissioner Decker, Seconded by Vice Chairman Bullinger.**

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Rothstein

**2. MINUTES**

**A. NOVEMBER 12TH 2025 MINUTES**

Motion to approve as presented.

Correction to Minutes is noted by Commissioner Franchuk: Item 3, Franchuk voted Nay. Haugen voted Aye.

**Motion to approve with corrections made by Vice Chairman Bullinger, Seconded by Commissioner Johansen.**

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Rothstein

**B. NOVEMBER 24TH 2025 MINUTES**

Motion to approve as presented.

**Motion made by Vice Chairman Bullinger, Seconded by Commissioner Haugen.**

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Rothstein

**3. REGULAR AGENDA:**

**A. SPECIAL USE PERMIT (SUP-005-2025)** - Presented by City Planner, Natalie Birchak

To consider a Special Use Permit for a home-based flower arranging business located at 1896 1st Street West on a property legally described as the E73' W77' of Lot 21, Block 29 of the State Addition Subdivision, located in the NE ¼ of the SE ¼ of Section 5, Township 139 North, Range 96 West, in the City of Dickinson. The lot is zoned High Density Residential (R-3). The site consists of +/- 0.25 acres.

Ms. Birchak presents the SUP request. The property is zoned high-density residential. Staff has received public comments from a larger-scale flower shop in town questioning why different requirements apply. Ms. Birchak notes that, because this is a home-based business, the applicable requirements differ. Staff recommends approval with the conditions listed in the staff report as follows:

- Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. Mondays through Saturdays.
- Operation of the home-based business/home occupation shall be as described in this staff report as well as in the material found in Attachment A.
- The SUP approval shall expire with any change in ownership. All subsequent owners of the property shall be required to reapply for SUP approval.
- Operation of the home-based business/home occupation shall comply with all applicable City, County, State and Federal regulations.

Chairman Fridrich asks if customers are allowed to come to the property for pickup. The business is allowed to have a small sign, one employee who does not live at the property, and pickup orders limited to four to five per day. Commissioner Rothstein asks if the applicant would need to return for approval on a yearly basis; staff confirms they would not.

Melissa Sheppard, owner, is present. She states that most sales occur through their website. She notes that customer pickups are occasional and are generally discouraged. She mentions that the business frequently makes donations within the community. Deliveries are received once per week. She states that they do not plan to ever have high traffic associated with the business.

Chairman Fridrich opens the public hearing. There being no comments, the hearing is closed.

**Motion to approve made by Commissioner Johansen, Seconded by Vice Chairman Bullinger.**

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Rothstein

**B. REZONING (REZ-011-2025)** - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from General Commercial (GC) to Medium Density Residential (R-2) for Lot 1 of Block 6 of the West Ridge 2nd Addition Subdivision, located in the SE ¼ of Section 36, Township 140 North, Range 97 West, in the City of Dickinson. The site consists of +/- 2.23 acres.

Ms. Birchak presents the rezone request. The purpose of the rezone is to allow the applicant to combine the properties into one larger lot, which would reduce some of the tax burden on the property owner. The properties would be considered agricultural for property tax purposes until the platted adjacent 50th Avenue West is constructed. Staff has not received any public comments and recommends approval.

Fridrich asks if the plat is being vacated. Ms. Birchak responds that it is not; the properties will be replatted. She explains how the properties will be eligible to be taxed as agricultural, based on the requirements listed in the North Dakota Century Code. Comments received via email from the Assessing Department clarified these requirements. The properties are currently taxed as individual commercial properties and will be replatted into two lots.

Jeremy Easum, Civil Science, representing the applicant, is present. He states that everything west of 50th Avenue West would be taxed as agricultural, which is the purpose of the rezone and replat. He notes that the next item would combine those lots. He explains that multiple options were considered, including vacating and deannexing, and this proposal was determined to work best for the applicant. He adds that the costs associated with developing these lots would be very high, and the owner does not have interest at this time in taking that on.

Chairman Fridrich opens the public hearing. There being no comments, the hearing is closed.

**Motion to approve made by Commissioner Haugen, Seconded by Commissioner Franchuk.**

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk,

Commissioner Johansen, Commissioner Haugen, Commissioner Decker,  
Commissioner Rothstein

**C. FINAL MINOR PLAT (FLP-014-2025) - Presented by City Planner, Natalie Birchak**

To consider a Final Minor Subdivision Plat for the West Ridge 4th Addition Subdivision, being a replat of All of Block 6, All of Block 7, All of Block 8, All of Block 9, All of Block 10, All of Block 11, All of Block 12, All of Block 13, All of Block 14, and All of Block 15 of the West Ridge 2nd Addition Subdivision, located in the SE ¼ of Section 36, Township 140 North, Range 97 West, in the City of Dickinson. The site is zoned Medium Density Residential (R-2) and General Commercial (GC). The site consists of +/- 86.49 acres.

Ms. Birchak presents the minor plat. This item coincides with the previous rezone request. As such, the discussion held for the previous agenda item also applies for the proposed plat. Staff has not received any public comments and recommends approval.

Chairman Fridrich opens the public hearing. There being no comments, the hearing is closed.

**Motion to approve made by Commissioner Decker, Seconded by Vice Chairman Bullinger.**

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Rothstein

**4. PUBLIC COMMENT**

**5. ITEMS NOT ON AGENDA**

**6. WORK SESSION**

**A. INDUSTRIAL OFF-STREET PARKING ORDINANCE**

Ms. Birchak presents the proposed Industrial Off-Street Parking Ordinance amendments and reviews a PowerPoint presentation outlining changes to MC 62-592.

The proposed amendments clarify acceptable paving and surfacing materials for off-street parking facilities, with specific allowances for rear-yard vehicular circulation areas in LI and GI districts. The changes remove dirt and scoria as permitted finished surfaces, require a paved transition area between public rights-of-way and unpaved circulation areas, and reinforce design standards intended to reduce dust, sediment, and maintenance impacts on adjacent properties and public rights-of-way.

No commissioners raise concerns or objections. Ms. Birchak notes that the ordinance amendments will be presented at the January Planning and Zoning Commission meeting.

**B. SECTION 62-56 (e)(1)(c) REMOVAL**

Ms. Birchak presents the proposed changes to Section 62-56 related to Special Use Permit and Zoning Map Amendment notice requirements and reviews a PowerPoint presentation outlining the proposed amendments

The presentation explains existing notice requirements, identifies concerns with the current petition requirement in Section 62-56(e)(1)(c), and compares the City's notification process with those used in other North Dakota communities. Ms. Birchak notes that the petition requirement can be overly restrictive, inconsistently applied, and may prevent otherwise supported applications from advancing due to factors outside an applicant's control.

Fridrich asks what the minimum notice requirements are under Century Code and states that he believes the City's requirements should align with those standards. City Attorney Wenko explains the applicable Century Code requirements and agrees with Ms. Birchak's assessment, noting that the City's current practices are consistent with those requirements.

Commissioners indicate agreement with the proposed changes.

**C. SHORT-TERM RENTAL ORDINANCE**

Ms. Birchak presents the first draft of the proposed Short-Term Rental zoning text amendment and reviews a PowerPoint presentation outlining proposed changes to MC 62-133 and MC 62-469.

The presentation includes a proposed definition for short-term rentals, outlines licensing requirements, and establishes operational standards, including owner-occupancy requirements, annual licensing and renewal, disclosure of financial stakeholders, emergency planning requirements, and limits on the number of licenses an individual or entity may hold.

Discussion includes the proposed limitation of a maximum of two short-term rental licenses per individual or entity. Ms. Birchak notes that many communities have adopted similar limitations, which is why disclosure of stakeholders and financial interests is required.

Commissioners indicate agreement with the proposed changes, with no opposition expressed.

**7. ADJOURNMENT**

Motion made by Commissioner Decker, Seconded by Commissioner Johansen.  
Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Rothstein

**Link for viewing Planning and Zoning Commission Meeting:**  
<https://youtube.com/live/ZckqIQImYbs>

**Natalie Birchak**

**From:** Jotform <noreply@jotform.com>  
**Sent:** Thursday, December 4, 2025 12:35 PM  
**To:** Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Sylvia Miller; Sylvia Miller; Natalie Birchak  
**Subject:** New Unified Development Application



You can see the submission details below.

### Unified Development Application

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Have you had a pre-submittal meeting with City Staff?	Yes
Please upload the required letter you received following your presubmittal meeting:	<a href="#">Energy Center 3rd Pre-Application Letter.pdf</a>
Type of Development	Major Subdivision Preliminary Plat
Is this a Replat	Yes
Subdivision Being Re-platted	Lots 1 & 2, Block 1, Energy Center 3rd Addition
Name	Tracy Tooz
Company	Dickinson Energy Park, LLC
Applicant Email	[REDACTED]

Applicant Phone # [REDACTED]

Applicant Representative (if applicable) Andrew Schrank

Applicant Representative Company Highlands Engineering

Applicant Representative Email [REDACTED]

Applicant Representative Phone # [REDACTED]

Owner Name Dickinson Energy Park, LLC City of Dickinson, ND

Owner Address [REDACTED]

Owner Email [REDACTED]

Owner Phone # [REDACTED]

Is the owner present to Sign No

Owner Signature Upload [241279\\_Owner\\_Signature\\_2024-02-28.pdf](#)

Will this application require any other action to complete the development? Yes

Identify other actions required to complete the development: Rezoning, Development Agreement

Metes and Bounds Description LOTS ONE (1) AND TWO (2), BLOCK ONE (1) OF ENERGY CENTER THIRD ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, ND

	1/4 Section	Township	Range
Legal - Section/Township/Range	SE1/4 Section 1	T139N	R96W

Property Address / General Project Location      Property consists of ±70.71 acres northwest of the intersection of Energy Drive and E Villard Street.

Total Square Footage or Acreage of Subject Property      70.71 acres

Transmittal Letter (Explanation of Request & Proposed Operations)      [241279\\_Transmittal-Prelim Plat\\_2025-12-04.pdf](#)

Rezone Calc Multiplier      0

Minor Platting Multiplier      0

Prelim Platting Multiplier      1

Major Platting Multiplier      0

Name of Preliminary Plat      Energy Center 6th Addition

Preliminary Number Lots      1 to 10 Lots

Preliminary Number of Block(s)      1

Number of Dwelling Units      0

Application Calc      500

Deed for Property      [3109483\\_Deed.pdf](#)

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Applicable Fees      500.00 USD

Total:      \$500.00

Application Fees

Transaction ID: nddd59p4

Payment Information

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First Name:      Andrew

Last Name:      Schrank

E-Mail      [REDACTED]

Applicant Signature

A handwritten signature in black ink, consisting of a large, stylized letter 'A' followed by a series of loops and a long horizontal stroke extending to the right.

Date

12-04-2025



## Transmittal Letter

**To:** Natalie Birchak – Planner  
City of Dickinson  
38 1<sup>st</sup> Street West  
Dickinson, ND 58601

**From:** Andrew Schrank, PE  
Highlands Engineering  
319 24<sup>th</sup> Street East  
Dickinson, ND 58601  
701.483.2444  
schrank@highlandseng.com

**Date:** December 4, 2025

**Re:** Rezone and Preliminary Plat Application – Energy Center 6<sup>th</sup> Addition

**Message:** Enclosed you will find the following Rezoning and Preliminary Plat application documents for the above-mentioned project being submitted for consideration at the next Planning and Zoning Meeting:

- Written Statement (included, below)
- Dickinson Energy Park, LLC Deed
- Five (5) Certificates of Survey with Legal Descriptions of Rezoning areas.
- Word Document including Legal Descriptions of Rezoned Parcels
- Preliminary Plat drawing with Aerial Imagery Overlay
- Draft of Final Plat drawing
- Preliminary Site Improvement Plan
- Draft Development Agreement
- Parcel map from the City's GIS page
- FLUM from the City's GIS page
- Zoning map from the City's GIS page
- Utility map from the City's GIS page
- FEMA FIRMette for Project Area

## WRITTEN STATEMENT

This proposed rezone and preliminary plat application for Energy Center 6<sup>th</sup> Addition is intended to create four (4) industrial lots, being Lots 3 thru 6 as shown by the enclosed plat drawing, for Dickinson Energy Park, LLC to market for sale for future general industrial development. This plat also includes three (3) lots for the City of Dickinson. Lot 1 is intended for the proposed Public Safety Training Facility that the City plans to build, Lot 2 encompasses the 15-acre lease lot for the ND National Guard Facility, and Lot 7 contains an existing City of Dickinson lift station.

A plat application was previously submitted and approved for the area owned by Dickinson Energy Park, LLC about 2 years ago, but the subdivision plat was never recorded. This previous application included a right-of-way dedication through this site for a proposed public roadway and water line to serve the City property to the north and west of this proposed right-of-way. In accordance with the development agreement for this previous application, this infrastructure was to be paid for largely by a federal grant that the City applied for the last 2 years but was not awarded. Since this federal funding was not approved, this revised plan is being submitted to remove this public right-of-way through the site which reduces the public infrastructure improvements required; therefore, greatly reducing the cost to develop this property.

Upon approval of this plat, land conveyances will be necessary between Dickinson Energy Park, LLC and the City of Dickinson to match ownership to the proposed platted lot lines. These land conveyances are proposed as a roughly equal area land swap between these parties, so no additional compensation for this transfer is necessary. These conveyances will allow for a private access road to be constructed by the City to extend along the south side of the ND National Guard site which will provide a second access said site, and which will provide access to the future City Public Safety Training Facility in Lot 1. This land conveyance will eliminate the need for the public roadway and water line through this subdivision that was proposed as part of the previous plat application for this site that was approved approximately two years ago. A couple of other small portions of property will be conveyed to eliminate the existing curved boundary lines and to "square up" the proposed lot lines. A portion of the southwest corner of this property is also being conveyed to the City of Dickinson to allow additional area for potential future expansion of the lift station in what is proposed as Lot 7. The final area included in this land transfer is the very southeast corner of this site, which is being dedicated as public right-of-way by this plat for a potential future roundabout at the intersection of Energy Drive and E Villard Street. The 25-foot right-of-way dedication along the north side of E Villard Street is not included in these land conveyance areas as this is necessary for the construction of the sanitary sewer system to serve the lots owned by Dickinson Energy Park, LLC. It was decided to dedicate this

area as right-of-way rather than placing an easement here to allow for future expansion E Villard St and so that this restricted area is not part of the property tax calculation for these lots. The following bullets summarize the proposed land swaps that are proposed as part of this subdivision:

- Conveyances from Dickinson Energy Park, LLC to City of Dickinson:
  - Parcel A – 1.40 acres
  - Parcel C – 0.17 acres
  - Parcel E – 0.32 acres
  - R.O.W. Dedication for future roundabout at Energy Dr and E Villard St intersection – 0.21 acres (dedicated by Plat, no other conveyance needed)
  - Total – 2.10 acres
- Conveyances from City of Dickinson to Dickinson Energy Park, LLC:
  - Parcel B – 0.11 acres
  - Parcel D – 1.99 acres
  - Total – 2.10 acres

As shown by the enclosed zoning map for this site, the portion of this property owned by the City, being Lot 1A, is zoned Public (P), and the remaining portion of this site is zoned General Industrial (GI). To meet the City Ordinance that zoning match platted lot lines, the areas being conveyed as noted above will require zone changes to match the zoning of the lot they will accompany. We are also requesting that Lot 7, which includes the City Lift Station, be zoned Public (P). The proposed zone changes requested in combination with this plat are as follows:

- Rezone from General Industrial (GI) to Public (P):
  - Parcel A – 1.40 acres
  - Parcel C – 0.17 acres
  - Parcel E – 0.32 acres
  - Lot 2, Block 1, Energy Center 3<sup>rd</sup> Addition – 0.23 acres
- Rezone from Public (P) to General Industrial (GI):
  - Parcel B – 0.11 acres
  - Parcel D – 1.99 acres

Access to each lot will be provided from the rights-of-way adjacent to this subdivision, as each lot proposed will abut a public right-of-way. Lot 2 already has access to Energy Drive at the northeast corner of this lot. A future private access road is planned to be constructed by the City through the 50-foot area south of Lot 2 to provide a second access to Lot 2 and to access the future public training facility that is planned to be constructed within Lot 1. Access to the remaining lots will come from the E Villard St and Energy Drive rights-of-way as approved by the City at the time of building permit approval.

As part of the pre-application letter, City Staff requested trip generation information for this site. The lots to be owned by the City, Lots 1, 2, and 7, were not included in this trip generation analysis as the City is more familiar with the use of these lots and should be able to provide their own traffic data as necessary. Trip generation information available from the ITE Trip Generation Manual, 10<sup>th</sup> Edition, was reviewed to determine the most appropriate land use category available to generate trip estimates for Lots 3-6. A Land Use category with industrial uses having information available based on the acreage of the property was desired as this is all that is known about the intended use of this property at this time. The “Manufacturing” land use was the most applicable category that met these requirements. The ITE Manual defines this category as “an area where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to the actual production of goods, manufacturing facilities generally also have office, warehouse, research, and associated functions.” The average rate of trip ends generated for this land use are 35.02 per acre with 50% entering and 50% leaving and a standard deviation of 28.72 vehicles according to the ITE Manual. It should be noted that this information provided may vary greatly based on how each lot is developed and the actual uses of this land, which is indicated by the high standard deviation of this data. The following bullets depict trip ends anticipated for Lots 3-6 in this development.

- Lot 3, 10.96 acres = ±384 trip ends
- Lot 4, 9.23 acres = ±323 trip ends
- Lot 5, 12.03 acres = ±421 trip ends
- Lot 6, 9.63 acres = ±337 trip ends
- Total for Lots 3-6, 41.85 acres = ±1465 trip ends

Water mains are currently in place within the E Villard St and Energy Drive rights-of-way adjacent to this subdivision. Service line connections will be made to these existing mains to serve the lots within this subdivision at the time of development. Lot 2 already has a water and sewer service line in place.

Sanitary sewer service to Lot 2 is already along the east side of this lot. Sanitary sewer service to Lot 1 will be extended by the City from an existing sanitary sewer main along the west edge of this subdivision through the easement provided in the northwest corner of Lot 6. A new public sanitary sewer system will need to be extended through this subdivision to serve the remaining lots, Lots 3-6. This sanitary sewer extension will be constructed by Dickinson Energy Park, LLC as it will serve the lots that they own. This system will begin at the southwest corner of Lot 3 and will extend south through the easement provided as well as Tract 1 to the proposed right-of-way dedication along the north side of E Villard St where it will turn and head west to the existing lift station in Lot 7. Service line stub outs will be provided for Lots 3 thru 6. This sanitary sewer line

location was selected as it lies within the natural low area of the topography, which will allow sanitary waste from all lots to flow to this main by gravity avoiding the need for additional lift stations. After construction and approval of this system by the City of Dickinson, the ownership and maintenance of this system will be turned over to the City.

Tract 1 is to be reserved for stormwater management and public infrastructure as noted on the plat drawing. A stormwater management facility and a portion of the previously mentioned sanitary sewer system are to be constructed within this Tract to serve this development. Lots 3 thru 5 will have pre-vs-post development runoff detained within the regional stormwater management facility that is to be constructed within Tract 1. The location of Tract 1 was selected as it is the current outfall location for runoff from these three lots, which will help to reduce the amount of site grading required to drain runoff from these lots to this facility. After construction of this stormwater management system by Dickinson Energy Park, LLC and approval by the City, Tract 1 will be deeded to the City of Dickinson and future ownership and maintenance of this tract will be the responsibility of the City. The remaining lots do not drain to this tract as they have other runoff outfall locations. Therefore, the remaining lots will need to detain runoff individually within their property in accordance with City Codes and policies at the time of development.

A draft development agreement is included with this application to detail the infrastructure construction requirements and future maintenance responsibilities. In general, the public infrastructure required, i.e. the stormwater management facility in Tract 1 and the proposed sanitary sewer system, will be constructed by Dickinson Energy Park, LLC in accordance with City Standards and Policies. After approval of this infrastructure by the City, this infrastructure will be turned over to the City of Dickinson for future ownership and maintenance.

This subdivision is located within the City's Corporate Limits. The owner does not own or intend to purchase surrounding property. We have not informed neighboring properties of this request. This application is being submitted in accordance with local, state, and federal requirements to the best of our knowledge.

Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



**Andrew Schrank, PE, CFM**  
Highlands Engineering

**office** 701 483 2444  
**fax** 701 483 2610

**email** info@highlandseng.com  
**web** www.highlandseng.com

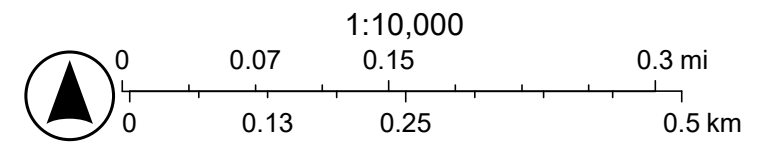
Highlands Engineering & Surveying, PLLC  
319 24th Street East | Dickinson, ND 58601

# Dickinson Land Information Map



12/3/2025

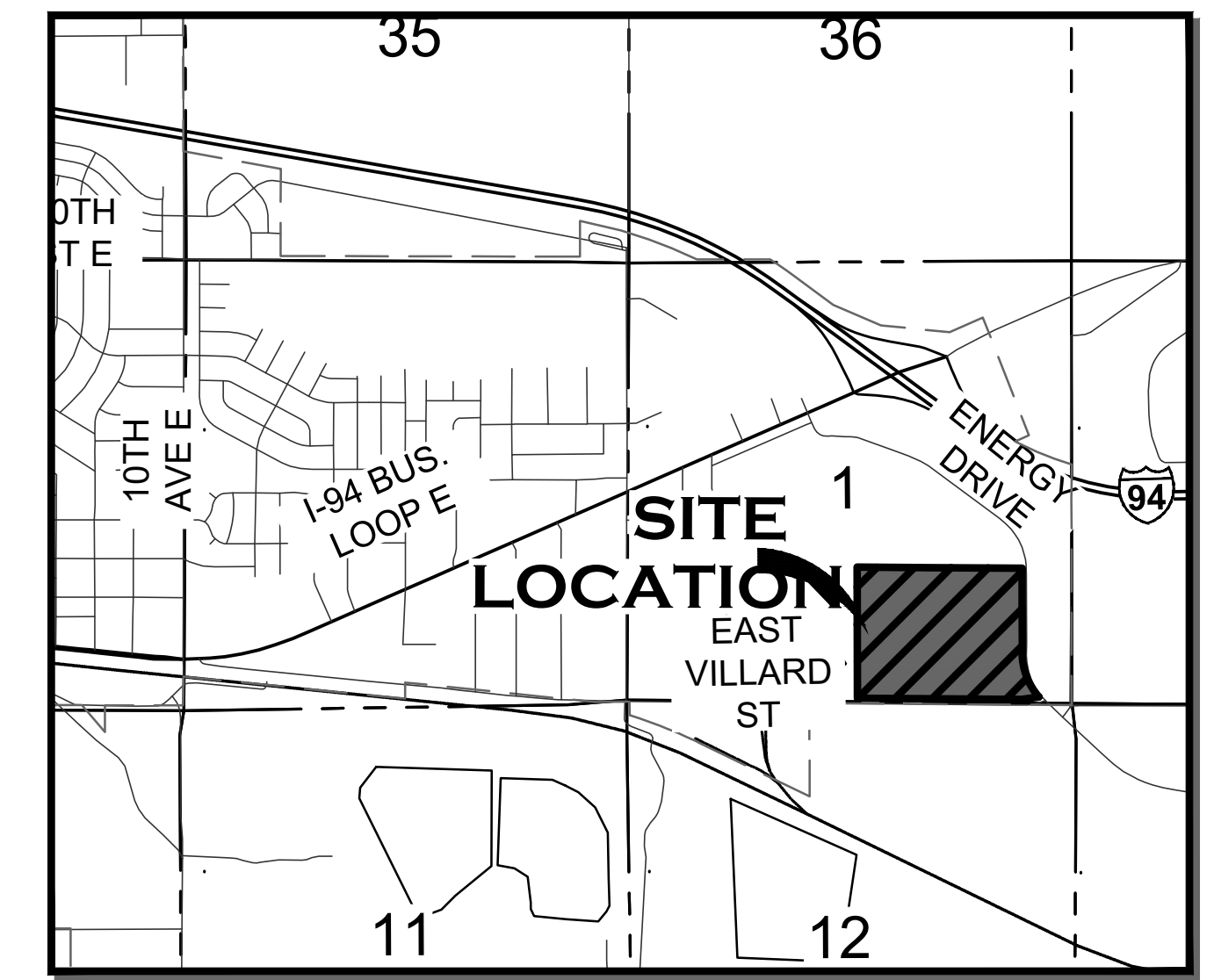
- Dickinson Tax Parcels
- Stark Parcels
- Platted Lot Lines
- Easement Lines
- Municipal Boundary
- Extra Territorial Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata



Vantor, Dickinson Engineering Department, Engineering & Planning

# ENERGY CENTER 6TH ADDITION

BEING THE REPLAT OF LOTS 1, 1A, AND 2, BLOCK 1, ENERGY CENTER 3RD ADDITION  
SE 1/4 SECTION 1, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



VICINITY MAP  
1" = 2000'

### LEGEND

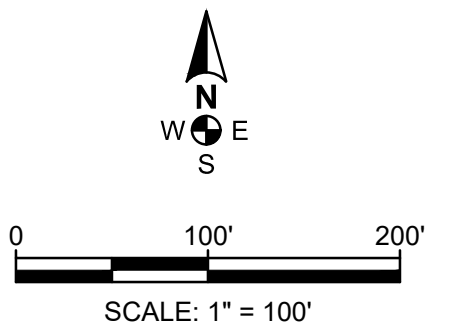
	PROPERTY BOUNDARY
	PROPOSED LOT LINES
	EXISTING LOT LINES
	EXISTING LOT LINES TO BE VACATED
	FOUND MONUMENT
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	SECTION LINE
	SECTION CORNER
	QUARTER CORNER
	PROPOSED EASEMENT CENTERLINE (15' WIDTH TYPICAL)
	PROPOSED DRAINAGE & SANITARY SEWER EASEMENTS
	EXISTING EASEMENTS
	BUILDING SETBACK
	5' MAJOR CONTOURS
	1' MINOR CONTOURS
	100-YEAR FLOODPLAIN SPECIAL FLOOD HAZARD AREA
	REGULATORY FLOODWAY

### PLAT NOTES

- 1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "AE" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0213F, PANEL 213 OF 850, WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.
- 2) THIS PLAT DEDICATES A TOTAL OF 1.28 ACRES OF PUBLIC RIGHT-OF-WAY ALONG THE NORTH SIDE OF E VILLARD STREET AS DEPICTED.
- 3) TRACT 1, BLOCK 1 AS SHOWN BY THIS PLAT SHALL BE RESERVED FOR STORMWATER MANAGEMENT AND PUBLIC INFRASTRUCTURE.
- 4) RECORDED DISTANCES SHOWN ARE REFERENCED TO THE ENERGY CENTER THIRD ADDITION PLAT AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775, AND THE IRREGULAR PLAT OF LOT 1A OF LOT 1, BLOCK 1 OF ENERGY CENTER THIRD ADDITION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587.

### SURVEY NOTES

- 1) DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- 2) SAID PROJECT HAS A CENTRAL MERIDIAN OF LATITUDE: 46°51'42.38098" / LONGITUDE: 102°47'24.24924". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.
- 3) VERTICAL DATUM: NAVD 88, GEOID 03



**HIGHLANDS ENGINEERING**  
319 24TH STREET EAST, DICKINSON, ND 58601  
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER: 241279    SCALE: 1"=100'  
DRAWN BY: AWS    DATE: 12/02/25



# ENERGY CENTER 6TH ADDITION

BEING THE REPLAT OF LOTS 1, 1A, AND 2, BLOCK 1, ENERGY CENTER 3RD ADDITION  
SE¼ SECTION 1, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

AREA RESERVED FOR RECORDER'S OFFICE

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING LOTS ONE (1) AND TWO (2), BLOCK ONE (1) OF ENERGY CENTER THIRD ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, ND AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775. SAID LOT ONE (1) ALSO ENCOMPASSES LOT ONE 'A' (1A) AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587, AND LOT ONE (1) AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171.

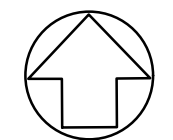
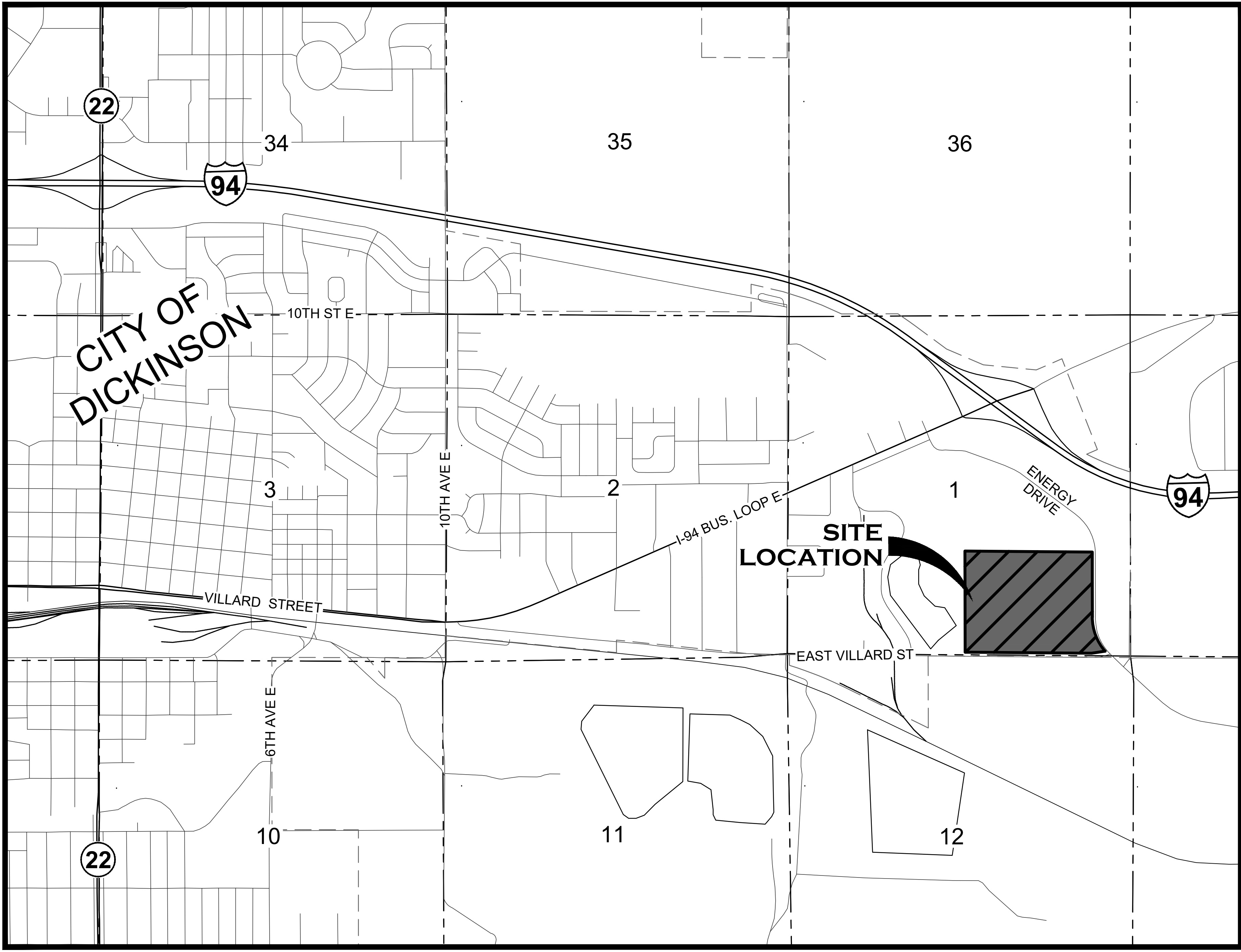
SAID PARCEL CONTAINS 70.71 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

**SURVEYOR'S CERTIFICATE**

I, KC HOMISTON, REGISTERED PROFESSIONAL LAND SURVEYOR, LS-5466, FOR HIGHLANDS ENGINEERING AND SURVEYING, PLLC, RESIDING AT 319 24TH STREET EAST, DICKINSON, N.D., DO HEREBY CERTIFY THAT THE ENERGY CENTER 6TH ADDITION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY. THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466 \_\_\_\_\_



**VICINITY MAP**  
(SCALE: 1" = 1000')



**PROPRIETOR'S CERTIFICATE**

I, \_\_\_\_\_, PRESIDENT OF THE CITY COMMISSION OF THE CITY OF DICKINSON, WHOSE ADDRESS IS 38 1ST ST W, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF LOT 1A, BLOCK 1 OF ENERGY CENTER 3RD ADDITION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587; AND LOT 2, BLOCK 1 OF ENERGY CENTER 3RD ADDITION IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775; DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

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

SIGNATURE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_ TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_

**PROPRIETOR'S CERTIFICATE**

I, \_\_\_\_\_, AUTHORIZED REPRESENTATIVE OF DICKINSON ENERGY PARK, LLC, WHOSE ADDRESS IS 555 HIGHWAY 1804 NE, BISMARCK, ND 58503, THE OWNER AND PROPRIETOR OF THE LOT 1, BLOCK 1 OF ENERGY CENTER 3RD ADDITION IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171; DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

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

SIGNATURE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_ TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_

**CITY OF DICKINSON COMMISSION APPROVAL**

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**CITY PLANNING AND ZONING COMMISSION APPROVAL**

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**CITY ENGINEER APPROVAL**

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**HIGHLANDS ENGINEERING**

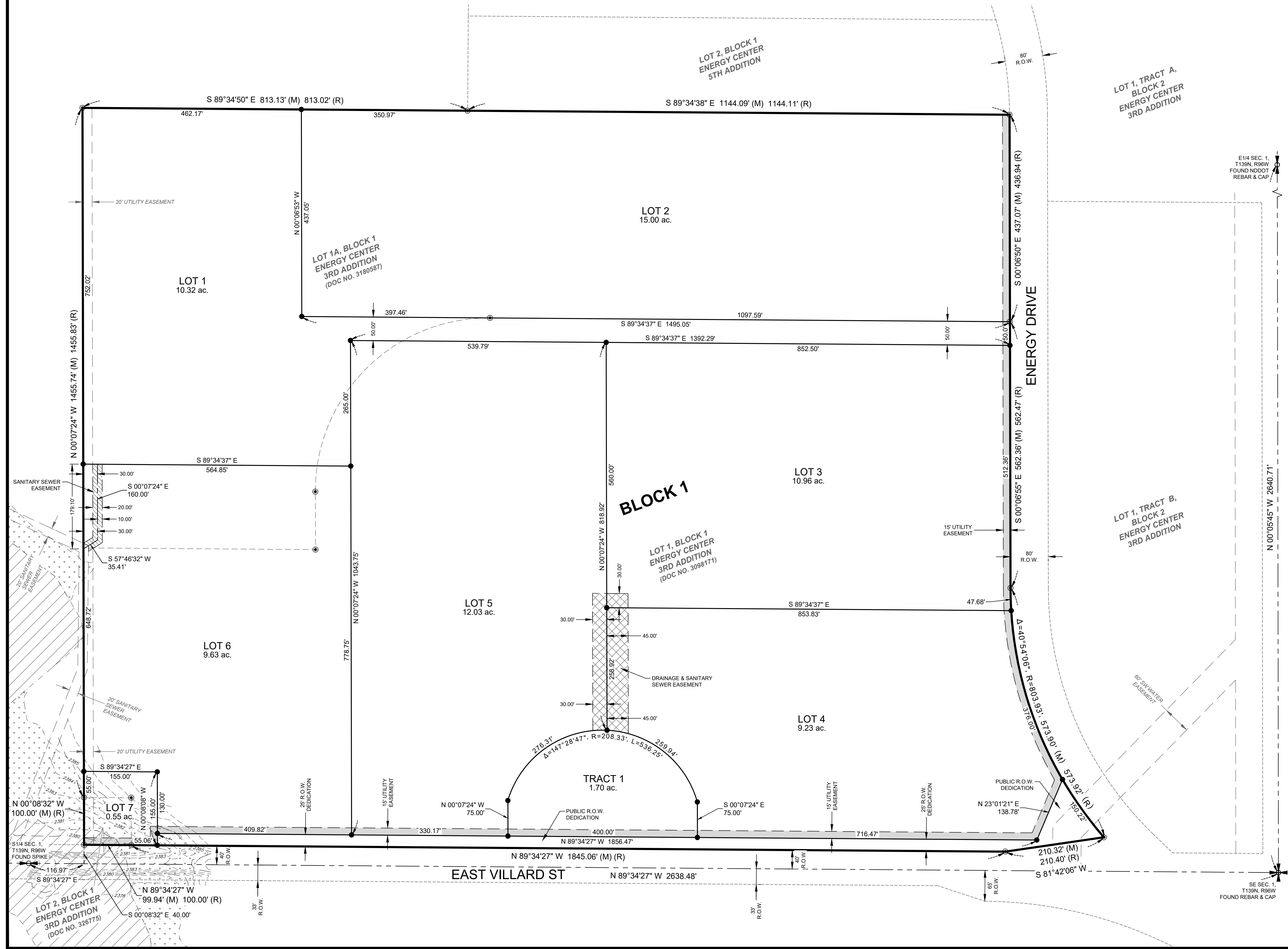
319 24TH STREET EAST, DICKINSON, ND 58601  
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER: 241279	SCALE: 1"=1000'
DRAWN BY: AWS	DATE: 12/02/25

# ENERGY CENTER 6TH ADDITION

BEING THE REPLAT OF LOTS 1, 1A, AND 2, BLOCK 1, ENERGY CENTER 3RD ADDITION  
SE 1/4 SECTION 1, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

AREA RESERVED FOR RECORDER'S OFFICE



### ABBREVIATIONS

R.O.W.	RIGHT-OF-WAY
DOC. NO.	DOCUMENT NUMBER
AC.	ACRE
(M)	MEASURED DISTANCE
(R)	RECORDED DISTANCE

### LEGEND

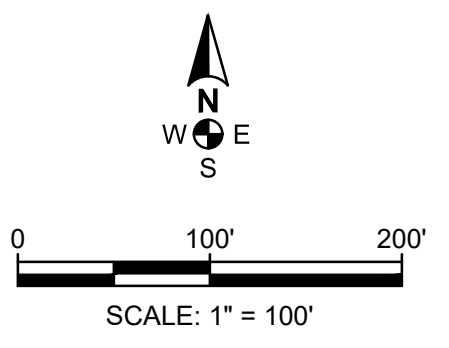
	PROPERTY BOUNDARY
	PROPOSED LOT LINES
	EXISTING LOT LINES
	EXISTING LOT LINES TO BE VACATED
	FOUND REBAR MONUMENT
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	SECTION LINE
	SECTION CORNER
	QUARTER CORNER
	PROPOSED UTILITY EASEMENTS
	PROPOSED DRAINAGE & SANITARY SEWER EASEMENT
	PROPOSED SANITARY SEWER EASEMENT
	EXISTING EASEMENTS
	5' MAJOR CONTOURS
	1' MINOR CONTOURS
	100-YEAR FLOODPLAIN
	SPECIAL FLOOD HAZARD AREA
	REGULATORY FLOODWAY

### PLAT NOTES

- 1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "AE" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0213F, PANEL 213 OF 850, WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.
- 2) THIS PLAT DEDICATES A TOTAL OF 1.28 ACRES OF PUBLIC RIGHT-OF-WAY ALONG THE NORTH SIDE OF E VILLARD STREET AS DEPICTED.
- 3) TRACT 1, BLOCK 1 AS SHOWN BY THIS PLAT SHALL BE RESERVED FOR STORMWATER MANAGEMENT AND PUBLIC INFRASTRUCTURE.
- 4) RECORDED DISTANCES SHOWN ARE REFERENCED TO THE ENERGY CENTER THIRD ADDITION PLAT AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775, AND THE IRREGULAR PLAT OF LOT 1A OF LOT 1, BLOCK 1 OF ENERGY CENTER THIRD ADDITION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587.

### SURVEY NOTES

- 1) DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- 2) SAID PROJECT HAS A CENTRAL MERIDIAN OF LATITUDE: 46°51'42.38098" / LONGITUDE: 102°47'24.24924". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.
- 3) VERTICAL DATUM: NAVD 88, GEOID 03



**HIGHLANDS ENGINEERING**  
319 24TH STREET EAST, DICKINSON, ND 58601  
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
PROJECT NUMBER:	241279	SCALE:	1"=100'
DRAWN BY:	AWS	DATE:	12/02/25





# Dickinson Zoning Information Map




12/3/2025

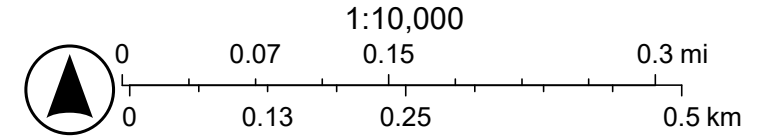
Dickinson Zoning

-  General Commercial - GC
-  General Industrial - GI
-  Limited Industrial - LI

-  Rural Residential - RR
-  Public - P
-  Agricultural - AG
-  Municipal Boundary

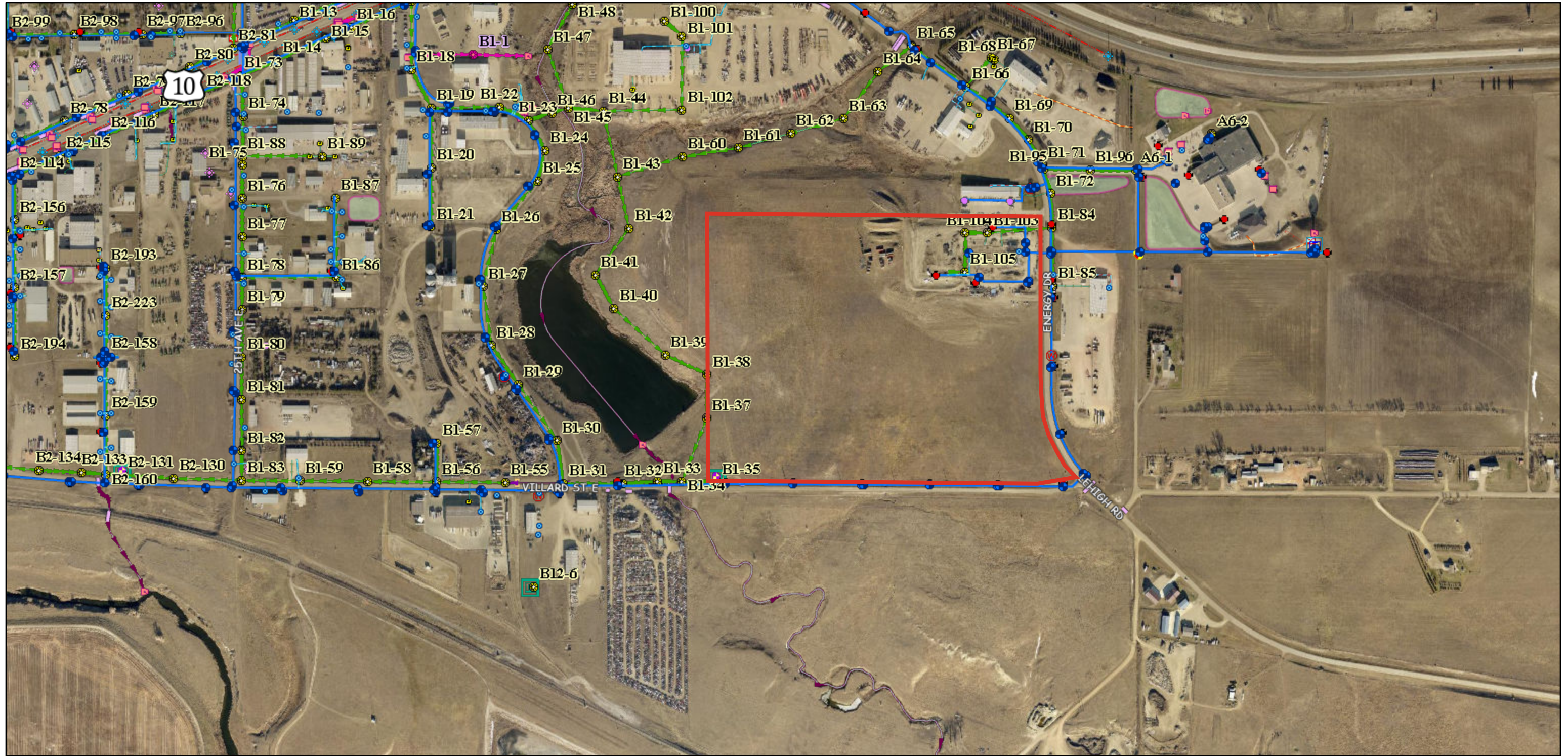
-  Extra Territorial Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery

- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata



Pictometry International, Eagleview, City of Dickinson, Vantor, Dickinson Engineering Department, Engineering & Planning

# Dickinson Utility Information Map



12/3/2025

- |  |   |   |   |   |
|--|---|---|---|---|
| <ul style="list-style-type: none"> <li><span style="color: blue;">●</span> Water Curb Stop Valve</li> <li><span style="color: blue;">■</span> Water System Valve</li> <li><span style="color: orange;">●</span> Normally Closed</li> <li><span style="color: blue;">●</span> Normal Operation</li> <li><span style="color: red;">●</span> Water Hydrant</li> <li><span style="color: red;">●</span> City of Dickinson</li> <li><span style="color: purple;">●</span> Private or Other</li> <li><span style="color: red;">●</span> Water Manhole</li> </ul> | <p><b>Water Network Structures</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px solid blue; display: inline-block; width: 10px; height: 10px;"></span> Enclosed Storage Facility</li> </ul> <p><b>Water Lateral Lines</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 1px solid blue; width: 10px;"></span> Fire</li> <li><span style="border-bottom: 1px solid red; width: 10px;"></span> Hydrant</li> <li><span style="border-bottom: 1px solid blue; width: 10px;"></span> Service</li> </ul> <p><b>Water Main Lines</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid red; width: 10px;"></span> Ductile Iron - From 8 to 12 in</li> </ul> | <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid blue; width: 10px;"></span> Polyvinyl Chloride - From 8 to 12 in</li> <li><span style="border-bottom: 2px solid blue; width: 10px;"></span> Polyvinyl Chloride - Under 8 in</li> <li><span style="border-bottom: 2px solid blue; width: 10px;"></span> Water Casings</li> <li><span style="color: pink;">●</span> Sanitary Control Valve</li> <li><span style="color: yellow;">●</span> Sanitary Clean Outs</li> <li><span style="color: yellow;">●</span> Sanitary Manhole</li> <li><span style="border-bottom: 2px dashed green; width: 10px;"></span> Sanitary Lateral Lines</li> </ul> <p><b>Sanitary Network Structures</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px solid green; display: inline-block; width: 10px; height: 10px;"></span> Lift Station</li> <li><span style="border: 1px solid red; display: inline-block; width: 10px; height: 10px;"></span> Storm Inlets</li> <li><span style="border: 1px solid red; display: inline-block; width: 10px; height: 10px;"></span> Storm Discharge</li> <li><span style="color: red;">●</span> Storm Manholes</li> </ul> | <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid green; width: 10px;"></span> Sanitary Gravity Mains</li> <li><span style="border-bottom: 2px solid purple; width: 10px;"></span> Sanitary Pressurized Mains</li> <li><span style="border-bottom: 2px solid orange; width: 10px;"></span> Sanitary Casings</li> </ul> <p><b>Storm Gravity Mains</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid purple; width: 10px;"></span> Storm Culverts</li> <li><span style="border-bottom: 2px solid purple; width: 10px;"></span> Storm Open Drains</li> <li><span style="border: 1px solid green; display: inline-block; width: 10px; height: 10px;"></span> Storm Detention Structures</li> </ul> <p><b>Poles</b></p> <ul style="list-style-type: none"> <li><span style="color: blue;">◆</span> Streetlight, City of Dickinson</li> <li><span style="color: purple;">◆</span> Streetlight, Roughrider Electric</li> <li><span style="color: green;">◆</span> General Lighting, Private</li> </ul> | <p><b>Wire Access Points</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px solid green; display: inline-block; width: 10px; height: 10px;"></span> Electric-Handhole</li> <li><span style="border: 1px solid orange; display: inline-block; width: 10px; height: 10px;"></span> Electric-Service</li> </ul> <p><b>Wire Lines</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 1px dashed orange; width: 10px;"></span> Communication Networking</li> <li><span style="border-bottom: 1px dashed red; width: 10px;"></span> Streetlight</li> <li><span style="border-bottom: 1px dashed red; width: 10px;"></span> Other</li> </ul> <p>World Imagery</p> |
|--|---|---|---|---|

1:10,000

Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

2.4m Resolution Metadata

Pictometry International, Eagleview, City of Dickinson, Vantor, Dickinson Engineering Department





## DEVELOPMENT AGREEMENT

THIS AGREEMENT (the Agreement), made on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (“Effective Date”) between the City of Dickinson, a political subdivision, hereinafter called the CITY, and the OWNER as identified herein;

OWNER Name and Address: Dickinson Energy Park, LLC  
555 Highway 1804 ND  
Bismarck, ND 58503-6228

For the following described property:

A PARCEL OF LAND BEING LOTS ONE (1) AND TWO (2), BLOCK ONE (1) OF *ENERGY CENTER THIRD ADDITION* TO THE CITY OF DICKINSON, STARK COUNTY, ND AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775. SAID LOT ONE (1) ALSO ENCOMPASSES LOT ONE 'A' (1A) AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587, AND LOT ONE (1) AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171.

SAID PARCEL CONTAINS 70.71 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Also referred to herein as “**Energy Center 6<sup>th</sup> Addition**”;

Also referred to herein as the “**Subject Property**”;

**RECITALS**

WHEREAS, the OWNER is the fee OWNER of a portion of the Subject Property, located in the City of Dickinson, Stark County, North Dakota, legally described as provided above; and

WHEREAS, the OWNER intends on platting the Subject Property; and

WHEREAS, the OWNER and CITY agree that the Subject Property will be improved and developed pursuant to the terms of this Agreement, the approved subdivision plat of the Subject Property, and all applicable CITY ordinances and regulations;

NOW THEREFORE, in mutual consideration of the promises, covenants and agreements of the parties contained herein, the parties hereby agree as follows:

**1. Regulation of Development.** This Agreement is executed in conformance with Article 34 of the City of Dickinson Municipal Code effective as of the date of this agreement and shall satisfy the requirements contained therein for a Subdivision Agreement to be completed prior to the filing and recordation of the plat of the Subject Property. This Agreement shall control the development of the Property and the construction of Municipal Improvements necessary to serve the Subdivision or Subject Property with municipal services. Remedies contained in this Agreement shall be in addition to those otherwise provided by law to the CITY for other violations of the City of Dickinson Municipal Code.

**2. Infrastructure Improvements – Special Conditions.** Public infrastructure improvements will be required to serve portions of the Subject Property. The OWNER and CITY hereby agree that the following are the only public infrastructure improvements required to be constructed as indicated herein and accepted by the CITY:

- a) OWNER shall prepare or have prepared plans and specifications for the construction of a public sanitary sewer system within a portion of the public right-of-way to be dedicated for E Villard St, Tract 1 of Block 1, and the proposed *Drainage and Sanitary Sewer Easement* shown by the plat of the Subject Property. The sanitary sewer system shall be designed in accordance with local and state regulations and shall meet current City Standards, Specifications, and Details. The sanitary sewer main piping shall have a diameter of 8-inches and shall connect to the existing lift station in Lot 7, Block 1 of the Subject Property. This sanitary sewer system shall be designed to provide sanitary sewer service lines to Lots 3 thru 6, Block 1 of the Subject Property.
- b) OWNER shall prepare or have prepared design and plans and specifications for the stormwater management facility within Tract 1, Block 1. This facility shall detain runoff from Lots 3 thru 5, Block 1 of the Subject Property to pre-development rates in accordance with current City Policies. The cost of preparing these plans shall be paid by the OWNER.
- c) Lots 1, 2, 6, and 7 of Block 1 of the Subject Property are not to be served by the stormwater management facility to be located in Tract 1 of Block 1 of the Subject Property as noted by Section 2. b) of this Agreement. These lots will be required to meet the current City codes and policies at the time of development with respect to stormwater management. The stormwater management infrastructure for these individual lots, as required, shall be considered private infrastructure that will be designed, constructed, and maintained by the individual lots owners in accordance with City codes and policies at the time these lots are improved.
- d) The OWNER shall construct or have constructed and shall pay all expenses for construction of the stormwater management facilities and sanitary sewer improvements as depicted by the

plans and specifications approved by the CITY as noted by Section 2. a) and Section 2. b) of this Agreement. A Certificate of Occupancy shall not be issued for any Lot served by these public improvements until the required infrastructure for said Lot is constructed and approved by the CITY.

- e) OWNER shall allow CITY to perform inspection of the public infrastructure improvements to be constructed by OWNER as needed to ensure proper construction in accordance with the approved plans and specifications noted by this Agreement. OWNER shall pay CITY for said inspection services in accordance with the rates defined by the current CITY fee schedule.
- f) Title to, ownership, and maintenance of Public Improvements after construction and acceptance shall be as defined by Section 8 of this Agreement.

**3. Assurance of Infrastructure Completion.** In the event that construction of the required public infrastructure that is to be paid for directly by the OWNER as indicated in Section 2, herein, is not complete at the time of final plat recording for a particular phase of the project, the OWNER hereby agrees that no private improvements shall be constructed within any land located within the Subject Property unless and until a plan for developing and constructing such improvements and infrastructure is approved by the CITY. Such approval will be memorialized by a public infrastructure permit which will be valid for one year from the date of issuance at a fee listed in the current CITY fee schedule. Prior to the CITY recording the Final Plat of the Subject Property, the OWNER shall post with the CITY security in the amount of 130% of the lesser of the estimated construction cost as approved by the City Engineer or actual bid amounts, if available, for said improvements to assure the completion of the required public infrastructure that is to be paid for directly by the OWNER for the Subject Property, as required under Dickinson City Code §34-60. The security posted by the OWNER shall be held by the CITY until the cost of each approved phase(s) of the infrastructure for the whole of the Subject Property has been completed. A full release of the security remaining upon the completion of construction shall be made upon completion of the work, inspection, and final acceptance of the same. The Security remaining upon completion of construction shall remain in effect through warranty examination and final inspection by the CITY as indicated by Section 9, herein.

**4. City Engineer Approval Required.** No improvements within the Subject Property shall be made unless and until necessary plans and specifications therefore have been submitted to and approved by the City Engineer in accordance with the City of Dickinson Municipal Code for the Subject property covered by such plans and specifications.

**5. Subdivision of Land.** The OWNER shall otherwise conform to all requirements regarding the subdivision of land enacted by the City of Dickinson, as set forth in Chapter 34 of the City of Dickinson Municipal Code, as may be amended from time to time. The provision of remedies in this Agreement shall be in addition to those otherwise provided by law to the CITY for other violations of the City of Dickinson Municipal Code.

**6. Permits.** The CITY's approval of this Agreement does not include approval of permits for construction within the Subject Property. The OWNER shall separately apply to the CITY for any building permits, certificates of occupancy, right-of-way permits, or similar approvals for any and all construction within the Subject Property. The OWNER shall notify all prospective lot owners within the Subject Property that the CITY will not accept any building permit or development applications until the CITY has approved the final storm water management plan.

**7. Repairs and Replacements.** The OWNER shall replace, or have replaced, or repair, or have repaired, as the case may be, any and all pipes and monuments within the Subject Property that have been destroyed or damaged by the OWNER or OWNER's agents. The OWNER shall replace, or have replaced, or repair,

or have repaired, as the case may be, the entire cost of such replacement or repair, of any and all property damaged or destroyed by reason of any work done pursuant to this Agreement, whether such property is owned by the United States, or any agency or entity thereof, or the State of North Dakota, or any agency or political subdivision thereof, or by the CITY or by any public or private corporation, or any person whomsoever, or by any combination of such owners. Any such repair or replacement shall be to the satisfaction and subject to the approval of the City Engineer or their designee.

**8. Title to, Ownership, and Maintenance of Public Improvements.** Ownership and maintenance of any and all public municipal improvements within the public rights-of-way, tracts, and drainage and sanitary sewer easements dedicated and granted by the subdivision plat of the Subject Property, shall vest in the CITY upon completion, acceptance, and satisfaction of any warranty issues for such improvements with the following additional requirements:

- a) Upon CITY acceptance of the public infrastructure improvements noted by Section 2. a) and Section 2. b) of this Agreement, CITY shall take ownership and maintenance responsibilities of said infrastructure.
- b) The real property encumbered by easements for public infrastructure within the Subject Property shall be privately owned, but the CITY shall have the rights to access, maintain, repair, improve, remove, and replace the public improvements that are to be owned by the CITY within the easements. The OWNER shall not build, create, construct, or permit to be built, created, or constructed, any obstruction, building, engineering works, or other structures upon, over, or under the strip of land herein described or that would interfere with the public improvements. The OWNER shall not change the existing grade within the easements without prior approval from the CITY. This shall not restrict the OWNER from constructing pavement, fences, landscaping, or utility crossings within the easement that do not adversely affect the public infrastructure. Upon completion of any work within the easements, the CITY shall leave the property in good repair so that there is no unreasonable damage. If the CITY is not able to have the property repaired to its existing condition, the CITY shall pay for damages to the property. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by the OWNER and one by CITY, and these two shall select a third person. The award determined by these three persons shall be final and conclusive.
- c) Tract 1, Block 1 of the Subject Property shall be deeded to the CITY upon completion and acceptance of the improvements required for stormwater management within this tract.

**9. Maintenance Warranty.** For all public municipal improvements within the Subject Property constructed privately by the OWNER, and in accordance with Dickinson City Code §34-60 and Section 3, herein, assurance shall be provided by the OWNER. The amount of this assurance remaining at the completion of construction is to remain in full effect for a warranty period of no less than one (1) year following substantial completion of said improvements. Until the end of this one-year warranty period, the OWNER shall remedy at the OWNER's expense any damage to real or personal property, when that damage is the result of: (1) the OWNER's failure to conform to the requirements of the CITY; or (2) any defect of equipment, material, workmanship, or design furnished. The OWNER shall restore any work damaged in fulfilling the terms and conditions of this Section. The OWNER shall: (1) use commercially reasonable efforts to obtain all warranties that would be given in normal commercial practice; (2) to the extent possible, require all warranties be executed, in writing, for the benefit of the CITY; and (3) enforce all warranties for the benefit of the CITY. In the event the OWNER's warranty as provided herein has expired, the CITY may bring suit at its expense to enforce a subcontractor's, manufacturer's, or supplier's warranty. The OWNER shall have no liability for the improvements made upon expiration of the one-year warranty period.

**10. Agreement Runs with the Land.** This Agreement shall be binding on, and shall inure to the benefit of, the parties hereto and their respective heirs, administrators, representatives, successors, and assigns. This Agreement shall run with the land and shall be recorded with the Office of the Stark County Recorder against the Subject Property. As the OWNER sells individual lots within the Subject Property, the OWNER shall specifically notify the purchaser thereof of this Agreement. All obligations, promises and covenants of the OWNER contained herein shall similarly be binding upon purchasers of lots within the Subject Property.

**11. Severability.** In the event that any provision of this Agreement shall be held invalid, illegal or unenforceable by any court of competent jurisdiction, such holding shall pertain only to such section and shall not invalidate or render unenforceable any other section or provision of this Agreement.

**12. Non-waiver.** Each right, power or remedy conferred upon the CITY or the OWNER by this Agreement is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, or available to the CITY or the OWNER at law or in equity, or under any other agreement. Each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the CITY or the OWNER and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy. If either party waives in writing any default or nonperformance by the other party, such waiver shall be deemed to apply only to such event and shall not waive any other prior or subsequent default.

**13. Governing Law – Venue.** This Agreement shall be governed by and construed according to the laws of the State of North Dakota. The parties hereby stipulate and agree that the District Court, Southwest Judicial District, State of North Dakota, shall have personal jurisdiction over the parties hereto, and that such District Court, Southwest Judicial District, State of North Dakota, is the appropriate and proper venue for resolving any dispute under this Agreement.

**14. Entire Agreement.** This Agreement contains the entire agreement between and among the parties hereto, and supersedes all prior and contemporaneous discussions, negotiations, understandings, and agreements, whether oral or written, express or implied, between or among them relating to the subject matter of this Agreement. This Agreement may not be amended orally, nor shall any purported oral amendment (even if accompanied by partial or complete performance in accordance therewith) be of any legal force or effect or constitute an amendment of this Agreement, but rather this Agreement may be amended only by an agreement in writing signed by the parties.

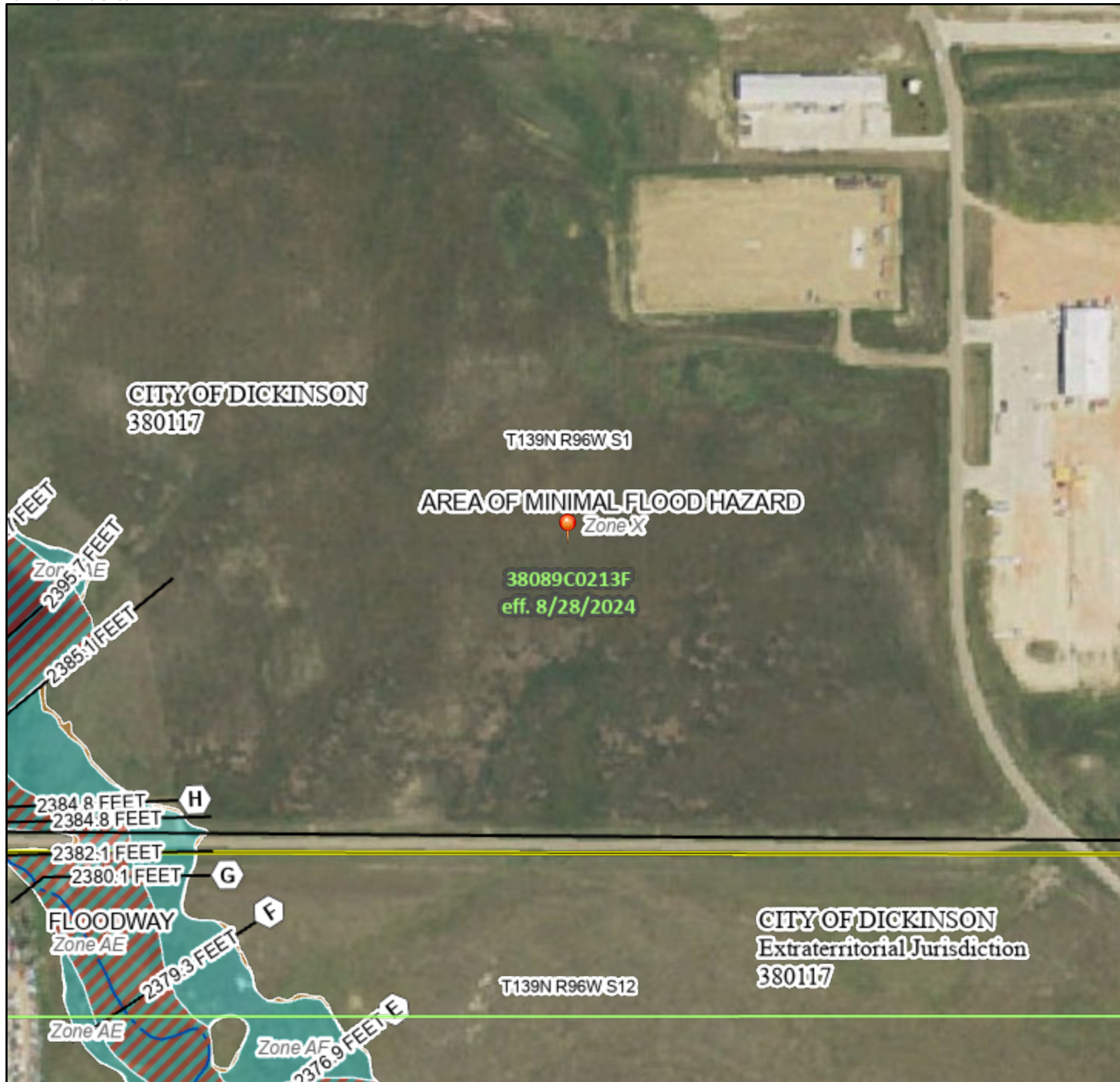




# National Flood Hazard Layer FIRMette



102°44'15"W 46°52'53"N



## Legend

Section 3. Item A.

SEE FIS REPORT FOR DETAILED LEGEND AND INFORMATION

- |                                    |  |  |
|------------------------------------|--|--|
| <b>SPECIAL FLOOD HAZARD AREAS</b>  |  | Without Base Flood Elevation (BFE)<br><i>Zone A, V, A99</i>  |
|                                    |  | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>   |
|                                    |  | Regulatory Floodway  |
| <b>OTHER AREAS OF FLOOD HAZARD</b> |  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
|                                    |  | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>  |
|                                    |  | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>  |
|                                    |  | Area with Flood Risk due to Levee <i>Zone D</i>  |
| <b>OTHER AREAS</b>                 |  | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>   |
|                                    |  | Effective LOMRs  |
| <b>GENERAL STRUCTURES</b>          |  | Area of Undetermined Flood Hazard <i>Zone D</i>  |
|                                    |  | Channel, Culvert, or Storm Sewer   |
|                                    |  | Levee, Dike, or Floodwall  |
| <b>OTHER FEATURES</b>              |  | 20.2 Cross Sections with 1% Annual Chance  |
|                                    |  | 17.5 Water Surface Elevation   |
|                                    |  | Coastal Transect   |
|                                    |  | Base Flood Elevation Line (BFE)  |
|                                    |  | Limit of Study   |
|                                    |  | Jurisdiction Boundary  |
|                                    |  | Coastal Transect Baseline  |
|                                    |  | Profile Baseline   |
|                                    |  | Hydrographic Feature   |
| <b>MAP PANELS</b>                  |  | Digital Data Available   |
|                                    |  | No Digital Data Available  |
|                                    |  | Unmapped   |

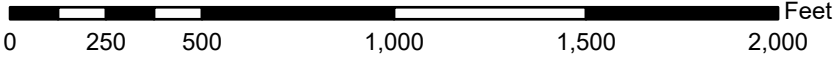


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/3/2025 at 9:54 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date. Map in unmapped and unmodernized areas cannot be used for regulatory purposes.



1:6,000

102°43'37"W 46°52'29"N

# Dickinson FLUM

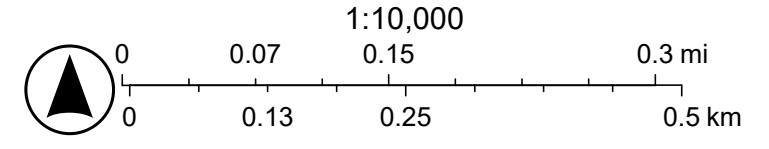


12/3/2025

- Future Land Use
- Industrial
  - Public/Civic
  - Residential
  - Commercial
  - Agricultural
  - ROW or Undesignated
  - Municipal Boundary

- Extra Territorial Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery

High Resolution 30cm Imagery  
 Citations  
 2.4m Resolution Metadata



Pictometry International, Eagleview, City of Dickinson, Vantor, Dickinson Engineering Department, Engineering & Planning



# Energy Center 6<sup>th</sup> Addition Preliminary Major Subdivision Staff Report

To: City of Dickinson Planning and Zoning Commissioners  
 From: City of Dickinson Community Development Services  
 Date: January 7, 2026  
 Re: PLP-001-2026 Energy Center 6<sup>th</sup> Addition Preliminary Major Subdivision

## APPLICANT

Tracy Tooz  
 Dickinson Energy Park, LLC  
 555 Highway 1804 NE  
 Bismarck, ND, 58503

## APPLICANT'S REPRESENTATIVE

Andrew Schrank  
 Highlands Engineering  
 319 24<sup>th</sup> Street East  
 Dickinson ND 58601

## Public Hearing

January 14, 2026

Planning and Zoning Commission

The applicant is requesting approval of the Energy Center 6<sup>th</sup> Addition preliminary major subdivision, being a replat of Lots 1, 1A, and 2 of Block 1 of the Energy Center 3rd Addition Subdivision, located in the SE ¼ of Section 1, Township 139 North, Range 96 West, in the City of Dickinson. The site is zoned General Industrial (GI) and Public (P). The site consists of +/- 70.71 acres.

Staff recommendation: Staff recommends **approval** of this preliminary major subdivision contingent on approval of REZ-001-2026 and associated development agreement.

The companion Energy Center 6<sup>th</sup> rezoning request is also scheduled for public hearing at the January 14, 2026 Planning and Zoning Commission meeting (REZ-001-2026).

**LOCATION**

The property is generally located along Energy Drive, and it is legally described as Lots 1, 1A, and 2 of Block 1 of the Energy Center 3rd Addition Subdivision, located in the SE ¼ of Section 1, Township 139 North, Range 96 West, of the 5<sup>th</sup> Principal Meridian, City of Dickinson, Stark County, North Dakota.

<b>CURRENT ZONING</b>	<b>GI &amp; P</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>PUBLIC/CIVIC</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 70.71 acres</b>
<b>LOTS PROPOSED</b>	<b>7</b>

<b>ADJACENT ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	GI	Industrial; undeveloped
East	GI	Industrial
South	GI	Undeveloped
West	GI	Undeveloped

**CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS**

**Consistency with the Comprehensive Plan**

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated PUBLIC/CIVIC. Public (P) is an acceptable zoning district within the PUBLIC/CIVIC FLUM designation and brings this property into compliance with the future land use map.

**Compatibility and Compliance with The Municipal Code**

A major subdivision plat is defined in Section 52-1 of the City Subdivision chapter as a subdivision that does not meet at least one of the following conditions:

- Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;
- Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;

- Does not violate any local, State or federally adopted law, ordinance, regulation, plan or policy; and
- Consists of four lots or less.

The proposed Energy Center 6<sup>th</sup> Addition Subdivision consists of a total of seven lots and involves the dedication of right-of-way. Therefore, the proposed subdivision does not meet the above requirements and is classified as a major subdivision.

Lots 1, 5, and 6 of the proposed subdivision are currently zoned GI and P, while Lot 7 is currently zoned GI. The applicant is proposing to rezone Lots 1 and 7 entirely into the P zoning district and Lots 5 and 6 entirely into the GI zoning district to conform with the change in ownership of portions of the properties. This proposal is consistent with the existing GI zoning found to the east and south of the site and results in only property owned by the City of Dickinson being located in the P zoning district.

The proposed subdivision replats all of Lot 1 and Lot 2 of the Energy Center 3<sup>rd</sup> Addition into seven total lots. Lot 3 is proposed to be 10.96 acres, Lot 4 is proposed to be 9.23 acres, Lot 5 is proposed to be 12.03 acres, and Lot 6 is proposed to be 9.63 acres, with both being located within the GI zoning district. According to Table 62-162-3c: Summary of Site Development Regulations in the Municipal Code, the minimum lot size for lots in the GI zoning district is 10,000 square feet. All proposed lots meet this development requirement. Lots 1, 2, and 7 would be located in the P zoning district, which does not have a minimum lot size requirement.

A development agreement is being prepared to address the public infrastructure improvements required to be installed with this plat. The development agreement will also address the land swap included with this plat between the applicant and the City of Dickinson.

## **PUBLIC INPUT AND STAFF RECOMMENDATION**

**Public Input:** Staff has not received any public input as of the date of this report.

**Staff Recommendation:** City of Dickinson Community Development staff recommends **approval** of PLP-001-2026 contingent on the approval of REZ-001-2026 and the recording of the associated development agreement.

**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **PLP-001-2026: The Energy Center 6<sup>th</sup> Addition Preliminary Major Subdivision** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

*(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):*

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **PLP-001-2026: The Energy Center 6<sup>th</sup> Addition Preliminary Major Subdivision** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

**Natalie Birchak**

**From:** Jotform <noreply@jotform.com>  
**Sent:** Thursday, December 4, 2025 2:29 PM  
**To:** Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Natalie Birchak; Kylee Zastoupil  
**Subject:** Re: Unified Development Application



## Unified Development Application

Have you met with Planning Staff regarding your application? **Yes**

Please upload the letter or counseling form you received following your pre-application meeting: [Energy Center 3rd Pre-Application Letter.pdf](#)

Type of Development **Rezoning - Zoning Map Amendment**

Name **Tracy Tooz**

Company **Dickinson Energy Park, LLC**

Applicant Email **[REDACTED]**

Applicant Phone # **[REDACTED]**

Applicant Representative (if applicable) **Andrew Schrank**

Applicant Representative Company **Highlands Engineering**

Applicant Representative Email **[REDACTED]**

Applicant Representative Phone # [Redacted]

Owner Name Dickinson Energy Park, LLC City of Dickinson, ND

Owner Address [Redacted]

Owner Email [Redacted]

Owner Phone # [Redacted]

Is the owner present to Sign

Owner Signature Upload [241279 Owner Signature 2024-02-28.pdf](#)

Will this application require any other action to complete the development?

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS) See enclosed transmittal letter and Certificates of Survey for description of areas to be rezoned.

	1/4 Section	Township	Range
Description	SE1/4 Section 1	T139N	R96W

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	Portions of Lots 1 & 2	1	Energy Center 3rd Addition

Property Address / General Project Location Property is generally located northwest of the intersection of Energy Drive and E Villard Street.

Total Square Footage or Acreage of Subject Property 4.22 acres

Transmittal Letter (Explanation of Request & Proposed Operations) [241279 Transmittal-Prelim Plat 2025-12-04.pdf](#)

Existing Zoning **GI - General Industrial**

Proposed Zoning **P- Public**

Rezone Calc Multiplier 1

Overlay District Description n/a

Map of Area to be Rezoned [241279 Plat-Zoning Overview 2025-12-04.pdf](#)  
[241279 COS-Combined-SIGNED 2025-12-04.pdf](#)  
[241279 Legal Descriptions 2025-12-04.docx](#)  
[241279 Plat-FINAL 2025-12-02.pdf](#)  
[241279 Plat-PRELIM 2025-12-02.pdf](#)  
[241279 FIRMETTE 2025-12-03.pdf](#)  
[241279 FLUM 2025-12-03.pdf](#)  
[241279 Parcel Map 2025-12-03.pdf](#)  
[241279 Preliminary Site Plan 2025-12-03.pdf](#)  
[241279 Utility Map 2025-12-03.pdf](#)  
[241279 Zoning Map 2025-12-03.pdf](#)  
[241279 Development Agreement-2025-12-04.docx](#)

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 250

Deed for Property [3109483 Deed.pdf](#)

Application Fees **Applicable Fees** 250.00 USD

Total: \$250.00

Transaction ID: jvmrwqjh

Payment Information

First Name: Andrew  
Last Name: Schrank  
E-Mail: [REDACTED]

Applicant Signature 

Date

12-04-2025

---

You can [edit this submission](#) and [view all your submissions](#) easily.

**Attachments:** Because the total size is more than **5MB** the uploads are not attached.



## Transmittal Letter

**To:** Natalie Birchak – Planner  
City of Dickinson  
38 1<sup>st</sup> Street West  
Dickinson, ND 58601

**From:** Andrew Schrank, PE  
Highlands Engineering  
319 24<sup>th</sup> Street East  
Dickinson, ND 58601  
701.483.2444  
schrank@highlandseng.com

**Date:** December 4, 2025

**Re:** Rezone and Preliminary Plat Application – Energy Center 6<sup>th</sup> Addition

**Message:** Enclosed you will find the following Rezoning and Preliminary Plat application documents for the above-mentioned project being submitted for consideration at the next Planning and Zoning Meeting:

- Written Statement (included, below)
- Dickinson Energy Park, LLC Deed
- Five (5) Certificates of Survey with Legal Descriptions of Rezoning areas.
- Word Document including Legal Descriptions of Rezoned Parcels
- Preliminary Plat drawing with Aerial Imagery Overlay
- Draft of Final Plat drawing
- Preliminary Site Improvement Plan
- Draft Development Agreement
- Parcel map from the City's GIS page
- FLUM from the City's GIS page
- Zoning map from the City's GIS page
- Utility map from the City's GIS page
- FEMA FIRMette for Project Area

## WRITTEN STATEMENT

This proposed rezone and preliminary plat application for Energy Center 6<sup>th</sup> Addition is intended to create four (4) industrial lots, being Lots 3 thru 6 as shown by the enclosed plat drawing, for Dickinson Energy Park, LLC to market for sale for future general industrial development. This plat also includes three (3) lots for the City of Dickinson. Lot 1 is intended for the proposed Public Safety Training Facility that the City plans to build, Lot 2 encompasses the 15-acre lease lot for the ND National Guard Facility, and Lot 7 contains an existing City of Dickinson lift station.

A plat application was previously submitted and approved for the area owned by Dickinson Energy Park, LLC about 2 years ago, but the subdivision plat was never recorded. This previous application included a right-of-way dedication through this site for a proposed public roadway and water line to serve the City property to the north and west of this proposed right-of-way. In accordance with the development agreement for this previous application, this infrastructure was to be paid for largely by a federal grant that the City applied for the last 2 years but was not awarded. Since this federal funding was not approved, this revised plan is being submitted to remove this public right-of-way through the site which reduces the public infrastructure improvements required; therefore, greatly reducing the cost to develop this property.

Upon approval of this plat, land conveyances will be necessary between Dickinson Energy Park, LLC and the City of Dickinson to match ownership to the proposed platted lot lines. These land conveyances are proposed as a roughly equal area land swap between these parties, so no additional compensation for this transfer is necessary. These conveyances will allow for a private access road to be constructed by the City to extend along the south side of the ND National Guard site which will provide a second access said site, and which will provide access to the future City Public Safety Training Facility in Lot 1. This land conveyance will eliminate the need for the public roadway and water line through this subdivision that was proposed as part of the previous plat application for this site that was approved approximately two years ago. A couple of other small portions of property will be conveyed to eliminate the existing curved boundary lines and to "square up" the proposed lot lines. A portion of the southwest corner of this property is also being conveyed to the City of Dickinson to allow additional area for potential future expansion of the lift station in what is proposed as Lot 7. The final area included in this land transfer is the very southeast corner of this site, which is being dedicated as public right-of-way by this plat for a potential future roundabout at the intersection of Energy Drive and E Villard Street. The 25-foot right-of-way dedication along the north side of E Villard Street is not included in these land conveyance areas as this is necessary for the construction of the sanitary sewer system to serve the lots owned by Dickinson Energy Park, LLC. It was decided to dedicate this

area as right-of-way rather than placing an easement here to allow for future expansion E Villard St and so that this restricted area is not part of the property tax calculation for these lots. The following bullets summarize the proposed land swaps that are proposed as part of this subdivision:

- Conveyances from Dickinson Energy Park, LLC to City of Dickinson:
  - Parcel A – 1.40 acres
  - Parcel C – 0.17 acres
  - Parcel E – 0.32 acres
  - R.O.W. Dedication for future roundabout at Energy Dr and E Villard St intersection – 0.21 acres (dedicated by Plat, no other conveyance needed)
  - Total – 2.10 acres
- Conveyances from City of Dickinson to Dickinson Energy Park, LLC:
  - Parcel B – 0.11 acres
  - Parcel D – 1.99 acres
  - Total – 2.10 acres

As shown by the enclosed zoning map for this site, the portion of this property owned by the City, being Lot 1A, is zoned Public (P), and the remaining portion of this site is zoned General Industrial (GI). To meet the City Ordinance that zoning match platted lot lines, the areas being conveyed as noted above will require zone changes to match the zoning of the lot they will accompany. We are also requesting that Lot 7, which includes the City Lift Station, be zoned Public (P). The proposed zone changes requested in combination with this plat are as follows:

- Rezone from General Industrial (GI) to Public (P):
  - Parcel A – 1.40 acres
  - Parcel C – 0.17 acres
  - Parcel E – 0.32 acres
  - Lot 2, Block 1, Energy Center 3<sup>rd</sup> Addition – 0.23 acres
- Rezone from Public (P) to General Industrial (GI):
  - Parcel B – 0.11 acres
  - Parcel D – 1.99 acres

Access to each lot will be provided from the rights-of-way adjacent to this subdivision, as each lot proposed will abut a public right-of-way. Lot 2 already has access to Energy Drive at the northeast corner of this lot. A future private access road is planned to be constructed by the City through the 50-foot area south of Lot 2 to provide a second access to Lot 2 and to access the future public training facility that is planned to be constructed within Lot 1. Access to the remaining lots will come from the E Villard St and Energy Drive rights-of-way as approved by the City at the time of building permit approval.

As part of the pre-application letter, City Staff requested trip generation information for this site. The lots to be owned by the City, Lots 1, 2, and 7, were not included in this trip generation analysis as the City is more familiar with the use of these lots and should be able to provide their own traffic data as necessary. Trip generation information available from the ITE Trip Generation Manual, 10<sup>th</sup> Edition, was reviewed to determine the most appropriate land use category available to generate trip estimates for Lots 3-6. A Land Use category with industrial uses having information available based on the acreage of the property was desired as this is all that is known about the intended use of this property at this time. The “Manufacturing” land use was the most applicable category that met these requirements. The ITE Manual defines this category as “an area where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to the actual production of goods, manufacturing facilities generally also have office, warehouse, research, and associated functions.” The average rate of trip ends generated for this land use are 35.02 per acre with 50% entering and 50% leaving and a standard deviation of 28.72 vehicles according to the ITE Manual. It should be noted that this information provided may vary greatly based on how each lot is developed and the actual uses of this land, which is indicated by the high standard deviation of this data. The following bullets depict trip ends anticipated for Lots 3-6 in this development.

- Lot 3, 10.96 acres = ±384 trip ends
- Lot 4, 9.23 acres = ±323 trip ends
- Lot 5, 12.03 acres = ±421 trip ends
- Lot 6, 9.63 acres = ±337 trip ends
- Total for Lots 3-6, 41.85 acres = ±1465 trip ends

Water mains are currently in place within the E Villard St and Energy Drive rights-of-way adjacent to this subdivision. Service line connections will be made to these existing mains to serve the lots within this subdivision at the time of development. Lot 2 already has a water and sewer service line in place.

Sanitary sewer service to Lot 2 is already along the east side of this lot. Sanitary sewer service to Lot 1 will be extended by the City from an existing sanitary sewer main along the west edge of this subdivision through the easement provided in the northwest corner of Lot 6. A new public sanitary sewer system will need to be extended through this subdivision to serve the remaining lots, Lots 3-6. This sanitary sewer extension will be constructed by Dickinson Energy Park, LLC as it will serve the lots that they own. This system will begin at the southwest corner of Lot 3 and will extend south through the easement provided as well as Tract 1 to the proposed right-of-way dedication along the north side of E Villard St where it will turn and head west to the existing lift station in Lot 7. Service line stub outs will be provided for Lots 3 thru 6. This sanitary sewer line

location was selected as it lies within the natural low area of the topography, which will allow sanitary waste from all lots to flow to this main by gravity avoiding the need for additional lift stations. After construction and approval of this system by the City of Dickinson, the ownership and maintenance of this system will be turned over to the City.

Tract 1 is to be reserved for stormwater management and public infrastructure as noted on the plat drawing. A stormwater management facility and a portion of the previously mentioned sanitary sewer system are to be constructed within this Tract to serve this development. Lots 3 thru 5 will have pre-vs-post development runoff detained within the regional stormwater management facility that is to be constructed within Tract 1. The location of Tract 1 was selected as it is the current outfall location for runoff from these three lots, which will help to reduce the amount of site grading required to drain runoff from these lots to this facility. After construction of this stormwater management system by Dickinson Energy Park, LLC and approval by the City, Tract 1 will be deeded to the City of Dickinson and future ownership and maintenance of this tract will be the responsibility of the City. The remaining lots do not drain to this tract as they have other runoff outfall locations. Therefore, the remaining lots will need to detain runoff individually within their property in accordance with City Codes and policies at the time of development.

A draft development agreement is included with this application to detail the infrastructure construction requirements and future maintenance responsibilities. In general, the public infrastructure required, i.e. the stormwater management facility in Tract 1 and the proposed sanitary sewer system, will be constructed by Dickinson Energy Park, LLC in accordance with City Standards and Policies. After approval of this infrastructure by the City, this infrastructure will be turned over to the City of Dickinson for future ownership and maintenance.

This subdivision is located within the City's Corporate Limits. The owner does not own or intend to purchase surrounding property. We have not informed neighboring properties of this request. This application is being submitted in accordance with local, state, and federal requirements to the best of our knowledge.

Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



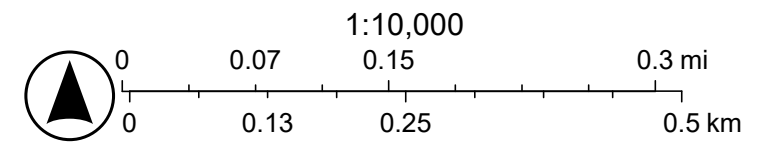
**Andrew Schrank, PE, CFM**  
Highlands Engineering

# Dickinson Land Information Map



12/3/2025

- Dickinson Tax Parcels
- Stark Parcels
- Platted Lot Lines
- Easement Lines
- Municipal Boundary
- Extra Territorial Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata






Vantor, Dickinson Engineering Department, Engineering & Planning





# Dickinson Zoning Information Map




12/3/2025

Dickinson Zoning

-  General Commercial - GC
-  General Industrial - GI
-  Limited Industrial - LI

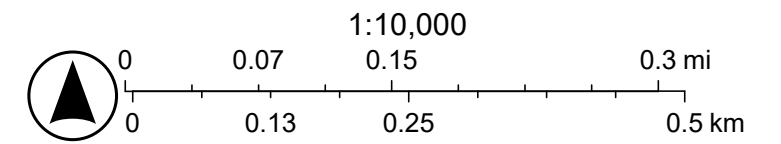
-  Rural Residential - RR
-  Public - P
-  Agricultural - AG
-  Municipal Boundary

-  Extra Territorial Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

2.4m Resolution Metadata



Pictometry International, Eagleview, City of Dickinson, Vantor, Dickinson Engineering Department, Engineering & Planning

# Dickinson FLUM

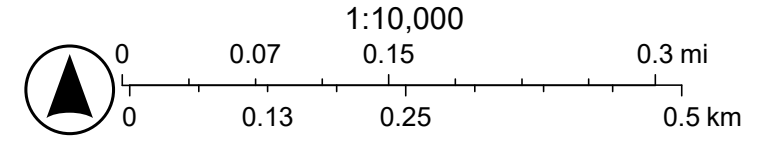


12/3/2025

- Future Land Use
- Industrial
  - Public/Civic
  - Residential
  - Commercial
  - Agricultural
  - ROW or Undesignated
  - Municipal Boundary

- Extra Territorial Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery

High Resolution 30cm Imagery  
 Citations  
 2.4m Resolution Metadata



Pictometry International, Eagleview, City of Dickinson, Vantor, Dickinson Engineering Department, Engineering & Planning



# ENERGY CENTER 6TH ADDITION

BEING THE REPLAT OF LOTS 1, 1A, AND 2, BLOCK 1, ENERGY CENTER 3RD ADDITION  
SE¼ SECTION 1, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

AREA RESERVED FOR RECORDER'S OFFICE

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING LOTS ONE (1) AND TWO (2), BLOCK ONE (1) OF ENERGY CENTER THIRD ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, ND AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775. SAID LOT ONE (1) ALSO ENCOMPASSES LOT ONE 'A' (1A) AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587, AND LOT ONE (1) AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171.

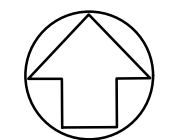
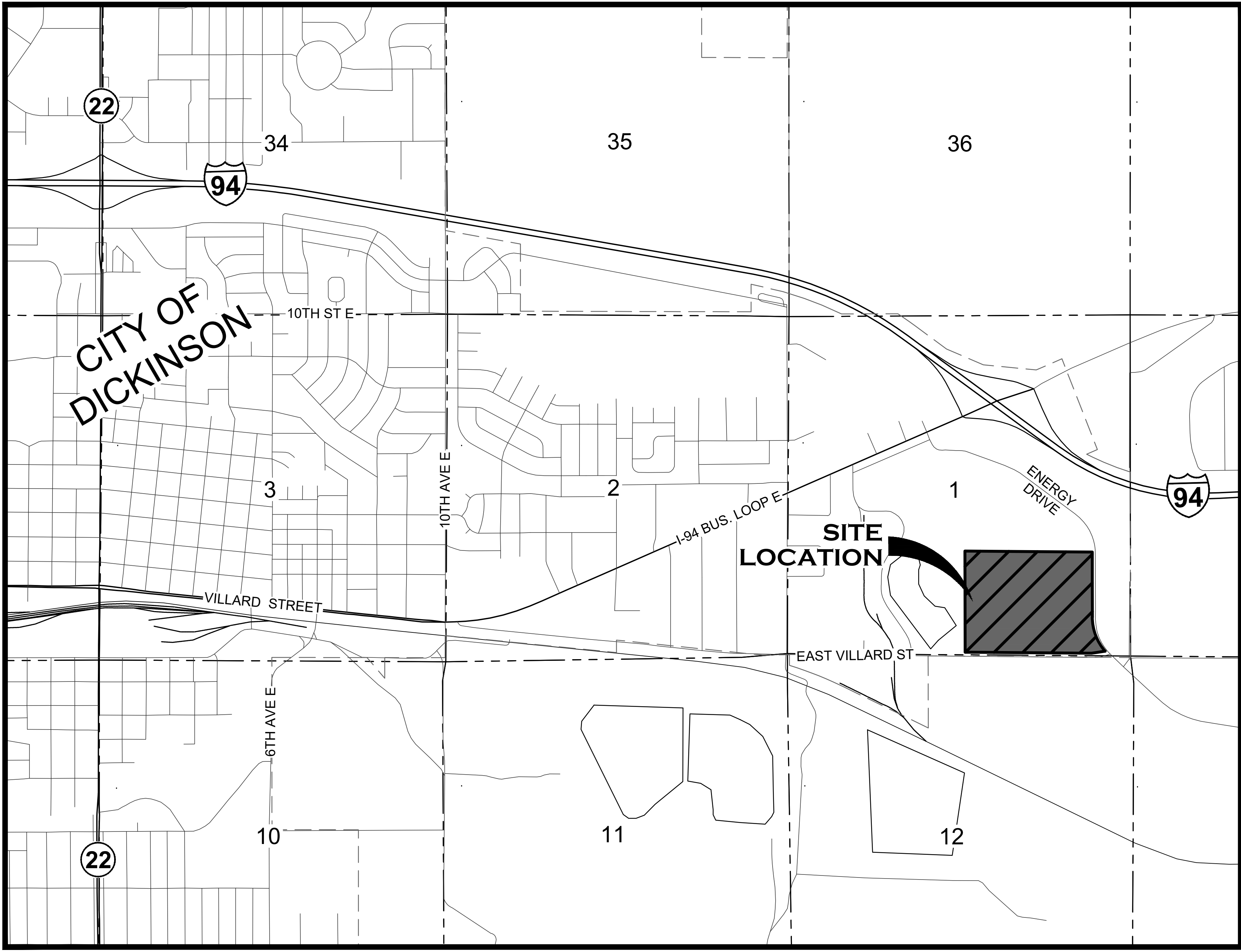
SAID PARCEL CONTAINS 70.71 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

**SURVEYOR'S CERTIFICATE**

I, KC HOMISTON, REGISTERED PROFESSIONAL LAND SURVEYOR, LS-5466, FOR HIGHLANDS ENGINEERING AND SURVEYING, PLLC, RESIDING AT 319 24TH STREET EAST, DICKINSON, N.D., DO HEREBY CERTIFY THAT THE ENERGY CENTER 6TH ADDITION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY. THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466 \_\_\_\_\_



**VICINITY MAP**  
(SCALE: 1" = 1000')



**PROPRIETOR'S CERTIFICATE**

I, \_\_\_\_\_, PRESIDENT OF THE CITY COMMISSION OF THE CITY OF DICKINSON, WHOSE ADDRESS IS 38 1ST ST W, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF LOT 1A, BLOCK 1 OF ENERGY CENTER 3RD ADDITION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587; AND LOT 2, BLOCK 1 OF ENERGY CENTER 3RD ADDITION IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775; DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

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

SIGNATURE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_ TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_

**PROPRIETOR'S CERTIFICATE**

I, \_\_\_\_\_, AUTHORIZED REPRESENTATIVE OF DICKINSON ENERGY PARK, LLC, WHOSE ADDRESS IS 555 HIGHWAY 1804 NE, BISMARCK, ND 58503, THE OWNER AND PROPRIETOR OF THE LOT 1, BLOCK 1 OF ENERGY CENTER 3RD ADDITION IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171; DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

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

SIGNATURE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_ TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_

**CITY OF DICKINSON COMMISSION APPROVAL**

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**CITY PLANNING AND ZONING COMMISSION APPROVAL**

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**CITY ENGINEER APPROVAL**

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**HIGHLANDS ENGINEERING**

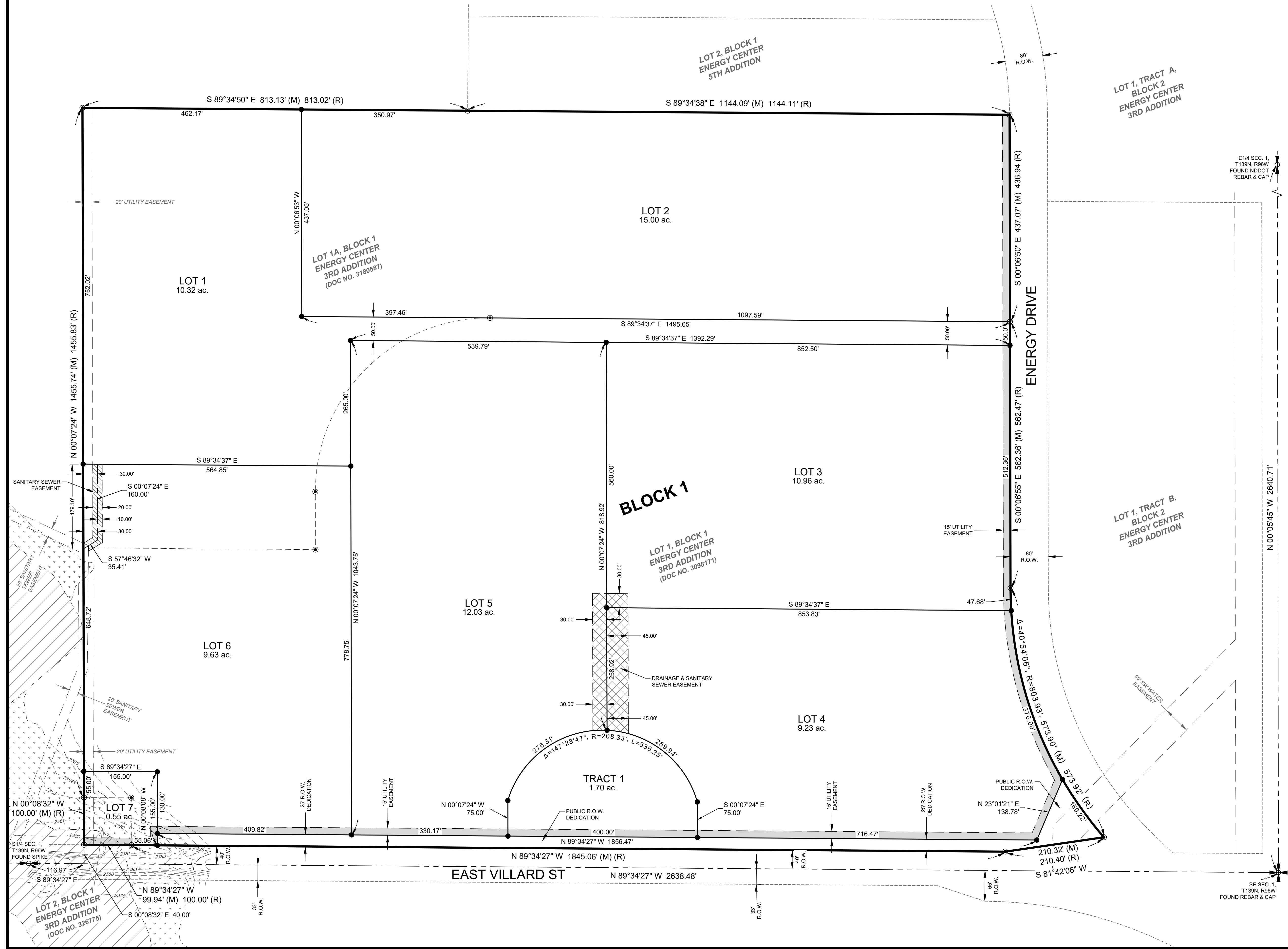
319 24TH STREET EAST, DICKINSON, ND 58601  
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER: 241279	SCALE: 1"=1000'
DRAWN BY: AWS	DATE: 12/02/25

# ENERGY CENTER 6TH ADDITION

BEING THE REPLAT OF LOTS 1, 1A, AND 2, BLOCK 1, ENERGY CENTER 3RD ADDITION  
SE 1/4 SECTION 1, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

AREA RESERVED FOR RECORDER'S OFFICE



### ABBREVIATIONS

R.O.W.	RIGHT-OF-WAY
DOC. NO.	DOCUMENT NUMBER
AC.	ACRE
(M)	MEASURED DISTANCE
(R)	RECORDED DISTANCE

### LEGEND

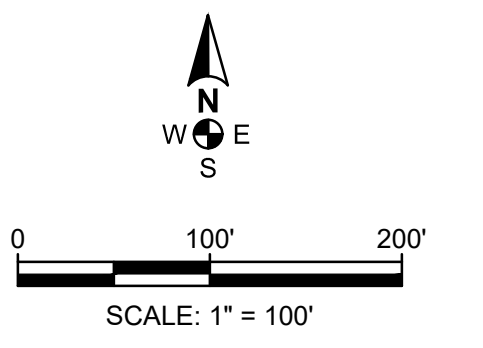
	PROPERTY BOUNDARY
	PROPOSED LOT LINES
	EXISTING LOT LINES
	EXISTING LOT LINES TO BE VACATED
	FOUND REBAR MONUMENT
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	SECTION LINE
	SECTION CORNER
	QUARTER CORNER
	PROPOSED UTILITY EASEMENTS
	PROPOSED DRAINAGE & SANITARY SEWER EASEMENT
	PROPOSED SANITARY SEWER EASEMENT
	EXISTING EASEMENTS
	5' MAJOR CONTOURS
	1' MINOR CONTOURS
	100-YEAR FLOODPLAIN
	SPECIAL FLOOD HAZARD AREA
	REGULATORY FLOODWAY

### PLAT NOTES

- 1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "AE" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0213F, PANEL 213 OF 850, WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.
- 2) THIS PLAT DEDICATES A TOTAL OF 1.28 ACRES OF PUBLIC RIGHT-OF-WAY ALONG THE NORTH SIDE OF E VILLARD STREET AS DEPICTED.
- 3) TRACT 1, BLOCK 1 AS SHOWN BY THIS PLAT SHALL BE RESERVED FOR STORMWATER MANAGEMENT AND PUBLIC INFRASTRUCTURE.
- 4) RECORDED DISTANCES SHOWN ARE REFERENCED TO THE ENERGY CENTER THIRD ADDITION PLAT AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775, AND THE IRREGULAR PLAT OF LOT 1A OF LOT 1, BLOCK 1 OF ENERGY CENTER THIRD ADDITION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587.

### SURVEY NOTES

- 1) DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- 2) SAID PROJECT HAS A CENTRAL MERIDIAN OF LATITUDE: 46°51'42.38098" / LONGITUDE: 102°47'24.24924". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.
- 3) VERTICAL DATUM: NAVD 88, GEOID 03



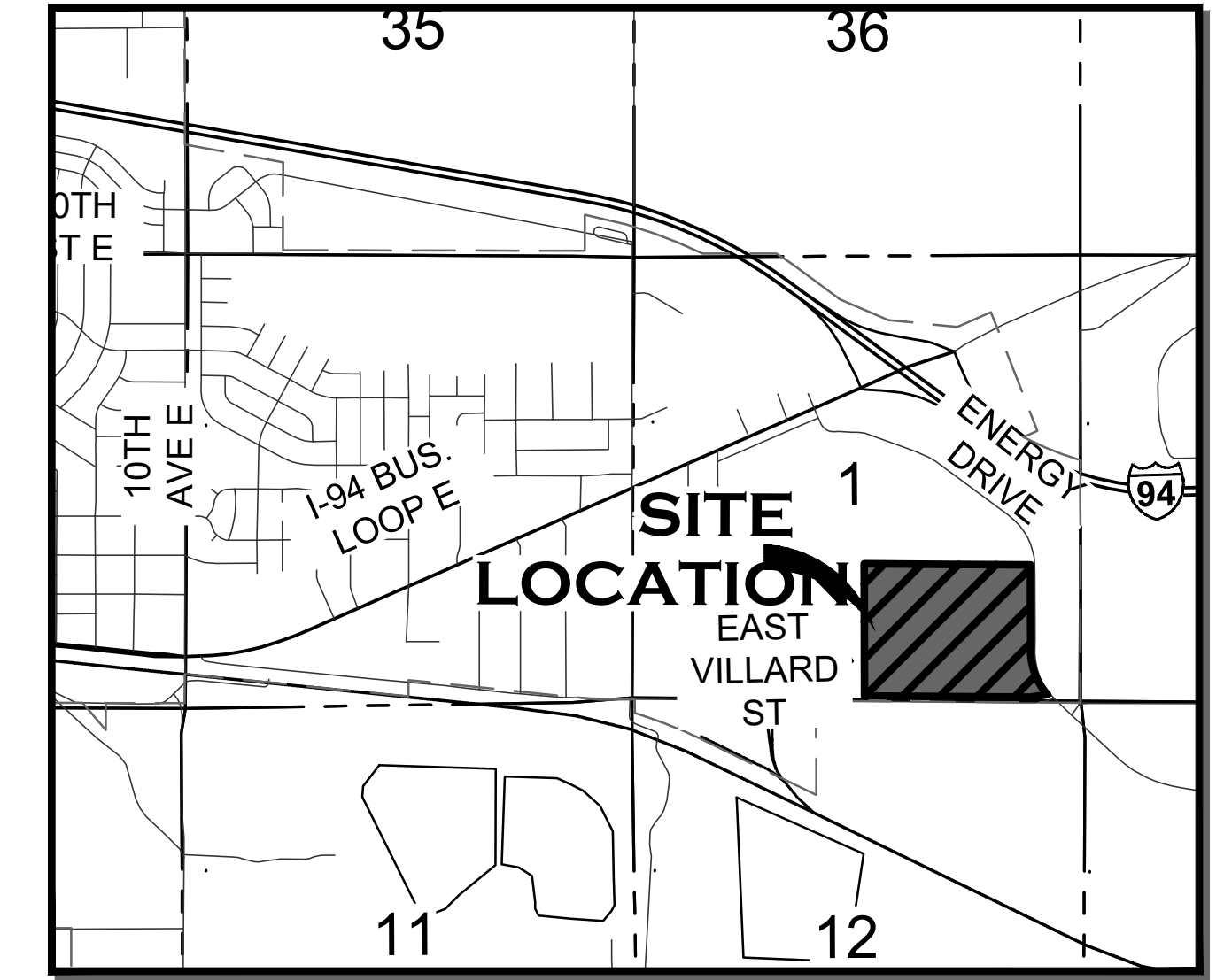
**HIGHLANDS ENGINEERING**

319 24TH STREET EAST, DICKINSON, ND 58601  
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER: 241279	SCALE: 1"=100'
DRAWN BY: AWS	DATE: 12/02/25

# ENERGY CENTER 6TH ADDITION

BEING THE REPLAT OF LOTS 1, 1A, AND 2, BLOCK 1, ENERGY CENTER 3RD ADDITION  
SE 1/4 SECTION 1, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



**VICINITY MAP**  
1" = 2000'

### LEGEND

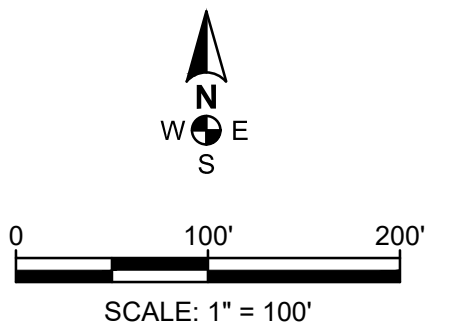
	PROPERTY BOUNDARY
	PROPOSED LOT LINES
	EXISTING LOT LINES
	EXISTING LOT LINES TO BE VACATED
	FOUND MONUMENT
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	SECTION LINE
	SECTION CORNER
	QUARTER CORNER
	PROPOSED EASEMENT CENTERLINE
	PROPOSED UTILITY EASEMENTS (15' WIDTH TYPICAL)
	PROPOSED DRAINAGE & SANITARY SEWER EASEMENTS
	PROPOSED SANITARY SEWER EASEMENT
	EXISTING EASEMENTS
	BUILDING SETBACK
	5' MAJOR CONTOURS
	1' MINOR CONTOURS
	100-YEAR FLOODPLAIN
	SPECIAL FLOOD HAZARD AREA
	REGULATORY FLOODWAY

### PLAT NOTES

- 1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "AE" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0213F, PANEL 213 OF 850, WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.
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- 3) VERTICAL DATUM: NAVD 88, GEOID 03



**HIGHLANDS ENGINEERING**  
319 24TH STREET EAST, DICKINSON, ND 58601  
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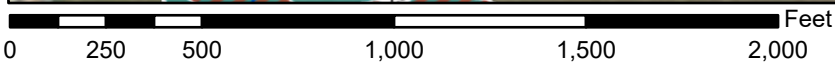
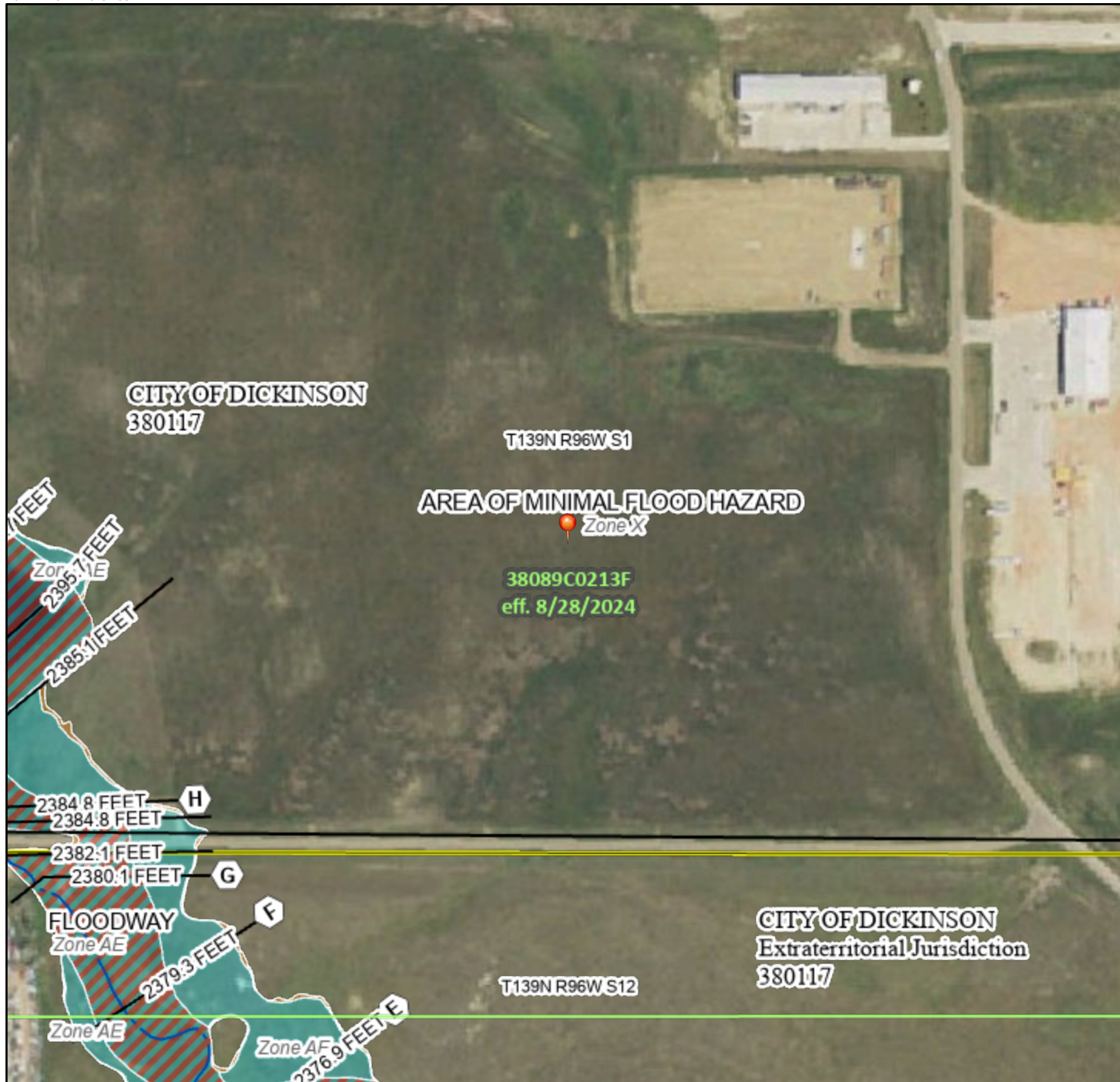
PROJECT NUMBER: 241279    SCALE: 1"=100'  
DRAWN BY: AWS    DATE: 12/02/25



# National Flood Hazard Layer FIRMette



102°44'15"W 46°52'53"N



1:6,000

102°43'37"W 46°52'29"N

Basemap Imagery Source: USGS National Map 2023

## Legend

Section 3. Item B.

SEE FIS REPORT FOR DETAILED LEGEND AND INFORMATION

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

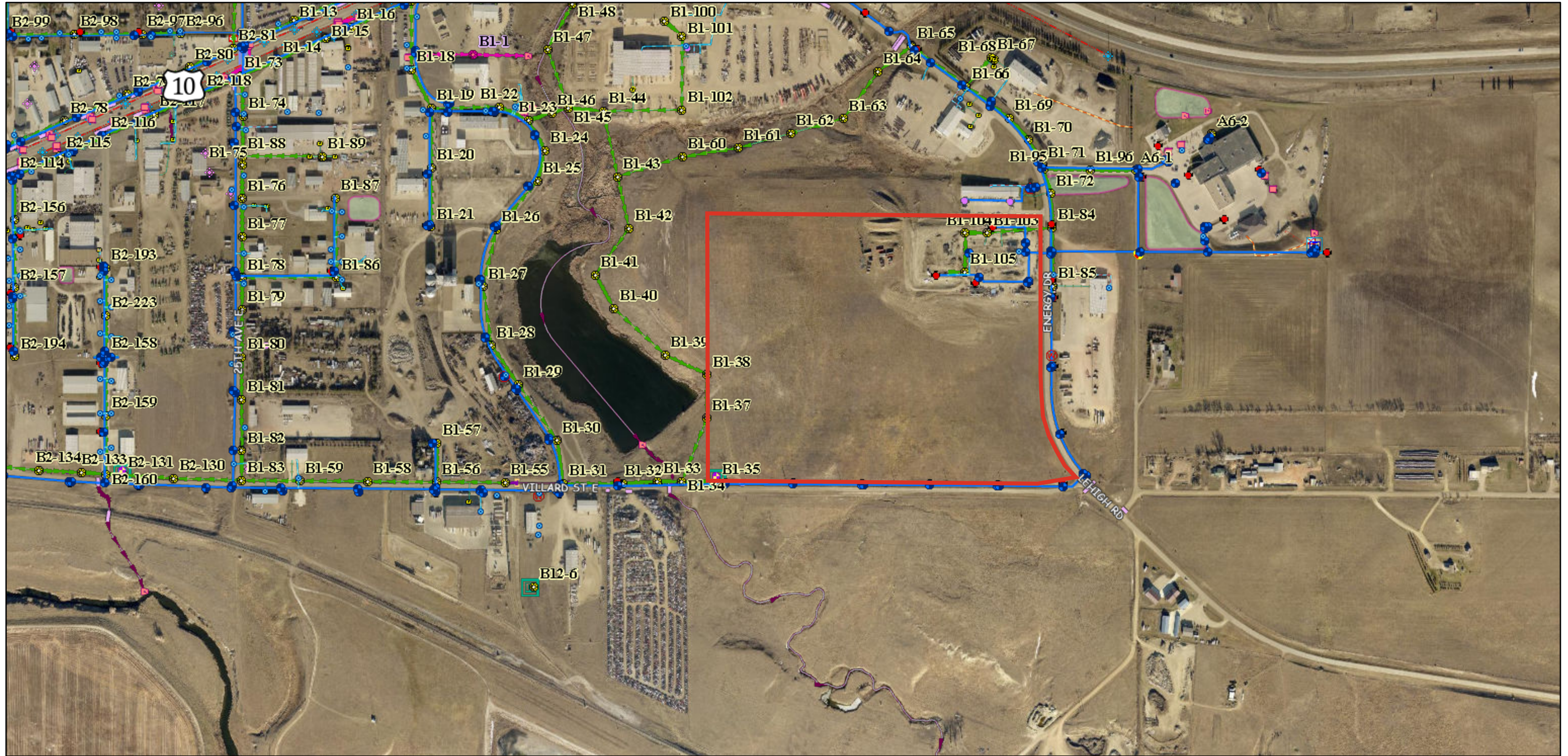


This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/3/2025 at 9:54 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

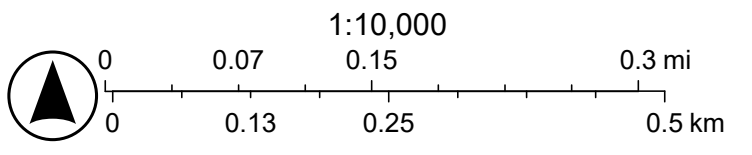
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date. Map in unmapped and unmodernized areas cannot be used for regulatory purposes.

# Dickinson Utility Information Map



12/3/2025

- |  |   |   |  |   |
|--|---|---|--|---|
| <ul style="list-style-type: none"> <li><span style="color: blue;">●</span> Water Curb Stop Valve</li> <li><span style="color: blue;">■</span> Water System Valve</li> <li><span style="color: orange;">●</span> Normally Closed</li> <li><span style="color: blue;">●</span> Normal Operation</li> <li><span style="color: red;">●</span> Water Hydrant</li> <li><span style="color: red;">●</span> City of Dickinson</li> <li><span style="color: purple;">●</span> Private or Other</li> <li><span style="color: red;">⊗</span> Water Manhole</li> </ul> | <p><b>Water Network Structures</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px solid blue; width: 10px; height: 10px; display: inline-block;"></span> Enclosed Storage Facility</li> </ul> <p><b>Water Lateral Lines</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 1px solid blue; width: 20px; display: inline-block;"></span> Fire</li> <li><span style="border-bottom: 1px solid red; width: 20px; display: inline-block;"></span> Hydrant</li> <li><span style="border-bottom: 1px solid blue; width: 20px; display: inline-block;"></span> Service</li> </ul> <p><b>Water Main Lines</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid red; width: 20px; display: inline-block;"></span> Ductile Iron - From 8 to 12 in</li> </ul> | <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid blue; width: 20px; display: inline-block;"></span> Polyvinyl Chloride - From 8 to 12 in</li> <li><span style="border-bottom: 2px solid blue; width: 20px; display: inline-block;"></span> Polyvinyl Chloride - Under 8 in</li> <li><span style="border-bottom: 2px solid blue; width: 20px; display: inline-block;"></span> Water Casings</li> <li><span style="color: blue;">●</span> Sanitary Control Valve</li> <li><span style="color: yellow;">●</span> Sanitary Clean Outs</li> <li><span style="color: yellow;">●</span> Sanitary Manhole</li> <li><span style="color: green;">●</span> Sanitary Lateral Lines</li> </ul> <p><b>Sanitary Network Structures</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px solid green; width: 10px; height: 10px; display: inline-block;"></span> Lift Station</li> <li><span style="border: 1px solid red; width: 10px; height: 10px; display: inline-block;"></span> Storm Inlets</li> <li><span style="border: 1px solid red; width: 10px; height: 10px; display: inline-block;"></span> Storm Discharge</li> <li><span style="color: red;">●</span> Storm Manholes</li> </ul> | <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid green; width: 20px; display: inline-block;"></span> Sanitary Gravity Mains</li> <li><span style="border-bottom: 2px solid purple; width: 20px; display: inline-block;"></span> Sanitary Pressurized Mains</li> <li><span style="border-bottom: 2px solid orange; width: 20px; display: inline-block;"></span> Sanitary Casings</li> </ul> <p><b>Storm Gravity Mains</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid purple; width: 20px; display: inline-block;"></span> Storm Culverts</li> <li><span style="border-bottom: 2px solid purple; width: 20px; display: inline-block;"></span> Storm Open Drains</li> <li><span style="border: 1px solid green; width: 20px; height: 10px; display: inline-block;"></span> Storm Detention Structures</li> </ul> <p><b>Poles</b></p> <ul style="list-style-type: none"> <li><span style="color: blue;">◆</span> Streetlight, City of Dickinson</li> <li><span style="color: purple;">◆</span> Streetlight, Roughrider Electric</li> <li><span style="color: green;">◆</span> General Lighting, Private</li> </ul> | <p><b>Wire Access Points</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px solid green; width: 10px; height: 10px; display: inline-block;"></span> Electric-Handhole</li> <li><span style="border: 1px solid orange; width: 10px; height: 10px; display: inline-block;"></span> Electric-Service</li> </ul> <p><b>Wire Lines</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 1px dashed orange; width: 20px; display: inline-block;"></span> Communication Networking</li> <li><span style="border-bottom: 1px dashed red; width: 20px; display: inline-block;"></span> Streetlight</li> <li><span style="border-bottom: 1px dashed red; width: 20px; display: inline-block;"></span> Other</li> </ul> <p><b>World Imagery</b></p> |
|--|---|---|--|---|



Low Resolution 15m Imagery  
 High Resolution 60cm Imagery  
 High Resolution 30cm Imagery  
 Citations  
 2.4m Resolution Metadata

Pictometry International, Eagleview, City of Dickinson, Vantor, Dickinson Engineering Department



# DEVELOPMENT AGREEMENT

THIS AGREEMENT (the Agreement), made on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (“Effective Date”) between the City of Dickinson, a political subdivision, hereinafter called the CITY, and the OWNER as identified herein;

OWNER Name and Address: Dickinson Energy Park, LLC  
555 Highway 1804 ND  
Bismarck, ND 58503-6228

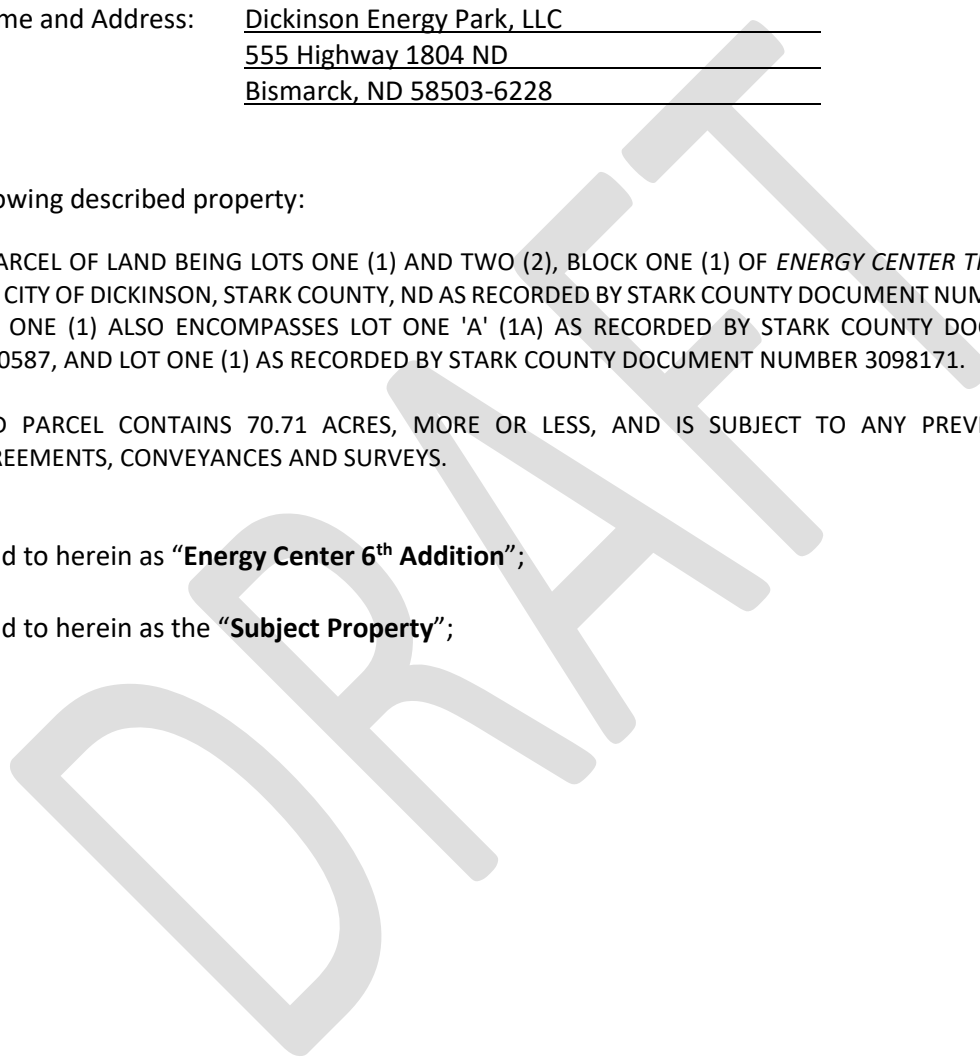
For the following described property:

A PARCEL OF LAND BEING LOTS ONE (1) AND TWO (2), BLOCK ONE (1) OF *ENERGY CENTER THIRD ADDITION* TO THE CITY OF DICKINSON, STARK COUNTY, ND AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775. SAID LOT ONE (1) ALSO ENCOMPASSES LOT ONE 'A' (1A) AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587, AND LOT ONE (1) AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171.

SAID PARCEL CONTAINS 70.71 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Also referred to herein as “**Energy Center 6<sup>th</sup> Addition**”;

Also referred to herein as the “**Subject Property**”;



**RECITALS**

WHEREAS, the OWNER is the fee OWNER of a portion of the Subject Property, located in the City of Dickinson, Stark County, North Dakota, legally described as provided above; and

WHEREAS, the OWNER intends on platting the Subject Property; and

WHEREAS, the OWNER and CITY agree that the Subject Property will be improved and developed pursuant to the terms of this Agreement, the approved subdivision plat of the Subject Property, and all applicable CITY ordinances and regulations;

NOW THEREFORE, in mutual consideration of the promises, covenants and agreements of the parties contained herein, the parties hereby agree as follows:

**1. Regulation of Development.** This Agreement is executed in conformance with Article 34 of the City of Dickinson Municipal Code effective as of the date of this agreement and shall satisfy the requirements contained therein for a Subdivision Agreement to be completed prior to the filing and recordation of the plat of the Subject Property. This Agreement shall control the development of the Property and the construction of Municipal Improvements necessary to serve the Subdivision or Subject Property with municipal services. Remedies contained in this Agreement shall be in addition to those otherwise provided by law to the CITY for other violations of the City of Dickinson Municipal Code.

**2. Infrastructure Improvements – Special Conditions.** Public infrastructure improvements will be required to serve portions of the Subject Property. The OWNER and CITY hereby agree that the following are the only public infrastructure improvements required to be constructed as indicated herein and accepted by the CITY:

- a) OWNER shall prepare or have prepared plans and specifications for the construction of a public sanitary sewer system within a portion of the public right-of-way to be dedicated for E Villard St, Tract 1 of Block 1, and the proposed *Drainage and Sanitary Sewer Easement* shown by the plat of the Subject Property. The sanitary sewer system shall be designed in accordance with local and state regulations and shall meet current City Standards, Specifications, and Details. The sanitary sewer main piping shall have a diameter of 8-inches and shall connect to the existing lift station in Lot 7, Block 1 of the Subject Property. This sanitary sewer system shall be designed to provide sanitary sewer service lines to Lots 3 thru 6, Block 1 of the Subject Property.
- b) OWNER shall prepare or have prepared design and plans and specifications for the stormwater management facility within Tract 1, Block 1. This facility shall detain runoff from Lots 3 thru 5, Block 1 of the Subject Property to pre-development rates in accordance with current City Policies. The cost of preparing these plans shall be paid by the OWNER.
- c) Lots 1, 2, 6, and 7 of Block 1 of the Subject Property are not to be served by the stormwater management facility to be located in Tract 1 of Block 1 of the Subject Property as noted by Section 2. b) of this Agreement. These lots will be required to meet the current City codes and policies at the time of development with respect to stormwater management. The stormwater management infrastructure for these individual lots, as required, shall be considered private infrastructure that will be designed, constructed, and maintained by the individual lots owners in accordance with City codes and policies at the time these lots are improved.
- d) The OWNER shall construct or have constructed and shall pay all expenses for construction of the stormwater management facilities and sanitary sewer improvements as depicted by the

plans and specifications approved by the CITY as noted by Section 2. a) and Section 2. b) of this Agreement. A Certificate of Occupancy shall not be issued for any Lot served by these public improvements until the required infrastructure for said Lot is constructed and approved by the CITY.

- e) OWNER shall allow CITY to perform inspection of the public infrastructure improvements to be constructed by OWNER as needed to ensure proper construction in accordance with the approved plans and specifications noted by this Agreement. OWNER shall pay CITY for said inspection services in accordance with the rates defined by the current CITY fee schedule.
- f) Title to, ownership, and maintenance of Public Improvements after construction and acceptance shall be as defined by Section 8 of this Agreement.

**3. Assurance of Infrastructure Completion.** In the event that construction of the required public infrastructure that is to be paid for directly by the OWNER as indicated in Section 2, herein, is not complete at the time of final plat recording for a particular phase of the project, the OWNER hereby agrees that no private improvements shall be constructed within any land located within the Subject Property unless and until a plan for developing and constructing such improvements and infrastructure is approved by the CITY. Such approval will be memorialized by a public infrastructure permit which will be valid for one year from the date of issuance at a fee listed in the current CITY fee schedule. Prior to the CITY recording the Final Plat of the Subject Property, the OWNER shall post with the CITY security in the amount of 130% of the lesser of the estimated construction cost as approved by the City Engineer or actual bid amounts, if available, for said improvements to assure the completion of the required public infrastructure that is to be paid for directly by the OWNER for the Subject Property, as required under Dickinson City Code §34-60. The security posted by the OWNER shall be held by the CITY until the cost of each approved phase(s) of the infrastructure for the whole of the Subject Property has been completed. A full release of the security remaining upon the completion of construction shall be made upon completion of the work, inspection, and final acceptance of the same. The Security remaining upon completion of construction shall remain in effect through warranty examination and final inspection by the CITY as indicated by Section 9, herein.

**4. City Engineer Approval Required.** No improvements within the Subject Property shall be made unless and until necessary plans and specifications therefore have been submitted to and approved by the City Engineer in accordance with the City of Dickinson Municipal Code for the Subject property covered by such plans and specifications.

**5. Subdivision of Land.** The OWNER shall otherwise conform to all requirements regarding the subdivision of land enacted by the City of Dickinson, as set forth in Chapter 34 of the City of Dickinson Municipal Code, as may be amended from time to time. The provision of remedies in this Agreement shall be in addition to those otherwise provided by law to the CITY for other violations of the City of Dickinson Municipal Code.

**6. Permits.** The CITY's approval of this Agreement does not include approval of permits for construction within the Subject Property. The OWNER shall separately apply to the CITY for any building permits, certificates of occupancy, right-of-way permits, or similar approvals for any and all construction within the Subject Property. The OWNER shall notify all prospective lot owners within the Subject Property that the CITY will not accept any building permit or development applications until the CITY has approved the final storm water management plan.

**7. Repairs and Replacements.** The OWNER shall replace, or have replaced, or repair, or have repaired, as the case may be, any and all pipes and monuments within the Subject Property that have been destroyed or damaged by the OWNER or OWNER's agents. The OWNER shall replace, or have replaced, or repair,

or have repaired, as the case may be, the entire cost of such replacement or repair, of any and all property damaged or destroyed by reason of any work done pursuant to this Agreement, whether such property is owned by the United States, or any agency or entity thereof, or the State of North Dakota, or any agency or political subdivision thereof, or by the CITY or by any public or private corporation, or any person whomsoever, or by any combination of such owners. Any such repair or replacement shall be to the satisfaction and subject to the approval of the City Engineer or their designee.

**8. Title to, Ownership, and Maintenance of Public Improvements.** Ownership and maintenance of any and all public municipal improvements within the public rights-of-way, tracts, and drainage and sanitary sewer easements dedicated and granted by the subdivision plat of the Subject Property, shall vest in the CITY upon completion, acceptance, and satisfaction of any warranty issues for such improvements with the following additional requirements:

- a) Upon CITY acceptance of the public infrastructure improvements noted by Section 2. a) and Section 2. b) of this Agreement, CITY shall take ownership and maintenance responsibilities of said infrastructure.
- b) The real property encumbered by easements for public infrastructure within the Subject Property shall be privately owned, but the CITY shall have the rights to access, maintain, repair, improve, remove, and replace the public improvements that are to be owned by the CITY within the easements. The OWNER shall not build, create, construct, or permit to be built, created, or constructed, any obstruction, building, engineering works, or other structures upon, over, or under the strip of land herein described or that would interfere with the public improvements. The OWNER shall not change the existing grade within the easements without prior approval from the CITY. This shall not restrict the OWNER from constructing pavement, fences, landscaping, or utility crossings within the easement that do not adversely affect the public infrastructure. Upon completion of any work within the easements, the CITY shall leave the property in good repair so that there is no unreasonable damage. If the CITY is not able to have the property repaired to its existing condition, the CITY shall pay for damages to the property. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by the OWNER and one by CITY, and these two shall select a third person. The award determined by these three persons shall be final and conclusive.
- c) Tract 1, Block 1 of the Subject Property shall be deeded to the CITY upon completion and acceptance of the improvements required for stormwater management within this tract.

**9. Maintenance Warranty.** For all public municipal improvements within the Subject Property constructed privately by the OWNER, and in accordance with Dickinson City Code §34-60 and Section 3, herein, assurance shall be provided by the OWNER. The amount of this assurance remaining at the completion of construction is to remain in full effect for a warranty period of no less than one (1) year following substantial completion of said improvements. Until the end of this one-year warranty period, the OWNER shall remedy at the OWNER's expense any damage to real or personal property, when that damage is the result of: (1) the OWNER's failure to conform to the requirements of the CITY; or (2) any defect of equipment, material, workmanship, or design furnished. The OWNER shall restore any work damaged in fulfilling the terms and conditions of this Section. The OWNER shall: (1) use commercially reasonable efforts to obtain all warranties that would be given in normal commercial practice; (2) to the extent possible, require all warranties be executed, in writing, for the benefit of the CITY; and (3) enforce all warranties for the benefit of the CITY. In the event the OWNER's warranty as provided herein has expired, the CITY may bring suit at its expense to enforce a subcontractor's, manufacturer's, or supplier's warranty. The OWNER shall have no liability for the improvements made upon expiration of the one-year warranty period.

**10. Agreement Runs with the Land.** This Agreement shall be binding on, and shall inure to the benefit of, the parties hereto and their respective heirs, administrators, representatives, successors, and assigns. This Agreement shall run with the land and shall be recorded with the Office of the Stark County Recorder against the Subject Property. As the OWNER sells individual lots within the Subject Property, the OWNER shall specifically notify the purchaser thereof of this Agreement. All obligations, promises and covenants of the OWNER contained herein shall similarly be binding upon purchasers of lots within the Subject Property.

**11. Severability.** In the event that any provision of this Agreement shall be held invalid, illegal or unenforceable by any court of competent jurisdiction, such holding shall pertain only to such section and shall not invalidate or render unenforceable any other section or provision of this Agreement.

**12. Non-waiver.** Each right, power or remedy conferred upon the CITY or the OWNER by this Agreement is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, or available to the CITY or the OWNER at law or in equity, or under any other agreement. Each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the CITY or the OWNER and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy. If either party waives in writing any default or nonperformance by the other party, such waiver shall be deemed to apply only to such event and shall not waive any other prior or subsequent default.

**13. Governing Law – Venue.** This Agreement shall be governed by and construed according to the laws of the State of North Dakota. The parties hereby stipulate and agree that the District Court, Southwest Judicial District, State of North Dakota, shall have personal jurisdiction over the parties hereto, and that such District Court, Southwest Judicial District, State of North Dakota, is the appropriate and proper venue for resolving any dispute under this Agreement.

**14. Entire Agreement.** This Agreement contains the entire agreement between and among the parties hereto, and supersedes all prior and contemporaneous discussions, negotiations, understandings, and agreements, whether oral or written, express or implied, between or among them relating to the subject matter of this Agreement. This Agreement may not be amended orally, nor shall any purported oral amendment (even if accompanied by partial or complete performance in accordance therewith) be of any legal force or effect or constitute an amendment of this Agreement, but rather this Agreement may be amended only by an agreement in writing signed by the parties.







# Energy Center 6<sup>th</sup> Zoning Map Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners  
 From: City of Dickinson Community Development Services  
 Date: January 7, 2026  
 Re: REZ-001-2026 Energy Center 6<sup>th</sup> Rezone

**APPLICANT**

Tracy Tooz  
 Dickinson Energy Park, LLC  
 555 Highway 1804 NE  
 Bismarck, ND, 58503

**APPLICANT'S REPRESENTATIVE**

Andrew Schrank  
 Highlands Engineering  
 319 24<sup>th</sup> Street East  
 Dickinson ND 58601

<b>Public Hearing</b>	January 14, 2026	Planning and Zoning Commission
<b>Public Hearing</b>	January 20, 2026	City Commission
<b>Final Consideration</b>	February 3, 2026	City Commission

The applicant is requesting approval of a Zoning Map Amendment from General Industrial (GI) and Public (P) to Public (P) for Lot 1 of Block 1 of the Energy Center 6th Addition Subdivision, a Zoning Map Amendment from General Industrial (GI) to Public (P) for Lot 7 of Block 1 of the Energy Center 6th Addition Subdivision, and a Zoning Map Amendment from Public (P) and General Industrial (GI) to General Industrial (GI) for Lot 5 and Lot 6 of Block 1 of the Energy Center 6th Addition, located in the City of Dickinson. The site consists of +/- 31.98 acres.

Staff recommendation: Staff recommends **approval** of this rezoning request contingent on approval of PLP-001-2026 and recording of the Energy Center 6<sup>th</sup> Addition Subdivision and associated development agreement.

The companion Energy Center 6<sup>th</sup> Addition preliminary major subdivision plat is also scheduled for public hearing at the January 14, 2026 Planning and Zoning Commission meeting (PLP-001-2026).

**LOCATION**

The property is generally located along Energy Drive, and it is legally described as Lots 1, 5, 6, and 7, Block 1, of the proposed Energy Center Sixth Addition Subdivision, located within the SE1/4 of Section 1, Township 139 North, Range 96 West, of the 5<sup>th</sup> Principal Meridian, City of Dickinson, Stark County, North Dakota.

<b>CURRENT ZONING</b>	<b>GI &amp; P</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>PUBLIC/CIVIC</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 31.98 acres</b>
<b>LOTS PROPOSED</b>	<b>N/A</b>

<b>ADJACENT ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	GI & P	Undeveloped; National Guard Readiness Center
East	GI	Industrial; undeveloped
South	GI	Undeveloped
West	GI	Undeveloped

**CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS**

**Consistency with the Comprehensive Plan**

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated PUBLIC/CIVIC. Public (P) is an acceptable zoning district within the PUBLIC/CIVIC FLUM designation and brings this property into compliance with the future land use map.

**Compatibility**

The proposed rezoning is comparable to and compatible with the existing GI and P zoning districts of the adjacent properties in the proposed Energy Center 6<sup>th</sup> Subdivision. Additionally, the properties surrounding the proposed subdivision are zoned GI.

## Compliance with The Zoning Ordinance

Lots 1, 5, and 6 of the proposed subdivision are currently zoned GI and P, while Lot 7 is currently zoned GI. The applicant is proposing to rezone Lots 1 and 7 entirely into the P zoning district and Lots 5 and 6 entirely into the GI zoning district to conform with the change in ownership of portions of the properties. This proposal is consistent with the existing GI zoning found to the east and south of the site and results in only property owned by the City of Dickinson being located in the P zoning district.

The proposed subdivision replats all of Lot 1 and Lot 2 of the Energy Center 3<sup>rd</sup> Addition into seven total lots. Lot 5 is proposed to be 12.03 acres and Lot 6 is proposed to be 9.63 acres, with both being located within the GI zoning district. According to Table 62-162-3c: Summary of Site Development Regulations in the Municipal Code, the minimum lot size for lots in the GI zoning district is 10,000 square feet. Both proposed lots meet this development requirement. Lots 1 and 7 would be located in the P zoning district, which does not have a minimum lot size requirement.

## PUBLIC INPUT AND STAFF RECOMMENDATION

**Public Input:** Staff has not received any public input as of the date of this report.

**Staff Recommendation:** City of Dickinson Community Development staff recommends **approval** of REZ-001-2026 contingent on the approval of PLP-001-2026 and the recording of the associated Energy Center 6<sup>th</sup> Addition final major subdivision.

**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-001-2026: The Energy Center 6<sup>th</sup> Rezoning Request** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

*(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):*

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **REZ-001-2026: The Energy Center 6<sup>th</sup> Rezoning Request** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

# Code Changes: Section 62-592. - Off-street parking design standards.

## b) Pavement and drainage.

- 1) Off-street parking facilities shall be paved.
- 2) Acceptable surfacing materials shall include, but not necessarily be limited to, asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards.
- 3) Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties.
- 4) In the LI or GI Districts only, rear yard vehicular circulation areas, not including parking spaces, may be crushed concrete or similar material as approved by the City Administrator or designee. **Crushed scoria, dirt, or other high-debris-generating materials may not be used as finished surfacing within City limits.**
  - a. **For those areas where an access drive from a paved public right-of-way enters a loading or storage area that is not paved, a paved entrance of at least fifty (50) feet measured from the right-of-way into the property, or such other equivalent means to catch gravel or sediment prior to entering the public right-of-way, is required.**
- 5) All parking areas containing four or more spaces or containing angled parking shall have parking spaces and aisles clearly marked on the pavement.”

**ORDINANCE NO. 2026****AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 62, RELATING TO INDUSTRIAL OFF-STREET PARKING AND TRAFFIC CIRCULATION AREA STANDARDS AND SPECIFICATIONS**

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

**SECTION 1:** Section 62-592. - Off-street parking design standards. of Chapter 62 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

**Sec. 62-592. - Off-street parking design standards.**

- a) Dimensions. Standard parking stalls shall be a minimum of nine feet wide and 18 feet long.
- b) Pavement and drainage.
  - 1) Off-street parking facilities shall be paved.
  - 2) Acceptable surfacing materials shall include, but not necessarily be limited to, asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards.
  - 3) Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties.
  - 4) In the LI or GI Districts only, rear yard vehicular circulation areas, not including parking spaces, may be crushed concrete or similar material as approved by the City Administrator or designee. *Crushed scoria, dirt, or other high-debris-generating materials may not be used as finished surfacing within City limits.*
    - i. *For those areas where an access drive from a paved public right-of-way enters a loading or storage area that is not paved, a paved entrance of at least fifty (50) feet measured from the right-of-way into the property, or such other equivalent means to catch gravel or sediment prior to entering the public right-of-way, is required.*
  - 5) All parking areas containing four or more spaces or containing angled parking shall have parking spaces and aisles clearly marked on the pavement.
- c) Landscape and screening requirements. Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:
  - 1) Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
  - 2) Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
  - 3) Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy

this requirement, subject to the determination of the City Administrator or designee.

- 4) Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to no less than five percent of the total paved area of the parking facility. Parking facilities within the GI District shall be exempt from this requirement.
  - 5) Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Article VIII of this chapter. These requirements may be waived as part of the lot modification process described in Section 62-590.
- d) Entrances and exits.
- 1) Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
  - 2) In the DC District, entrances from arterial to off street parking, facilities shall be located at least 60 feet from the intersections of the curb lines of the intersecting streets.
  - 3) In all other districts, the entrances from arterial or collector streets to off street parking facilities shall be located at least 60 feet from the intersections of the curb lines of the intersecting streets.
- e) Safety features.
- 1) Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
  - 2) Circulation patterns shall be designed in accordance with accepted standards of traffic engineering and safety.
- f) Lighting.
- 1) Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district.
  - 2) Off-street parking facilities in commercially zoned properties within the corridor overlay district shall include decorative lighting within the first 100 feet of lot frontage.
- g) Maintenance. All parking facilities shall be maintained to ensure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.
- h) Special use permits. For those uses identified in Article IV of this chapter as requiring special use permit approval, the Board of City Commissioners may approve conditions adjusting the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this article.

**SECTION 2: Repeal of Ordinances in Conflict.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

**SECTION 4:** Effective Date: This Ordinance shall be in full force and effect from and after final passage.

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Scott Decker, President  
Board of City Commissioners

ATTEST

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Dustin Dassinger, City Administrator

First Reading: \_\_\_\_\_, 2026  
Second Reading: \_\_\_\_\_, 2026  
Final Passage: \_\_\_\_\_, 2026



# Industrial Off-Street Parking Standards Text Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners  
 From: City of Dickinson Community Development Services  
 Date: January 7, 2026  
 Re: ZTA-001-2026 Section 62 – Industrial Off-Street Parking Standards

## APPLICANT

Name: City of Dickinson Community  
 Development  
 Address: 38 1st Street West  
 City: Dickinson North Dakota 58601

<b>Public Hearing</b>	January 14, 2026	Planning and Zoning Commission
<b>Public Hearing</b>	January 20, 2026	City Commission
<b>Final Consideration</b>	February 3, 2026	City Commission

Community Development staff is requesting approval of a zoning text amendment to Section 62-592 - Off-street parking design standards, in Chapter 62-Zoning of the Dickinson Municipal Code, to prevent scoria and dirt from being considered finished surfacing within City limits and to add a requirement for a 50-foot minimum paved area from the right-of-way for any unpaved parking areas. The intention of this amendment is to limit dust generation, track out, and erosion from industrial parking areas and to prevent maintenance issues from tracking debris into the rights-of-way or stormwater drains.

Staff recommendation: Staff recommends approval of this text amendment.

## **STAFF ANALYSIS**

### **BACKGROUND**

City staff has received complaints from residents regarding dust being blown into both adjacent properties and the rights-of-way from industrial areas utilizing scoria as a finished surface in off-street parking and traffic circulation areas.

### **COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS**

#### **Compatibility with the Municipal Code**

Industrial sites are currently able to utilize scoria and other high-dust-generating materials as finished surfacing for parking and traffic circulation areas. This ordinance prevents these materials from being used as finished surfaces and requires a fifty-foot stretch of pavement that can catch debris from other unpaved surfaces prior to vehicles reaching City right-of-way. Sites that currently use scoria as a finished material shall be considered legally nonconforming and will be required to be brought into compliance in the event any building permit is applied for. The proposed ordinance will only impact sites within City limits.

### **PUBLIC INPUT AND STAFF RECOMMENDATION**

**Public Input:** As of the date of this report, City staff has not received any public comments.

**Staff Recommendation:** The City Development Team staff recommends **approval** of ZTA-001-2026.

**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **ZTA-001-2026: The Industrial Off-Street Parking Standards Zoning Text Amendment** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

*(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):*

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

*"I move the Dickinson Planning and Zoning Commission recommend denial of **ZTA-001-2026: The Industrial Off-Street Parking Standards Zoning Text Amendment** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

# Code Change: Section 62-133. Commercial use types.

Section 3. Item D.

- *“(35) Short-term rental. A residential unit where sleeping accommodations are furnished to transient guests for a charge. This definition only applies to single structures with five or fewer guest rooms, ten or fewer total occupants, and where guests stay for fewer than 28 days.”*

# Code Change: Table 62-162-2. Permitted Uses by Zoning Districts

Section 3. Item D.

	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC	GC	LI	GI	P	Add'l Reg.
Commercial Uses														
Short-term Rentals		P	P	P	P	P			P					62-469(8)
Lodging								P	P	P	S			



# Code Change: Section 62-469. - Commercial uses.

“(8) *Short-term rental.* When permitted in the RR, R-1, R-2, R-3, MH, and DC zoning districts, short-term rentals shall be subject to the following additional requirements:

- a. Short-term rentals must obtain a license through the Community Development Department. In order to obtain a short-term rental license, the applicant shall provide the following information:
  1. A list of house rules that all guests must abide by while staying on the property. These house rules shall include a maximum number of guests not to exceed maximum occupancy rates as determined by City building and fire codes;
  2. A copy of the property deed, in which the applicant shall be listed as the deed holder;
  3. The information for a primary contact, who shall be available 24/7 if any issues arise with the rental property;
  4. A list of any other short-term rental uses and licenses the applicant has any financial stake in;
  5. A list of any other residents or entities that have direct financial stake in the proposed short-term rental, as well as the names of the primary stakeholders for any businesses or corporations with financial stake in the property;
  6. An emergency plan that demonstrates to guests how to respond to emergencies such as a fire, as well as a signed statement that there are adequate smoke and carbon monoxide detectors installed in the structure; and
7. Any additional documentation deemed necessary by Community Development staff.

# Code Change: Section 62-469. (Part 2)

- b. All short-term rental licenses are subject to a calendar yearly renewal. A yearly license fee as determined by the City shall be paid at the time of application submittal.
- c. Any entity is allowed to apply for or have financial stake in a maximum of two short-term rental licenses.
- d. The short-term rental use is only permitted in residential homes owned by the license applicant. This use is not permitted within apartment complexes, duplexes, accessory structures, or ADU's. Any residences utilized as a short-term rental shall be residential in appearance.
- e. The property must meet current zoning requirements, including proper setbacks, landscaping, and off-street parking requirements.
- f. The revocation or denial of a short-term rental license can be performed at the discretion of the Community Development Director or designees. If an applicant wishes to contest a revocation, they shall submit a written request to the Community Development Director or designee to be brought forward for a public hearing in front of City Commission regarding overturning the revocation or denial. The City Commission may overturn a license denial or revocation with a simple majority vote.
- g. In the event that a license is revoked due to the applicant violating one of the rules outlined above, the applicant may not apply for a new license until at least six (6) months have passed. An applicant having had multiple license revocations in the past may serve as justification to deny a new license application.”

**ORDINANCE NO. 2026****AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 62, RELATING TO SHORT-TERM RENTAL USES AND LICENSING PROCEDURE**

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

**SECTION 1:** Section 62-133. Commercial use types. of Chapter 62 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

**Sec. 62-133. – Commercial use types.**

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

- 1) *Agricultural sales and service.* Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.
- 2) *Automotive and equipment services.* Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
  - a. *Automotive rental and sales.* Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
  - b. *Auto services.* Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales, and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
  - c. *Body repair.* Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
  - d. *Equipment rental and sales.* Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include

truck dealerships, construction equipment dealerships, and mobile home sales establishments.

- e. *Equipment repair services.* Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
  - f. *Vehicle storage.* Storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-always or impound yards but exclude dismantling or salvage. Long-term storage of operating or non-operating vehicles beyond 21 days constitutes an industrial use type.
- 3) *Bed and breakfast.* A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purposes of this chapter, bed and breakfasts are always owned and operated by the resident owner of the structure, include no more than ten units, and accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
  - 4) *Business support services.* Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.
  - 5) *Business or trade schools.* A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
  - 6) *Campground.* Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor.
  - 7) *Cocktail lounge.* A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.
  - 8) *Commercial recreation (indoors).* Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. The preponderance of activities occur within enclosed structures. Typical uses include movie theaters, private dance halls, or private skating facilities.
  - 9) *Commercial recreation (outdoors).* Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. The preponderance of activities occur outside of enclosed structures. Typical uses include driving ranges, commercial racetracks, and drive-in theaters.

- 10) *Communications services.* Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers, and their minor ancillary ground structures are classified as miscellaneous use types.
- 11) *Construction sales and services.* Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under automotive and equipment services. Typical uses include building materials sales, or tool and equipment rental or sales.
- 12) *Consumer services.* Establishments which provide services, primarily to individuals and households, but excluding automotive use types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.
- 13) *Convenience storage.* Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
- 14) *Crematorium.* An establishment containing a furnace for the purpose of reducing human or animal bodies or remains to ashes by burning.
- 15) *Food sales.* Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
  - a. *Convenience food sales.* Establishments occupying facilities of less than 10,000 square feet, and characterized by sales of specialty foods or a limited variety of general items, and by the sale of fuel for motor vehicles.
  - b. *Limited food sales.* Establishments occupying facilities of less than 10,000 square feet, and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.
  - c. *General food sales.* Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.
- 16) *Funeral services.* Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- 17) *Gaming facilities.* Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City or the State.

- 18) *General and limited retail services—Generally.* Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wall paper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).
- 19) *General and limited retail services—Establishment categories.* General retail services include:
- a. *Limited retail services.* Establishments providing retail services, occupying facilities of 5,000 square feet or less for any single establishment or 10,000 square feet or less for a multi-tenant facility. Typical establishments provide for specialty retailing or retailing oriented to the City and a local market.
  - b. *General retail services.* Establishments providing retail services, occupying facilities of more than 5,000 square feet for any single establishment or more than 10,000 square feet for a multi-tenant facility. Typical establishments provide for general purpose retailing oriented to the City and its immediate vicinity.
- 20) *Kennels.* Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.
- 21) *Laundry services.* Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
- 22) *Liquor sales.* Establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
- 23) *Lodging.* Lodging services involving the provision of room and/or board, but not meeting the classification criteria of bed and breakfasts. Typical uses include hotels, apartment hotels, and motels.
- 24) *Microbrewery pub and distillery.*
- a. A microbrewery pub shall be defined as a brewer that brews 10,000 barrels or less per year and sells beer produced or manufactured on the premises for consumption on or off the premises, or serves beer produced or manufactured on the premises for the purposes of sampling the beer.

- b. A distillery shall be defined as a use where the owner operator may produce distilled spirits in accordance with the applicable provisions of the North Dakota Century Code.
- 25) *Personal improvement services.* Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- 26) *Personal services.* Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- 27) *Pet services.* Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
- 28) *Research services.* Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.
- 29) *Restaurants.* A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.
- a. *Restaurant (drive-in or fast food).* An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
- b. *Restaurant (general).* An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to drive-in or fast food restaurants. Typical uses include cafes, coffee shops, and restaurants.
- 30) *Stables and/or riding academies.* The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.
- 31) *Surplus sales.* Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.
- 32) *Trade services.* Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or

operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

- 33) *Vehicle storage (short-term)*. Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an industrial use type.
- 34) *Veterinary services*. Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.
- 35) *Short-term rental*. A residential unit where sleeping accommodations are furnished to transient guests for a charge. This definition only applies to single structures with five or fewer guest rooms, ten or fewer total occupants, and where guests stay for fewer than 28 days.

**SECTION 2:** Table 62-162-2. Permitted Uses by Zoning Districts., as outlined in Section 62-162. Development Regulations. of Chapter 62 of the Municipal Code of the City of Dickinson, is hereby amended and re-enacted as follows:

**Sec. 62-162. – Development regulations.**

Table 62-162-2 Permitted Uses by Zoning Districts

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
<b>Agricultural Uses</b>														
Horticulture	P	P			S		P	P		P	P	P	P	62-466(b)(1)
Crop Production	P	P											P	62-466(b)(1)
Type I Animal Production	P	S												62-466(b)(3)
Type II Animal Production	S													
Type III Animal Production	S													
Livestock Sales	S										S	S		
<b>Residential Uses</b>														
Single-Family Detached	P	P	P	P	P	P	S							

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Single-Family Attached				P	P	P	S							62-467(2)
Duplex	P			P	P		S							
Townhouse	P			P	P		S		P					62-467(3)
Multiple Family				P	P		S		P					
Downtown Residential									P					62-467(4)
Mobile Home Park						S								62-467(5)
Mobile Home Subdivision						S								62-467(6)
Manufactured Housing Residential	P	P	P	P	P	P	S							
Retirement Residential	S		S	P	P		S		S					
Home Occupations	S	S	S	S	S	S			S					62-471(1)
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	Note 7
Accessory Dwelling Units Commercial							P	P		P				Note: Subject to approval in accordance with § 62-474(b)
Accessory Dwelling Units Residential	P	P		P	P	P								Note: Subject to approval in accordance with § 62-474(a)
<b>Civic Uses</b>														
Cemetery	P	S	S	S									S	
Clubs	S	S	S	S	S	S	S	P	P	P				62-468(1)
College/University													P	
Convalescent Services	S	S		S	S	S	P	P	P	P				
Cultural Services		S	S	S	P	P	P	P	P	P	P		P	
Day Care (Family)	P	P	P	P	P	P	P	P	P	P	S			62-131(7)

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Day Care (Group)	S	S	S	S	P	S	P	P	P	P	S			62- 131(8)
Detention Facilities	S								S	S	S		S	
Emergency Residential	P	P	P	P	P	P	P	P	P	S	S			
Golf Courses (Public)	S	S	S	S	S	S							P	
Government Offices							P	P	P	P	P		P	
Group Care Facility	S	S	S	S	P	S	P	P	P	P				62- 468(3)
Group Home	P	P	P	P	P	P	P	P	P	P				62- 468(3)
Group Living Facility					S	S	S	S	S	S				62- 468(4)
Guidance Services					P		P	P	P	P	P	P		
Hospitals					S		P	P	P	P	S		S	
Health Care	S	S			S		P	P	P	P	P	P	S	
Libraries (Public)							P	P	P	P			S	
Maintenance Facilities	S	S						S		P	P	P	S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities							P	P	P	P	P	P	P	
Primary Education	S	P	P	P	P	P	P	P	P	S			P	
Public Assembly							S	S	P	P			P	
Religious Assembly	P	P	P	P	P	P	P	P	P	P	S			
Columbarium Associated with Religious Assembly (Indoor/Outdoor)	S	S	S	S	S	S	S	S	S	S	S			
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Education													P	

<b>Use Types</b>	<b>AG</b>	<b>RR</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MH</b>	<b>LC</b>	<b>CC</b>	<b>DC (14)</b>	<b>GC</b>	<b>LI</b>	<b>GI</b>	<b>P</b>	<b>Add'l Reg.</b>
Sports Facilities, Field, and Arenas (Public)													P	
Utilities	S	S	S	S	S	S	S	P	P	P	P	P	S	
<b>Office Uses</b>														
General Offices	S				S		P	P	P	P	P	P		
Financial Services					S		P	P	P	P	P	P		
Medical Offices					S		P	P	P	P	P	S		
<b>Commercial Uses</b>														
Ag Sales/Services	S							S		P	P	P		
Auto Rental/Sales								S	S	P				62- 469(3)
Auto Services							S	P	S	P	P	P		62- 469(1) , (2)
Body Repair								S		P	P	P		62- 469(1)
Equipment Rental/Sales										P	P	P		62- 469(3)
Equipment Repair										P	P	P		62- 469(1)
Veh. Storage (Short-Term)										P	P	P		
Bed and Breakfast	P	S		S	P		P	P	P	P				62- 469(4)
Business Support Services							P	P	P	P	P	P		
Business/Trade School								P	P	P	P			
Campground	S					S				S				
Cocktail Lounge								P	P	P				
Commercial Recreation (Indoor)	S						S	P	P	P	P			
Commercial Recreation (Outdoor)	S								S	P	P	P	S	

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Communication Service							P	P	P	P	P	P		
Construction Sale/Service								S		P	P	P		
Consumer Service							P	P	P	P	P			
Convenience Storage	S				S	S	S	S		S	P	P		62-469(6)
Crematorium										S	S	P		
Microbrewery pub and distillery								P	P	P				
Food Sales (Convenience)							S	P	P	P	P	P		
Food Sales (Limited)							P	P	P	P				
Food Sales (General)							S	P	P	P				
Funeral Service					S		P	P		P				
Columbarium (Outdoor)					S		S	S		S				
Limited Retail Services							P	P	P	P				
Gaming Facility								S	S	P				
General Retail Services								P	P	P				
Kennels	P	S								S	P	P		
Laundry Services								S	S	P	P	P		
Liquor Sales		S					P	P	P	P				
Short-term Rentals		P	P	P	P	P			P					62-469(8)
Lodging								P	P	P	S			
Personal Improvement					S		P	P	P	P	P	P		
Personal Services					S		P	P	P	P	P	P		
Pet Day Care	P	S	S	S	S		P	P	P	P	P	P		62-476(b)
Pet Services	S						P	P	P	P				
Research Services							P	P	P	P	P	P		
Residential-Commercial							P	P	P	P				

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Restaurants (Drive-In)							S	P	S	P	S	S		
Restaurants (General)	P						P	P	P	P	S	S		
Stables	P	S										S		
Surplus Sales	S								S	P	P			
Trade Services	S							P	S	P	P			
Vehicle Storage										S	P			
Veterinary Services	S	S					S	S	S	P	P			
<b>Parking Uses</b>														
Off-Street Parking			S	S	S		S	S	P	P	P	P		
Parking Structure								S	S	S	P			
<b>Industrial Uses</b>														
Adult Entertainment Center											S	S		Ch. 30, Art. III
Custom Manufacturing								S	S	P	P	P		
Light Industry											P	P		
General Industry												P		
Heavy Industry												S		
Oil Wells	P											P		16-166
Resource Extraction	P											P		16- 166
Salvage Services and Yards, Junk Yards												P		62- 470(a) (1)
Vehicle Storage (Long-term)											P	P		
Warehousing (Open)											P	P		
Warehousing (Closed)									S	P	P	P		
Construction Yards										S	P	P		
Recycling Collection								S		P	P	P		

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Recycling Processing											P	P		
Grain Elevators												S		
Petroleum Storage/Sales	S											S		
Stockyards	S											S		
Toxic Gaseous Storage	S											S		Note 9
Dairy Plant										S	S	P		
<b>Transportation Uses</b>														
Aviation	P											P		
Railroad Facilities	S								S	S	P	P		
Truck Terminal										S	S	P		
Transportation Terminal	S							S	S	S	P	P		
<b>Miscellaneous Uses</b>														
Communications Tower	S	S	S	S	S	S		S	S		S	S		
Amateur Radio Tower	P	P	P	P	P	P	P	P	P	P	P	P		
Construction Batch Plant											S	P		
WECS	P	P	S	S	S	S	S	S	S	S	S	P		
Landfill (Inert)	S	S										S		
Landfill (Municipal, Industrial or Special Waste)	S												S	
Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P		
Motorized Sports	S										S	S		Note 10

\*Note: Provisions of Sections 62-471 and 62-472 apply to all use types.

<p>P = Uses Permitted by Right  S = Uses Permitted by Special Permit  Blank = Use Not Permitted</p>
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**SECTION 3:** Section 62-469. Commercial use types. of Chapter 62 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

**Sec. 62-469. – Commercial uses.**

The following are supplemental use regulations for commercial uses:

- 1) Auto repair, equipment repair, and body repair.
  - a. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article VIII of this chapter.
  - b. Any spray painting must take place within structures designed for that purpose and approved by the Zoning Administrator.
- 2) Auto washing facilities.
  - a. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and a minimum stacking space of 40 feet on the exit side.
  - b. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.
- 3) Automobile and equipment rental and sales.
  - a. All outdoor display areas for rental and sales facilities shall be an improved surface, including paving or crushed rock.
  - b. Body repair services are permitted as an accessory use to automobile rental and sales facilities.
- 4) Bed and breakfasts. Bed and breakfasts permitted in the DC district must provide any sleeping facility only on levels above street level, except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.
- 5) Campgrounds.
  - a. Minimum size. Each campground established after the effective date of the ordinance from which this chapter is derived shall have a minimum size of one acre.
  - b. Setbacks. All campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard from all other property lines.
  - c. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.
  - d. Campgrounds shall not be permitted to be used for any of the purposes as provided for in Division 2 of this article. Any campground containing one or more

lodging units or skid units ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis, which are not real property, as defined in N.D.C.C. § 57-02-04, and are not mobile homes, as defined in N.D.C.C. § 57-55-01, shall be obligated to comply with Division 2 of this article and obtain a crew housing special use permit, as provided therein.

- 6) Convenience storage. When permitted in the AG, GC, and LI districts, convenience storage facilities shall be subject to the following additional requirements:
  - a. The minimum size of a convenience storage facility shall be one acre.
  - b. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
  - c. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
  - d. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
  - e. No storage buildings may open into required front yards.
  - f. Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet from the adjacent property lines if the adjacent properties are of a less intensive zoning district and/or unless greater setbacks are required by Article VIII of this chapter.
  
- 7) Pet day care. When permitted by special use permit in the RR, R1, R2, and R3 districts, or as a permitted use in other zoning jurisdictions as set forth in Table 62-162-2, pet day cares shall be subject to the following additional requirements:
  - a. Buildings shall be of adequate structure and maintained in good repair so as to ensure protection of pets from injury and to prevent departure of pet from designated structure.
  - b. Shelter shall be provided to allow access to shade from direct sunlight and regress from exposure to rain or snow. Accommodations shall provide safe harbor when the atmospheric temperature is below 50 degrees Fahrenheit or below that temperature to which the particular pets are acclimated. Indoor facilities shall be provided for all pets.
  - c. Indoor and outdoor facilities shall at all times be provided with ventilation by means of doors, windows, vents, air conditioning or direct flow of fresh air that is adequate to provide for the good health of the pets and the prevention of offensive odor, mold, or disease. Such ventilation shall be environmentally provided to minimize drafts, moisture condensation, odors or stagnant vapors of excreta.
  - d. Ample lighting shall be provided by natural or artificial means, or both, during sunrise to sunset hours to allow efficient cleaning of the facilities and routine inspection of the facilities and pets contained therein.
  - e. Ceilings, walls, floors, furniture, and play equipment shall be constructed to lend themselves to efficient cleaning and sanitizing. Such surfaces shall be kept in good repair and maintained so that they are substantially impervious to moisture. Floors and walls to a height of four feet shall have finished surfaces. Upholstered furniture or carpeting shall not be permitted in that portion of the facility to which pets have access.
  - f. Food supplies and bedding materials shall be stored to adequately protect them from contamination or infestation by vermin or other factors that would render the

- food or bedding contaminated or diseased, or otherwise attract vermin or other nuisance to the site. Separate storage facilities shall be maintained for cleaning and sanitizing equipment and supplies.
- g. Washrooms, basins or sinks shall be provided within or be readily accessible to each facility for maintaining cleanliness among animal caretakers and sanitizing of food and water utensils.
  - h. Equipment shall be available for removal and disposal of all waste materials from the building to minimize vermin infestation, odors and disease hazards. Drainage systems shall be functional to achieve the above purposes.
  - i. Facilities shall be provided to isolate any pet that becomes sick or injured to prevent the spread of disease or illness.
  - j. Outdoor pet runs and exercise areas shall be of sound construction and kept in good repair so as to safely contain the pets therein without injury or risk of escape. Floors shall be concrete, gravel or materials which can be regularly cleaned and kept free of waste accumulation. Grass runs and exercise areas are permissible provided adequate ground cover is maintained, holes are kept filled, ground cover is watered sufficiently to dilute and clean the cover to avoid disease, solid waste is removed prior to watering, and the ground cover is not allowed to become overgrown.
  - k. Any portion of the premises where pets are permitted outdoors shall have a fence of the maximum height allowed by this Code. Such fence shall be maintained in good condition so as to mitigate the visual and audial effects of the operation, and to properly contain any pets permitted in that area. The permit holder may not use an existing fence if it is owned by the adjacent property owner.
  - l. The proprietor shall maintain current vaccination records on each pet permitted at the facility to ensure public safety.
  - m. The proprietor shall obtain and maintain insurance specific to the risks associated with operating a pet day care, which shall include, but not be limited to, coverage protecting the general public in the event of animal bites and property damage caused by loose or escaped animals.
  - n. Group interaction is permitted for pets that are compatible with one another. The permit holder shall not permit play which creates a hazard to the public or a nuisance such as noise.
  - o. The play area for pets shall provide for a minimum of 75 square feet per pet, provided that the maximum number of pets allowed at any one facility shall be ten, including animals owned by the permit holder. The permit issued by the City shall be displayed prominently at the site, and shall contain the calculation of the Planning Department as to the authorized number of animals.
  - p. The permit holder shall appear annually before the Planning Commission for renewal of the permit. The Planning Department may require an annual site inspection prior to renewal.
  - q. Any permit issued under this section shall be nontransferable as to the permit holder and/or the premises to be permitted. A permit holder may not relocate their operation using the same permit. A permit approved at a particular location may not be transferred to a new individual or business.

- r. Complaints regarding dog bites, nuisance animals, or excess noise shall be investigated by the Police Department.
- s. Complaints regarding any zoning violation or any other condition of the permit shall be investigated by the Planning Department.
- t. In the event a complaint is made, regardless of which department investigates, the Planning Department may conduct a site visit to determine whether the permit holder is in compliance with the terms of the permit. The Planning Director may require the permit holder to appear before the Planning Commission to address the complaint.
- u. In the event two complaints of any nature against the permit holder are substantiated and validated through a hearing before the Planning Commission, within a rolling 12-month period, the Planning Commission shall revoke the special use permit. Upon revocation, the permit holder shall cease operations within 30 days, or appeal the decision to the Board of City Commissioners. Failure to appeal within 30 days of the decision of the Planning Commission shall constitute forfeiture of all rights of appeal, and the decision of the Planning Commission shall become final. If the permit holder appeals to the Board of City Commissioners, the applicant may continue its operations until a decision has been rendered by the Board of City Commissioners. If the Board of City Commissioners affirms the decision of the Planning Commission, the permit holder shall have 15 days from the date of the decision of the Board of City Commissioners to cease operations.

*(8) Short-term rental.* When permitted in the RR, R-1, R-2, R-3, MH, and DC zoning districts, short-term rentals shall be subject to the following additional requirements:

- a. Short-term rentals must obtain a license through the Community Development Department. In order to obtain a short-term rental license, the applicant shall provide the following information:
  1. A list of house rules that all guests must abide by while staying on the property. These house rules shall include a maximum number of guests not to exceed maximum occupancy rates as determined by City building and fire codes;
  2. A copy of the property deed, in which the applicant shall be listed as the deed holder;
  3. The information for a primary contact, who shall be available 24/7 if any issues arise with the rental property;
  4. A list of any other short-term rental uses and licenses the applicant has any financial stake in;
  5. A list of any other residents or entities that have direct financial stake in the proposed short-term rental, as well as the names of the primary stakeholders for any businesses or corporations with financial stake in the property;
  6. An emergency plan that demonstrates to guests how to respond to emergencies such as a fire, as well as a signed statement that there are adequate smoke and carbon monoxide detectors installed in the structure; and

- 7. Any additional documentation deemed necessary by Community Development staff.
- b. All short-term rental licenses are subject to a calendar yearly renewal. A yearly license fee as determined by the City shall be paid at the time of application submittal.
- c. Any entity is allowed to apply for or have financial stake in a maximum of two short-term rental licenses.
- d. The short-term rental use is only permitted in residential homes owned by the license applicant. This use is not permitted within apartment complexes, duplexes, accessory structures, or ADU’s. Any residences utilized as a short-term rental shall be residential in appearance.
- e. The property must meet current zoning requirements, including proper setbacks, landscaping, and off-street parking requirements.
- f. The revocation or denial of a short-term rental license can be performed at the discretion of the Community Development Director or designees. If an applicant wishes to contest a revocation, they shall submit a written request to the Community Development Director or designee to be brought forward for a public hearing in front of City Commission regarding overturning the revocation or denial. The City Commission may overturn a license denial or revocation with a simple majority vote and resolution.
- g. In the event that a license is revoked due to the applicant violating one of the rules outlined above, the applicant may not apply for a new license until at least six (6) months have passed. An applicant having had multiple license revocations in the past may serve as justification to deny a new license application.

**SECTION 4: Repeal of Ordinances in Conflict.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 5: Severability.** In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

**SECTION 6: Effective Date:** This Ordinance shall be in full force and effect from and after final passage.

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Scott Decker, President  
Board of City Commissioners

ATTEST

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Dustin Dassinger, City Administrator

First Reading: \_\_\_\_\_, 2026

Second Reading: \_\_\_\_\_, 2026

Final Passage: \_\_\_\_\_, 2026



# Short-term Rentals Text Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners  
 From: City of Dickinson Community Development Services  
 Date: January 7, 2026  
 Re: ZTA-002-2026 Section 62 – Short-term Rentals

## APPLICANT

Name: City of Dickinson Community  
 Development  
 Address: 38 1st Street West  
 City: Dickinson North Dakota 58601

<b>Public Hearing</b>	January 14, 2026	Planning and Zoning Commission
<b>Public Hearing</b>	January 20, 2026	City Commission
<b>Final Consideration</b>	February 3, 2026	City Commission

Community Development staff is requesting approval of zoning text amendments to Section 62-133 – Commercial use types, Table 62-162-2. Permitted Uses by Zoning Districts in Section 62-162 – Development Regulations, and Section 62-469 – Commercial uses, in Chapter 62-Zoning of the Dickinson Municipal Code, to permit and license short-term rental uses in the Rural Residential (RR), Low Density Residential (R-1), Medium Density Residential (R-2), High Density Residential (R-3), Mobile Home (MH) and Downtown Commercial (DC) zoning districts. This proposed amendment also establishes a licensing process for short-term rental uses in resident-owned homes that are residential in appearance.

Staff recommendation: Staff recommends approval of this text amendment.

## STAFF ANALYSIS

### BACKGROUND

The North Dakota Department of Health & Human Services defines Lodging as *“every building or structure that is held out to the public as a place where sleeping accommodations are furnished to transient guests for a charge; does not include single structures with five or fewer guest rooms and ten or fewer total occupants, a series or group of buildings or structures containing five or fewer guest rooms and ten or fewer total occupants,”* and requires the owner to apply for a license through the Community Development department. The short-term rental use has fewer than five guest rooms and therefore would not meet the definition, meaning regulations for short-term rental uses are determined by localities.

As part of the process of developing these proposed amendments, staff reviewed short-term rental requirements adopted by local governments in North Dakota, South Dakota, and Montana. Workshops on this topic were held at the October 8, 2025 and December 10, 2025 City Planning and Zoning Commission meetings. This zoning text amendment addresses the feedback received from the two workshop meetings.

### COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

#### Compatibility with the Municipal Code

The Dickinson Municipal Code does not currently have the Short-term Rental use defined as a commercial use. According to Section 62-7: Prohibited land uses, *“Any land use not described in this chapter shall be prohibited, unless expressly permitted or allowed as a special use.”* In order to be permitted, the Short-term Rental use must be defined within the Municipal Code and must be either expressly permitted or allowed with a Special Use Permit in a residential zoning district.

### PUBLIC INPUT AND STAFF RECOMMENDATION

**Public Input:** As of the date of this report, City staff has not received any public comments.

**Staff Recommendation:** The City Development Team staff recommends **approval** of ZTA-002-2026.

**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **ZTA-002-2026: The Short-term Rentals Zoning Text Amendment** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

*(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):*

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

*"I move the Dickinson Planning and Zoning Commission recommend denial of **ZTA-002-2026: The Short-term Rentals Zoning Text Amendment** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

# Personal and Commercial Vehicle Definitions

Presented by: City Planner, Natalie Birchak



# Questions to Consider

- How does the City currently define and differentiate between personal, commercial, recreational, and heavy vehicles? Do these definitions match the definitions from the North Dakota Century Code?
- What is the purpose of prohibiting both commercial and heavy vehicles from being parked in residential zoning districts?
- How do other communities handle these definitions?

# Section 62-10. – Definitions. (Relevant excerpts)

*“Commercial vehicles means trucks, tractor cab units, trailers, used in any way as part of any commercial application, endeavor or business.”*

*“Heavy recreational vehicles means motor coach homes, converted buses and converted trucks.”*

*“Heavy vehicles means vehicles over ten tons gross empty weight.”*

*“Personal vehicles means shall mean passenger cars, vans, pick-up trucks, camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle, trailers under 20 feet in length, and boats.”*

*“Recreational vehicle means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers, campers; boats, and boat trailers.”*

# Section 62-471. – Accessory uses. (Relevant excerpts)

- 1) Home-based business/home occupations. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:
  - a. External effects.
    1. There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
    2. No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
    3. The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the City in accordance with this chapter. All criteria in Subsections (1)a.1, 2, and 4 through 6 of this section are applicable for the detached accessory building.
    4. Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
    5. No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
    6. All discharges of sewage and wastes into public sewers shall comply with all applicable City ordinances.

# Section 62-594. – Parking of certain vehicles.

- a) Applicability. This section permits the parking of certain vehicles on a single lot in a residential district subject to specific conditions.
- b) Location of parking.
  - 1) Parking of any vehicle is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
  - 2) Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure/garage) within the front yard setback but shall in no case encroach upon the public right-of-way.
  - 3) Parking of personal vehicles within an interior side yard must be located on a paved surface on the garage side of the property but shall not encroach upon the public right-of-way. Surface drainage shall maintain the standards set forth in the City Code.
  - 4) Parking of personal vehicles may occur in the rear yard setback, provided that such parking conforms to the provisions of the zoning ordinance. The parking space shall be provided on either a paved, graveled, or rock surface.
  - 5) Commercial vehicles and heavy vehicles shall not be parked on any lot within the R-1, R-2, R-3, and MH Districts. This section shall apply even if the commercial vehicle or heavy vehicle is not being driven for the purpose of the commercial application, endeavor or business at the time said vehicle is parked within the aforementioned zoning districts.
  - 6) All paved surfaces exceeding four feet in width shall require a driveway/pad permit issued by the Building Official or designee.
  - 7) Street side yard driveways/pads shall not exceed half of the required setback.
- c) Special provisions for recreational vehicles and boats. Within the R-1, R-2, R-3 and MH Districts, parking and storage of recreational vehicles and boats is subject to the following additional conditions:
  - 1) Recreational vehicles and boats must be maintained in a clean, well-kept state.
  - 2) Recreational vehicles and boats shall not be permanently connected to utility lines.
  - 3) Recreational vehicles and boats shall not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.

# ND Century Code: 39-06.2-02. Definitions. (relevant excerpts)

6. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property:
  - a. If the gross combination weight rating or gross combination weight is twenty-six thousand one pounds [11793.86 kilograms] or more, whichever is greater, provided the towed unit has a gross vehicle weight rating or gross vehicle weight of more than ten thousand pounds [4536 kilograms], whichever is greater;
  - b. If the vehicle has a gross vehicle weight rating or gross vehicle weight of more than twenty-six thousand pounds [11793.40 kilograms], whichever is greater;
  - c. If the vehicle is designed to transport sixteen or more passengers, including the driver; or
  - d. If the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR part 172, subpart F or any quantity of a material listed as a select agent or toxin in 42 CFR part 73
  
71. "Recreational vehicle" means any motorcycle not qualified for registration, off-highway vehicle, snowmobile, vessel, or personal watercraft. The term does not include an electric bicycle."

How do other communities define these terms?

# Bismarck – Current Requirements

## **12-01-01. Definitions.**

Where a term is used in this chapter, the meaning of that term as defined in Title 39 of the N.D. Century Code, if that term is so defined, and as that Title may be amended from time to time, is hereby adopted by reference and incorporated herein.

# Watford City – Current Requirements

## Chapter VIII - TRAFFIC

### Article 1. – Definitions

#### Section 8-101. Definitions

Words and phrases used in this chapter shall have the meanings and be defined as provided in the North Dakota Century Code in Title 39, and NDCC Section 39-01-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

# Williston – Current Requirements

## Section Z-31. Definitions

### **VEHICLE, HEAVY COMMERCIAL**

A vehicle with a gross vehicle weight greater than 10,000 lbs. Personal vehicles such as boats, RV's, and campers are exempt from this weight requirement.

### **VEHICLE, OCCUPATION OR TRADE**

A vehicle that is designed specifically to perform a type of function or service associated with an occupation or trade.

### **VEHICLE, PERSONAL**

A vehicle that is owned by an individual and used for commuting purposes.

### **VEHICLE, WORK**

A vehicle that is owned by a business entity, which is used by an affiliated employee for commuting purposes.

# Grand Forks – Current Requirements

## Chapter VIII. – TRAFFIC AND MOTOR VEHICLES

### Section 8-0101. Definitions.

70) *Vehicle* includes every device in, or by which, any person or property may be transported or drawn upon a public roadway, except devices moved by human power or used exclusively upon stationary rails or tracks. the term does not include an electric bicycle, commercial pedal car or electric scooter.

# Findings

- Prohibiting the parking of commercial vehicles based on the 62-10 definition can be overly restrictive and does not prevent the parking of heavy commercial vehicles: that is already covered by prohibiting heavy vehicles generally.
- Many cities do not include a definition for personal and commercial vehicles in the City zoning ordinance. Instead, these terms are defined in the traffic code and often reflect the definition used by the NDDOT.

# Suggestion:

*“Commercial vehicles means trucks, tractor cab units, trailers, used in any way as part of any commercial application, endeavor or business.”*

*~~“Heavy recreational vehicles means motor coach homes, converted buses and converted trucks.”~~*

*“Heavy vehicles means vehicles over ~~ten tons~~ 10,000 pounds gross empty weight.”*

*“Personal vehicles means ~~shall mean~~ passenger cars, vans, pick-up trucks, camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle, trailers ~~under 20 feet in length~~, and boats.”*

*“Recreational vehicle means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers, campers, boats, and boat trailers.”*

# Suggestion:

- 1) Home-based business/home occupations. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:
  - a. External effects.
    1. There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
    2. No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
    3. The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the City in accordance with this chapter. All criteria in Subsections (1)a.1, 2, and 4 through 6 of this section are applicable for the detached accessory building.
    4. Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
    5. No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy **commercial** vehicles to conduct the home occupation is prohibited.
    6. All discharges of sewage and wastes into public sewers shall comply with all applicable City ordinances.

# Suggestion:

- a) Location of parking.
- 1) Parking of any vehicle is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
  - 2) Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure/garage) within the front yard setback but shall in no case encroach upon the public right-of-way.
  - 3) Parking of personal vehicles within an interior side yard must be located on a paved surface on the garage side of the property but shall not encroach upon the public right-of-way. Surface drainage shall maintain the standards set forth in the City Code.
  - 4) Parking of personal vehicles may occur in the rear yard setback, provided that such parking conforms to the provisions of the zoning ordinance. The parking space shall be provided on either a paved, graveled, or rock surface.
  - 5) ~~Commercial vehicles and h~~Heavy vehicles shall not be parked on any lot within the R-1, R-2, R-3, and MH Districts. This section shall apply even if the ~~commercial vehicle or~~ heavy vehicle is not being driven for the purpose of the commercial application, endeavor or business at the time said vehicle is parked within the aforementioned zoning districts.
  - 6) All paved surfaces exceeding four feet in width shall require a driveway/pad permit issued by the Building Official or designee.
  - 7) Street side yard driveways/pads shall not exceed half of the required setback.

Comments? Questions?

# Residential Storage Containers

Presented by: City Planner, Natalie Birchak



# Questions to Consider

- Does the City want to allow storage containers to be utilized as accessory structures in residential areas? Should they be prohibited only in residential within City limits, or should it extend into the ETZ?
- How does the International Building Code (IBC) define storage containers versus accessory structures?
- How are other communities handling these requirements?

# Section 62-62. – Development regulations. (Relevant excerpts)

## **Notes to Tables 62-162-2 and 62-162-3.**

*“Note 7: All allowable accessory buildings to a residence shall be limited to a maximum of 1,800 and for a maximum of three detached structures for the first one acre or less. The total area of all accessory buildings may be increased by 70 square feet for each additional one-tenth acre of land area above one acre. Accessory buildings shall include the following: barns, stable, storage buildings, and detached personal vehicle garages.”*

# 2024 International Building Code: Section 202 Definitions

**Intermodal Shipping Container.** A six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials.

# Findings

- City staff has received numerous complaints and concerns over storage containers located in residential areas. They are not considered structures in the International Building Code (IBC) unless they are significantly renovated.
- Storage containers may serve commercial purposes, but they are not residential in appearance.

# Suggestion:

## Notes to Tables 62-162-2 and 62-162-3.

*“Note 7: All allowable accessory **buildings structures** to a residence shall be limited to a maximum of 1,800 **square feet** and for a maximum of three detached structures for the first one acre or less. The total area of all accessory **buildings structures** may be increased by 70 square feet for each additional one-tenth acre of land area above one acre. Accessory **buildings structures** shall include the following: barns, stable, storage buildings, and detached personal vehicle garages. **Intermodal storage containers as defined in the International Building Code are not permitted in the RR, R-1, R-2, R-3, MH, or DC zoning districts for a period of greater than 30 days.**”*

Comments? Questions?

# Zoning Map Amendment Protest Petition Requirements

Presented by: City Planner, Natalie Birchak



# Questions to Consider

- What are the minimum requirements for noticing Zoning Map/Text Amendments and the minimum requirements for protest petitions as determined by North Dakota Century Code?
- How are other communities handling these requirements?

# Section 62-56(d). – Amendment process. (Relevant excerpts)

- 3) *“Protest. If a valid protest petition opposing an amendment is filed with the City Administrator, or a designee, by eligible property owners, a three-fourths vote of those members elected to the Board of City Commissioners is required for approval. A valid protest petition must meet the following criteria:*
- a. Submission of the petition in the Office of the Building Inspector within 14 days after the conclusion of the public hearing on the amendment by the Planning Commission.*
  - b. Notarized signatures by at least one of the following:*
    - 1. The owner or owners of at least 20 percent of the property proposed for rezoning.*
    - 2. The owners of 20 percent of the total area, excepting public rights-of-way and public property, within the zoning jurisdiction of the City and within 150 feet of the proposed rezoning.*

# ND Century Code: 40-47-04. Determining and enforcing regulations - Public hearing and notice thereof - Publication of regulations, restrictions, and boundaries.

1. The governing body of a city which uses zoning regulations shall provide for the manner in which the regulations and restrictions must be established, enforced, or supplemented, and for the manner in which the boundaries of the districts must be established and from time to time changed. A copy of each proposed regulation, restriction, or boundary must be filed with the city auditor. No regulation, restriction, or boundary may become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing must be published once a week for two successive weeks before the time set for the hearing in the official newspaper of the city. The notice must contain the following items:

- a. The time and place of the hearing.
  - b. A description of any property involved in any zoning change, by street address if streets have been platted or designated in the area affected.
  - c. A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary.
  - d. A statement of the times at which it will be available to the public for inspection and copying at the office of the city auditor.
2. Upon establishment of any regulation, restriction, or boundary hereunder, the governing body of a city shall file a certified copy thereof with the city auditor and shall cause notice of the same to be published in the official newspaper of the city. The notice must describe the nature, scope, and purpose of the regulation, restriction, or boundary and must state the times at which it will be available to the public for inspection and copying at the office of the city auditor.
3. The governing body of a city, a city zoning commission, and a board of adjustment shall state the grounds upon which any request for a zoning amendment or variance is approved or disapproved, and written findings upon which the decision is based must be included within the records of the governing body, commission, or board.

# ND Century Code: 40-47-05. Amendments to or repeals of zoning regulations - Protest - Required vote for passage.

Regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed from time to time. If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of twenty percent or more:

1. Of the area of the lots included in such proposed change; or
2. Of the area adjacent, extending one hundred fifty feet [45.72 meters] from the area to be changed, excluding the width of streets,

the amendment shall not become effective except by the favorable vote of three-fourths of all the members of the governing body of the city. The provisions of section 40-47-04 relating to public hearings, official notice, and publication of regulations, restrictions, and boundaries shall apply equally to all changes or amendments provided in this section; provided, that protests in writing must be filed with the city auditor prior to the time set for the hearing.

What are other communities doing?

# Bismarck – Current Requirements

## **14-07-02. Amendments Procedure.**

7. Protest. If a protest petition against a change, supplement, modification, amendment or repeal of the zoning ordinance is filed and is signed by owners of twenty (20) per cent or more of the property immediately adjacent and within one hundred fifty (150) feet of the request, excluding street right-of-way widths, the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the board of city commissioners. Otherwise said amendment shall not be approved or adopted without proceeding anew as in the case of a new amendment.

# Watford City – Current Requirements

## Article XXVI - Amendments

### Section 6. - PROTEST

1. If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of twenty percent or more:
  - a) Of the area of lots included in such proposed change; or
  - b) Of the area adjacent, extending one hundred fifty feet (45.72 meters) from the area to be changed, excluding the width of the streets. The amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council, provided that protests in writing must be filed with the City Auditor within seven (7) days from the recommendation of the Planning Commission. If no protest is filed, a majority decision of the City Council shall be sufficient.

# Williston – Current Requirements

## Section Z-29. Amendments

### C. Public hearings.

Protests. Any party may appear at the Planning and Zoning Commission Public Hearing or the City Commission Public Hearing in person or by agent or attorney. If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of 20% or more:

1. Of the area of the lots included in such proposed change; or
2. Of the area adjacent, extending 150 feet from the area to be changed, excluding the width of streets.

The amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Commission.

# Grand Forks – Current Requirements

## Article 10. - Amendments

### Section 18-1001. Zoning maps and zoning regulations.

- 4) Upon the filing of such report, the city council shall hold such public hearings upon the amendments as it deems advisable; however, at least one (1) public hearing thereon shall be conducted and at least fifteen (15) days' notice of the time and the place of such hearing shall be published in the official newspaper of the city. After the conclusion of the hearing or hearings, the city council may adopt the amendment or any part thereof in such form as it deems advisable. The votes necessary to adopt such an amendment shall be:
  - A. No amendment to the text of this chapter, except as provided in subsection (4)(B) below, shall become effective except by the favorable vote of the majority of the members of the council present.
  - B. No amendment to the zoning map to rezone any property or to alter or modify the uses permitted in any zoning district shall become effective except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of all of the members of the city council or, if less than three-fourths ( $\frac{3}{4}$ ) of all members of the city council are in attendance, by the unanimous vote of all those present.

# Findings

- North Dakota Century Code outlines the process for a protest petition regarding zoning map amendments.
- The City currently meets the minimum requirements for noticing and protest petitions for zoning map amendments as outlined by NDCC. The notice by petition is the only addition not required by NDCC.
- Alternative: Similar to Grand Forks, potentially could require a three-fourths vote for approval of all zoning map amendments. May delay future rezoning projects.

# Suggestion:

e) *“Required notice and publication for rezoning, special use permits, and text amendments.*

1) *Notice of public hearings—Rezoning, special use permits. Prior to consideration of a rezoning or special use permit, notice of public hearings shall be provided by the following methods, ~~as determined by the City:~~*

- a. *Publication. At least 15 days before the date of hearing, the Zoning Administrator shall have published in a daily newspaper having a general circulation in the City a notice of the time, place and subject matter of such hearing.*
- b. *Notification by mail. At least ten days prior to the date of hearing, the party initiating the rezoning request shall present the Zoning Administrator a certified address list of those persons who own property within 300 feet of the subject site. The Zoning Administrator shall mail notice of the time, place and subject matter of the hearing to such property owners at least ten days prior to the date of the hearing.*
- c. ~~*Notification by petition. The applicant shall acquire the signatures of the owners of all properties within 200 feet of the property line in question indicating their approval of the proposed rezoning.*~~

2) *Notice of public hearings—Text amendments. Prior to consideration of a text amendment, notice of public hearings shall be provided by publication as provided in Subsection (d)(1) of this section.”*

# Suggestions

- 3) *“Protest. If a valid protest petition opposing an amendment is filed with the City Administrator, or a designee, by eligible property owners, a three-fourths vote of those members elected to the Board of City Commissioners is required for approval. A valid protest petition must meet the following criteria:*
- a. *Submission of the petition ~~in the Office of the Building Inspector to the City Administrator or designee~~ within 14 days after the conclusion of the public hearing on the amendment by the Planning Commission.*
  - b. *Notarized signatures by at least one of the following:*
    1. *The owner or owners of at least 20 percent of the property proposed for rezoning.*
    2. *The owners of 20 percent of the total area, excepting public rights-of-way and public property, within the zoning jurisdiction of the City and within 150 feet of the proposed rezoning.*

Comments? Questions?