



PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, May 14, 2025 at 7:10 AM
City Hall – 38 1st Street West Dickinson, ND 58601

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. APRIL 9TH, 2025 MINUTES

3. REGULAR AGENDA:

A. REZONING (REZ-002-2025) - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from Low Density Residential (R-1) to Medium Density Residential (R-2) for Lots 2-4 of Block 14 of the Koch's Meadow Hills 4th Addition Subdivision in the SW ¼ of the NW ¼ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 1.51 acres.

B. FUTURE LAND USE MAP AMENDMENT (FLM-001-2025) - Presented by City Planner, Natalie Birchak

To consider a Future Land Use Map Amendment from Residential to Agricultural for Blocks 1 & 2, and Lots 1-4 of Blocks 3 & 4 of the Greenvale 3rd Addition Subdivision located in the E ½ of Section 9, Township 140 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 26.467 acres.

C. REZONING (REZ-003-2025) - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from Rural Residential (RR) to Agriculture (AG) for Blocks 1 & 2, and Lots 1-4 of Blocks 3 & 4 of the Greenvale 3rd Addition Subdivision located in the E ½ of Section 9, Township 140 North, Range 96 West, in the City of Dickinson’s Extra-Territorial Zone (ETZ). The site consists of +/- 26.467 acres.

D. PRELIMINARY MAJOR PLAT (PLP-002-2025) - *Presented by City Planner, Natalie Birchak*

To consider a Preliminary Major Subdivision Plat for the Jolliffe Acres Subdivision, being a replat of Blocks 1 & 2, and Lots 1-4 of Blocks 3 & 4 of the Greenvale 3rd Addition Subdivision located in the E ½ of Section 9, Township 140 North, Range 96 West, in the City of Dickinson’s Extra-Territorial Zone (ETZ). The site consists of +/- 26.467 acres.

E. SPECIAL USE PERMIT (SUP-002-2025) - *Presented by: City Planner, Natalie Birchak*

To consider a Special Use Permit for a group living facility in Community Commercial zoning at 2143 6th Avenue West. The property is legally described as the south 117 feet of Lot 3 and all of Lot 4 in Block 5 of Lutz’s 1st Addition Subdivision, in the SE ¼ of the SE ¼ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 1.25 acres.

F. ZONING TEXT AMENDMENT (ZTA-001-2025) - *Presented by City Planner, Natalie Birchak*

To consider a zoning text amendment to Section 62-318 “Boundaries” of the City of Dickinson North Dakota Zoning Ordinance regarding adding Fairway Street to the Corridor Overlay District.

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. AG MINIMUM LOT SIZE - *Presented by City Planner, Natalie Birchak*

B. DATA CENTERS TEXT REVIEW - *Presented by City/County Planner, Steve Josephson*

7. ADJOURNMENT

Link for viewing Planning and Zoning Commission Meeting:

<https://www.dickinsongov.com/meetings>

This link will not be live until approximately 7:10 AM MT on May 14, 2025.

Teams Meeting: <https://tinyurl.com/3zxx392s>

Teams Meeting ID: 224 151 350 405 1
Teams Phone #: 1-701-506-0320
Local Phone #: 701-456-7006

Meeting Passcode: fQ2AG6Fn
Phone Conference ID: 145 713 658#

Persons desiring to attend the meeting who require special accommodations are asked to contact the City Administrator by the Friday preceding the meeting.



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, April 09, 2025 at 7:10 AM
City Hall – 38 1st Street West Dickinson, ND 58601

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:

Motion to approve as presented.

Motion made by Commissioner Decker, Seconded by Commissioner Johansen.

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

A. INTRODUCTION OF MATHEW ROTHSTEIN

2. MINUTES

A. FEBRUARY 12TH, 2025 MINUTES

Motion to approve as presented.

Motion made by Commissioner Johansen, Seconded by Commissioner Schwab.

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

3. REGULAR AGENDA:

A. REZONING (REZ-001-2025) - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from Unzoned and Community Commercial (CC) to Public (P) for Part of Block 4 of the Nuhaven 2nd Addition Subdivision in the NW ¼ of the SE ¼ of Section 33, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 3.40 acres.

City Planner Birchak presents the rezone request. She explains that the Park District would like to establish a community orchard in this location.

Commissioner Schwab has a question about access. Ms. Birchak says access would be on 12th Street E. Parks Director, Benjamin Rae states the access is asphalt; they use it now to maintain the property.

Chairman Fridrich opens the public hearing. There being no comment 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 Schwab, Commissioner Decker, Commissioner Rothstein

B. FINAL MINOR PLAT (FLP-001-2025) - Presented by City Planner, Natalie Birchak

To consider a Minor Subdivision Plat for the 16th St Business Plaza Addition Subdivision located in the SW ¼ of the NW ¼ of Section 34, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 1.21 acres.

Ms. Birchak presents the final minor plat request. She explains the purpose of the plat is to divide into two lots with the intent of selling one of the lots. Staff has not received any comments and does recommend approval.

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

Motion to approve made by Commissioner Decker, Seconded by Commissioner Franchuk.

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

C. FINAL MAJOR PLAT (FLP-002-2025) - Presented by City Planner, Natalie Birchak

To consider a Major Subdivision Plat for the Jerry Williams Subdivision located in the SE ¼ of Section 22, Township 139 North, Range 96 West, located in the City of Dickinson's ETZ. The site consists of +/- 35.66 acres.

Ms. Birchak presents the final major plat. She explains the purpose of the plat is to divide the land into appropriately sized lots for the residents already living there. The preliminary plat was approved at a prior meeting. The City has obtained an updated road maintenance agreement. Staff has not received any comments and does recommend approval. The zoning will remain AG and the lots do meet the size requirements.

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

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

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

D. FINAL MINOR PLAT (FLP-003-2025) - Presented by City Planner, Natalie Birchak

To consider a Minor Subdivision Plat for the Badlands Storage Second Addition Subdivision located in the SE ¼ of the NE ¼ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 6.04 acres.

Ms. Birchak presents the minor subdivision plat. She explains the purpose of the plat is to combine the lots to expand the existing convenience storage. There is also a SUP accompanying this application and is contingent on approval of this plat.

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

Motion to approve made by Commissioner Haugen, Seconded by Commissioner Decker.

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

E. SPECIAL USE PERMIT (SUP-001-2025) - Presented by City Planner, Natalie Birchak

To consider a Special Use Permit amendment for a convenience storage facility in General Commercial zoning at 430 29th Street West. The property is legally described as Lot 1 in Block 1 of the Badlands Storage Subdivision, and Lot 1 in Block 1 of Tweeten’s Third Addition Subdivision in the SE ¼ of the NE ¼ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 6.04 acres.

Ms. Birchak presents the SUP request. This request accompanies the prior plat request. This is zoned community commercial. Staff has not received any comments and does recommend approval along with the conditions listed on the staff report.

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

Motion to approve with conditions made by Commissioner Johansen, Seconded by Commissioner Schwab.

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

- 4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA
- 5. ITEMS NOT ON AGENDA
- 6. WORK SESSION

A. CORRIDOR OVERLAY DISTRICT UPDATES - Presented by City Planner, Natalie Birchak

Ms. Birchak presents this work session item along with a PowerPoint presentation (can be viewed online with the meeting minutes). The current roads that are within the corridor overlay district are listed in the packet. The main concern is Fairway which is not listed in the corridor district; also added, would be 9th Street W and 9th Street E (same street with different names). Staff is looking to see if there is any feedback of entering this street into the corridor overlay district.

Single family constructions do not need to comply with the corridor standards. Mr. Josephson notes that there was a segment that was zoned LC which has to be residential in appearance; last year that property was rezoned CC which has different designed standards. Having them in the corridor would have them meet the same standards. There is discussion of extending Fairway to the west, which is currently just a dirt path.

B. DATA CENTERS ORDINANCE - Presented by City/County Planner, Steve Josephson

Mr. Josephson presents the work session item. Staff has been working on draft language for this ordinance. He goes over a summary on what data centers are (see presentation in agenda packet).

Commissioner Schwab says he went to the Vision West Conference and this was a big issue; it is a use that is not addressed in the zoning ordinance and he would like to see it amended to address that use.

7. ADJOURNMENT

Motion made by Commissioner Decker, Seconded by Commissioner Schwab.

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

From: Jotform
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [building.applications@dickinsongov.com](#); [nicole.snyder@dickinsongov.com](#); [Natalie Birchak](#)
Subject: Re: Unified Development Application
Date: Friday, March 28, 2025 11:37:17 AM
Attachments: [Calvin Wahl Pre-Application Letter.pdf](#)
[Transmittal Letter - Koch.pdf](#)
[Deed Placeholder.pdf](#)
[6189925658212678001_signature_19.png](#)
[6189925658212678001_signature_23.png](#)



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: [Calvin Wahl Pre-Application Letter.pdf](#)

Type of Development

Name

Applicant Email

Applicant Phone #

Owner Name

Owner Address

Owner Email

Owner Phone #

Is the owner present to Sign Yes

Signature

Will this application require any other action to complete the development? **No**

| | 1/4 Section | Township | Range |
|-------------|-------------------|----------|-------|
| Description | NW 1/4 Section 28 | 140N | 96W |

| Legal - Lot/Block/Addition | Lot | Block | Addition |
|----------------------------|-----|-------|-------------------------------------|
| Description | 2-4 | 14 | Koch's Meadow Hills Fourth Addition |

Property Address / General Project Location: Lots 2-4 of Block 14 of the Koch's Meadow Hills Fourth Addition.

Total Square Footage or Acreage of Subject Property: 1.53 acres

Transmittal Letter (Explanation of Request & Proposed Operations): [Transmittal Letter - Koch.pdf](#)

Existing Zoning: **R1 - Low Density Residential**

Proposed Zoning: **R2 - Medium Density Residential**

Rezone Calc Multiplier: 1

Overlay District Description: N/A

Map of Area to be Rezoned: [Wahl-Zoning.jpeg](#)

Minor Platting Multiplier: 0

Prelim Platting Multiplier: 0

Major Platting Multiplier: 0

Application Calc: 350

Deed for Property: [Deed Placeholder.pdf](#)

Application Fees: Applicable Fees 350.00 USD

Total: \$350.00
Transaction ID: 5qvhjkcq

Payment Information

First Name: Marilyn
Last Name: Koch
E-Mail: marilynk@bis.midco.net

Applicant Signature

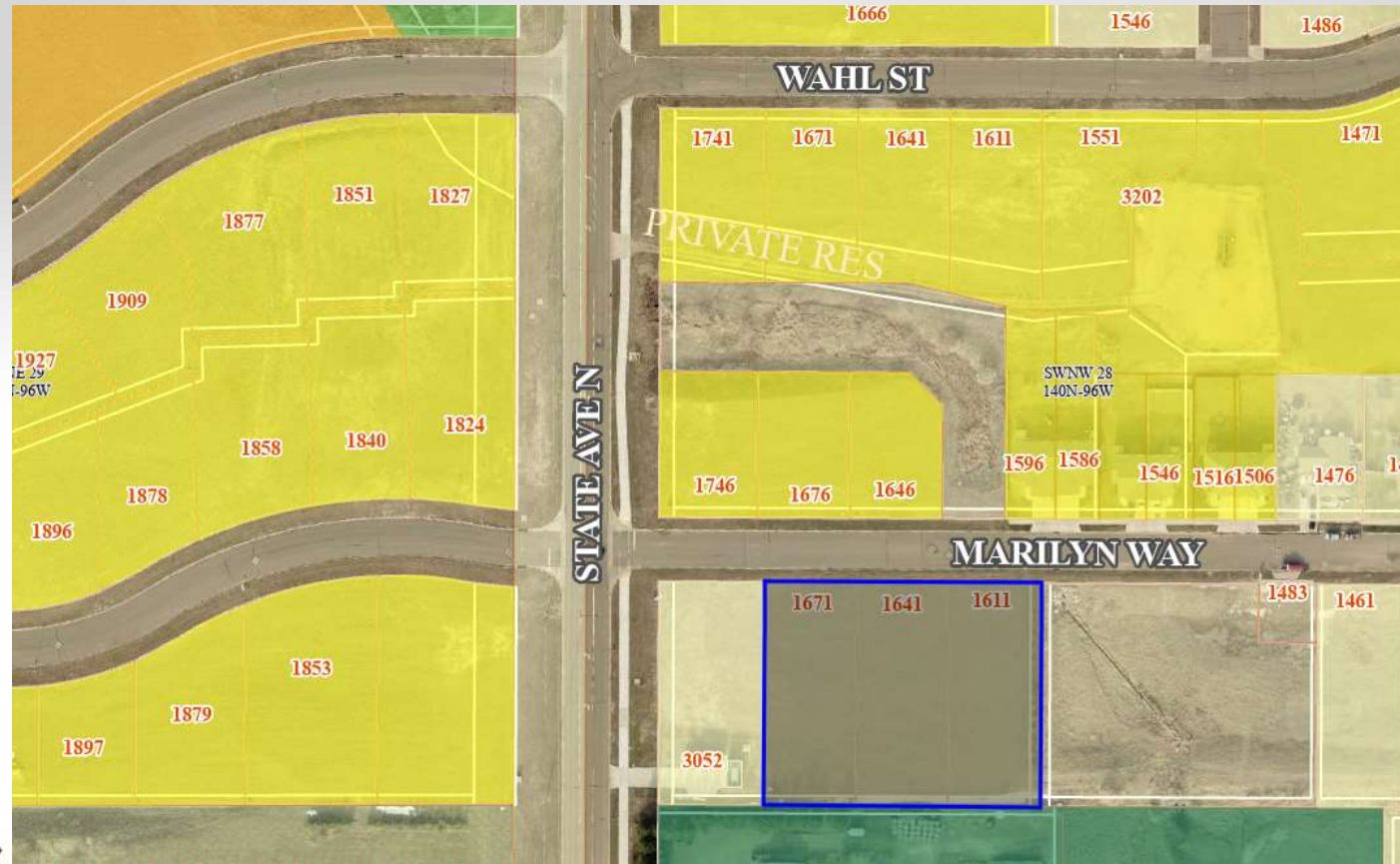


Date: 03-28-2025

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MARILYN KOCH ZONING MAP AMENDMENT (REZ-002-2025)

Section 3. Item A.



Transmittal Letter

We are interested in rezoning the property from Low Density Residential (R-1) to Medium Density Residential (R-2) in order to construct four single-family attached residences, which are not permitted in R-1 zoning. We intend to apply for a minor subdivision plat in the future to reconfigure the lots.

Marilyn Koch & Calvin Wahl



Marilyn Koch Zoning Map Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: May 7, 2025
 Re: REZ-002-2025 Marilyn Cook Zoning Map Amendment

OWNER/APPLICANT

Marilyn Koch/Koch Property Investments
 4808 Southbay Drive SE
 Mandan ND 58554
 marilynk@bis.midco.net
 (701) 400-5624

| | | |
|----------------------------|--------------|--------------------------------|
| Public Hearing | May 14, 2025 | Planning and Zoning Commission |
| Public Hearing | May 20, 2025 | City Commission |
| Final Consideration | June 3, 2025 | City Commission |

The applicant is requesting the approval of a zoning map amendment from Low Density Residential (R1) to Medium Density Residential (R2) for Lots 2, 3, and 4 of Block 14 of the Koch’s Meadow Hills Fourth Addition Subdivision, located within the City of Dickinson. The purpose of this rezoning is to allow the t applicant to develop the properties with single-family attached residences. The applicant has submitted an associated irregular plat that will be considered if the proposed zoning map amendment is approved.

Staff recommendation: Staff recommends approval of this rezone.

LOCATION

| | |
|--|-----------------------|
| CURRENT ZONING | R1 |
| FUTURE LAND USE MAP DESIGNATION | RESIDENTIAL |
| GROSS SITE ACREAGE | +/- 1.53 acres |
| LOTS PROPOSED | Four |

| ADJACENT ZONING & LAND USE | | |
|----------------------------|--------------|---------------------------|
| Direction | Zoning | Land Use |
| North | R-2 | Undeveloped |
| East | Unzoned; R-1 | Undeveloped |
| South | RR | Single-family residential |
| West | R-1; R-2 | Undeveloped |

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compatibility with the Comprehensive Plan

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated RESIDENTIAL. This zoning map amendment request is consistent with this FLUM designation.

Compliance with The Zoning Ordinance

The site is currently zoned R-1, and the applicant is proposing to rezone the site to R-2. According to the applicant, the purpose of this rezone is to construct four single-family attached residences. This use type is not permitted in R-1 zoning, but it is permitted in R-2 zoning, as shown in Table 62-162-2: Permitted Uses by Zoning Districts in the Municipal Code.

The lots directly north of the site are currently zoned R-2. This is consistent with the requested rezone from R-1 to R-2. The lot adjacent to the West of the site, containing 3052 State Avenue N, is currently R-1 and would be left as an isolated R-1 area. City staff is working with the applicant to submit a rezone request from R-1 to R-2 for this lot for the June P&Z meeting.

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-002-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-002-2025: The Marilyn Koch 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-002-2025: The Marilyn Koch 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."*

From: [Jotform](#)
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Sylvia Miller](#); [Natalie Birchak](#)
Subject: Re: Unified Development Application
Date: Wednesday, April 9, 2025 2:39:35 PM
Attachments: [Jolliffe Pre-Application Letter.pdf](#)
[CITY OF DICKINSON CONSENT LETTER Duane Sickler property.docx.pdf](#)
[FLUM Request.pdf](#)
[Dickinson Zoning Map \(ETZ\).pdf](#)
[38089C0200F.pdf](#)
[25-006 JOLLIFFE PRELIM NO IMAGE.pdf](#)
[25-006 JOLLIFFE REPLAT IMAGE.pdf](#)
[326067.pdf](#)
[6200403111811290473_signature_23.png](#)



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: [Jolliffe Pre-Application Letter.pdf](#)

Type of Development Future Land Use Map Amendment

Name Erik Jolliffe

Applicant Email erik.jolliffe@foremostwell.com

Applicant Phone # (701) 578-4674

Applicant Representative (if applicable) Nick Jensen

Applicant Representative Company Western Edge Surveying, PLLC

Applicant Representative Email nick.jensen@westernedgesurveying.com

Applicant Representative Phone # (701) 505-8209

Owner Name Jill Gilmore

Owner Address 111H E Ave SW, Dickinson, North Dakota, 58601

Owner Email jgilmore@regency-mgmt.com

Owner Phone # (605) 280-5414

Is the owner present to Sign

Owner Signature Upload [CITY OF DICKINSON CONSENT LETTER Duane Sickler property.docx.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS)

A TRACT OF LAND BEING THE REPLAT OF BLOCKS 1 & 2 , AND LOTS 1 THROUGH 4 OF BLOCKS 3 & 4 OF GREENVALE 3RD SUBDIVISION IN THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GREENVALE 3RD SUBDIVISION, THENCE S88°24'27"E ALONG THE NORTH LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 645.80' TO A POINT BEING THE NORTHEAST CORNER OF SAID GREENVALE 3RD SUBDIVISION, THENCE S1°49'37"W ALONG THE EAST LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 1785.44' TO A POINT BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK 3 OF SAID GREENVALE 3RD SUBDIVISION THENCE N88°22'15"W ALONG THE SOUTH LINE OF LOT 4, BLOCK 3 AND SOUTH LINE OF LOT 4 BLOCK 4 OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 645.81' TO A POINT BEING THE SOUTHWEST CORNER OF SAID LOT 4 BLOCK 4, THENCE N1°49'38"E ALONG THE WEST LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 1785.02' TO THE POINT OF BEGINNING.

SAID TRACT NOW PLATTED AS JOLLIFFE ACRES SUBDIVISION CONTAINS 26.467 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES, AND SURVEYS.

| | 1/4 Section | Township | Range |
|-------------|--------------|----------|-------|
| Description | SE 1/4 Sec 9 | 140 | 96 |

| Legal - Lot/Block/Addition | Lot | Block | Addition |
|---|--|-------------|---------------|
| Description | 1-8,1-8,1-4,1-4 | B1,B2,B3,B4 | Greenvale 3rd |
| Property Address / General Project Location | Undeveloped portion of a subdivision about 350' west of the intersection of 104TH ST NW & 111E AVE SW. | | |
| Total Square Footage or Acreage of Subject Property | 26.467 | | |
| Proposed Month for Consideration | May | | |
| Existing Future Land Use Map Category | Residential | | |
| Proposed Future Land Use Map Category | Agricultural | | |
| Existing Zoning | RR - Rural Residential | | |
| Existing Use | Vacant/Undeveloped | | |
| Overlay District Description | N/A | | |
| Transmittal Letter (Explanation of Request & Proposed Operations) | FLUM Request.pdf | | |
| Map of Proposed Amendment to Future Land Use Map - Drawn to Scale | Dickinson Zoning Map (ETZ).pdf 38089C0200F.pdf 25-006 JOLLIFFE_PRELIM_NO_IMAGE.pdf 25-006 JOLLIFFE_REPLAT_IMAGE.pdf | | |
| Rezone Calc Multiplier | 0 | | |
| Minor Platting Multiplier | 0 | | |
| Prelim Platting Multiplier | 0 | | |
| Major Platting Multiplier | 0 | | |
| Application Calc | 750 | | |
| Deed for Property | 326067.pdf | | |
| Application Fees | Applicable Fees | | 750.00 USD |
| | Total: | | \$750.00 |

Transaction ID:

q92134fc

Payment Information

First Name: Nicholas

Last Name: Jensen

E-Mail erik.jolliffe@foremostwell.com

Applicant Signature



Date

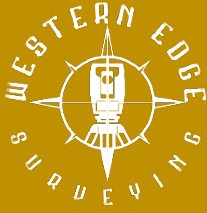
04-09-2025

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JOLLIFFE ACRES FUTURE LAND USE MAP AMENDMENT (FLM-001-2025)

Section 3. Item B.





Western Edge Surveying, PLLC
1175 Lincoln Street
Dickinson, ND 58601

Phone: (701) 505-8209
Email: nick.jensen@westernedgesurveying.com
Website: www.westernedgesurveying.com

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND

Date: April 9th, 2025

Subject: FLUM Application – Jolliffe Acres Subdivision

Attached to the application form, please find the following documents for the Jolliffe Acres Subdivision FLUM amendment, submitted for consideration.

- Pre-submittal Meeting Letter
- Project Scope (see below)
- Legal Description
- Warranty Deed(s)
- Preliminary Plat Drawing
- Preliminary Plat Drawing – With image, showing current land usage.
- City Zoning Map (ETZ Zone)
- FEMA Floodplain Map

FLUM Request:

The applicant requests amending the Future Land Use Map (FLUM) designation for the subject property from Residential to Agriculture to align with its intended agricultural use. The property’s significant drainage features and rural context support this change, as detailed in the Project Description. We acknowledge city staff’s recommendation against this amendment; however, the applicant believes it better reflects the property’s long-term character and viability.

Project Description:

The applicant, Erik Jolliffe, holds a purchase agreement with the Duane Sickler Estate for this property, originally part of Greenvale 3rd Subdivision. To align with the proposed zoning change from Rural Residential to Agriculture, better suited to the parcel’s rural character and drainage constraints, the applicant requests a Future Land Use Map (FLUM) amendment to Agriculture. Development plans are limited to constructing a residence on proposed Lot 2 near the vacated Right-of-Way, with the remaining ground intended for agricultural use.

The surrounding area reflects a mix of zoning, with Agricultural to the west and northwest. Although the FLUM designates this parcel for future residential use, recent development in the immediate area has favored commercial, industrial, and agricultural uses over residential expansion.

The parcel itself features significant drainage from the east and west, runoff from adjacent development to a FEMA SFHA Zone 'A' on the north. Amending the FLUM to Agriculture, alongside the proposed zoning change, reduces development pressure and better suits the land's natural state compared to a denser residential designation. The recently submitted Preliminary Major Subdivision Replat, now under separate consideration, reconfigures the property into lots of five acres or greater to support this agricultural use.

The parcel's sole access is proposed via 31P St SW from the north, with no improvements beyond an existing Southwest Water meter. Located within the City's ETZ but outside the Corporate Limits, Urban Service Boundary, Urban Area Boundary, and Water Service Boundary.

Land Use Policy 1.3.3 Responses:

Impact to the Future Land Use Map (FLUM):

This application amends the FLUM designation for the subject property from Residential to Agriculture, as outlined in the attached legal description. This change aligns with the parcel's intended agricultural use and rural context, as detailed in the Project Description.

Consistency with the Comprehensive Plan policies and all other City plans

This Agricultural FLUM amendment aligns with existing Agricultural zoning to the west and north, reinforcing the parcel's rural character alongside the proposed zoning change from Rural Residential to Agriculture. The 2035 Roadmap's FLUM designates the property and areas to the west, east, and north as Residential, with Mixed Use to the south, despite current Limited Industrial use there and Rural Residential to the east. The ETZ Zone's expansion since adoption reflects updated planning context, and no conflicts with other City plans are noted.

Availability of City Infrastructure to serve the property in which the Future Land Use Map amendment is requested

The parcel lies outside the Urban Service Boundary and Water Service Boundary, beyond the reach of City infrastructure. An existing Southwest Water meter serves the property, sufficient for the proposed agricultural use and single residence, requiring no additional City services.

Location of the property in relation to planned thoroughfares and the availability and cost to the City to provide infrastructure

The 2035 Roadmap Transportation Plan (Figure 5-3) suggests a proposed collector route near the property, though its exact path remains unclear. If aligned with the Right-of-Way through Greenvale 3rd Subdivision, this route is proposed for vacation in the separate Major Subdivision Replat. Surrounding waterways likely render alternative connections cost-prohibitive for the City, while existing access via 31P St SW supports the parcel's agricultural use without additional infrastructure.

Compatibility of the requested future land use designation in relation to abutting or adjacent future land use designations

The requested Agricultural FLUM designation aligns with existing Agricultural zoning to the west and north, despite the current FLUM's Residential designations there, east, and north, and Mixed Use to the south. This change reinforces a rural buffer between the Mixed Use area to the south and Residential expansion, complementing the property's proposed zoning and use patterns.

Extent to which the requested future land use designation establishes or reinforces an urban sprawl pattern of development as opposed to an orderly, compact form of development

The Agricultural FLUM designation neither promotes nor reinforces urban sprawl, given the property's significant drainage constraints, rural context, and location outside city service boundaries. By preserving a rural use adjacent to Agricultural zoning west and north, where Residential development faces drainage and runoff challenges, it limits low-density expansion, supporting an orderly transition from the Mixed Use area to the south.

Whether the first two phases of the Capital Improvement Program include programmed improvements in the Future Land Use Map amendment is proposed

The property lies outside the City's Urban Service Area and Water Service Boundary, beyond the scope of the Capital Improvement Program's first two phases. No improvements are planned here, and the proposed Agricultural use requires no City infrastructure upgrades.

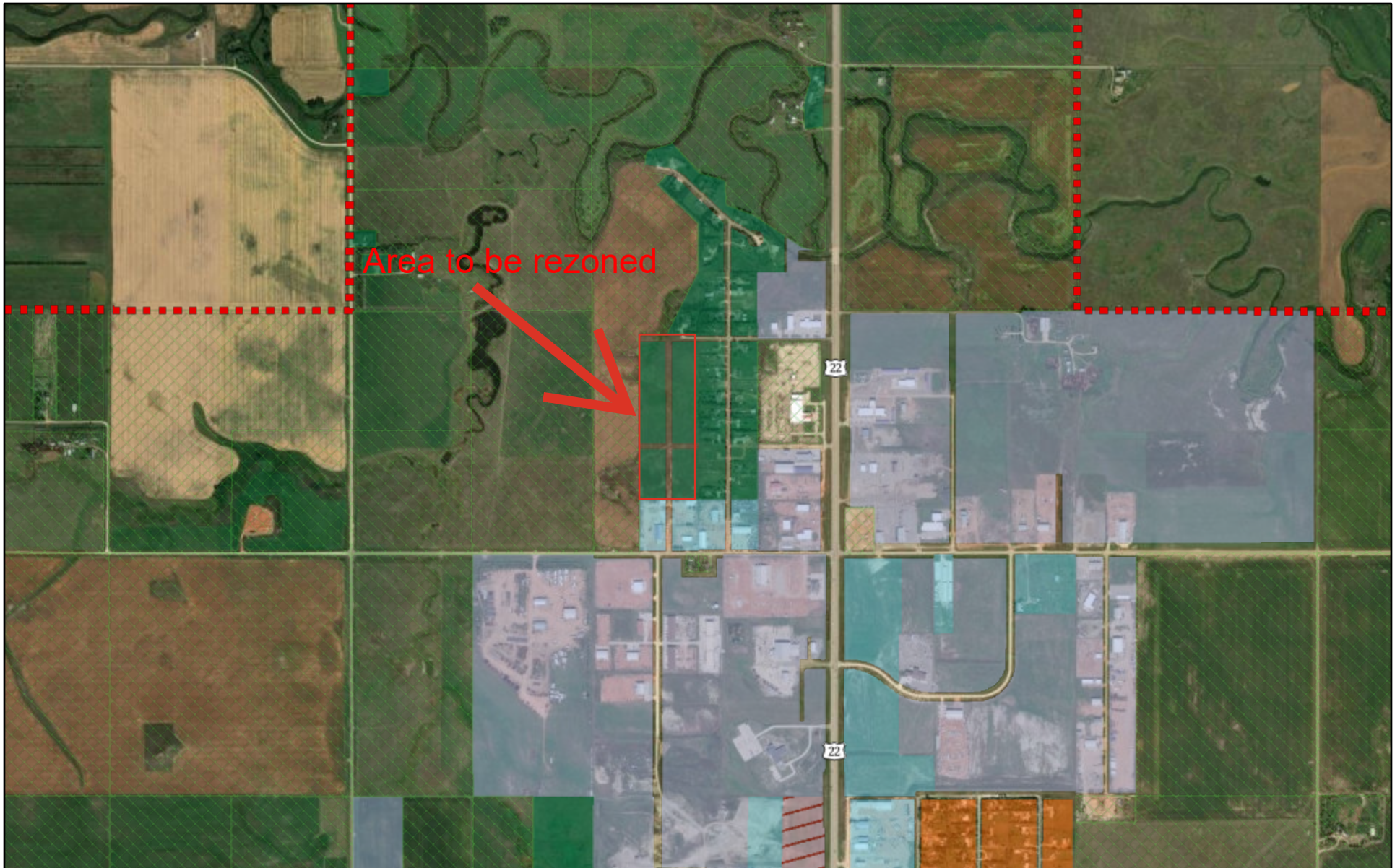
Short-term and long-term fiscal impacts to the City of approving the Future Land Use Map amendment

Located outside the City's Urban Service Area and Corporate Limits, the property requires no City services for its proposed Agricultural use. This amendment carries no short-term or long-term fiscal impact.

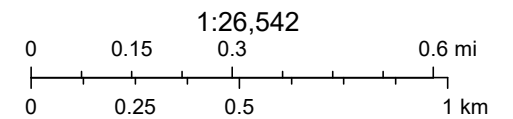
Thank you for your time in reviewing this request, we welcome any questions or feedback you may have.

Thanks,
Nick Jensen
Western Edge Surveying, PLLC

Dickinson Zoning Map (ETZ)



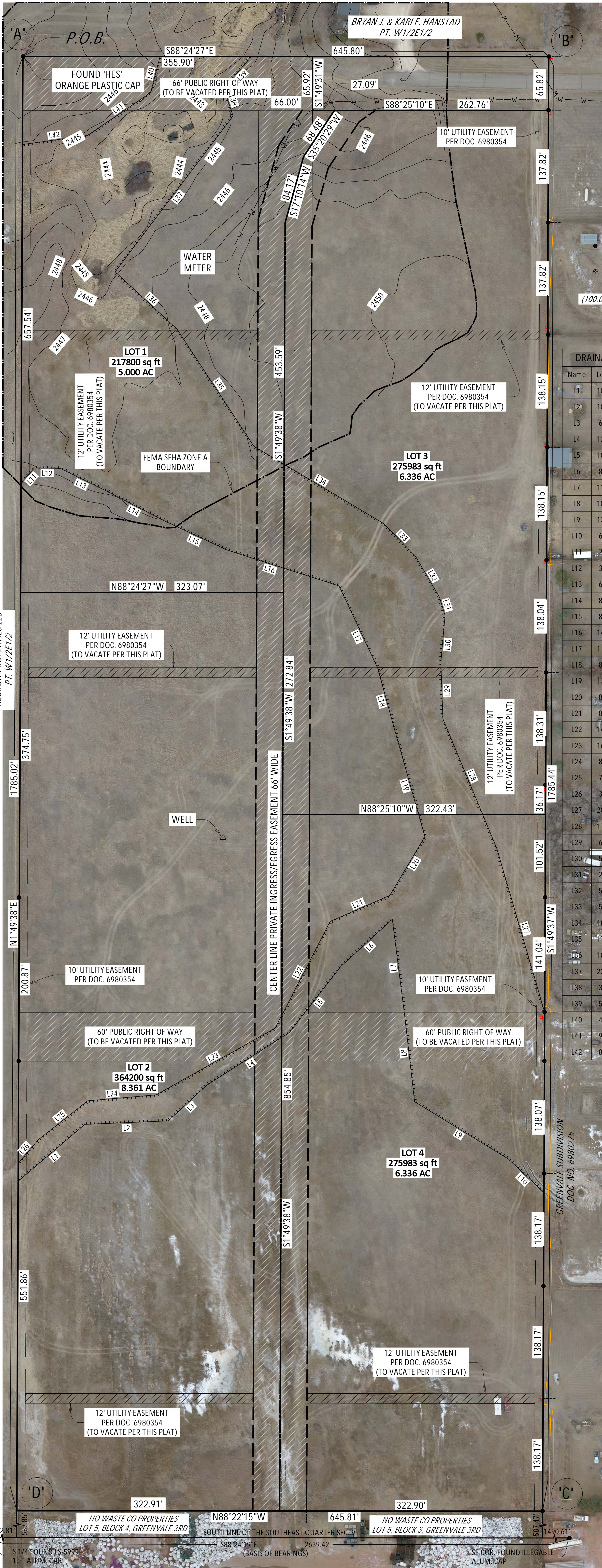
4/2/2025



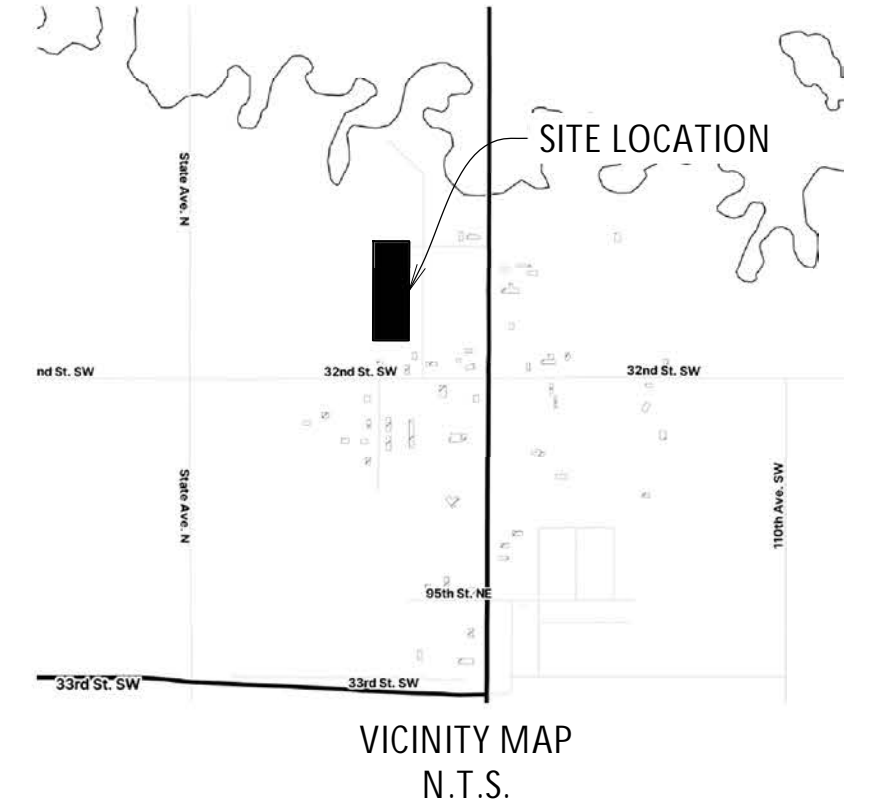
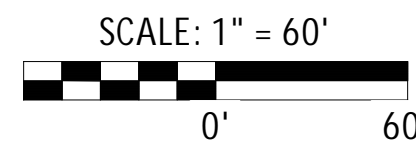
Pictometry International, Eagleview, City of Dickinson, Dickinson Engineering Department, Engineering & Planning, Maxar

JOLLIFFE ACRES SUBDIVISION

BEING A REPLAT OF BLOCKS 1 & 2, AND LOTS 1 THROUGH 4 OF BLOCKS 3 & 4 OF GREENVALE 3RD SUBDIVISION IN THE EAST HALF OF SECTION 9, T. 140 N., R. 96 W., 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA



| Name | Northing | Easting | Elevation |
|------|-----------|------------|-----------|
| A | 478204.52 | 1394663.52 | 2447.50 |
| B | 478186.57 | 1395309.96 | 2448.69 |
| C | 476402.36 | 1395252.04 | 2469.12 |
| D | 476420.72 | 1394606.62 | X |



LEGEND

- FOUND CORNER - 1/2" REBAR (UNLESS DESCRIBED OTHERWISE)
- CORNERS TO BE SET AFTER PRELIMINARY APPROVAL
- (100.00) RECORD DISTANCE
- SUBDIVISION BOUNDARY LINE
- LOT LINES
- ADJACENT LOT LINES
- EASEMENT LINES
- FEMA SFHA ZONE 'A' LIMITS
- PUBLIC RIGHT-OF-WAY (TO BE VACATED)
- DRAINAGE EASEMENT
- INGRESS/EGRESS EASEMENT CENTERLINE

SUBDIVISION NOTES:

- CURRENT ZONING - RURAL RESIDENTIAL
- REQUESTED ZONING - AGRICULTURAL
- PART OF JOLLIFFE ACRES IS WITHIN SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "A" OF FEMA FIRM NO. 38089C0200F DATED AUGUST 28, 2024

SURVEY NOTES:

- PART OF JOLLIFFE ACRES IS WITHIN SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "A" OF FEMA FIRM NO. 38089C0200F DATED AUGUST 28, 2024
- UTILITIES DEPICTED ARE THE RESULT OF A 811 CALL TICKET #25008484 AND WERE EITHER MARKED OR ELECTRONICALLY SUBMITTED TO SURVEYOR. SURVEYOR MAKES NO GUARENTEES TO THE PHYSICAL LOCATION OF UTILITIES.
- ALL DOCUMENTS REFERENCED ARE ON FILE WITH THE STARK COUNTY COURTHOUSE.
- DATE OF LATEST FIELD WORK: APRIL 1ST, 2025

BASIS OF BEARINGS:

BASIS OF BEARINGS BEING THE SOUTH LINE OF THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 140 NORTH, RANGE 96 WEST, 5TH PRINCIPAL MERIDIAN HAVING A BEARING OF S88°24'19"E.

SURVEY BASED ON NORTH DAKOTA SOUTH ZONE 1983 (2011), INTERNATIONAL FOOT, BEARINGS ARE GRID, DISTANCES ARE GROUND USING A SCALE FACTOR OF 1.0001777027. COORDINATES ARE GRID. VERTICAL DATUM NAVD88 (GEOID18).

LEGAL DESCRIPTION:

A TRACT OF LAND BEING THE REPLAT OF BLOCKS 1 & 2, AND LOTS 1 THROUGH 4 OF BLOCKS 3 & 4 OF GREENVALE 3RD SUBDIVISION IN THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GREENVALE 3RD SUBDIVISION, THENCE S88°24'27"E ALONG THE NORTH LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 645.80' TO A POINT BEING THE NORTHEAST CORNER OF SAID GREENVALE 3RD SUBDIVISION, THENCE S1°49'37"W ALONG THE EAST LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 1785.44' TO A POINT BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK 3 OF SAID GREENVALE 3RD SUBDIVISION THENCE N88°22'15"W ALONG THE SOUTH LINE OF LOT 4, BLOCK 3 AND SOUTH LINE OF LOT 4 BLOCK 4 OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 645.81' TO A POINT BEING THE SOUTHWEST CORNER OF SAID LOT 4 BLOCK 4, THENCE N1°49'38"E ALONG THE WEST LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 1785.02' TO THE POINT OF BEGINNING.

SAID TRACT NOW PLATTED AS JOLLIFFE ACRES SUBDIVISION CONTAINS 26.467 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES, AND SURVEYS.

SURVEYOR'S CERTIFICATE:

I, NICHOLAS R JENSEN, REGISTERED LAND SURVEYOR, N.D. NO. 29362 DO HEREBY CERTIFY THAT JOLLIFFE ACRES SUBDIVISION 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.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

NICHOLAS R. JENSEN LS-29362

PROPRIETOR'S CERTIFICATE

I, JILL GILMORE, EXECUTOR OF THE ESTATE OF DUANE SICKLER, HEREBY CERTIFY THAT I AM THE DULY APPOINTED AND ACTING EXECUTOR OF SAID ESTATE, AND AS SUCH, THE PROPRIETOR OF THE LAND SHOWN AND DESCRIBED ON THIS PLAT, BEING A SUBDIVISION KNOWN AS JOLLIFFE ACRES SUBDIVISION, LOCATED IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA. I DO HEREBY DECLARE THAT I HAVE CAUSED THE LAND DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND DEPICTED ON THIS PLAT TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON. I FURTHER DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER, ALL UTILITY EASEMENTS AND PUBLIC RIGHTS-OF-WAY AS SHOWN AND DESIGNATED ON THIS PLAT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

BY: _____
JILL GILMORE, EXECUTOR OF THE ESTATE OF DUANE SICKLER

STATE OF _____ SS
COUNTY OF _____

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JILL GILMORE, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FORGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____ STATE OF _____

| Name | Length | Azimuth |
|------|--------|-------------|
| L1 | 107.55 | N51°07'58"E |
| L2 | 102.60 | N89°10'22"E |
| L3 | 64.47 | N48°46'49"E |
| L4 | 120.41 | N59°04'14"E |
| L5 | 102.87 | N39°32'09"E |
| L6 | 85.56 | N49°04'01"E |
| L7 | 118.58 | S5°43'24"E |
| L8 | 107.02 | S5°01'07"E |
| L9 | 134.94 | S56°59'15"E |
| L10 | 60.02 | S45°09'03"E |
| L11 | 24.43 | N43°40'56"E |
| L12 | 31.97 | S87°23'05"E |
| L13 | 63.54 | S62°11'44"E |
| L14 | 80.67 | S61°13'47"E |
| L15 | 88.82 | S63°29'48"E |
| L16 | 144.19 | S70°39'58"E |
| L17 | 111.28 | S23°36'50"E |
| L18 | 81.65 | S13°50'23"E |
| L19 | 133.39 | S14°12'58"E |
| L20 | 83.96 | S32°22'13"W |
| L21 | 80.08 | S68°00'44"W |
| L22 | 147.23 | S28°49'55"W |
| L23 | 167.71 | S62°19'18"W |
| L24 | 84.37 | S86°38'51"W |
| L25 | 77.31 | S53°19'16"W |
| L26 | 37.95 | S41°53'02"W |
| L27 | 209.80 | N14°42'24"W |
| L28 | 171.81 | N21°01'16"W |
| L29 | 69.40 | N0°27'41"W |
| L30 | 57.76 | N6°40'39"E |
| L31 | 23.22 | N15°22'28"W |
| L32 | 58.74 | N28°45'38"W |
| L33 | 56.04 | N42°46'17"W |
| L34 | 185.34 | N57°39'00"W |
| L35 | 171.93 | N31°40'37"W |
| L36 | 103.54 | N45°38'55"W |
| L37 | 239.88 | N38°43'03"E |
| L38 | 36.32 | N16°25'02"W |
| L39 | 51.27 | N43°04'15"E |
| L40 | 45.64 | S16°11'15"W |
| L41 | 93.82 | S57°25'59"W |
| L42 | 80.49 | S83°39'52"W |

CITY OF DICKINSON COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY ENGINEER APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY PLANNING AND ZONING COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

STARK COUNTY COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

| | |
|---|----------------|
| DRAWN BY: NRJ | SHEET: 1 OF 1 |
| PROJECT NO: 25-006 | DATE: 4/2/2025 |
| WESTERN EDGE SURVEYING, PLLC | |
| 1175 LINCOLN STREET DICKINSON, ND 58601 PHONE: (701) 505-8209 | |
| WWW.WESTERNEDGESURVEYING.COM | |



Joliffe Future Land Use Map Amendment Staff Report

To: City of Dickinson Planning and Zoning Commission
 From: City of Dickinson Community Development
 Date: May 7, 2025
 Re: FLM-001-2025 Future Land Use Map Amendment

APPLICANT

Erik Jolliffe
 2705 Heritage Court
 Minot, ND, 5803
 erik.jolliffe@foremostwell.com
 701-578-4674

APPLICANT'S REPRESENTATIVE

Nick Jensen
 Western Edge Surveying, PLLC
 1175 Lincoln Street
 Dickinson ND 58601
 nick.jensen@westernedgesurveying.com
 701-505-8209

| | | |
|----------------------------|--------------|--------------------------------|
| Public Hearing | May 14, 2025 | Planning and Zoning Commission |
| Public Hearing | May 20, 2025 | City Commission |
| Final Consideration | June 3, 2025 | City Commission |

To consider a Future Land Use Map amendment for a 26.467-acre property located in the E½ of Section 9, Township 140 North, Range 96W located within the City of Dickinson's Extra Territorial Zone (ETZ). The subject property is legally described as Blocks 1 & 2, and Lots 1 through 4, Blocks 3 & 4 of the Greenvale 3rd Addition Subdivision. The applicant seeks to rezone the subject lots from Rural Residential (RR) to Agricultural (AG).

The applicant seeks to change the Future Land Use Map designation of the subject lots from RESIDENTIAL to AGRICULTURE.

Staff Recommendation: Denial

A companion zoning map amendment request is also scheduled for public hearing at the May 14, 2025 Planning and Zoning Commission meeting (REZ-003-2025).

A companion preliminary major plat is also scheduled for public hearing at the May 14, 2025 Planning and Zoning Commission meeting (PLP-002-2025).

LOCATION

The property is located within the E1/2 of Section 9, Township 140 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, located within the City of Dickinson’s Extra-territorial Zone.

| | |
|--|--------------------------|
| CURRENT ZONING | RURAL RESIDENTIAL |
| FUTURE LAND USE MAP DESIGNATION | RESIDENTIAL |
| GROSS SITE ACREAGE | +/- 26.476 acres |
| LOTS PROPOSED | 4 |

| NEARBY ZONING & LAND USE | | |
|-------------------------------------|---------------|--|
| Direction | Zoning | Land Use |
| North | AG; RR | Undeveloped; Single-Family Residential |
| East | RR | Single-Family Residential |
| South | LI | Industrial Uses |
| West | AG | Undeveloped |

STAFF ANALYSIS

BACKGROUND

When the FLUM was adopted in March 2013 as part of the Dickinson 2035: Roadmap to the Future Comprehensive Plan, the subject property, along with adjacent properties to the north, east and west, were designation as RESIDENTIAL. According to Chapter 4 Land Use of the Comprehensive Plan, the FLUM designations were determined as follows:

- City planner input on general mapping strategies as well as the location of specific FLUM designations;
- Public comment received on specific FLUM designations;
- Existing land use pattern;
- Development trends;
- Land use compatibility; and
- Preferred future development of existing properties.

These factors are listed on page 110 of Chapter 4 Land Use of the Comprehensive Plan.

CONSISTENCY, COMPATIBILITY, AND RECOMMENDATIONS

Consistency with Comprehensive Plan

Policy 1.3.4 of the Chapter 4 Land Use of the City of Dickinson Comprehensive Plan states the following:

The City shall review FLUM amendments applications and shall take into consideration and record as findings of fact in an ordinance that approves a requested Future Land Use Map Amendment the following factors:

- *Impact to the FLUM.*
- *Consistency with comprehensive plan policies and all other city plans.*
- *Availability of city infrastructure to serve the property in which the FLUM amendment is requested.*
- *Location of the property in relation to planned thoroughfares and the availability and cost to the City to provide infrastructure.*
- *Compatibility of the requested future land use designation in relation to abutting or adjacent future land use designations.*
- *Extent to which the requested future land use designation establishes or reinforces an urban sprawl pattern of development as opposed to an orderly, compact form of development.*
- *Whether the first two phases of the Capital Improvement Program include programmed improvements in the area where the FLUM amendment is proposed.*
- *Short-term and long-term fiscal impacts to the City of approving the FLUM amendment.*

Staff finds the following:

- Approval of the proposed amendment would impact the FLUM by creating an area that is not consistent with the adjacent FLUM designations. It would essentially create an island of AGRICULTURE designation permitting uses incompatible with residential uses in an area currently developed residentially;
- As the adjacent properties to the north, east and west are designated on the FLUM as RESIDENTIAL, and as the adjacent properties to the south are designated as INDUSTRIAL, the requested future land use designation is not compatible in relationship to abutting or adjacent future land use designation.

Compatibility with Local Uses

The applicant has indicated they are intending to construct a primary residence on one of the lots, and use the remaining land as a hobby farm or pasture land. The site is currently zoned RR. According to Table 62-162-2: Permitted Uses by Zoning Districts in the Municipal Code,

Horticulture and Crop Production are permitted uses in RR-zoned districts, and Type 1 Animal Production, which involves small-scale livestock raising, is permitted through obtaining a Special Use Permit. However, if the FLUM is approved, and a proposed rezoning from Rural Residential to Agricultural would permit Type I Animal Production immediately adjacent to an established residential subdivision. Type I Animal Production is defined in Section 62-129 of the Zoning Ordinance as follows:

- *Type I animal production.* The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Type I Animal Production shall also include confined feeding and holding facilities consisting of no more than 20 feeder or fat cattle; no more than 20 beef cows; no more than 20 dairy cattle; no more than 50 swine, llamas, and ostriches or similar large birds; no more than 200 sheep; no more than 300 turkeys; and/or no more than 1,000 chickens, ducks, or geese. Typical uses include grazing, ranching, dairy farming, and poultry farming.

The following uses, which could be considered as incompatible with an established residential subdivision; are permitted in AG zoning:

- Kennels;
- Restaurants (generally); and
- Stables.

According to Table 62-162-2. Permitted Uses by Zoning Districts of the Zoning Ordinance, the following uses that may be considered as incompatible with an established residential subdivision could be allowed as special uses in AG zoning:

- Type II and Type III animal production;
- Livestock sales;
- Retirement residential;
- General offices;
- Campgrounds;
- Indoor and outdoor commercial recreation;
- Convenience storage;
- Surplus sales;
- Trade services;
- Veterinary services;
- Resource extraction;
- Petroleum storage and sales;
- Stockyards;

- Toxic gaseous storage;
- Landfill; and
- Motorized sports.

STAFF RECOMMENDATIONS

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 **denial** of FLM-001-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLM-001-2025: The Jolliffe Future Land Use Map Amendment** as meeting all the requirements of the Dickinson Municipal Code and also 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 **FLM-001-2025: The Jolliffe Future Land Use Map Amendment** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

From: [Jotform](#)
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Sylvia Miller](#); [Natalie Birchak](#)
Subject: Re: Unified Development Application
Date: Wednesday, April 9, 2025 2:32:25 PM
Attachments: [Jolliffe Pre-Application Letter.pdf](#)
[CITY OF DICKINSON CONSENT LETTER Duane Sickler property.docx.pdf](#)
[Zoning Request.pdf](#)
[326067.pdf](#)
[Dickinson Zoning Map \(ETZ\).pdf](#)
[25-006 JOLLIFFE REPLAT IMAGE.pdf](#)
[25-006 JOLLIFFE PRELIM NO IMAGE.pdf](#)
[38089C0200F.pdf](#)
[6200398571814907585_signature_23.png](#)



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: [Jolliffe Pre-Application Letter.pdf](#)

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

Name **Erik Jolliffe**

Applicant Email **erik.jolliffe@foremostwell.com**

Applicant Phone # **(701) 578-4674**

Applicant Representative (if applicable) **Nick Jensen**

Applicant Representative Company **Western Edge Surveying, PLLC**

Applicant Representative Email **nick.jensen@westernedgesurveying.com**

Applicant Representative Phone # **(701) 505-8209**

Owner Name **Jill Gilmore**

Owner Address **111H E Ave SW, Dickinson, North Dakota, 58601**

Owner Email jgilmore@regency-mgmt.com

Owner Phone # (605) 280-5414

Is the owner present to Sign

Owner Signature Upload [CITY OF DICKINSON CONSENT LETTER Duane Sickler property.docx.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS)

A TRACT OF LAND BEING THE REPLAT OF BLOCKS 1 & 2 , AND LOTS 1 THROUGH 4 OF BLOCKS 3 & 4 OF GREENVALE 3RD SUBDIVISION IN THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GREENVALE 3RD SUBDIVISION, THENCE S88°24'27"E ALONG THE NORTH LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 645.80' TO A POINT BEING THE NORTHEAST CORNER OF SAID GREENVALE 3RD SUBDIVISION, THENCE S1°49'37"W ALONG THE EAST LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 1785.44' TO A POINT BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK 3 OF SAID GREENVALE 3RD SUBDIVISION THENCE N88°22'15"W ALONG THE SOUTH LINE OF LOT 4, BLOCK 3 AND SOUTH LINE OF LOT 4 BLOCK 4 OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 645.81' TO A POINT BEING THE SOUTHWEST CORNER OF SAID LOT 4 BLOCK 4, THENCE N1°49'38"E ALONG THE WEST LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 1785.02' TO THE POINT OF BEGINNING.

SAID TRACT NOW PLATTED AS JOLLIFFE ACRES SUBDIVISION CONTAINS 26.467 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES, AND SURVEYS.

| | 1/4 Section | Township | Range |
|-------------|--------------|----------|-------|
| Description | SE 1/4 Sec 9 | 1400 | 96 |

| Legal - Lot/Block/Addition | Lot | Block | Addition |
|----------------------------|-----------------|-------------|---------------|
| Description | 1-8,1-8,1-4,1-4 | B1,B2,B3,B4 | Greenvale 3rd |

Property Address / General Project Location: Undeveloped portion of a subdivision about 350' west of the intersection of 104TH ST NW & 111E AVE SW.

Total Square Footage or Acreage of Subject Property: 26.467

Transmittal Letter (Explanation of Request & Proposed Operations): [Zoning Request.pdf](#)

Existing Zoning: RR - Rural Residential

Proposed Zoning: AG - Agriculture

Rezone Calc Multiplier: 1

Overlay District Description: N/A

Map of Area to be Rezoned: [Dickinson Zoning Map \(ETZ\).pdf](#)
[25-006 JOLLIFFE_REPLAT_IMAGE.pdf](#)
[25-006 JOLLIFFE_PRELIM_NO_IMAGE.pdf](#)
[38089C0200F.pdf](#)

Minor Platting Multiplier: 0

Prelim Platting Multiplier: 0

Major Platting Multiplier: 0

Application Calc: 250

Deed for Property: [326067.pdf](#)

Application Fees: Applicable Fees 250.00 USD

Total: \$250.00

Transaction ID: m20w9z4k

Payment Information

First Name: Nicholas
 Last Name: Jensen
 E-Mail: erik.jolliffe@foremostwell.com

Applicant Signature

A handwritten signature in black ink, appearing to be 'M. J. ...', written over a light blue background.

Date

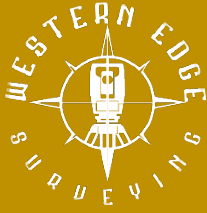
04-09-2025

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

JOLLIFFE ACRES ZONING MAP AMENDMENT (REZ-003-2025)

Section 3. Item C.





Western Edge Surveying, PLLC
1175 Lincoln Street
Dickinson, ND 58601

Phone: (701) 505-8209
Email: nick.jensen@westernedgesurveying.com
Website: www.westernedgesurveying.com

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND

Date: April 9th, 2025

Subject: Rezone Application – Jolliffe Acres Subdivision

Attached to the application form you will find the following Rezone Application Documents for the area of the Jolliffe Acres Subdivision being submitted for consideration:

- Pre-submittal Meeting Letter
- Project Scope (see below)
- Legal Description
- Warranty Deed(s)
- Preliminary Plat Drawing
- Preliminary Plat Drawing – With image, showing current land usage.
- City Zoning Map (ETZ Zone)
- FEMA Floodplain Map

Rezoning Request:

The applicant requests rezoning the subject property, currently zoned Rural Residential, to Agriculture to align with its intended agricultural use. The property’s current condition marked by significant drainage features and a FEMA SFHA Zone ‘A’ on the north side supports this change, as agricultural use may better accommodate its natural state than residential development. The recently submitted Preliminary Major Subdivision Replat, now under separate consideration, reconfigures the property into lots of five acres or greater to meet Agricultural zoning standards. We acknowledge city staff’s recommendation against this change; however, the applicant believes this rezoning supports the property’s rural character and long-term viability, consistent with adjacent agricultural zoning to the west.

Project Description:

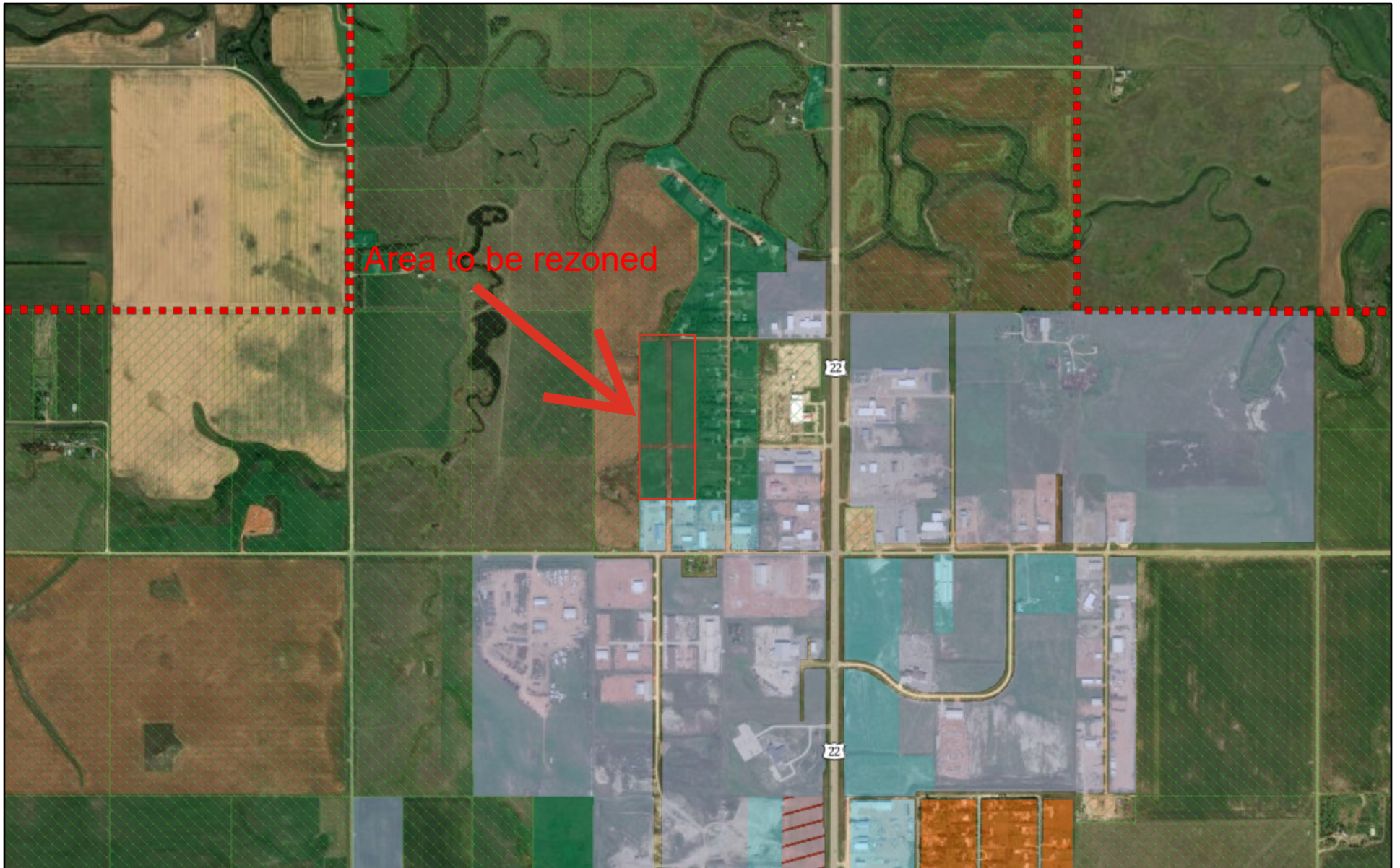
The applicant, Erik Jolliffe, holds a purchase agreement with the Duane Sickler Estate for this property, originally part of Greenvale 3rd Subdivision. The land features significant drainage from the east and west, runoff from adjacent development to the south, and a FEMA SFHA Zone ‘A’ on the north. Rezoning to Agriculture, paired with the replat, reduces potential development pressure. The applicant plans to construct a residence on proposed Lot 2 near the vacated Right-of-Way and hay the remaining ground, a use consistent with the property’s intermittent agricultural activity since the creation of Greenvale 3rd Subdivision nearly 44 years ago, excluding lots 5-8 of Blocks 3 and 4. Access is proposed via an existing paved road, 31P St SW, from the north. The property lies outside the City’s Corporate Limits, Urban Service Boundary, Urban Area Boundary, and Water Service Boundary. The area, as described, is undeveloped though Southwest

Water services it via an existing meter. Surrounding zoning includes mixed uses to the south and southeast, Residential to the east and northeast, and Agricultural to the west, aligning this request with existing patterns and avoiding spot zoning.

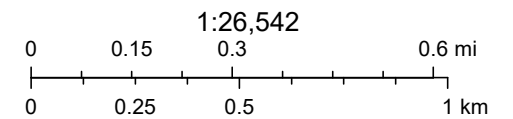
Thank you for your consideration of this application and we appreciate any feedback or questions you may have.

Thanks,
Nick Jensen
Western Edge Surveying, PLLC

Dickinson Zoning Map (ETZ)



4/2/2025



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



May 8, 2025

Stark County Zoning Board and Governing Authorities

I am writing in support of Erik and Tricia Jolliffe request to replat the 22.08 tract of land to Agricultural zoning.

This tract of land has a large area of floodplain the NW section of the property. There is also has a high-water table throughout the acreage which creates issues and excess development costs for a larger density housing development with multiple septic systems as well as basements.

Lots 5 & 6, Block 3, of Greenvale 3rd Subdivision were two commercial lots on the south portion of this tract which were sold July of 2019. In conversation with the buyer, they needed to install drain tile system to manage the excess ground water.

This property has been marketed for multiple years to potential developers as a rural housing development. I believe the highest and best use for the property is agricultural.

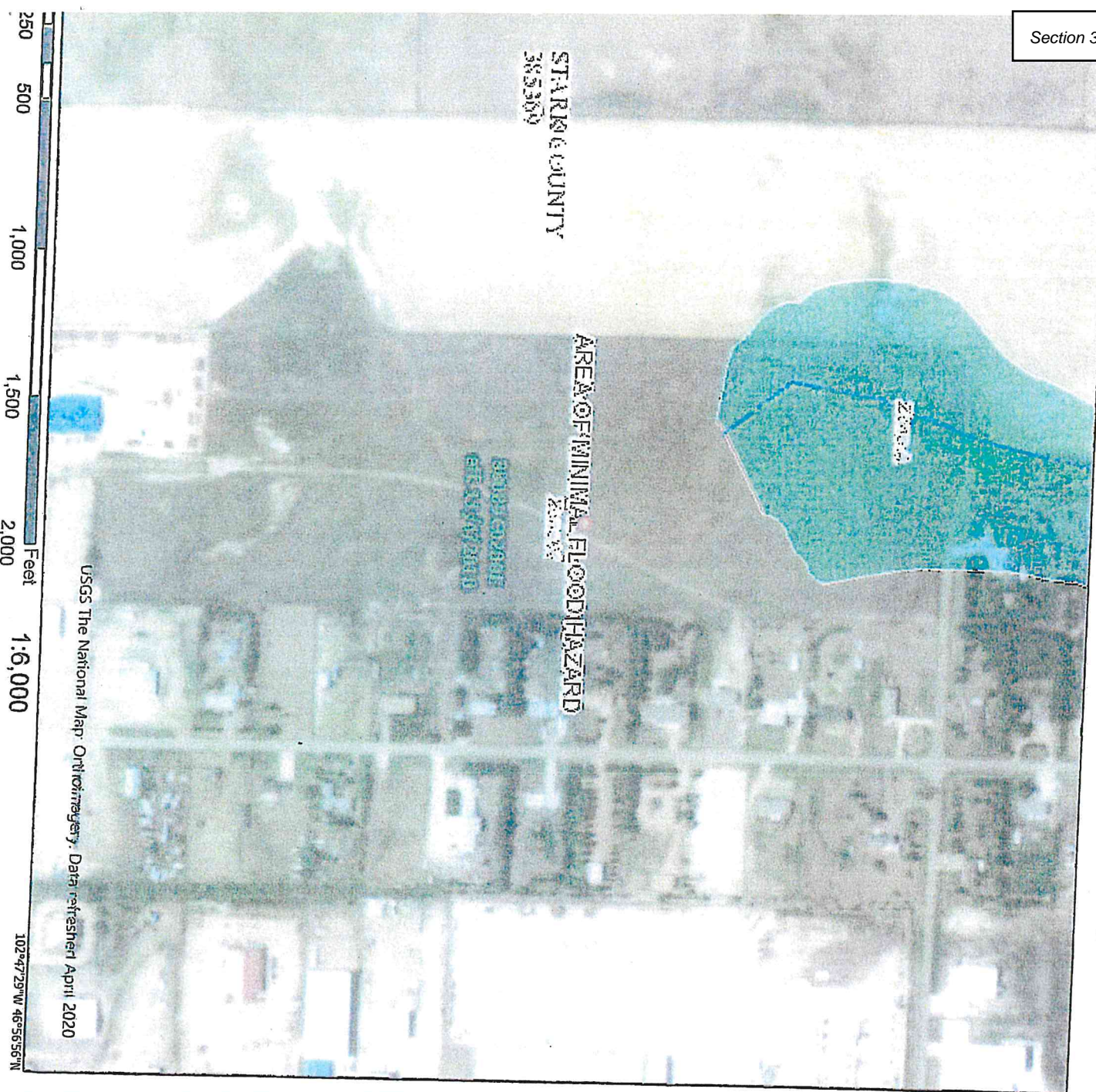
Sincerely,

A handwritten signature in blue ink that reads "Diane Duchscher".

Diane Duchscher
Real Estate Broker
Home and Land Company

Digital Flood Hazard Layer FIRMette

57°21'N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
 Without Base Flood Elevation (BFE)
 Zone A, V, AE
 With BFE or Depth Zone AE, AO, AH, VE, AN
 Regulatory Floodway

0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)
 Future Conditions 1% Annual Chance Flood Hazard Zone X
 Area with Reduced Flood Risk due to Levee. See Notes, Zone X
 Area with Flood Risk due to Levee Zone D

OTHER AREAS OF FLOOD HAZARD
 No screen
 Area of Minimal Flood Hazard Zone X
 Effective LOMFRS
 Area of Undetermined Flood Hazard Zone

OTHER AREAS GENERAL STRUCTURES
 Channel, Culvert, or Storm Sewer
 Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance
 20.2
 47.5
 Water Surface Elevation
 Coastal Transect
 Base Flood Elevation Line (BFE)
 Limit of Study
 Jurisdiction Boundary
 Coastal Transect Baseline
 Profile Baseline
 Hydrographic Feature

OTHER FEATURES
 Digital Data Available
 No Digital Data Available
 Unmapped

MAP PANELS
 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 reflects 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 identifiers, FIRMette panel number, and FIRMette effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Joliffe Zoning Map Amendment Staff Report

To: City of Dickinson Planning and Zoning Commission
 From: City of Dickinson Community Development
 Date: May 7, 2025
 Re: REZ-003-2025 Future Land Use Map Amendment

APPLICANT

Erik Jolliffe
 2705 Heritage Court
 Minot, ND, 5803
 erik.jolliffe@foremostwell.com
 701-578-4674

APPLICANT'S REPRESENTATIVE

Nick Jensen
 Western Edge Surveying, PLLC
 1175 Lincoln Street
 Dickinson ND 58601
 nick.jensen@westernedgesurveying.com
 701-505-8209

| | | |
|----------------------------|--------------|--------------------------------|
| Public Hearing | May 14, 2025 | Planning and Zoning Commission |
| Public Hearing | May 20, 2025 | City Commission |
| Final Consideration | June 3, 2025 | City Commission |

To consider a zoning map amendment for a 26.467-acre property located in the E½ of Section 9, Township 140 North, Range 96W located within the City of Dickinson's Extra Territorial Zone (ETZ). The subject property is legally described as Blocks 1 & 2, and Lots 1 through 4, Blocks 3 & 4 of the Greenvale 3rd Addition Subdivision. The applicant seeks to rezone the subject lots from Rural Residential (RR) to Agricultural (AG).

The applicant seeks to change the zoning designation of the subject lots from Rural Residential (RR) to Agriculture (AG).

Staff Recommendation: Denial

A companion Future Land Use Map amendment request is also scheduled for public hearing at the May 14, 2025 Planning and Zoning Commission meeting (FLM-001-2025).

A companion preliminary major plat is also scheduled for public hearing at the May 14, 2025 Planning and Zoning Commission meeting (PLP-002-2025).

LOCATION

The property is located within the E1/2 of Section 9, Township 140 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, located within the City of Dickinson’s Extra-territorial Zone.

| | |
|--|--------------------------|
| CURRENT ZONING | RURAL RESIDENTIAL |
| FUTURE LAND USE MAP DESIGNATION | RESIDENTIAL |
| GROSS SITE ACREAGE | +/- 26.476 acres |
| LOTS PROPOSED | 4 |

| NEARBY ZONING & LAND USE | | |
|-------------------------------------|---------------|--|
| Direction | Zoning | Land Use |
| North | AG; RR | Undeveloped; Single-Family Residential |
| East | RR | Single-Family Residential |
| South | LI | Industrial Uses |
| West | AG | Undeveloped |

STAFF ANALYSIS

CONSISTENCY, COMPATIBILITY, AND RECOMMENDATIONS

Consistency with Comprehensive Plan

The subject property, as well as adjacent properties to the north, east and west, are designated on the Future Land Use Map (FLUM) of the City’s Comprehensive Plan as RESIDENTIAL. According to Table 4-21 referenced in Policy 1.3.2 of Chapter 4-Land Use of the Comprehensive Plan, the AG zoning district is not deemed to be consistent with the RESIDENTIAL FLUM designation.

Staff finds the following:

- Approval of the proposed amendment would impact the FLUM by creating an area that is not consistent with the adjacent FLUM designations. It would essentially create an island

of AGRICULTURE designation permitting uses incompatible with residential uses in an area currently developed residentially;

- As the adjacent properties to the north, east and west are designated on the FLUM as RESIDENTIAL, and as the adjacent properties to the south are designated as INDUSTRIAL, the requested future land use designation is not compatible in relationship to abutting or adjacent future land use designation.

Compatibility with Local Uses

The applicant has indicated they are intending to construct a primary residence on one of the lots, and use the remaining land as a hobby farm or pasture land. The site is currently zoned RR. According to Table 62-162-2: Permitted Uses by Zoning Districts in the Municipal Code, Horticulture and Crop Production are permitted uses in RR-zoned districts, and Type 1 Animal Production, which involves small-scale livestock raising, is permitted through obtaining a Special Use Permit. However, if the FLUM is approved, and a proposed rezoning from Rural Residential to Agricultural would permit Type I Animal Production immediately adjacent to an established residential subdivision. Type I Animal Production is defined in Section 62-129 of the Zoning Ordinance as follows:

- *Type I animal production.* The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Type I Animal Production shall also include confined feeding and holding facilities consisting of no more than 20 feeder or fat cattle; no more than 20 beef cows; no more than 20 dairy cattle; no more than 50 swine, llamas, and ostriches or similar large birds; no more than 200 sheep; no more than 300 turkeys; and/or no more than 1,000 chickens, ducks, or geese. Typical uses include grazing, ranching, dairy farming, and poultry farming.

The following uses, which could be considered as incompatible with an established residential subdivision; are permitted in AG zoning:

- Kennels;
- Restaurants (generally); and
- Stables.

According to Table 62-162-2. Permitted Uses by Zoning Districts of the Zoning Ordinance, the following uses that may be considered as incompatible with an established residential subdivision could be allowed as special uses in AG zoning:

- Type II and Type III animal production;

- Livestock sales;
- Retirement residential;
- General offices;
- Campgrounds;
- Indoor and outdoor commercial recreation;
- Convenience storage;
- Surplus sales;
- Trade services;
- Veterinary services;
- Resource extraction;
- Petroleum storage and sales;
- Stockyards;
- Toxic gaseous storage;
- Landfill; and
- Motorized sports.

STAFF RECOMMENDATIONS

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 **denial** of REZ-003-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-003-2025: The Jolliffe Rezone Request**, as meeting all the requirements of the Dickinson Municipal Code and also 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-002-2025: The Jolliffe Rezone Request** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

From: Jotform
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Sylvia Miller](#); [Natalie Birchak](#)
Subject: Re: Unified Development Application
Date: Friday, April 4, 2025 9:32:13 AM



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: [Jolliffe Pre-Application Letter.pdf](#)

Type of Development **Major Subdivision Preliminary Plat**

Is this a Replat **Yes**

Subdivision Being Re-platted **GREENVALE 3RD SUBDIVISION**

Name **Erik Jolliffe**

Applicant Email **erik.jolliffe@foremostwell.com**

Applicant Phone # **(701) 578-4674**

Applicant Representative (if applicable) **Nick Jensen**

Applicant Representative Company **Western Edge Surveying, PLLC**

Applicant Representative Email **nick.jensen@westernedgesurveying.com**

Applicant Representative Phone # **(701) 505-8209**

Owner Name **Jill Gilmore**

Owner Address **111H E Ave SW, Dickinson, ND, 58601**

Owner Email jgilmore@regency-mgmt.com

Owner Phone # (605) 280-5414

Is the owner present to Sign

Owner Signature Upload [CITY OF DICKINSON CONSENT LETTER Duane Sickler property.docx.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS)

A TRACT OF LAND BEING THE REPLAT OF BLOCKS 1 & 2 , AND LOTS 1 THROUGH 4 OF BLOCKS 3 & 4 OF GREENVALE 3RD SUBDIVISION IN THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GREENVALE 3RD SUBDIVISION, THENCE S88°24'27"E ALONG THE NORTH LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 645.80' TO A POINT BEING THE NORTHEAST CORNER OF SAID GREENVALE 3RD SUBDIVISION, THENCE S1°49'37"W ALONG THE EAST LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 1785.44' TO A POINT BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK 3 OF SAID GREENVALE 3RD SUBDIVISION THENCE N88°22'15"W ALONG THE SOUTH LINE OF LOT 4, BLOCK 3 AND SOUTH LINE OF LOT 4 BLOCK 4 OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 645.81' TO A POINT BEING THE SOUTHWEST CORNER OF SAID LOT 4 BLOCK 4, THENCE N1°49'38"E ALONG THE WEST LINE OF SAID GREENVALE 3RD SUBDIVISION A DISTANCE OF 1785.02' TO THE POINT OF BEGINNING.

SAID TRACT NOW PLATTED AS JOLLIFFE ACRES SUBDIVISION CONTAINS 26.467 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES, AND SURVEYS.

| | 1/4 Section | Township | Range |
|-------------|-------------|----------|-------|
| Description | SE | 140 | 96 |

Property Address / Undeveloped portion of a subdivision about 350' west of the

General Project Location intersection of 104TH ST NW & 111E AVE SW.

Total Square Footage or Acreage of Subject Property 26.467

Transmittal Letter (Explanation of Request & Proposed Operations) [25-006_JOLLIFFE_TRANSMITTAL.pdf](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 1

Major Platting Multiplier 0

Name of Preliminary Plat JOLLIFFE ACRES SUBDIVISION

Preliminary Number Lots 1 to 10 Lots

Preliminary Number of Block(s) 1

0

Application Calc 500

Required Documentation Upload [Dickinson Parcel Map \(ETZ\).pdf](#)
[Dickinson Utility Information Map.pdf](#)
[Dickinson Zoning Map \(ETZ\).pdf](#)
[ROUGH RIDER ELECTRIC MAP.png](#)
[GREENVALE THIRD_Page001_Dpi150_Layer000.png](#)
[38089C0200F.png](#)
[25-006 JOLLIFFE_PRELIM_NO_IMAGE.pdf](#)
[25-006 JOLLIFFE_REPLAT_IMAGE.pdf](#)

Deed for Property [326067.pdf](#)

Application Fees Applicable Fees 500.00 USD

Total: \$500.00

Transaction ID: bpbn8tnb

Payment Information

First Name: Nicholas

Last Name: Jensen

E-Mail erik.jolliffe@foremostwell.com

Applicant Signature

Date

04-04-2025

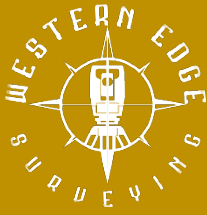
You can [edit this submission](#) and [view all your submissions](#) easily.

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

JOLLIFFE ACRES PRELIMINARY MAJOR SUBDIVISION (PLP-002-2025)

Section 3. Item D.





Western Edge Surveying, PLLC
1175 Lincoln Street
Dickinson, ND 58601

Phone: (701) 505-8209
Email: nick.jensen@westernedgesurveying.com
Website: www.westernedgesurveying.com

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND

Date: April 2nd, 2025

Subject: Major Plat Preliminary Application – Jolliffe Acres Subdivision

Attached to the application form you will find the following Major Plat documents for Jolliffe Acres Subdivision being submitted for consideration:

- Pre-submittal Meeting Letter
- Project Scope (see below)
- Legal Description
- Warranty Deed(s)
- Preliminary Plat Drawing
- Preliminary Plat Drawing – With image, showing current land usage.
- City Parcel Map (ETZ Zone)
- City Utility Map (ETZ Zone)
- City Zoning Map (ETZ Zone)
- FEMA Floodplain Map

PROJECT SCOPE:

The applicant is submitting this Major Subdivision Plat as a replat of Greenvale 3rd Subdivision. This has been reconfigured to contain one block, with four lots. Additionally, the applicant proposes to vacate the previously platted public Right-of-Way, replacing it with a private easement (as depicted on the plat) to maintain access to all lots along the main North-South corridor. The 12' wide east-west utility easements are also requested to be vacated. A minor adjustment to the road alignment is proposed at the northern end to facilitate construction and reduce encroachment into lower elevations of the FEMA SFHA Zone 'A'.

ZONING AND FUTURE LAND USE MAP (FLUM) CHANGE REQUEST:

The subject property is currently zoned Rural Residential and designated on the Future Land Use Map for future residential zoning. The applicant requests rezoning to Agriculture and a corresponding FLUM amendment to Agriculture to align with its intended agricultural use and potential tax benefits. The property's current condition, characterized by significant drainage features, supports this shift, as agricultural use may better accommodate its natural state than future residential development. To meet Agricultural zoning standards, the lots have been reconfigured to five acres or greater, as reflected in the accompanying Major Subdivision Replat. We acknowledge city staff's recommendation against these changes and the Planning and Zoning Commissions' likely hesitation, given planned residential growth; however, the applicant believes

this rezoning supports the property’s rural character and long-term viability. We welcome feedback to address during the review process.

UTILITY INFORMATION:

A One-Call was placed and the following utilities responded:

| Company name | Status |
|---------------------------------|---|
| BRIDGER PIPELINE LLC | Clear/No conflict |
| CONSOLIDATED TELECOM | Marked (Marked fiber line & services) |
| CTLQL-CENTURYLINK | Clear/No conflict |
| MONTANA DAKOTA UTILITIES | Clear/No conflict |
| ROUGH RIDER ELECTRIC COOP, INC. | Survey Request Completed (As-built drawings, sketches and/or utility maps provided) |
| SOUTHWEST PIPELINE PROJECT | Survey Request Completed (As-built drawings, sketches and/or utility maps provided) (sent shape file DW3/10/25) |

Southwest Water and Consolidated Telecom utilities are marked on the preliminary plat based on the information provided. Roughrider Electric supplied a separate map. These utilities appear to follow existing corridors along the east and north sides of the plat. Older telephone boxes observed on the east and west sides are presumed to be CenturyLink lines (cleared by CTLQL); however, their routes within the subdivision require further investigation. Southwest Water has an existing meter installed on-site, as noted on the plat.

FLOOD/DRAINAGE EASEMENT INFORMATION:

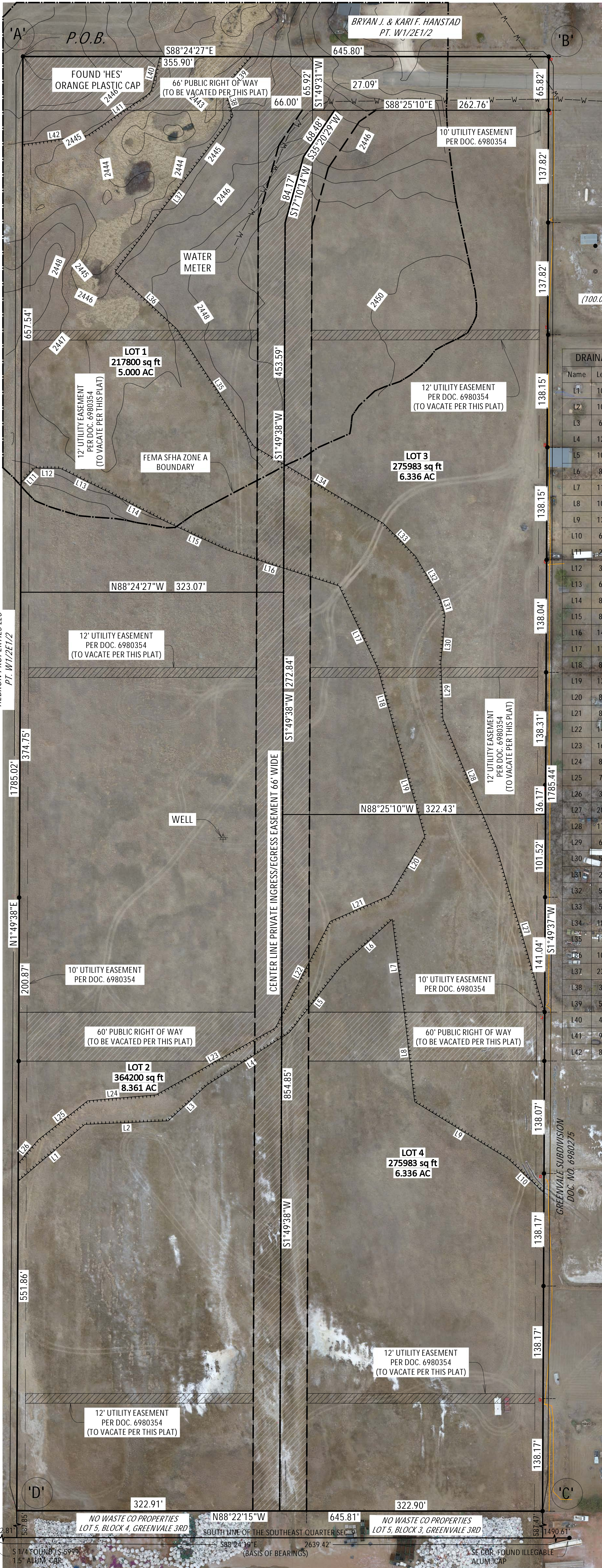
The FEMA SFHA Zone ‘A’ is outlined on the plat, along with a proposed drainage easement. The drainage easement follows the high bank through the subdivision to manage stormwater flow effectively.

Thank you for your time and consideration of this application. We appreciate any feedback you can provide during the review process.

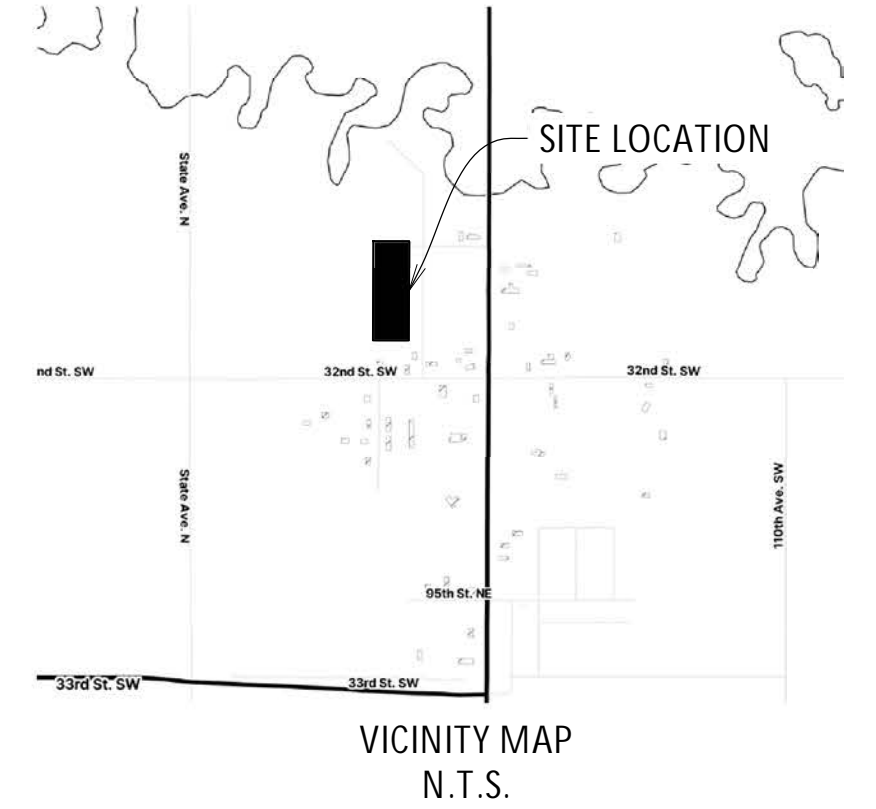
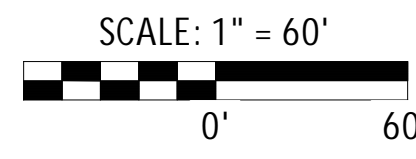
Thanks,
Nicholas Jensen, PLS
Western Edge Surveying, PLLC

JOLLIFFE ACRES SUBDIVISION

BEING A REPLAT OF BLOCKS 1 & 2, AND LOTS 1 THROUGH 4 OF BLOCKS 3 & 4 OF GREENVALE 3RD SUBDIVISION IN THE EAST HALF OF SECTION 9, T. 140 N., R. 96 W., 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA



| COORDINATE TABLE | | | |
|------------------|-----------|------------|-----------|
| Name | Northing | Easting | Elevation |
| A | 478204.52 | 1394663.52 | 2447.50 |
| B | 478186.57 | 1395309.96 | 2448.69 |
| C | 476402.36 | 1395252.04 | 2469.12 |
| D | 476420.72 | 1394606.62 | X |



LEGEND

- FOUND CORNER - 1/2" REBAR (UNLESS DESCRIBED OTHERWISE)
- CORNERS TO BE SET AFTER PRELIMINARY APPROVAL
- (100.00) RECORD DISTANCE
- SUBDIVISION BOUNDARY LINE
- LOT LINES
- ADJACENT LOT LINES
- EASEMENT LINES
- FEMA SFHA ZONE 'A' LIMITS
- PUBLIC RIGHT-OF-WAY (TO BE VACATED)
- DRAINAGE EASEMENT
- INGRESS/EGRESS EASEMENT CENTERLINE

SUBDIVISION NOTES:

- CURRENT ZONING - RURAL RESIDENTIAL
- REQUESTED ZONING - AGRICULTURAL
- PART OF JOLLIFFE ACRES IS WITHIN SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "A" OF FEMA FIRM NO. 38089C0200F DATED AUGUST 28, 2024

SURVEY NOTES:

- PART OF JOLLIFFE ACRES IS WITHIN SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "A" OF FEMA FIRM NO. 38089C0200F DATED AUGUST 28, 2024
- UTILITIES DEPICTED ARE THE RESULT OF A 811 CALL TICKET #25008484 AND WERE EITHER MARKED OR ELECTRONICALLY SUBMITTED TO SURVEYOR. SURVEYOR MAKES NO GUARENTEES TO THE PHYSICAL LOCATION OF UTILITIES.
- ALL DOCUMENTS REFERENCED ARE ON FILE WITH THE STARK COUNTY COURTHOUSE.
- DATE OF LATEST FIELD WORK: APRIL 1ST, 2025

BASIS OF BEARINGS:

BASIS OF BEARINGS BEING THE SOUTH LINE OF THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 140 NORTH, RANGE 96 WEST, 5TH PRINCIPAL MERIDIAN HAVING A BEARING OF S88°24'19"E.

SURVEY BASED ON NORTH DAKOTA SOUTH ZONE 1983 (2011), INTERNATIONAL FOOT, BEARINGS ARE GRID, DISTANCES ARE GROUND USING A SCALE FACTOR OF 1.0001777027. COORDINATES ARE GRID. VERTICAL DATUM NAVD88 (GEOID18).

LEGAL DESCRIPTION:

A TRACT OF LAND BEING THE REPLAT OF BLOCKS 1 & 2, AND LOTS 1 THROUGH 4 OF BLOCKS 3 & 4 OF GREENVALE 3RD SUBDIVISION IN THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT NOW PLATTED AS JOLLIFFE ACRES SUBDIVISION CONTAINS 26.467 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES, AND SURVEYS.

SURVEYOR'S CERTIFICATE:

I, NICHOLAS R JENSEN, REGISTERED LAND SURVEYOR, N.D. NO. 29362 DO HEREBY CERTIFY THAT JOLLIFFE ACRES SUBDIVISION 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.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

NICHOLAS R. JENSEN LS-29362

PROPRIETOR'S CERTIFICATE

I, JILL GILMORE, EXECUTOR OF THE ESTATE OF DUANE SICKLER, HEREBY CERTIFY THAT I AM THE DULY APPOINTED AND ACTING EXECUTOR OF SAID ESTATE, AND AS SUCH, THE PROPRIETOR OF THE LAND SHOWN AND DESCRIBED ON THIS PLAT, BEING A SUBDIVISION KNOWN AS JOLLIFFE ACRES SUBDIVISION, LOCATED IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA. I DO HEREBY DECLARE THAT I HAVE CAUSED THE LAND DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND DEPICTED ON THIS PLAT TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON. I FURTHER DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER, ALL UTILITY EASEMENTS AND PUBLIC RIGHTS-OF-WAY AS SHOWN AND DESIGNATED ON THIS PLAT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

BY: _____
JILL GILMORE, EXECUTOR OF THE ESTATE OF DUANE SICKLER

STATE OF _____ SS
COUNTY OF _____

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JILL GILMORE, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FORGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____ STATE OF _____

CITY OF DICKINSON COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY ENGINEER APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY PLANNING AND ZONING COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

STARK COUNTY COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

| | |
|---|----------------|
| DRAWN BY: NRJ | SHEET: 1 OF 1 |
| PROJECT NO: 25-006 | DATE: 4/2/2025 |
| WESTERN EDGE SURVEYING, PLLC | |
| 1175 LINCOLN STREET DICKINSON, ND 58601 PHONE: (701) 505-8209 | |
| WWW.WESTERNEDGESURVEYING.COM | |



City of Dickinson
Petition for Vacation
38 1st Street W | Dickinson, ND
701-456-7000
Fee: \$250.00

(We) the undersigned certify that we are all adjoining property owners and request the City Commission to vacate (street, alley, easement, plat) located at:
GREENVALE 3RD SUBDIVISION, BLOCKS 1 & 2, BLOCK 3 LOTS 1-4, BLOCK 4 LOTS 1-4, Stark County, ND

For the Reason:
GREENVALE 3RD SUBDIVISION IS PROPOSED TO BE REPLATTED AS JOLLIFFE ACRES, THE VACATED AREAS PROPOSED ARE HATCHED ON THE ATTACHED PLAT, BEING THE PUBLIC ACCESS AREAS WITHIN THE SUBDIVISION.

South Dakota
State of North Dakota)

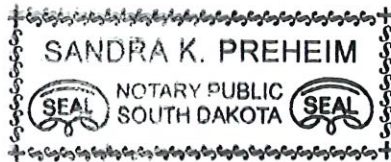
Jill Gilmore
Signature Line

County of Stark Minnehaha)
Jill Gilmore

being first duty sworn, deposes and says as follows: That he/she has read the within and foregoing Petition and knows the contents thereof, and that the same are true to the best of his/her knowledge, information and belief.

Subscribed and sworn to before me this 24 day of April, 2025

My Commission Expires
2/9/2028



Sandra K. Preheim
Notary Public
Stark County, North Dakota Sioux Falls, SD, Minnehaha
My Commission Expires: _____

Signatures of Adjoining Property Owners
(add more pages if needed)

Address, Lot, Block and Addition
My Commission Expires 2/9/2028

The following utility companies have been notified and by the respective signature are not opposed to the vacation:

MDU (Gas Department) MDU (Electric Department)

Century Link (701-690-2079) Roughrider Electric

Consolidated Telephone Consolidated Cable Vision

Midcontinent Communications City of Dickinson



City of Dickinson
Petition for Vacation
38 1st Street W | Dickinson, ND
701-456-7000
Fee: \$250.00

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GREENVALE 3RD SUBDIVISION, BLOCKS 1 & 2, BLOCK 3 LOTS 1-4, BLOCK 4 LOTS 1-4, Stark County, ND

For the Reason:
GREENVALE 3RD SUBDIVISION IS PROPOSED TO BE REPLATTED AS JOLLIFFE ACRES, THE VACATED AREAS PROPOSED ARE HATCHED ON THE ATTACHED PLAT, BEING THE PUBLIC ACCESS AREAS WITHIN THE SUBDIVISION.

Jill Gilmore
Signature Line

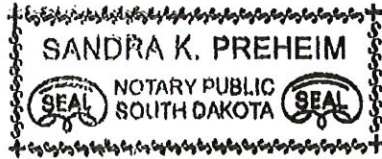
South Dakota
State of North Dakota)

County of Stark Minnehaha)

Jill Gilmore, being first duty sworn, deposes and says as follows: That he/she has read the within and foregoing Petition and knows the contents thereof, and that the same are true to the best of his/her knowledge, information and belief.

Subscribed and sworn to before me this 24 day of April, 2025

My Commission Expires
2/19/2028



Sandra K. Preheim
Notary Public
Stark County, North Dakota Sidoux Falls, SD, Minnehaha
My Commission Expires: 2/19/2028

Signatures of Adjoining Property Owners
(add more pages if needed)

Address, Lot, Block and Addition
My Commission Expires

The following utility companies have been notified and by the respective signature are not opposed to the vacation:

[Signature]
MDU (Gas Department)

[Signature]
MDU (Electric Department)

Century Link (701-690-2079)

[Signature]
Roughrider Electric

[Signature]
Consolidated Telephone

[Signature]
Consolidated Cable Vision

Midcontinent Communications

City of Dickinson



City of Dickinson
Petition for Vacation
38 1st Street W | Dickinson, ND
701-456-7000
Fee: \$250.00

(We) the undersigned certify that we are all adjoining property owners and request the City Commission to vacate (street, alley, easement, plat) located at:
GREENVALE 3RD SUBDIVISION, BLOCKS 1 & 2, BLOCK 3 LOTS 1-4, BLOCK 4 LOTS 1-4, Stark County, ND

For the Reason:
GREENVALE 3RD SUBDIVISION IS PROPOSED TO BE REPLATTED AS JOLLIFFE ACRES, THE VACATED AREAS PROPOSED ARE HATCHED ON THE ATTACHED PLAT, BEING THE PUBLIC ACCESS AREAS WITHIN THE SUBDIVISION.

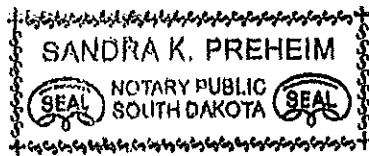
South Dakota
State of North Dakota)

Jill Gilmore
Signature Line

County of Stark Minnehaha)
Jill Gilmore

being first duly sworn, deposes and says as follows: That he/she has read the within and foregoing Petition and knows the contents thereof, and that the same are true to the best of his/her knowledge, information and belief.
Subscribed and sworn to before me this 24 day of April, 2025

My Commission Expires
2/9/2028



Sandra K. Preheim
Notary Public
Stark County, North Dakota Sioux Falls, SD, Minnehaha
My Commission Expires: 2/9/2028

Signatures of Adjoining Property Owners
(add more pages if needed)

Address, Lot, Block and Addition
My Commission Expires

The following utility companies have been notified and by the respective signature are not opposed to the vacation:

MDU (Gas Department)

MDU (Electric Department)

Century Link (701-690-2079)

Roughrider Electric

Consolidated Telephone

Consolidated Cable Vision

Randy Heston
Midcontinent Communications

City of Dickinson

4/25/2025

Nick Jensen, PLS
Western Edge Surveying, PLCC



No Reservations/No Objections

SUBJECT: Jolliffe Acres Subdivision - Vacate/Abandon

To Whom It May Concern:

Quest Corporation d/b/a CENTURYLINK QC ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

If you have any questions, please contact Richard Hollis at 903-559-1095 or richard.hollis@lumen.com

Sincerely yours,

CenturyLink ROW Team



Joliffe Acres Subdivision Preliminary Major Plat Staff Report

To: City of Dickinson Planning and Zoning Commission
From: City of Dickinson Community Development
Date: May 7, 2025
Re: **PLP-002-2025 Jolliffe Acres Subdivision Preliminary Major Subdivision**

APPLICANT

Erik Jolliffe
 2705 Heritage Court
 Minot, ND, 58703
 erik.jolliffe@foremostwell.com
 (701) 578-4674

APPLICANT'S REPRESENTATIVE

Nick Jensen
 Western Edge Surveying, PLLC
 1175 Lincoln Street
 Dickinson ND 58601
 nick.jensen@westernedgesurveying.com
 (701) 505-8209

| | | |
|----------------------------|---------------|--------------------------------|
| Public Hearing | May 7, 2025 | Planning and Zoning Commission |
| Public Hearing | July 9, 2025 | Planning and Zoning Commission |
| Final Consideration | July 15, 2025 | City Commission |

EXECUTIVE SUMMARY

The applicant is requesting a preliminary plat for the Jolliffe Acres Subdivision Plat. The proposed subdivision is a replat of Blocks 1 & 2 and Lots 1 through 4 of Block 3 & 4 of the Greenvale 3rd Addition subdivision is located in E1/2 of Section 9, Township 140 North, Range 96 West. This 26.467-acre property is located within the City of Dickinson's Extra Territorial Zone. According to the applicant, the purpose of this subdivision is to combine the smaller residential lots in order to construct a residence while utilizing space for a hobby farm.

Staff Recommendation: Staff recommends approval of this plat.

A companion Future Land Use Map (FLUM) amendment request is also scheduled for public hearing at the May 7, 2025 Planning and Zoning Commission meeting (FLUM-001-2025).

A companion zoning map amendment request is also scheduled for public hearing at the May 7, 2025 Planning and Zoning meeting (REZ-003-2025).

LOCATION

The property is located within the E1/2 of Section 9, Township 140 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, located within the City of Dickinson’s Extra-territorial Zone.

| | |
|--|--------------------|
| CURRENT ZONING | RR |
| FUTURE LAND USE MAP DESIGNATION | RESIDENTIAL |
| GROSS SITE ACREAGE | +/-26.467 |
| LOTS PROPOSED | 4 |

| NEARBY ZONING & LAND USE | | |
|-------------------------------------|---------------|---|
| Direction | Zoning | Land Use |
| North | AG; RR | Undeveloped; Single-Family Residential |
| East | RR | Single-Family Residential |
| South | LI | Industrial Uses |
| West | AG | Undeveloped |

STAFF ANALYSIS

BACKGROUND

The property is located outside of the City’s Urban Service Area as depicted in Chapter 6-Infrastructure of the City’s Comprehensive Plan. Potable water would be provided either by a potable well or by connection with the Southwest Water Authority. Any new residences would utilize a septic system.

CURRENT ORDINANCE REVIEW

The proposed subdivision involves the vacation of rights-of-way, and as such is considered a major plat according to Section 52-1 of the City Municipal Code. Access to 32nd Street SW would be provided by a proposed private ingress/egress easement that would connect to 11th Avenue SW, preventing any proposed lots from being landlocked.

The minimum lot size for RR-zoning is one acre, and the minimum lot size for AG-zoning is five acres, as outlined in Table 62-162-3a: Summary of Site Development Regulations of the Municipal Code. All lots located in this plat meet both of these minimum lot size requirements.

The site was first platted in 1981, and has not seen any residential development within its boundaries since. Street infrastructure has not been extended into the site, and a significant portion of the subdivision is located within Zone A of the floodplain.

The applicant has requested that this proposal be considered separate from the corresponding FLUM Amendment and rezone request. This major subdivision meets the design criteria for both an AG-zoned subdivision and a RR-zoned subdivision. City Staff shall recommend denial of the associated FLUM Amendment and rezone request, but recommends approval of this subdivision moving forward regardless of the status of the associated projects.

The proposed 12-foot utility easement vacation proposed with this plat will be required to follow the easement vacation process as defined in the City of Dickinson Municipal Code Section 52.12.

The proposed 66-foot wide ingress/egress easement proposed with this plat is required to be routed outside of the Federal Emergency Management Agency Special Flood Hazard Area Zone A limits.

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-002-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **PLP-002-2025: Jolliffe Acres Subdivision Preliminary Major Plat** as meeting all the requirements of the Dickinson Municipal Code and also 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-002-2025: Jolliffe Acres Subdivision Preliminary Major Plat** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

From: Jotform
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Sylvia Miller](#); [Natalie Birchak](#)
Subject: Re: Unified Development Application
Date: Friday, April 4, 2025 11:26:29 AM
Attachments: [United Way Pre-Application Letter.pdf](#)
[United Way Pre-Application Letter_9876.pdf](#)
[Agemarck.pdf](#)
[United Way Pre-Application Letter_1449.pdf](#)
[Agemarck_8899.pdf](#)
[Unitedway.docx](#)
[6195967479907279000_signature_19.png](#)
[6195967479907279000_signature_23.png](#)



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: [United Way Pre-Application Letter.pdf](#)

Type of Development **Special Use Permit**

Name **tracy tooz**

Company **Tracy Tooz**

Applicant Email **TRACYT@TOOZCONSTRUCTION.COM**

Applicant Phone # **(701) 260-4431**

Applicant Representative (if applicable) **tracy tooz**

Applicant Representative Company **Tracy Tooz**

Applicant Representative Email **TRACYT@TOOZCONSTRUCTION.COM**

Applicant Representative Phone # **(701) 260-4431**

Owner Name **tracy tooz**

Owner Address **4038 3rd ave w, Dickinson, NORTH DAKOTA, 58601**

Owner Email TRACYT@TOOZCONSTRUCTION.COM

Owner Phone # (701) 260-4431

Is the owner present to Sign Yes

Signature



Will this application require any other action to complete the development? No

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS)

Existing structure

| | 1/4 Section | Township | Range |
|-------------|-------------|-----------|-------|
| Description | s117 | Dickinson | stark |

Legal - Lot/Block/Addition

| | Lot | Block | Addition |
|-------------|-----|-------|----------|
| Description | 3 | 5 | lutz 1st |

Property Address / General Project Location 2143 6th ave w

Total Square Footage or Acreage of Subject Property 45821

Existing Future Land Use Map Category Commercial

Existing Zoning CC - Community Commercial

Existing Use Commercial

Overlay District Description current use was retirement home zoned commercial

Special Use Permit for the following Use: united way homeless shelter and community development housing

Site Exhibit - Not Less than 1" = 20' Scale [United Way Pre-Application Letter_9876.pdf](#)
[Agemarck.pdf](#)

Transmittal Letter (Explanation of Request & Proposed Operations) [United Way Pre-Application Letter_1449.pdf](#)

Floor Plan if Accessory Dwelling Unit [Agemarck_8899.pdf](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 350

Deed for Property [Unitedway.docx](#)

Application Fees Applicable Fees 250.00 USD

Total: \$250.00

Transaction ID: 38dpty4s

Payment Information

First Name: tracy

Last Name: tooz

E-Mail TRACYT@TOOZCONSTRUCTION.COM

Applicant Signature



Date 04-04-2025

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

UNITED WAY GROUP LIVING FACILITY SPECIAL USE PERMIT (FLM-001-2025)

Section 3. Item E.





4/10/2025

Dear City of Dickinson,

I, Dakota Gant, Executive Director of United Way Dickinson, hereby authorize the City of Dickinson or its designated agents to conduct a comprehensive background check as part of the application process for a Special Use Permit currently under consideration

Sincerely,

Dakota Gant
Executive Director, United Way Dickinson

United Way Dickinson Manna House

Agencies Expected

The temporary housing facility will be primarily operated and managed by United Way Dickinson. In addition to the core services provided by our organization, we will partner with multiple community agencies and service providers to offer a comprehensive range of support to residents. These may include mental health professionals, substance use counselors, employment and workforce development specialists, case managers, and other local nonprofits. This collaborative approach ensures that individuals have access to wraparound services designed to support their stability and long-term success.

United Way Dickinson Manna House

Emergency Management Plan

This Emergency Management Plan outlines detailed procedures to ensure the safety and well-being of all residents, staff, and visitors in the event of an emergency. This plan covers fire emergencies, tornadoes, natural disasters such as floods and blizzards, and overdose incidents. The goal is to provide a framework for immediate response, communication, and continuity of care during emergencies.

1. Fire Emergency Procedures

- Fire alarms, extinguishers, and sprinkler systems are installed throughout the facility and are inspected monthly.
- Evacuation maps are posted in all common areas and individual rooms.
- Residents and staff must evacuate immediately through the nearest exit.
- The designated assembly point is the west-side parking lot across the street.
- Fire drills will be conducted monthly.
- Staff are trained in the use of fire extinguishers and will assist residents in evacuation.

2. Tornado and Severe Weather Procedures

- The tornado shelter is located in the facility basement.
- In the event of a tornado warning, all residents and staff are directed to the shelter.
- Emergency kits with flashlights, water, and blankets are stored in the shelter.
- Weather alerts will be monitored by staff through NOAA radios and mobile alerts.
- Tornado drills are conducted quarterly.

3. Other Natural Disasters (Floods, Blizzards)

- The facility will follow local emergency guidance.
- A 72-hour supply of food, water, and medical essentials is maintained on-site.
- A generator provides backup power for essential lighting and heating.
- Shelter-in-place orders will be followed, and staff will update residents on the situation.
- Coordination with local emergency services will be maintained throughout the event.

4. Overdose Response Plan

- All staff are trained in identifying symptoms of overdose (e.g., slow breathing, unresponsiveness).
- Naloxone (Narcan) is available at the front desk and carried by all on-duty staff.
- In the event of suspected overdose:
 - Call 911 immediately.
 - Administer Naloxone if trained to do so.
 - Monitor the resident until emergency services arrive.

- Complete an incident report.
- Harm reduction education and support are offered to residents.

5. Emergency Contacts and Communication

- Emergency contact numbers are posted in every room.
- Each resident's emergency contact is collected upon intake.
- A communication tree system is in place to ensure rapid staff coordination.
- Public information is disseminated via designated media spokesperson if necessary.

6. Staff Roles and Responsibilities

- Shelter Director: Coordinates overall response and communicates with emergency services.
- On-Duty Staff: Leads evacuation/sheltering efforts and conducts headcounts.
- Security: Ensures safe exit and secures building.
- Medical Liaison: Administers first aid and documents incidents.

7. Training and Drills

- Staff receive annual training in emergency response, CPR, and overdose intervention.
- Residents are briefed on emergency procedures at intake.
- Fire drills occur monthly; tornado and overdose drills quarterly.
- Feedback from drills is reviewed and integrated into the plan.

House Rules and Regulations

United Way Dickinson Manna House

1. Introduction

Welcome to United Way Dickinson Manna House. Our mission is to provide safe, inclusive, and low-barrier emergency – long term temporary shelter for individuals experiencing homelessness. These rules are intended to maintain a respectful, secure, and supportive environment for all residents, staff, and visitors.

2. Admission and Accessibility

- Identification is not required for shelter access. Entry is open to anyone in need of a safe place to stay.
- Sobriety is not a prerequisite for entry. Individuals who are under the influence will not be turned away as long as they can maintain safe and respectful behavior.
- Pets are allowed. Owners must control their animals at all times and are responsible for their care and cleanup.
- Couples and families are welcomed and will be kept together whenever feasible, honoring family unity.

3. General Conduct

- Respect others' rights and dignity at all times.
- Any form of violence, threats, intimidation, or harassment will result in disciplinary action.
- Theft or intentional damage to shelter property or others' belongings is not tolerated.
- Verbal abuse, hate speech, and discriminatory remarks are prohibited.

4. Substance Use Policy

- Use or possession of illegal drugs or alcohol is not permitted on shelter property.
- Residents under the influence must behave safely and respectfully.
- Drug paraphernalia and visible substance use are not allowed within the facility.

5. Curfew and Quiet Hours

- Suggested curfew is 10:00 PM. Exceptions require staff approval.
- Quiet hours are 10:00 PM to 7:00 AM to ensure rest and privacy.
- During quiet hours, limit use of electronics and keep conversations low.

6. Guest Policy

- Visitors are allowed in common areas between 9:00 AM and 9:00 PM.
- All guests must sign in and be accompanied by their host.
- No overnight guests are allowed for safety and capacity reasons.

7. Personal Belongings

- Residents are provided with storage for their belongings.
- Valuables should be kept securely. The shelter is not responsible for lost or stolen items.
- Weapons, drugs, alcohol, and other hazardous items are strictly prohibited.

8. Chores and Cleanliness

- Residents must keep their personal and sleeping areas clean.
- Participation in shared cleaning duties is required on a rotating schedule.
- Cleanliness contributes to health, safety, and community well-being.

9. Meals

- Meals are provided daily at designated times:
 - - Breakfast: 7:00 AM – 8:00 AM
 - - Lunch: 12:00 PM – 1:00 PM
 - - Dinner: 6:00 PM – 7:00 PM
- Food must be consumed in designated dining areas.
- Personal food must be stored in designated kitchen spaces only.

10. Health and Safety

- Medical emergencies must be reported to staff immediately.
- Tampering with fire safety equipment is prohibited.
- Smoking is only allowed in designated outdoor areas.
- Emergency exits must remain unobstructed at all times.

11. Confidentiality

- All resident information is confidential and protected.
- Information will only be disclosed with written consent or as required by law.

12. Program Participation

- Supportive services are available, including counseling and employment assistance.
- Participation is encouraged but not mandatory.
- Case managers are available to help residents set and achieve personal goals.

13. Grievance Procedure

- Residents may submit written complaints to staff or the shelter director.
- Grievances will be addressed promptly and respectfully.
- Feedback helps improve shelter operations and services.

14. Consequences of Rule Violations

- Violations may result in warnings, loss of privileges, or dismissal.
- Severe misconduct (violence, weapons, arson) may lead to immediate removal.
- Residents have the right to appeal decisions within 7 days.

15. Acknowledgment

By signing below, I acknowledge that I have read, understand, and agree to follow the House Rules and Regulations while residing at United Way Dickinson Manna House. I understand that violations may result in consequences including possible removal from the shelter.

Resident Name: _____

Signature: _____

Date: _____

United Way Dickinson Manna House

On-Site Security Plan

1. Purpose

The purpose of this security plan is to ensure the safety and security of all residents, staff, volunteers, and visitors at United Way Dickinson's Manna House. This plan outlines the measures and procedures in place to prevent, respond to, and manage security incidents while supporting the facility's low-barrier, trauma-informed model.

2. Security Personnel

- Manna House will maintain staff presence 24/7, including overnight supervisory coverage.
- A designated staff member will be responsible for safety oversight during each shift.
- If necessary, contracted security professionals may be brought in during peak hours or incidents of increased risk.
- All staff will receive basic de-escalation, crisis intervention, and trauma-informed care training.

3. Access Control

- All entry doors will remain secured and accessible via staff keycard or keypad.
- Guests and new residents must check in at the designated entry point with staff present.
- Identification is not required for residents at check-in, but an internal log is kept to track occupancy and ensure safety.
- Visitors must be pre-approved, sign in at the front desk, and remain in common areas unless otherwise authorized.

4. Surveillance and Lighting

- Security cameras are installed at all entry points, hallways, and common areas.
- Live footage is viewable by staff during their shift in all public areas.
- Exterior lighting will be maintained around all building access points and walkways to discourage loitering and enhance visibility.

5. Incident Reporting and Response

- All security incidents are logged in the facility's Incident Report Log within 24 hours.
- Staff are trained to de-escalate conflicts using trauma-informed practices prior to removal or exclusion of individuals.
- Immediate threats to safety will result in a 911 call and coordination with Dickinson Police Department.
- A staff member will accompany individuals asked to leave the premises and offer resource referrals when possible.

6. Coordination with Law Enforcement and Community Partners

- Manna House maintains open lines of communication with the Dickinson Police Department, Sheriffs Department, Fire Department, and local EMS.
- On site visits by Community Police officers will be encouraged to build positive relationships.
- When criminal activity occurs, law enforcement is contacted immediately.
- Residents will not be criminalized for poverty-related circumstances unless there is imminent risk to others.

7. Resident Safety Monitoring

- Regular headcounts are conducted during intake and curfew hours.
- Hourly wellness checks are conducted overnight, particularly for individuals under the influence or with health concerns.
- Gender-affirming placements are respected, and any roommate concerns are addressed immediately to ensure psychological safety.

8. Emergency Contacts

- Emergency: 911
- Dickinson Police Department
- United Way Dickinson Emergency Line

United Way Dickinson Manna House

Types of services provided - Client- Case management plan – Wrap around Services

Overview of Services Provided

United Way Dickinson, in collaboration with community partners, proposes to open a temporary housing facility at 2143 6th Avenue West to serve individuals experiencing homelessness. This facility will operate under a client-centered model, offering a safe, supportive, and structured environment for stabilization, empowerment, and long-term housing solutions.

1. Client Case Management Plan

Each resident will be paired with a designated Case Manager within 48 hours of entry into the facility. Case Management services will include:

- **Intake & Assessment:** A full intake process to assess mental, physical, social, and economic needs.
- **Individualized Service Planning:** Development of personalized goals addressing housing, employment, healthcare, legal needs, and personal wellness.
- **Ongoing Support:** Weekly case management meetings with progress monitoring and goal adjustments.
- **Housing Navigation:** Assistance locating and securing permanent housing, including support with applications, deposits, and landlord communication.
- **Exit Planning:** A coordinated discharge plan developed before program completion to ensure continued support and reduce recidivism.

2. Provision of Wraparound Services

The facility will provide or coordinate access to a broad range of supportive services through direct staff and community partnerships. These wraparound services include:

- **Mental Health and Substance Use Counseling** (via regional partners such as Badlands Human Service Center and SWMCCC community program)
- **Physical and Preventative Healthcare** (in partnership with local clinics and public health services)
- **Job Readiness and Employment Services** (job coaching, resume help, and referrals to Job Service North Dakota)

- **Life Skills Education** (budgeting, communication, conflict resolution, cooking, parenting)
- **Transportation Assistance** (bus passes, ride coordination for medical appointments and job interviews)
- **Peer Support Services** (provided by individuals with lived experience in homelessness and recovery)

Services will be available onsite or through transportation to partner agency locations, ensuring that each client's unique needs are addressed holistically and sustainably.

3. Staffing

The facility will be staffed 24/7 by trained professionals, including shelter coordinators, case managers, and security personnel. All staff will receive training in trauma-informed care, crisis de-escalation, harm reduction, and shelter operations prior to employment.

United Way Dickinson Manna House

Residency - Employment

I, Dakota Gant, have lived in Dickinson, North Dakota on and off since 2006, and have built strong personal and professional connections within the community. My background includes extensive experience in the oilfield industry, having worked in various roles over the years, including several years as a foreman with Wyoming Casing and five years as a Level II NDT Lead Inspector with Lonestar Oilfield Services. Most recently, I began my role with United Way Dickinson on February 1, 2024, and currently serve as the Executive Director. In this position, I am committed to supporting and strengthening our community through collaborative programs and essential services.

ALTA/ACSM LAND TITLE SURVEY

THE SOUTH ONE HUNDRED SEVENTEEN FEET (S. 117 FEET) OF LOT THREE (3) AND ALL OF LOT FOUR (4), BLOCK FIVE (5), LUTZ'S FIRST ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

SURVEYORS CERTIFICATE

The undersigned, being a registered surveyor of the State of North Dakota certifies to WALKER & DUNLOP, LLC, FANNIE MAE, its successors and assigns, EVERGREEN DICKINSON, LLC, STEFAN FINANCIAL, and OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, ITS SUCCESSORS AND ASSIGNS as follows:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a)(b), 7(a), 8, 9, 10, 11(a)(b), 13, 16, 20 of Table A thereof. The field work was completed on April 11, 2014.

Date of Plat

William J. Haddick
ND Professional Land Surveyor No. 6294

LEGAL DESCRIPTION:

PER OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. D116083. THE LAND REFERRED TO IN THE COMMITMENT IS DESCRIBED AS FOLLOWS: THE SOUTH ONE HUNDRED SEVENTEEN FEET (S. 117 FEET) OF LOT THREE (3) AND ALL OF LOT FOUR (4), BLOCK FIVE (5), LUTZ'S FIRST ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, RECORDED IN BOOK 4 OF PLATS, PAGE 55, AS DOCUMENT NO. 197418.

RECORD OWNER:

THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS COMMITMENT IS: FEE SIMPLE. TITLE TO THE FEE SIMPLE ESTATE OR INTEREST IN THE LAND IS AT THE EFFECTIVE DATE VESTED IN: EVERGREEN DICKINSON, LLC. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY. Commitment Number: D116083. Effective Date: APRIL 4, 2014 at 7:59AM.

ALTA/ACSM "TABLE A" ITEMS

- THE PROPERTY CORNERS HAVE BEEN FOUND AND/OR SET AS SHOWN HEREON.
- THE ADDRESS FOR THE DESCRIBED PROPERTY IS: 2143 6TH AVENUE WEST, DICKINSON, ND 58501.
- THE LAND AREA IS IN ZONE X. AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. INFORMATION OBTAINED FROM FEMA MAP 38095C0183E, EFFECTIVE DATE OF NOVEMBER 4, 2010.
- PARCEL CONTAINS 54628 SQUARE FEET OR 1.254 ACRES.
- CURRENT ZONING IS COMMUNITY COMMERCIAL. ZONING ORDINANCE FOUND AT <http://www.dickinson.gov/> ON APRIL 16, 2014.
 - BUILDING SETBACK REQUIREMENTS: FRONT YARD: 20 FEET. STREET SIDE YARD: 10 FEET. INTERIOR SIDE YARD: 0 FEET. REAR YARD: 0 FEET. MAXIMUM BUILDING COVERAGE: 60%. ZONING ORDINANCE FOUND AT <http://www.dickinson.gov/> ON APRIL 16, 2014.
 - EXTERIOR DIMENSIONS OF EXISTING BUILDING AT GROUND LEVEL AS OF APRIL 1ST, 2014.
- SUBSTANTIAL FEATURES OBSERVED DURING THE SURVEY ARE AS SHOWN HEREON.
- PARKING LOT CONTAINS 4 HANDICAP SPACES, 4 EXTRA WIDTH SPACES AND 41 STANDARD PARKING SPACES W/ CURB STOPS, PLUS 2 ADDITIONAL STRIPED SPACES.
- NO DIVISION AND/OR PARTY WALLS WERE LOCATED ON PROPERTY.
- UTILITIES WERE LOCATED AND MARKED THROUGH "NORTH DAKOTA ONE CALL" TICKET NUMBER 14020166 (TELE: 600-755-0553) (WEB SITE: WWW.NDONECALL.COM)
 - UTILITIES WERE SURVEYED PER FORD EVIDENCE AND AS MARKED BY NORTH DAKOTA ONE CALL AS OF APRIL 11, 2014.
- NAMES OF ADJOINING OWNERS OF PLATTED LANDS FOUND AT <http://www.dickinson.gov/worksheets/> ON APRIL 17, 2014.
- NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- PLASTIC FENCE APPEARS TO FALL WITHIN THE ADJACENT 8' UTILITY EASEMENT ON THE WEST SIDE OF PARCEL.

SCHEDULE B EASEMENTS & AGREEMENTS

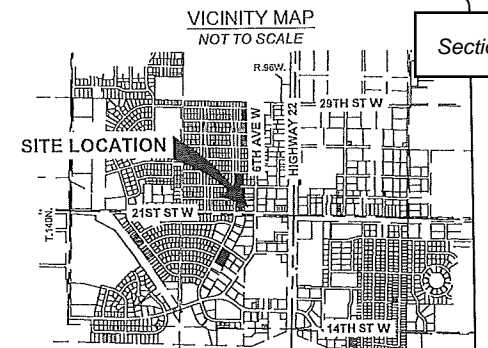
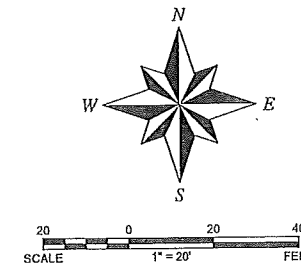
| EASEMENT NO. | RECORDATION INFO. | PURPOSE | LOCATION ON SHEET |
|--------------|---|--------------------------------------|---|
| 10 | BOOK A181 OF MISC., PAGE 525 AS DOCUMENT NO. 189948 | DECLARATION OF RESTRICTIVE COVENANTS | ALL OF BLOCK 5 |
| 11 | BOOK A130 OF MISC., PAGE 735 AS DOCUMENT NO. 158312 | RIGHT OF WAY EASEMENT | LIES IN AND AFFECTS SAID PROPERTY ALONG THE SOUTH SIDE OF PARCEL; 20' WIDE ELECTRICAL & RELATED SERVICES EASEMENT |
| 12 | BOOK A135 OF MISC., PAGE 453 AS DOCUMENT NO. 162082 | PIPELINE EASEMENT | PIPELINE EASEMENT AFFECTS SAID PROPERTY; LOT 3, BLOCK 5 CANNOT BE SHOWN WITH SPECIFICITY. |
| 13 | BOOK 4 OF PLATS, PAGE 55 AS DOCUMENT NO. 197418 | EASEMENTS AND DEDICATIONS | A 6' UTILITY EASEMENT ALONG THE NORTH LINE OF LOT 4 A 6' UTILITY EASEMENT ALONG THE SOUTH LINE OF LOT 3 A 8' UTILITY EASEMENT ALONG THE WEST LINE OF LOTS 3&4 |
| 14 | BOOK A285, PAGE 12-15 DOCUMENT NO. 278577 | ASSUMPTION OF LIABILITIES AGREEMENT | N/A CANNOT BE SHOWN WITH SPECIFICITY |
| 15 | BOOK A389, PAGE 567-584 DOCUMENT NO. 335707 | CONSENT AND ASSUMPTION AGREEMENT | N/A CANNOT BE SHOWN WITH SPECIFICITY |
| 16 | DOCUMENT NO. 3038687 | REAL ESTATE MORTGAGE | N/A CANNOT BE SHOWN WITH SPECIFICITY |

NOTES:

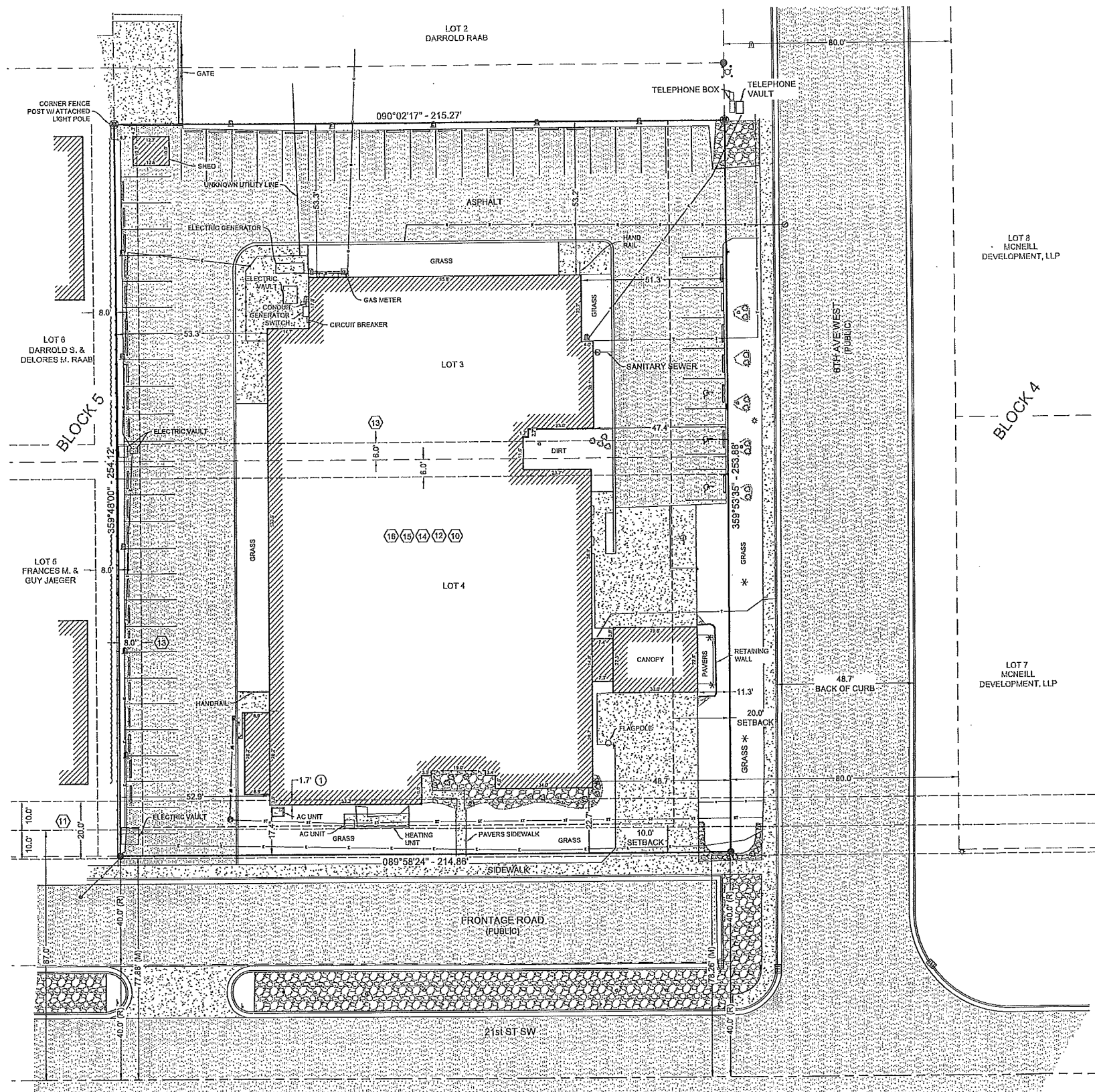
- POSSIBLE ENCROACHMENT OF THE BUILDING INTO THE RIGHT OF WAY EASEMENT ALONG THE SOUTH END OF THE PROPERTY.

HORIZONTAL DATUM:

LOCAL SITE
NAD 83
UNITS: US FOOT



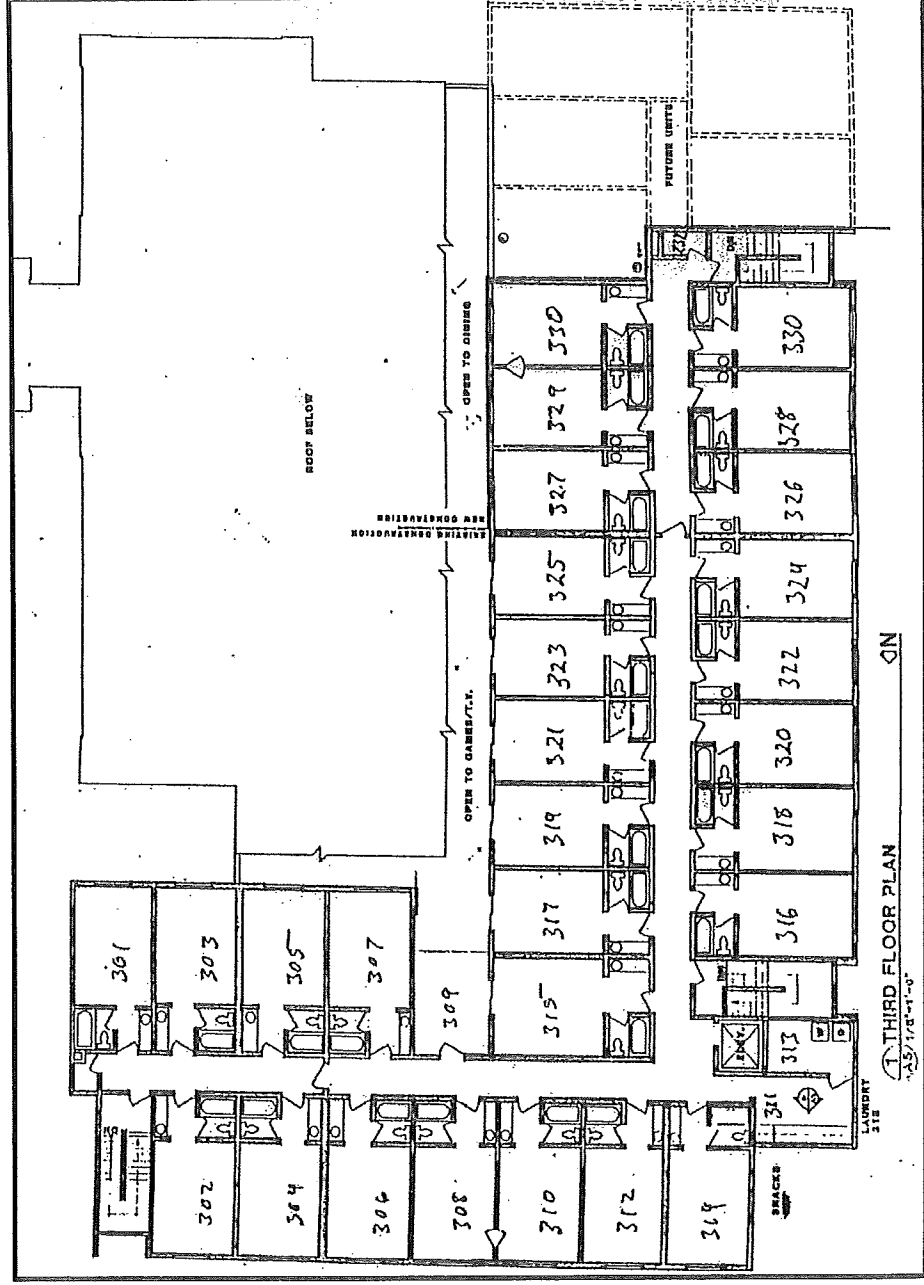
Section 3. Item E.



LEGEND

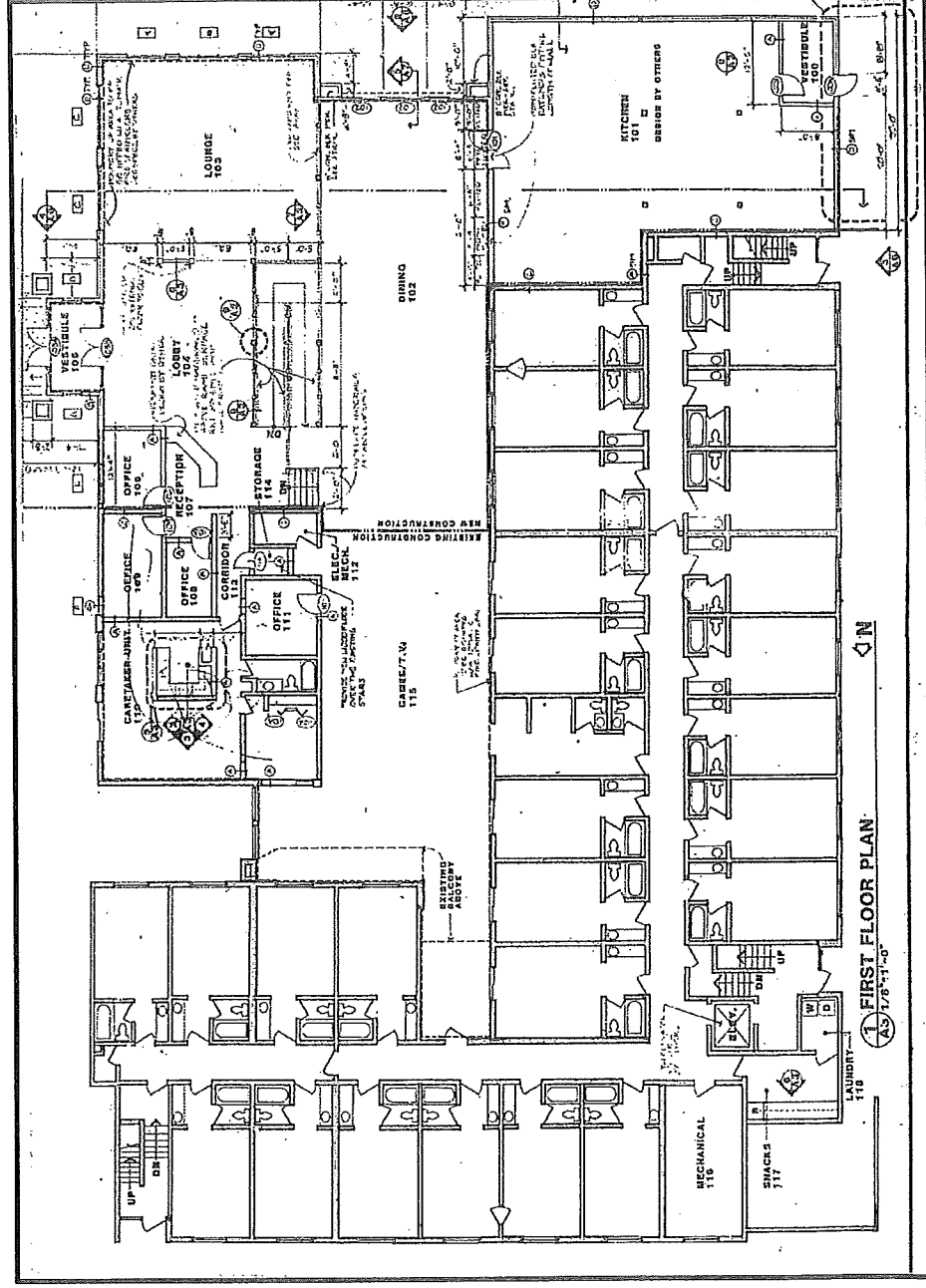
| EXISTING | ITEM |
|----------|-----------------------------|
| ⊙ | ACLS3214 FOUND |
| ⊙ | REBAR FOUND |
| ⊙ | SANITARY CLEANOUT |
| ⊙ | BOLLARD |
| ⊙ | SHRUBS |
| ⊙ | ELECTRIC PEDESTAL |
| ⊙ | TELEPHONE PEDESTAL |
| ⊙ | EVERGREEN |
| ⊙ | GAS METER |
| ⊙ | SIGN |
| ⊙ | LIGHT POLE |
| ⊙ | CATCH BASIN |
| ⊙ | STORM MANHOLE |
| ⊙ | WATER SERVICE VALVE |
| ⊙ | HYDRANT |
| ⊙ | CURB STOPS |
| ⊙ | 8" VERTICAL CURB |
| ⊙ | WOODEN FENCE |
| ⊙ | EASEMENT LINE |
| ⊙ | UNDERGROUND GAS LINE |
| ⊙ | UNDERGROUND TELEPHONE LINE |
| ⊙ | UNDERGROUND ELECTRICAL LINE |
| ⊙ | PLASTIC FENCE |
| ⊙ | PROPERTY LINE |
| ⊙ | UNDERGROUND STORM LINE |
| ⊙ | UNDERGROUND WATER LINE |
| ⊙ | EDGE OF GRAVEL |
| ⊙ | SECTION LINE |
| ⊙ | ADJACENT LOT LINE |
| ⊙ | SETBACK LINE |
| ⊙ | TREE LINE |
| ⊙ | EXISTING BUILDING |
| ⊙ | GRAVEL SURFACE |
| ⊙ | CONCRETE SURFACE |
| ⊙ | ASPHALT SURFACE |
| ⊙ | RECORD |
| ⊙ | MEASURED |

FLOOR PLANS – THE KENSINGTON – THIRD FLOOR

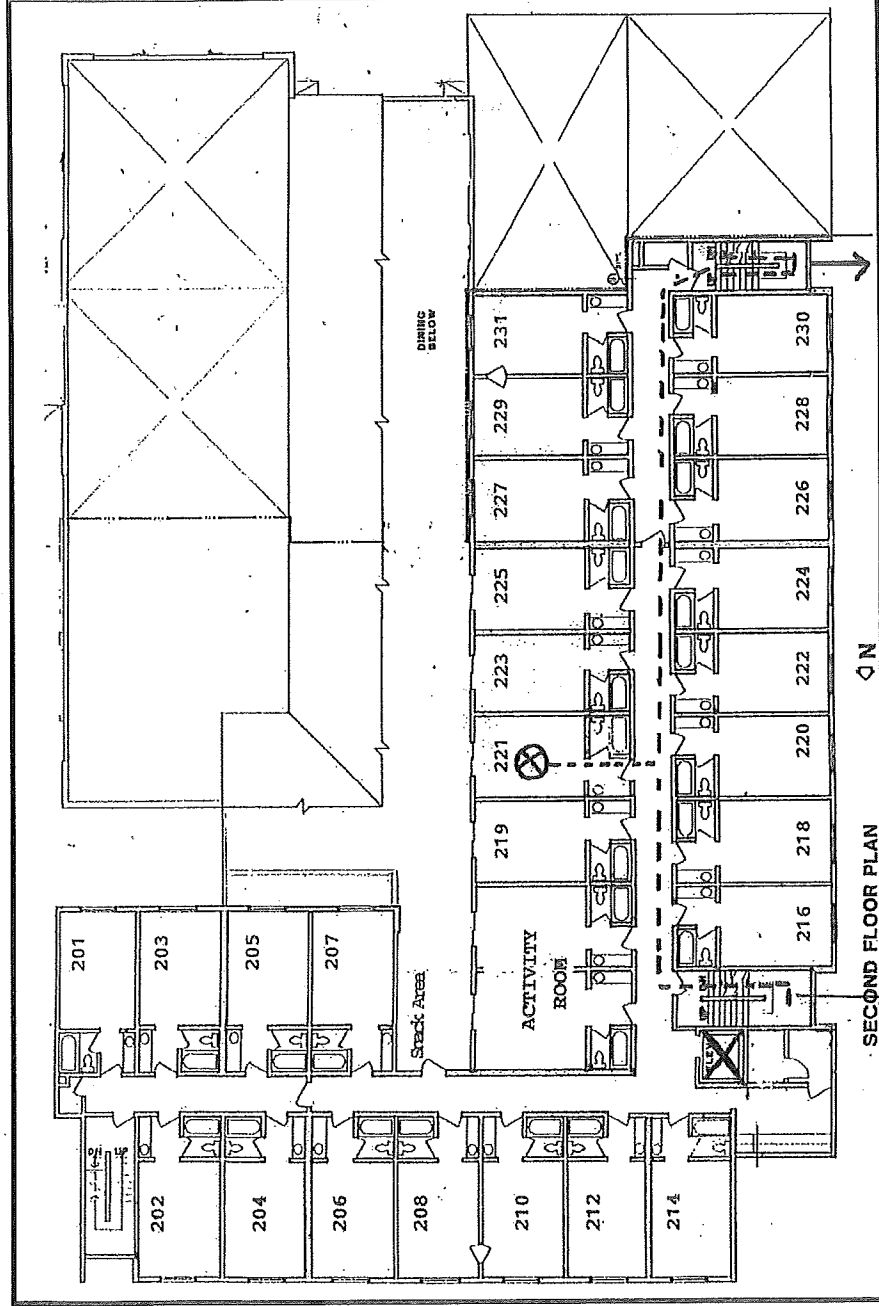


| | | | | | | | | |
|-------------------|--------------|------------------|-----------------|--------------------|---------------|----------------|-----------------|------------|
| Executive Summary | Introduction | Descriptive Data | Market Analysis | Highest & Best Use | Cost Approach | Sales Approach | Income Approach | Conclusion |
|-------------------|--------------|------------------|-----------------|--------------------|---------------|----------------|-----------------|------------|

FLOOR PLANS – THE KENSINGTON – FIRST FLOOR



FLOOR PLANS – THE KENSINGTON – SECOND FLOOR



United Way Dickinson Manna House -

Staff Certification/Licenses/ Training

- **Licensed Addiction Counselors (LACs):**
Required for substance use disorder treatment services.

- **Certified Peer Support Specialists/ Case Management:**
Must be trained and certified through a North Dakota State Program. Required for individuals providing lived-experience-based support.

- **Certified Care Coordinators/ Case Management:**
Must be trained and certified through a North Dakota state-recognized program. Responsible for guiding client care and recovery planning.

- **CPR/First Aid Certification:**
Mandatory for all direct care staff to ensure emergency medical readiness.

- **Trauma-Informed Care & Crisis De-escalation Certificate:**
Essential for all staff interacting with residents, particularly those dealing with mental health or substance use challenges.

- **Naloxone (Narcan) Administration Training:**
Required for overdose response preparedness among staff working in residential or emergency housing settings.

- **HIPAA Compliance Training:**
Necessary for staff handling confidential client information to ensure privacy and data protection compliance.



Community Program

A Division of the Southwest Multi-County Correction Center
St. Joe's Plaza 30 7th Street West Suite 1F-120
Dickinson, ND 58601 **Telephone: 701-483-0101**

At the SWMCCC Community Treatment Program, we currently have 1 full time LCAC, 1 part time LAC, 2 trained and certified Care Coordinators, 2 trained and certified Peer Support Specialists and 1 CSP officer. We are licensed in the state of North Dakota to provide 2.1 and Level 1 ASAM Aftercare.

At the community treatment program we offer a comprehensive set of services designed to support individuals in their recovery and successful reintegration into society. **Chemical dependency services** provide both outpatient treatment for individuals struggling with substance use disorders focusing on education, and relapse prevention. **Peer support** involves trained individuals with lived experience offering mentorship and encouragement throughout recovery. **Cognitive restructuring programming** helps clients recognize and change harmful thought patterns to support better decision-making and emotional regulation. **Anger management** programs teach individuals to identify triggers and develop healthy coping strategies to manage frustration and conflict. **Within My Reach** is a relationship education program that equips clients with skills to build and maintain healthy, stable personal relationships. Additionally, the program offers various **reentry services** tailored to client needs, including housing assistance, employment readiness, life skills training, and continued mental health support to aid in a successful transition back into the community.

Our facility, whole heartedly supports this avenue in utilizing the old Evergreen building, to provide a safe and stable environment for individuals who are suffering with substance abuse disorders. Having the ability for programs to work together, some under the same roof, will make it more possible for those in our community and surrounding area, be more successful and positive members of our society. This new program can offer much of what is needed, especially on this side of the state, in which reentry programs are almost non-existent. What we are currently doing is not working, therefore, something needs to change. By making this change and providing this program the ability to produce a new program, in Dickinson, ND, can provide the change that needs to be done on this side of the state, to make what we are currently doing, work.

Thank you for your time.

Allison Wanner, MS LCAC
 Clinical Director

United Way Dickinson – Supportive Living Program Policy and Procedure Manual

Program Purpose

The United Way Dickinson Supportive Living Program provides structured transitional housing for individuals who have stabilized from homelessness or treatment but are not yet ready for full independence. The program is designed to foster personal responsibility, life skills, and long-term stability through semi-independent living with oversight and support.

Eligibility Criteria

- Must be at least 18 years old
 - Must have completed emergency shelter, treatment, or justice-involved housing phase
 - Must be able to maintain basic self-care and household responsibilities
 - Must demonstrate commitment to working toward independent living
-

Intake Procedure

1. Referral or self-application with screening by program coordinator
 2. In-person interview and assessment
 3. Review of program expectations and responsibilities
 4. Assignment of a Case Manager and Care Coordinator
 5. Completion of intake documents and resident agreement
-

Program Structure

- Residents live in shared housing units with private or semi-private rooms
- Each resident follows a personalized service plan developed with their Case Manager
- Weekly meetings are held with Care Coordinators or Peer Support Specialists

- Residents are required to participate in life skills classes and peer support groups
-

Resident Responsibilities

- Maintain a clean and safe living environment
 - Participate in all scheduled check-ins, classes, and meetings
 - Adhere to curfew and house rules
 - Submit to regular alcohol and drug testing
 - Follow personal goal plan with progress evaluations
-

Staff Roles & Oversight

- **Case Managers:** Oversee housing plans, service referrals, and progress tracking
 - **Care Coordinators:** Provide day-to-day guidance and support for recovery goals
 - **Peer Support Specialists:** Offer lived-experience mentorship and emotional support
 - **Shelter/Program Coordinators:** Ensure adherence to program guidelines and safety protocols
-

Training & Certifications

All staff involved in the Supportive Living Program will be trained in:

- Trauma-Informed Care
 - Crisis De-escalation
 - Overdose Response (Naloxone)
 - CPR/First Aid
 - Harm Reduction Principles
 - HIPAA and Confidentiality
 - Peer Support and Care Coordination (state-certified)
-

Conflict Resolution and Grievance Policy

- Residents are encouraged to resolve conflicts peacefully with staff assistance
 - Formal grievances must be submitted in writing and reviewed within 5 business days
 - Retaliation for filing a grievance is strictly prohibited
-

Discharge Policy

Residents may be discharged for:

- Acts of violence or repeated rule violations
- Refusal to participate in required services or programming
- Relapse without willingness to reengage in recovery support

Planned discharges will include a formal exit plan and referrals to permanent housing or additional services.

Program Goals

- Support individuals in maintaining sobriety and recovery
- Strengthen independent living skills
- Provide a stepping stone to permanent housing and self-sufficiency
- Foster accountability and personal growth in a supportive, structured setting

United Way Dickinson/SWMCCC Treatment policy and procedure

Program Purpose

United Way Dickinson, in partnership with **Southwest Multi-County Correction Center (SWMCCC)**, provides a full continuum of Drug and Alcohol Treatment Services. This program includes **inpatient residential treatment**, outpatient care, aftercare, and recovery support. Operated by SWMCCC, the program is designed to support long-term recovery through person-centered, evidence-based practices and accountability measures tailored for individuals with substance use disorders.

Service Eligibility

- Individuals 18 years or older
 - Diagnosed with a substance use disorder or referred for evaluation
 - Willing to engage in a structured treatment and recovery plan
 - May be self-referred, referred by court, probation/parole, shelter program, or medical provider
-

Program Components

1. Screening and Assessment

- Initial intake and ASAM assessment conducted by a Licensed Addiction Counselor (LAC)
- Individualized treatment planning based on assessed level of care

2. Inpatient Residential Treatment (Operated by SWMCCC)

- Short-term stabilization and structured residential support for individuals with acute treatment needs
- 24/7 supervision, therapeutic programming, and recovery planning
- Daily clinical services including group therapy, individual counseling, and educational workshops

3. Outpatient Treatment Services

- Level I Outpatient: 6–9 hours/week of group and individual counseling
- Individual Therapy: One-on-one counseling with LAC or mental health provider
- Group Therapy
- Family Education and Support (when applicable)

4. Aftercare Services

- Step-down services following primary treatment completion
- Weekly recovery groups and check-ins
- Continued support from Care Coordinators and Peer Support Specialists

5. Medication-Assisted Treatment (MAT) Coordination

- Partnership with local MAT providers
- Treatment plans integrate MAT support and monitoring

Client Responsibilities

- Attend all scheduled treatment sessions and assessments
- Abstain from drug and alcohol use while in the program
- Submit to random drug and alcohol testing
- Participate in assigned recovery activities (e.g., AA/NA, peer support)
- Adhere to individualized treatment and recovery plan goals

Staff Roles and Credentials

- **Licensed Addiction Counselors (LACs):** Provide all clinical services, assessments, and therapy
- **Peer Support Specialists:** Offer recovery coaching and lived-experience mentoring
- **Care Coordinators:** Help clients access resources and coordinate wraparound services

- **Clinical Supervisor (SWMCCC):** Oversees treatment compliance, ethics, and quality assurance
-

Training and Certification Requirements

All staff are required to maintain the following:

- LAC licensure (ND DHS Behavioral Health Division)
 - Certification in Trauma-Informed Care, Crisis De-escalation, and Harm Reduction
 - CPR/First Aid and Naloxone Administration
 - HIPAA and confidentiality training
 - Peer Support and Care Coordination certification (if applicable)
-

Confidentiality Policy

- All client information is protected under HIPAA and 42 CFR Part 2
 - Information will not be disclosed without written consent or legal obligation
 - Staff must complete annual confidentiality and ethics training
-

Discharge and Completion Criteria

- Successful discharge includes meeting treatment goals, sustained sobriety, and aftercare plan in place
 - Unsuccessful discharge may occur due to non-compliance, continued substance use without engagement, or safety violations
 - Discharge includes referral to other appropriate services or levels of care
-

Program Goals

- Provide accessible and effective treatment for substance use disorders through SWMCCC-led services
- Support long-term recovery through ongoing engagement and education

- Promote harm reduction, wellness, and community reintegration
- Reduce relapse and recidivism through comprehensive recovery planning

United Way Dickinson – Diversion Program Services Policy and Procedure Manual

Program Purpose

The Diversion Program Services at United Way Dickinson aim to provide an alternative to incarceration for justice-involved individuals who would benefit from treatment, case management, and supportive services. This program aligns with North Dakota’s House Bill 1425, supporting prosecution-led diversion efforts and the deflection of individuals from the criminal justice system to community-based care.

Eligibility Criteria

- Individuals facing criminal charges or under pretrial supervision
 - Referral from a prosecuting attorney, court, or law enforcement agency
 - Willingness to participate in treatment, case management, and structured programming
 - No charges involving violent crimes, Sex offenses or significant threats to public safety (case-by-case review)
-

Referral and Intake Process

1. Legal referral from State’s Attorney or court system
 2. Screening and behavioral health assessment by United Way staff
 3. Coordination with diversion team including probation officers, treatment providers, and legal counsel
 4. Development of individualized diversion care plan
 5. Signing of agreement outlining program responsibilities and compliance expectations
-

Program Components

- **Case Management:** Weekly meetings with a Case Manager to support housing, employment, legal compliance, and behavioral health goals

- **Behavioral Health Services:** Connection to mental health and substance use treatment
 - **Peer Support Services:** Weekly mentorship and accountability from trained Peer Support Specialists
 - **Life Skills Education:** Training in budgeting, communication, conflict resolution, and healthy decision-making
 - **Employment and Housing Support:** Access to workforce programs and housing navigation services
 - **Court Coordination:** Regular progress reporting to court, prosecutor, or probation
-

Participant Responsibilities

- Attend all scheduled treatment and case management sessions
 - Abstain from criminal activity and substance use
 - Participate in required educational or recovery activities
 - Submit to random drug and alcohol testing
 - Maintain communication with assigned case manager and legal supervision team
-

Staff Roles

- **Diversion Coordinator:** Oversees program implementation and liaises with the legal system
 - **Case Manager:** Guides the client's service plan and coordinates referrals
 - **Peer Support Specialist:** Provides mentorship and emotional support based on lived experience
 - **Clinical Team (as needed):** Includes Licensed Addiction Counselors and mental health providers
-

Training and Certification

All staff involved in diversion programming must be trained in:

- Trauma-Informed Care and De-escalation
 - Criminal justice procedures and confidentiality standards
 - Overdose Response (Naloxone)
 - HIPAA and 42 CFR Part 2
 - Care Coordination and Peer Support Certification (if applicable)
-

Program Completion and Discharge

- **Successful Completion:** Met all requirements, maintained sobriety, and achieved goals outlined in the diversion plan; court charges may be reduced or dismissed
 - **Unsuccessful Discharge:** Due to repeated violations, relapse without re-engagement, or failure to participate in required activities; referred back to court or probation
-

Program Goals

- Provide a community-based alternative to jail or prison
- Address root causes of justice involvement including addiction, trauma, and homelessness
- Support long-term recovery, housing stability, and employment
- Reduce recidivism and promote restorative justice outcomes

United Way Dickinson – Residential Treatment Living Facility Policy and Procedure Manual

Program Purpose

The Residential Treatment Living Facility operated by United Way Dickinson provides structured, recovery-focused housing and support for individuals with substance use disorders, particularly those involved in the justice system. The goal is to stabilize individuals in early recovery while equipping them with tools for long-term sobriety and successful reintegration into the community.

Eligibility Criteria

- Must be 18 years or older
 - Must be actively participating in a substance use disorder treatment plan
 - May be referred by a justice partner, treatment provider, or self-application
 - Must agree to program rules and recovery-based expectations
-

Admission Process

1. Referral or application with supporting treatment documentation
 2. Behavioral health screening and intake interview
 3. Review and signing of Resident Agreement and House Rules
 4. Assignment of Case Manager and Peer Support Specialist
 5. Orientation to facility, expectations, and daily schedule
-

Program Structure

- 24/7 supervised recovery-based living environment
- Structured daily schedule including treatment sessions, group meetings, chores, and check-ins
- Residents receive individualized recovery plans with milestones and goals

- Residents participate in a continuum of care from outpatient treatment to aftercare
-

Required Program Participation

- Attendance at all clinical appointments, including outpatient treatment or therapy
 - Minimum 3 peer support or recovery meetings per week (AA/NA/SMART/FTR)
 - Weekly meetings with Case Manager and Care Coordinator
 - Participation in life skills training and relapse prevention programming
 - Random drug and alcohol testing
-

Resident Conduct Expectations

- Maintain sobriety at all times while in the program
 - Follow all house rules and curfews
 - Respect other residents and staff
 - No possession of weapons, alcohol, drugs, or contraband
 - Participate in community responsibilities and chores
-

Staff Roles and Oversight

- **Licensed Addiction Counselors (LACs):** Oversee clinical care and recovery plans
 - **Case Managers:** Support legal, housing, and employment goals
 - **Peer Support Specialists:** Offer lived-experience mentorship and accountability
 - **Program Coordinators:** Ensure day-to-day safety, schedule adherence, and policy compliance
-

Training & Certification Requirements

All staff will be trained and/or certified in:

- Trauma-Informed Care

- Crisis De-escalation
 - Overdose Response and Naloxone Administration
 - CPR/First Aid
 - Harm Reduction
 - Confidentiality and HIPAA Compliance
 - Certified Peer Support and Care Coordination through ND DHS programs
-

Disciplinary Actions and Relapse Protocol

- Immediate response to any confirmed use of alcohol or drugs
 - Staff intervention and review with clinical and recovery team
 - Possible step-down to emergency shelter or re-entry into treatment depending on behavior and willingness
 - Behavior contracts may be issued for non-violent policy violations
-

Graduation and Discharge Planning

- Clients will graduate after successfully completing program milestones and sustaining sobriety
 - Discharge plans include:
 - Secured permanent housing
 - Employment or education connection
 - Continued outpatient or peer recovery services
 - Warm hand-offs to community support partners
-

Program Goals

- Support justice-involved individuals in early recovery
- Provide a structured environment for sober living and accountability
- Reduce recidivism and relapse rates through integrated care

- Prepare residents for successful, independent living in the community

Laura Russ
Senior Portfolio Property Manager
2068 Prairie Ave #8
Dickinson, ND 58601
Laurar@gcremn.com
701-483-8020

April 30th, 2025

To:
City Commission and Zoning Committee
38 1st Street W
Dickinson, ND 58601

Subject: Opposition to Proposed Zoning Change for Homeless Shelter

Dear Members of the City Commission and Zoning Committee,

I am writing on behalf of GC Real Estate Partners and our ownership group to express strong opposition to the proposed rezoning of the property located directly across from our office and within 300 feet of two of our apartment communities, to allow for the development of a homeless shelter.

Our greatest concern is for our tenants—many of whom have made their homes in our communities for five, ten, or even more years. These residents have built their lives here, raised families, and created a strong sense of neighborhood. They chose to live in a quiet, residential environment, and this proposed change would dramatically alter that dynamic.

We've already received concerns from some residents, and the prospect of a shelter being placed so close to their homes will inevitably lead many to consider moving elsewhere. Even the perception of reduced safety or neighborhood stability can deeply affect someone's comfort in their own home. We believe this proposal risks displacing families and individuals who have been committed members of this community for a long time.

In addition, we operate our business office directly across the street from the proposed site. While we are concerned about the potential impacts on our operations, our top priority is still the residents who depend on us to maintain a safe, stable, and welcoming place to live.

We recognize and support the city's efforts to address homelessness, but we respectfully ask the Commission and Zoning Committee to reconsider this location. There must be more appropriate sites that can serve those in need without jeopardizing the well-being of long-term community members.

Thank you for your time and thoughtful consideration.

Sincerely,

Laura Russ | Senior Portfolio Property Manager
2068 Prairie Ave #8, Dickinson, ND 58601
Phone: 701.483.8020 | Cell: 701.300.2352
laurar@gcremn.com | www.gcremn.com



An SVN® affiliated office.

From: [Dickinson ND](#)
To: [Sylvia Miller](#)
Subject: Planning and zoning - Evergreen Building
Date: Wednesday, April 30, 2025 10:32:41 AM

Name: Laura Russ
Email: laurar@gcremn.com

Message: April 30th, 2025 To: City Commission and Zoning Committee 38 1st Street W Dickinson, ND 58601 Subject: Opposition to Proposed Zoning Change for Homeless Shelter Dear Members of the City Commission and Zoning Committee, I am writing on behalf of GC Real Estate Partners and our ownership group to express strong opposition to the proposed rezoning of the property located directly across from our office and within 300 feet of two of our apartment communities, to allow for the development of a homeless shelter. Our greatest concern is for our tenants—many of whom have made their homes in our communities for five, ten, or even more years. These residents have built their lives here, raised families, and created a strong sense of neighborhood. They chose to live in a quiet, residential environment, and this proposed change would dramatically alter that dynamic. We’ve already received concerns from some residents, and the prospect of a shelter being placed so close to their homes will inevitably lead many to consider moving elsewhere. Even the perception of reduced safety or neighborhood stability can deeply affect someone's comfort in their own home. We believe this proposal risks displacing families and individuals who have been committed members of this community for a long time. In addition, we operate our business office directly across the street from the proposed site. While we are concerned about the potential impacts on our operations, our top priority is still the residents who depend on us to maintain a safe, stable, and welcoming place to live. We recognize and support the city’s efforts to address homelessness, but we respectfully ask the Commission and Zoning Committee to reconsider this location. There must be more appropriate sites that can serve those in need without jeopardizing the well-being of long-term community members. Thank you for your time and thoughtful consideration. Sincerely, Laura Russ GC Real Estate Partners

660 21st Street West
Dickinson, ND 58601
May 5, 2025

City of Dickinson Planning and Zoning Commission
38 1st Street West
Dickinson, ND 58601

ATTENTION: Natalie Birchak, City Planner
RE: SUP-002-2025

Dear Planning and Zoning Commissioners,

The 14 homeowners who comprise the North Hill Townhouse Unit Owners Association have received notification from the City of Dickinson regarding an application for a Special Use Permit to convert the building that previously housed Evergreen Assisted Living Facility to a group living facility. We have received information from the applicant, United Way of Dickinson, that the plan is to house residents with a variety of disabilities, including mental issues, drug and alcohol addiction, and homelessness. Additionally, United Way plans to provide space for the House of Manna to operate within the building. This proposal has raised concerns from the homeowners, since our property on the east side is adjacent to the Evergreen property and all of our properties are well within 300 feet of the proposed project.

Concerns that have been voiced by homeowners include security, safety, increased noise and traffic, increased crime, decreased property values, and unsightly conditions.


The concerns about security and safety have arisen over the possibility that residents of the facility will be in close proximity to our homes and courtyard when they are outdoors and would have access to our properties, should they so choose, day or night, along with any visitors to the facility. Several of the homes have young children who either live there or visit regularly.

The current building has the capability of housing up to 79 residents. Even if the number of residents doesn't reach the maximum, there is certain to be an increase in traffic, especially with the addition of the House of Manna. There will be an influx of people dropping off items and people coming to pick them up, along with additional residents, visitors, and staff. With an increase in traffic, both motorized and foot, there will necessarily be an increase in the noise level.

An increase in people, both indoors and outdoors, will generate an increase in litter. There will surely be more people outdoors, eating, drinking, smoking, etc., and those activities come with garbage that likely will be left strewn around.

Any or all of these possibilities, or a combination thereof, will result in a decrease in the value of our properties, so we respectfully request that you decline to approve this application.

Sincerely,


Bruce Koppinger, President
North Hill Townhouse Unit Owners Association

From: [Dickinson ND](#)
To: [Sylvia Miller](#)
Subject: Application for a Special Use Permit (SUP-002-2025)
Date: Saturday, May 10, 2025 8:58:04 AM

Name: Scott Biggs
 Email: bmg@ndsupernet.com

Message: May 10, 2025 Natalie Birchak, City Planner Planning and Zoning Commission 38 1st St W Dickinson, ND 58601 Office: 701-456-7812 Email: natalie.birchak.org@dickinsongov.com Re: Application for a Special Use Permit (SUP-002-2025) Dear Natalie & The Planning and Zoning Commission, One has to acknowledge this is indeed a noble idea and likely a much needed project to consider for the Dickinson community. Nevertheless, for numerous reasons and risks, common sense reveals this is simply not the proper neighborhood location, within the city of Dickinson, for this type of a facility. The following is only a partial list, to point out just a few of the concerns for all to ponder:

- 21st Street West is a main transportation artery within the city of Dickinson. At times experiencing a great deal of traffic; including but not limited to Ambulance, Law Enforcement, Fire Department, and Emergency Management vehicles. With existing landscape and/or layout of the streets, and a normal days traffic flow can now be difficult at times to get on and off 21st Street West from various side streets. At certain times of the day, there is currently a lack of easy access to the proposed property being considered in this matter; previously known as Evergreen Assisted Living Facility. Making it somewhat dangerous and difficult to travel in any weather conditions including a nasty North Dakota Winter. Semi-trucks trying to maneuver to get close to the facility for unloading needed supplies into the building has always been a challenge for the best of truck drivers due to limited space and access. This type of facility will need food and supplies too, most likely delivered by trucks. Please understand this property and building is located directly off of a frontage road at a dead end. This frontage road is not conducive to nor was it ever designed for heavy traffic flow or Semi-trucks. This type of facility will indeed increase traffic attempting to get both on and off 21st Street West in this area. Again, traffic cannot flow out of the frontage road on the East end as it dead ends.
- The proposed property being considered in this matter; experienced in the past extremely limited parking for family and friends visiting facility residents. The existing amount of parking will certainly not be adequate for the amount of activity planned and/or for what is currently being proposed regarding this facility. Frontage road parking is not conducive for high volume activity. Not to block the cluster mailbox unit along the South side of the frontage road is also of importance and will become a greater issue with an increase in frontage road parking.
- There is no existing properly fenced in yard or outdoor recreation area for residents of this type of a facility. The existing property is not large enough to create such areas.
- Knowing the proposed plan is to house residents with a variety of unfortunate disabilities, including mental issues, drug and alcohol addiction, and homelessness. Decision makers must honestly ask them self: Would I desire this type of facility located next to my personal home? Decision makers must also honestly ask them self: Would I want my unsupervised minor aged children or any other unsupervised minor aged children, potentially interacting with residents of this facility? Children in the neighborhood and surrounding area can and will be exposed; they will unfortunately become the most vulnerable potential victim to tragedy. This is a busy intersection with numerous pedestrians walking by this property from all directions. With the approval of this application many will become innocently exposed to unforeseen harm.
- Approval of this Application for a Special Use Permit (SUP-002-2025) really means; one would be jeopardizing the safety, security,

wellbeing for all individuals and/or families, living adjacent to the proposed property being considered in this matter. If approved, no human can mitigate all of the potential risks within the neighborhood for this type of a project. I choose to believe and trust for all concerned, common sense should and will rule. Thank you for seriously contemplating the above mentioned items during the decision making process. Sincerely, -Scott- Scott L. Biggs
Neighborhood Property Owner ----- Confidentiality Notice: All information contained in this transmission is confidential, proprietary or privileged and may be subject to protection under the law. The message is intended for the sole use of the individual and/or entity to whom it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any reading, disclosing, dissemination, distribution, copying, printing, reviewing, forwarding or other use of this message including files or its attachments is strictly prohibited. If you received this transmission in error, please notify the sender immediately by email and delete/destroy the material including files or its attachments and all copies and backups thereof. Unauthorized interception of this e-mail is a violation of federal criminal law. Thank you. -----

From: [Dickinson ND](#)
To: [Sylvia Miller](#)
Subject: Strong Objection to Special Use Permit For Group Living Facility
Date: Tuesday, May 13, 2025 10:52:16 AM

Name: Trevor Ernst
Email: erenhomes@gmail.com

Message: Good Morning, My name is Trevor Ernst and I represent the property owned by MCA Ventures, LLC directly north of the property located at 2143 6th Ave West in Dickinson that is applying for a special use permit to allow a Group Living Facility at that location. I strongly object to the Planning and Zoning Commission allowing a change of zoning or a special use permit in the Community Commercial zoning that that property is currently under. I serve on multiple boards for the City of Dickinson, and at the end of every motion that we make it ends with the phrase "being in the interest of public health, safety, and welfare." I cannot think of a special use permit or change of zoning that goes against that more than thinking of allowing a group living facility at this location. I will provide many examples of how this goes counter to the purpose of the Planning and Zoning Commission. Zoning requirements are put in place to protect all the property owners in an area from every other property owner near it doing something that could harm their property and/or the occupants and residents of those properties. A group living facility should not be allowed at this address. It does exactly the opposite. Research into the impacts of a group living facility points to an approximate property value decrease of around 7% to the properties in the neighborhood impacted by the group living facility. If you apply this to the "neighborhood" within 1 mile of this address it would be a loss of property value to these existing property owners of approximately 8 million dollars and possibly a lot more. Secondly, Prairie Rose Elementary is less than 3/4 of one mile away from this location. Approximately 25% of all public school elementary students within the City of Dickinson go to this school. The City has spent many many millions of dollars to provide a safe and enriching environment at this location to educate these students. Everything that the city, the school system, and the parents of these children are trying to do in safely educating these kids would be undermined by allowing a group living facility this close to this School. Allowing this special use permit is clearly against public health and safety in this instance. Thirdly, There are no Group Living Facility Special Use Permits within the City of Dickinson. The City did not even have a Zoning to allow Group Living Facilities within the City in the past. I contacted Natalie Birchak and she confirmed that there is no Zoning within the City of Dickinson to allow Group Living Facilities. Only recently has the City changed to even allow Planning and Zoning to consider them by issuing a special use permit. This would be a radical and dangerous change of precedence for the Planning and Zoning Commission to consider allowing this special use permit or allowing a change of zoning to allow a Group Living Facility. Every property owner in the City of Dickinson bought their property believing they are protected from a Group Living Facility being built or opened next to their property by the existing Zoning of the City of Dickinson. All these property owners rely on the City and the Planning and Zoning Commission to protect them against some exactly like this special use permit. In Closing, I strongly object to the Planning and Zoning Commission allowing a Special Use Permit or changing the Zoning at 2143 6th Avenue West to allow a Group Living Facility at this location. Please protect the residents and property owners of the City of Dickinson by denying this request. Thank you Trevor Ernst

From: [Dickinson ND](#)
To: [Sylvia Miller](#)
Subject: Homeless shelter zoning for Evergreen location
Date: Wednesday, May 14, 2025 12:57:44 AM

Name: Miki Thompson
Email: nateandmiki@gmail.com

Message: Good evening, My name is Miki Thompson and my family and I own a home in the neighborhood just west of The Evergreen facility. I am writing to say that we do not agree with a homeless shelter going in so close to a residential neighborhood. I am concerned about two main things. Home/property values and safety. It is a fact that properties that are within 500-1000ft of these types of shelters lose value just due to being near them. An estimated 7% loss depending on how close. That would be a significant loss of revenue for the city and greatly affect the homeowners in this neighborhood. I also want to point out safety. Our community has worked hard to get the attention of businesses that would benefit its residents. We have great stores like TJ Max, Hobby Lobby, and new restaurants coming into town. Also great businesses like Runnings, Harbor Freight, and Britton Jewelers all within two blocks from this proposed site. Businesses would have to deal with the loitering and panhandling. The intersection of sixth Ave and 21st St is a very busy intersection. Many pedestrians already have issues trying to navigate and cross safely. Adding a homeless population would be highly adding to the danger. Also, when a shelter moves in crime in the area does rise. Trespassing, theft, drug related crimes among other things will rise. The police presence needed would put a strain on our first responders. These opinions come with experience. I grew up in a city in Wa State that moved a homeless shelter in a similar area. Unfortunately, businesses that had been there for 50 years and generations had to move or close down. The neighborhoods near there became very unsafe quickly. I have also seen other cities go from walkable, safe, enjoyable places to unsafe places with businesses closing down, their once beautiful parks overrun with encampments. Is it possible for our community to conquer what little homelessness we have here? Yes. But we cannot put the horse before the cart. We have to have services before a shelter. If you build it they will come and with that we need more mental health services, drug and alcohol rehabilitation services and halfway houses. We need veteran services. We already have trouble housing and feeding our current population. The building might be perfect but the location is not. Thank you for your time. Miki Thompson



United Way Group Living SUP Staff Report

To: City of Dickinson Planning and Zoning Commission
From: City of Dickinson Community Development
Date: May 7, 2025
Re: **SUP-002-2025 United Way Group Living Special Use Permit**

OWNER/APPLICANT

Tracy Tooz
 4038 3rd Avenue West
 Dickinson, ND, 58601
 Tracy@toozconstruction.com
 (701) 260-4431

APPLICANT

Dakota Gant / United Way
 PO Box 501
 Dickinson, ND, 58602
 dakota.unitedway@gmail.com
 (701) 483-1233

| | | |
|-----------------------|--------------|--------------------------------|
| Public Hearing | May 14, 2025 | Planning and Zoning Commission |
| Final Action | May 20, 2025 | City Commission |

EXECUTIVE SUMMARY

The applicant is requesting approval of a Special Use Permit (SUP) application for a group living facility that would be located on a 1.25-acre property located at 2143 6th Avenue West in the City of Dickinson. The property is zoned Community Commercial (CC).

Staff Recommendation: Denial

LOCATION

The property is located within the SE1/4 of the NE1/4 of Section 28, Township 140 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. Currently, the property is legally described as the South 117 feet of Lot 3 and All of Lot 4 in Block 5 of the Lutz's First Addition Subdivision.

| | |
|--|-------------------|
| CURRENT ZONING | CC |
| FUTURE LAND USE MAP DESIGNATION | COMMERCIAL |
| GROSS SITE ACREAGE | +/- 1.25 |

| | |
|----------------------|----------|
| LOTS PROPOSED | 1 |
|----------------------|----------|

| ADJACENT ZONING & LAND USE | | |
|---------------------------------------|---------------|-------------------------------------|
| Direction | Zoning | Land Use |
| North | CC | Undeveloped |
| East | CC | Southwestern District Health Clinic |
| South | CC | Car Wash |
| West | R-2 | Residential Uses |

STAFF ANALYSIS

BACKGROUND

Group living facilities are a permitted use in Community Commercial (CC) zoning upon obtaining a Special Use Permit (SUP). The requirements for an SUP application for a Group Living Facility, as listed in Municipal Code Section 62-468 (4), are listed below:

- “1. Information regarding the proposed group living facility operation, which includes, but is not necessarily limited to, the following:

 - a. A complete statement of the types of services to be provided, including a client case management plan as well as the provision of “wrap around” services;*
 - b. Consent to a background investigation of the owner/operator of the facility;*
 - c. A list of required licenses and/or certificates, if any;*
 - d. A list of agencies expected to provide services at the facility;*
 - e. The applicant’s history of residency, employment, and business ownership for five years prior to the date of the application;*
 - f. A copy of the facility’s house rules and regulations;*
 - g. A copy of the facility’s on-site security plan;*
 - h. A copy of the facility’s on-site emergency management plan, to include contingencies for fire, tornado, and other natural disaster;*
 - i. Any additional information deemed necessary by Development Services, the Planning and Zoning Commission, and/or the City Commissioner.**
- 2. No Group Living use may be located within 300 feet of another Group Living use, measured by lot line to lot line, unless such location is otherwise reviewed and approved as a Special Use.*

3. *If located within 150 feet of a single-family residential zoning district, including overlay districts and/or planned unit developments, all outdoor activity shall be screened from public view and from the view of adjacent properties.*
4. *Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.*
5. *Any permit issued under this Section shall be non-transferrable 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.*
6. *The permit holder shall conduct an annual compliance audit. The results of that annual compliance audit shall be made available to the Community Development Department.*
7. *The permit holder shall appear annually before the Planning and Zoning Commission for renewal of the permit. In addition to the annual compliance audit, the Community Development Department may require additional information or an annual site inspection prior to renewal.*
8. *Group living facilities shall comply with all applicable local, state and federal requirements.*
9. *Group living facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions. (Ord. No. 1798 § 9)"*

Currently, the submitted application has not included a site plan or detailed plan of operation including funding sources, number of staff members involved, and required certifications for employees.

Additionally, the application did not address the following minimum criteria for special use permits as listed in *Table 62-55-1 Criteria For Site Plan Review and Special Use Permits* in Section 62-55 of the City of Dickinson's Zoning Ordinance.

- Development Density
 - Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features;
- Height and Bulk
 - Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations;
- Setbacks
 - Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics;
- Building Coverage

- Building coverage should be similar to that of surrounding development of possible. Higher coverage should be mitigated landscaping or site amenities;
- Frontage
 - Project frontage along a street should be similar to lot width;
- Parking and Internal Circulation
 - Parking should serve all structures with minimal conflicts between pedestrians and vehicles;
 - All structures must be accessible to public safety vehicles;
 - Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points;
- Traffic
 - Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations;
- External Traffic Effects
 - Project design should direct nonresidential traffic away from residential areas;
- Operating Hours
 - Projects with long operating hours must minimize effects on surrounding residential areas;
- Outside Storage
 - Outside storage areas must be screened from surrounding streets and less intensive land uses;
- Sanitary Waste Disposal
 - Developments within 200 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare;
 - Sanitary sewer must have adequate capacity to serve development
- Storm Waste Management
 - Development should handle stormwater adequately to prevent overloading of stormwater management system;
 - Development should not inhibit development of other properties;
 - Development should not increase probability of erosion, flooding, landslides, or other run-off related effects;
- Utilities
 - Project must be served by utilities;
- Comprehensive Plan
 - Projects should be consistent with the City's Comprehensive Development Plan.

The property is not located within 300 feet of any group home, group care, or group living facilities. Activities taking place outdoors shall require screening from the residential properties located to the West of the site.

COMPATIBILITY WITH LOCAL USES

The lot to the West of the proposed property is zoned Medium-Density Residential (R-2). For all expansion and new construction, a landscape buffer of 20 feet is required, and opaque screening of the rear elevation of the development is required. The site plan submitted by the applicant includes both of these requirements. The existing buildings do not have to be adjusted unless significant reconstruction of said buildings takes place.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: Staff has received multiple queries from residents about this project which were forwarded to the applicant. A local real estate group has expressed opposition to this project.

Staff Recommendation: As the applicant as not provided sufficient information regarding operations, and as the applicant did not address the minimum criteria for a special use permit application as listed in Table 62-55-1: Criteria For Site Plan Review and Special Use Permits, City of Dickinson Community Development Staff recommends **denial** of SUP-002-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **SUP-002-2025: United Way Group Living SUP** as meeting all the requirements of the Dickinson Municipal Code and also 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 **SUP-002-2025: United Way Group Living SUP** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

ORDINANCE NO. 2025**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 62-318 OF CHAPTER 62, RELATING TO CORRIDOR OVERLAY DISTRICT BOUNDARIES**

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

SECTION 1: Section 62-318. Boundaries of Chapter 62 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 62-318. - Boundaries.

The boundaries of the Corridor Overlay Districts are hereby established as follows: All structures and/or lots that are within 400 feet of either side of the right-of-way (existing or future if additional right-of-way is required, whichever is greater) for the following identified corridors:

- 1) Highway 22 a/k/a Third Avenue West.
- 2) I-94 Highway Corridor.
- 3) Villard Street.
- 4) I-94 Business Loop (East and West).
- 5) State Avenue.
- 6) 10th Avenue East.
- 7) 21st Street (East and West).
- 8) 34th Street SW a/k/a 40th Street.
- 9) 30th Avenue West.
- 10) 33rd Street SW one-mile west of the intersection of Hwy 22 and 33 Street SW.
- 11) Exit 56 Truck Bypass.
- 12) Highway 10.
- 13) 116th Avenue SW.
- 14) 15th Street West.
- 15) 12th Street West.
- 16) Museum Drive West.
- 17) 14th Street (East and West).
- 18) Second Avenue West, north of I-94.
- 19) 16th Street West.
- 20) Western Drive.

21) Fairway Street.

(Code 1993, § 39.05.031; Ord. No. 1604, § 5; Ord. No. 1625, § 1)

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.

Scott Decker, President
Board of City Commissioners

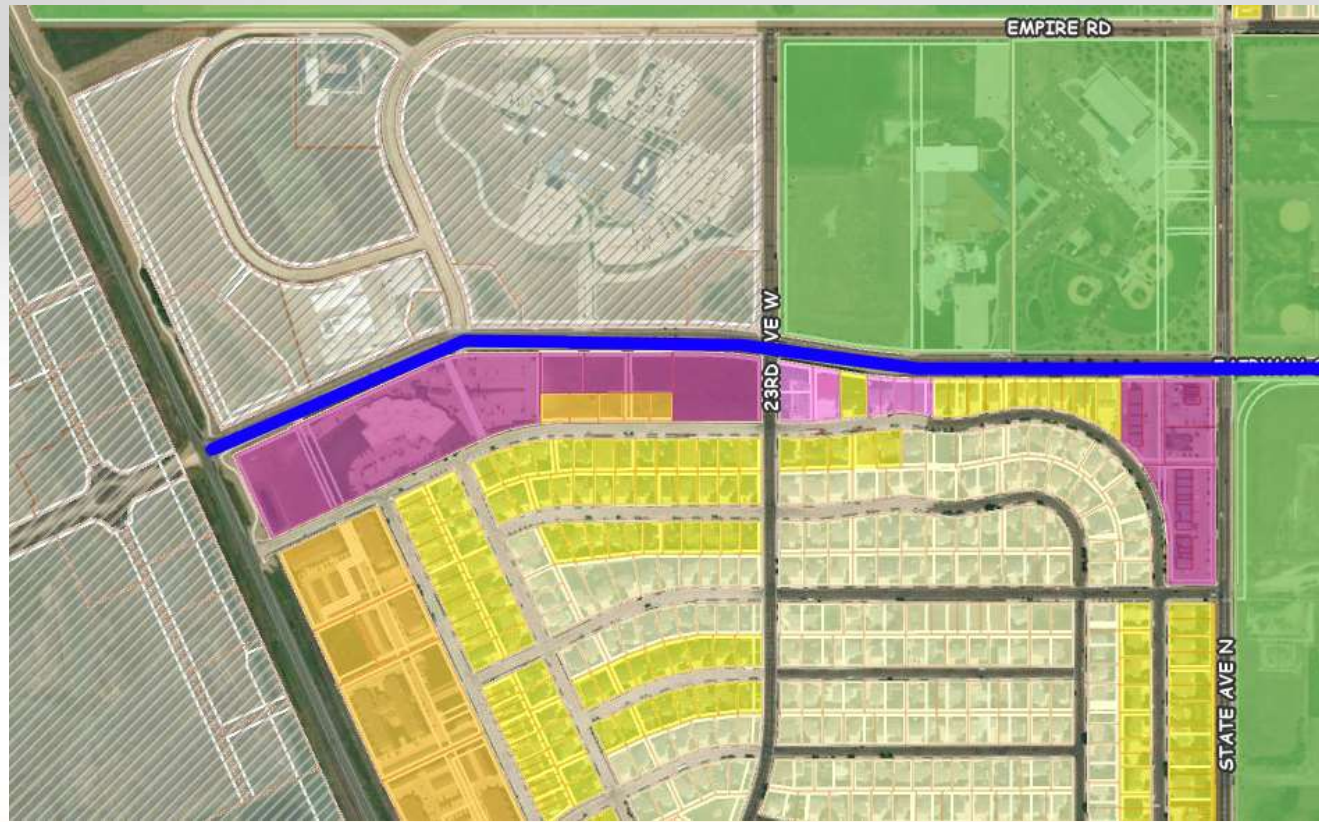
ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2025
Second Reading: _____, 2025
Final Passage: _____, 2025

CORRIDOR OVERLAY DISTRICT ZONING TEXT AMENDMENT (ZTA-001-2025)

Section 3. Item F.





Corridor Overlay District Zoning Text Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: May 7, 2025
 Re: ZTA-001-2025 Section 62 – Corridor Overlay District

OWNER/APPLICANT

Name: City of Dickinson Community Development Services
 Address: 38 1st Street West
 City: Dickinson ND 58601

| | | |
|----------------------------|--------------|--------------------------------|
| Public Hearing | May 14, 2025 | Planning and Zoning Commission |
| Public Hearing | May 20, 2025 | City Commission |
| Final Consideration | June 3, 2025 | City Commission |

The applicant is requesting the approval of a zoning text amendment to Division 5-Corridor Overlay District, as found in Chapter 62-Zoning of the Dickinson Municipal Code, to include Fairway Street in Section 62-318-Boundaries of the Corridor Overlay District. This addition will require future commercial and public site developments along Fairway Street to abide by the development standards and regulations of the Corridor Overlay District.

Staff recommendation: Staff recommends approval of this text amendment.

STAFF ANALYSIS

BACKGROUND

According to Section 62-317 of the Municipal Code, the purpose of the Corridor Overlay District for transportation corridors identified herein is to promote and protect the public health, safety and welfare by providing for consistent and coordinated treatment of properties bordering and within the identified transportation corridors in the City, and in the City's

extraterritorial zone (ETZ). The identified corridors are important transportation corridors, and will continue as such with future growth of the City. These transportation corridors are expected to carry significant volumes of traffic, making development along these transportation corridors highly visible to the traveling public. Therefore, it is the purpose of this district to ensure high aesthetic quality of development along these important transportation corridors through:

- 1) The establishment of enhanced standards for buildings, landscaping, and other improvements constructed on the properties bordering and within the identified transportation corridors; and
- 2) The establishment of development requirements which will encourage high quality of design of development of those properties and promote the quality, scale, and character of development consistent with existing and planned uses bordering and within the identified transportation corridors.

The Corridor Overlay District was initially included in the Municipal Code in 1993, and it was expanded in 2012. This district applies to nearly all urban minor arterial roads in the City of Dickinson and most urban collector streets. It also applies to portions of those corridors within the City's Extra Territorial Zone.

According Section 62-318, "all structures and/or lots that are within 400 feet of either side of the right-of-way (existing or future if additional right-of-way is required, whichever is greater) of the identified corridors are subject to the provisions of the Corridor Overlay District."

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compatibility with the Comprehensive Plan

Fairway Street is currently designated a minor arterial road and has Community Commercial (CC) zoning districts located along the southwest side. The purpose of the Corridor Overlay District is to promote architectural design standards that demonstrate a sense of permanence for commercial and high-density residential developments along major transportation corridors. Fairway Street qualifies as a major corridor and should follow the same regulations as other corridors in the City.

There are multiple single-family residences along Fairway Street. Single-family residences are exempt from the building standards of the Corridor Overlay District, so they will not be impacted by this change.

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-001-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **ZTA-001-2025: The Corridor Overlay District 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-001-2025: The Corridor Overlay District 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."*

City
Purpose/Intent

Dickinson

The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. This district is designed to maintain complete agricultural uses within the City extraterritorial jurisdiction

Minimum Lot Size

Five (5) acres

Minimum Lot Width

300 feet

Setbacks

Front -50 feet Side-15 feet Rear-50 feet

Maximum Height

n/a

Bismarck

General description. The agricultural district is established as a district in which the predominant use of land is for general agricultural uses. For an A agricultural district, in promoting the general purposes of this ordinance, the specific intent of this section is: a. To encourage the continued use of land for agricultural uses. b. To discourage scattered commercial and industrial use of land, and to prohibit any other use which would interfere with an integrated and efficient development of the land for more intensive urban uses as the city expands. c. To discourage any use, which because of its character or size, would create unusual requirements and costs for public services, such as police and fire protection, water supply and sewerage before such services could be expanded efficiently in the normal development of the city. d. To provide additional development standards for non-farm rural properties abutting the Missouri River developed after November 25, 2003

One single-family dwelling shall be allowed for each parcel of land not less than forty (40) acres in size or the aliquot part of a corrective section intended to comprise a quarter-quarter-section, provided such aliquot part is not less than thirty-five (35) acres in size.

Front yard-175 from arterial road; 125 feet from collector roads; 40 feet from local roads.

Side yards. Each lot shall have two (2) side yards, one on each side of the principal building. The sum of the width of the two (2) side yards shall be not less than twenty (20) per cent of the average width of the lot, but in no case less than fifteen (15) feet per yard. Provided further, that no building housing livestock or poultry shall be less than fifty (50) feet distant from any residential building on an adjacent lot, nor shall such a building be less than fifty (50) feet from the boundary of any lot in a residential or commercial district. No building on a corner lot shall have a side yard on the side street less than the front yard requirements specified in this section.

Rear yard-20 feet unless it abuts an arterial or collector road ROW

50 feet. For each one foot or fraction thereof that a building exceeds thirty-five (35) feet in height, there shall be added four (4) feet to the minimum width of each side yard, two (2) feet to the minimum depth of front yard, and two (2) feet to the minimum depth of rear yard required by this section.

Fargo

The AG, Agricultural district is intended to accommodate agricultural land uses and provide an interim zoning classification for lands pending a determination of an appropriate permanent zoning designation.

10 acres

200 feet

Front yard-50 feet and a minimum of 100 feet from right-of-way of an arterial or section line road.

Interior side yard-25 feet. Street side yard-25 feet and a minimum of 75 feet from an arterial or section line road

35 feet

AGRICULTURAL ZONING DISTRICT RESEARCH

Grand Forks

Statement Of Intent of A-1 Agricultural Preservation District. The intent of the (A-1) agricultural preservation district is to preserve and protect agricultural land use and the activities that are associated with it. The A-1 district recognizes that the proximity of the land within the Grand Forks urbanized area strongly influences land use decisions. Therefore, the intent of this district is also to direct nonfarm development and urban-oriented growth into lands adjacent and/or contiguous to the city and to promote a compact development pattern which: (A) Preserves agricultural land and protects it from land use conflicts associated with non-farm development. (B) Prevents nonfarm rural development that will inhibit the city's ability to grow in an orderly manner in the future. (C) Conserves travel distances, energy consumption, and makes public transportation feasible. (D) Maximizes the efficiency of future extensions of city utilities and services.

Statement of intent of A-2 agricultural urban reserve district The intent of the (A-2) agricultural urban reserve district is to preserve and protect agricultural land use and the activities that are associated with it. The A-2 district recognizes that the proximity of the land within the Grand Forks urbanized area strongly influences land use decisions. Therefore, the primary intent of this district is to preserve and protect agricultural land use by directing nonfarm

A-1-40 acres . A-2 40 acres

A-1-1320 feet A-2 330 feet

Front yard-35 feet from property line; 75 feet from a section line roads. This additional setback accounts for future section line roadway dedication of approximately forty-two (42) feet in addition to the typical thirty-three-foot half section of a section-line road, plus a thirty- to thirty-five-foot setback from future road right-of-way.

35 feet for dwellings and nonfarm related accessory buildings only. None for agricultural buildings

Mandan

General description. The A Agricultural District is established as a district in which the predominant use of land is for general agricultural uses. For the A Agricultural District, in promoting the general purposes of this chapter, the specific intent of this section is as follows: a. To encourage the continued use of the land for agricultural uses. b. To prohibit scattered commercial and industrial uses of the land and to prohibit any other use which would interfere with an integrated and efficient development of the land for more intensive urban uses as the city expands. c. To discourage any use which, because of its character or size, would create unusual requirements and costs for public services, such as police and fire protection, water supply and sewage before such services could be expanded efficiently in the normal development of the city.

Provided, however, that on a record lot having an area of less than five acres, but not less than 20,000 square feet, corresponding to a record lot shown on a plat or deed recorded prior to the adoption of the ordinance from which this section is derived, any of the following uses are permitted:1.Single-family dwelling. 2.Church.3.Education group.4.Public recreation group.5.Fire station.6.Railroad line trackage.7.General farming group, as defined in section 105-1-4.8.Truck farming group, as defined in section 105-1-4.9.Utility service group.10.Animal hospital.11.Oil or gas well. 12.Fireworks stand. And on a similar lot having an area of less than the 20,000 square feet but not less than 5,000 square feet, the following uses are permitted:1.Single-family dwelling.2.Church.3.Fire station.4.Railroad line trackage.5.Truck farming group.6.Utility service group.

Each lot shall have a width of not less than 100 feet measured along the front building line; provided, however, that on a record lot having a width of less than 100 feet at the front building line, and corresponding to a record lot shown on a plat or deed recorded prior to the adoption of the ordinance from which this section is derived, the minimum lot width measured along the front building line may be reduced to not less than 50 feet.

Front yard-25' Side yard. Each lot shall have two side yards, one on each side of the principal building. The sum of the width of the two side yards shall not be less than 20 percent of the average width of the lot. On any lot having an average width of 60 feet or less, each side yard shall be not less than ten percent of the width of the lot, and in no case shall a side yard be less than five feet in width. On any lot having an average width greater than 60 feet, neither side yard shall be less than six feet in width; provided, however, that for any building 35 feet in height or less, no side yard greater than 15 feet in width shall be required; provided, further, that no building housing livestock or poultry shall be less than 50 feet distant from any residential building on an adjacent lot, nor shall such building be less than 50 feet from the boundary of any lot in a residential or commercial district. Rear yard-20 feet

No single-family dwelling shall exceed 2.5 stories, nor shall it exceed 35 feet in height. No principal building for any other permitted use shall exceed four stories, nor shall it exceed 50 feet in height. For each one foot or fraction thereof that a building exceeds 35 feet in height, there shall be added four feet to the minimum width of each side yard, two feet to the minimum depth of the front yard and two feet to the minimum depth of the rear yard required by this section. Any accessory building that exceeds 25 feet in height shall be considered a principal building for the purpose of figuring yards and distances from lot boundary lines.

Minot

The AG (Agricultural) District is established as a district, in which the principal use of the land shall be for farming, ranching and related uses. The AG District falls within the Agricultural and Open Space (AOS) Land Use Category within the City of Minot Comprehensive Plan.

10 acres

None

35 feet

None

Watford City A-1

This district is established to protect the City of Watford City from uses which would have an adverse effect on the city and to preserve land until it is developed as part of the city.

Farm tracts-10 acres

n/a

Front yard-30 feet. Double frontage-30 feet. Interior side yard-6 feet. Rear yard-30 feet.

When a building or structure is within one hundred fifty (150) feet of any residential district, said building or structure shall not exceed thirty-five (35) feet in height. When a building or structure is more than one hundred fifty (150) feet from any residential district, said building or structure shall not exceed seventy-five (75) feet in height.

West Fargo

The provisions of the "A" District are intended to establish and preserve areas for agricultural uses, wherein certain recreational, residential, and public activities which do not significantly change the natural character of the land are permitted.

- Commercial/agricultural and horticulture uses - none;
- Single family dwellings on lots of record - 1 acre;
 - Single family dwellings on newly created lots - 40 acres
 - Other uses - 10 acres

300 feet

Minimum front yard: Local Road : 120' from centerline or 40' from the established right-of-way, whichever is greater. Side yard-20 feet. Rear yard-50 feet

- Collector Road : 150' from centerline or 75' from the established right-of-way, whichever is greater.

- Arterial Road: 150' from centerline or 75' from the established right-of-way, whichever is greater.

None for farm uses; 35 feet for none-farm uses

Williston

Intent. This district is intended to protect and preserve lands which are presently rural or agricultural in character and use. These lands are not presently required for urban development, but will accommodate residential development opportunities for those who desire rural living and are willing to live in more remote locations and to assume the costs of providing many of their own services and amenities. This district is also intended to protect and preserve areas of prime agricultural soils as identified in the Williston Development Guide, for continued agricultural and agriculturally-oriented uses. These areas consist of the most agriculturally productive soils and should not be converted from agricultural to another zoning classification unless and until there are no other lands available in Williston and the extraterritorial area to accommodate nonagricultural uses. This district is not intended to regulate agricultural uses, but to regulate those uses which threaten agriculture. This district is also intended to allow development of mineral resources including oil and gas, coal, potash, sand, gravel, scoria, and the like in a manner that does not adversely impact the natural environment and adjoining land uses.

10 acres

125 feet

Front yard-50 feet; Side yard-15 feet; Rear yard 25% of the depth of the lot

Data center - A facility whose primary service is data processing or storing, and housing computer systems and associated components, such as central processing units, graphical processing units, neural networks, quantum bits, quantum processors, memory, data routing, data storage, server farm, bitcoin mining, crypto processing, virtual private networks, virtual servers, artificial intelligence training or processing, image processing, cloud computing, email servicing, a telecom hotel, telehouse co-location, or any other term applicable to facilities which are used for such purposes shall be deemed to be a data center. Data centers shall be allowed in the General Commercial and General Industrial zoning districts as a special use.

Micro data centers - Compact, self-contained computing facilities that include components like servers, storage, networking, power, and cooling on a small scale. A micro data center (MDC) is designed to be deployed in close proximity to the users or devices it serves. These portable units can be deployed indoors or outdoors, support IT loads of 1-100 kW and occupy less than 100 square feet of space.

Data Centers

The intent of this section is to minimize the potential off-site impacts of data center development to protect public health, safety, and the general welfare of City residents.

Exemption

Data centers which are solely located on an oil and gas well site or underground gathering pipeline line facility and which are subject to the exclusive jurisdiction of the North Dakota Industrial Commission pursuant to NDCC Chapter 38-08, or any successor statute, are exempt from the provisions of this Section.

Application Requirements

Data centers shall be allowed in the General Commercial and General Industrial zoning districts as a special use.

The application for the installation or construction of a Data Center, or for modifications to a lawfully existing Data Center beyond routine maintenance, shall follow the application procedures for Special Use Permits and any other procedures as required by this Ordinance, such as zoning map amendments, platting, or variances. Additionally, applications shall include the following items.

- Applicant Name and Contact Information: The applicant must also identify on the application, if different than the applicant, the record Owner of the property, the occupant or lessee of the property, and the operator of the Data Center.
- Narrative: A narrative describing the proposed project, including a description of how the project meets market demand, the facility's processing capacity, and the facility's anticipated water and electricity needs.
- Acoustic Study: A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, etc.

- **Site Plan:** A Site Plan, drawn to scale, showing the location and dimensions of all existing and proposed structures, screening, fencing, lighting, electrical connections, property lines, and roadway access.
- **Project Area Map:** A map of the project area showing all single-family and multi-family dwellings, schools, churches, synagogues, and other similar religious institutions or structures, and public parks located within one (1) mile of the exterior boundaries of the property where the Data Center will be located.
- **Copies of Permits and Documentation:** Copies of signed permits or other documentation that indicates compliance with all applicable State and Federal laws, statutes, rules, regulatory standards, including but not limited to the North Dakota State Electrical Board and the North Dakota State Electrical Code, and any Amendments thereto.
- **Power Purchase Agreement:** Copy of the signed electrical power purchase agreement. If one is not available at the time of application, the application may be accepted. However, no Special Use Permit may be approved by the Board of County Commissioners prior to a signed electrical power purchase agreement being provided to the Planning Department.
- **Other Documentation:** Other relevant studies, reports, certifications, or approvals as may be required by the Community Development Director to ensure compliance with this Section and this Ordinance.

Development Standards

- **Separation from Sensitive Properties:** Data Centers shall be set back at least one (1) mile from all Dwellings, Schools, Places of Religious Assembly, and Parks as measured from the nearest property line of any of these sensitive properties to the Data Center's exterior property lines.
- **Separation from Other Data Centers:** New Data Centers shall be set back at least three (3) miles from any lawfully existing Data Center.
- **Height:** All Buildings, Structures, and appurtenances on the property where the Data Center will be located shall meet the height requirements of the respective zoning district for which they reside.
- **Electrical Wiring:** All electrical wiring shall be buried underground, except where wiring is brought together for interconnection to system components or the local utility power grid, provided that all electrical wiring shall comply with the North Dakota State Electrical Board, and any of its rules and regulations.
- **Security Fencing:** A site obscuring fence at least six (6) feet in height shall be constructed and maintained around the entire perimeter of the facility to prevent unauthorized entry onto the property or into the facility. Any fencing shall comply with this Ordinance.
- **Buffering and Screening:** The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard. The side and rear buffer yards shall be a minimum of fifty (50) feet and the minimum front buffer yard shall be one-hundred fifty (50) feet.
- **Electrical Generators:** All electrical generators shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material a minimum of four (4) feet higher than the highest point on the generator. This requirement may be reduced, or

eliminated if a noise mitigation plan is submitted in accordance with all other requirements of this Zoning Ordinance demonstrating that peak sound levels do not exceed those allowed in this Section.

- Exterior Lighting Standards: Exterior lighting for the Data Center shall be hooded and directed downward.
- Accessory Structures and Appurtenances: All accessory structures or appurtenances, including those constructed for noise mitigation, shall be designed in a manner that is complementary with the primary building(s) and shall be finished in a non-obtrusive color.
- Storm Drainage, Erosion Control, Grading, and Drainage: The Data Center shall comply with all storm drainage, erosion control, grading, and drainage requirements.
- Signage: No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed thirty-two (32) square feet that displays the name, address and emergency contact information of the facility as well as appropriate warning signs.
- Storage: The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is strictly prohibited.

Development Agreement.

The applicant and, if different than the applicant, the record owner of the property, the occupant or lessee of the property, and/or the operator of the Data Center, as determined appropriate by the City, shall sign a development agreement which shall include, at a minimum, provisions surrounding the posting and use of financial security, exterior and interior road construction or improvement, road maintenance, improvements related to storm drainage, erosion control, grading, and drainage, reclamation and restoration, and/or any other condition imposed by this Section, this Ordinance, or the City Commission in approving installation of construction of the Data Center or modifications to a lawfully existing Data Center beyond routine maintenance.

Abandonment or Ceasing Operations

It is the responsibility of the original applicant or, if different, the record owner of the property, the occupant or lessee of the property, and the operator of the data center to notify the City in writing, at least six (6) months in advance, of the intent to abandon or cease operations of the data center. Any data center that is not operated for a continuous period of six (6) months shall automatically be considered abandoned, and the City may require the original applicant, or if different, the record owner of the property, the occupant or lessee of the property, and the operator of the data center to reclaim and restore the property within ninety (90) days after written notice to reclaim and restore the property from the City. Any such reclamation and restoration shall include, but is not limited to, removal and disposal of all above-ground structures, underground structures, and utilities to depth of four feet, and removal and disposal of

all other facilities, structures, equipment, and materials on or under the property. If the property is not fully reclaimed and restored as required by this Chapter and/or any Development Agreement within ninety (90) days after written notice from the City, the City may reclaim and restore the property, or cause the property to be reclaimed and restored, including, but not limited to, removal and disposal of all above-ground structures, underground structures, and utilities to depth of four feet, and removal and disposal of all other facilities, structures, equipment, and materials on or under the property and recover costs directly from the original applicant, or if different, the record owner of the property, the occupant or lessee of the property, and/or the operator of the data center. The City may also, at its discretion, recover such costs, by access to and use of the financial security provided and on file for the data center, or by lien or special assessment, or any other remedy, authorized by law or the Development Agreement entered into under this Chapter. Nothing in this Chapter is intended to impose, or imposes, a mandatory obligation on the City to reclaim and restore the property.

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