



PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, October 08, 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
Matthew Rothstein

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

2. MINUTES

A. SEPTEMBER 10TH, 2025 MINUTES

3. REGULAR AGENDA:

A. FINAL MAJOR PLAT (FLP-009-2025) - Presented by City Planner, Natalie Birchak

To consider a Major Subdivision Plat for the Stockert's 3rd Subdivision, being a replat of Lots 1-3 of Block 2 of the Stockert's 1st Subdivision and Lot 1 of Block 1 of the Stockert's 2nd Subdivision, located in the W ½ of Section 22, Township 139 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 8.27 acres.

B. REZONING (REZ-007-2025) - 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 32-36 of Block 1 of the Heart River 4th Addition Subdivision, located in the SE ¼ of the SE ¼ of Section 9, Township 139 North, Range 96 West, in the City of Dickinson. The site consists of +/- 1.13 acres.

C. ZONING TEXT AMENDMENT (ZTA-006-2025) - Presented by City Planner, Natalie Birchak

To consider text amendments to Section 16-170 “Zoning” of the Environments chapter of the City of Dickinson Municipal Code regarding submittal of a site plan for oil well drilling in accordance with the North Dakota Century Code, and to Section 16-174 “Distance limitations and spacing requirements” of the Environments chapter of the City of Dickinson Municipal Code regarding City inspections of oil well sites.

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. SHORT - TERM RENTAL PROPOSAL

7. ADJOURNMENT

Link for viewing Planning and Zoning Commission Meeting:

<https://youtube.com/live/hoaOW-HJQKI>

This link will not be live until approximately 7:10 AM MT on October 8, 2025.

Teams Meeting: <https://tinyurl.com/53km6hax>

Teams Meeting ID: 294 812 520 095 2

Teams Phone #: 1-701-506-0320

Local Phone #: 701-456-7006

Meeting Passcode: Z6L7QR7W

Phone Conference ID: 840 450 114#

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, September 10, 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
Matthew Rothstein

CALL TO ORDER

ROLL CALL

PRESENT

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

ABSENT

- Commissioner Zach Keller

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve as presented.

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

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

2. MINUTES

A. AUGUST 13, 2025 MINUTES

Motion to approve as presented.

Motion made by Commissioner Schwab, Seconded by Commissioner Johansen.

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-006-2025) - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from Low Density Residential (R-1) to General Commercial (GC) for Lot 3 of Block 2 of the Stockert's 1st Addition Subdivision, located in the W ½ of Section 22, Township 139 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 3.4 acres.

City Planner Birchak presents the rezone request. The purpose of the request is to align the zoning with the property to the west and to subdivide the area into one lot. This item was previously heard at the August meeting; however, an issue was identified with the public notice, requiring it to be re-advertised. No public comments have been received. Staff recommends approval.

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 Franchuk.

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

B. SPECIAL USE PERMIT (SUP-004-2025) - Presented by City Planner, Natalie Birchak

To consider a Special Use Permit for a medical office at 109 7th Street West, legally described as Lot 1 of Block 3 of the Hilliard & Manning First Addition Subdivision, and for off-street parking associated with the proposed medical office on a property legally described as Lot 11 of Block 4 of the Hilliard & Manning First Addition Subdivision. Both lots are located in the NW ¼ of Section 3, Township 139 North, Range 96 West, in the City of Dickinson. Both lots are zoned High Density Residential (R-3). The site consists of +/- 0.162 acres.

Ms. Birchak presents the SUP request. The purpose of the request is to operate a chiropractic medical office and utilize a portion of the property for off-street parking. There is a history of the building being used as a medical office. Staff has not received any public comments and recommends approval subject to the conditions listed in the staff report.

Chairman Fridrich opens the public hearing.

Dustin Young, a nearby resident, states he is pleased to see the building and parking lot being improved. His concern is the potential increase in traffic and possible damage to his fence. He asks about protective pillars, noting that the existing ones have

deteriorated. Eric Seiler, the applicant, states that if this is an issue, they are willing to install replacements and will speak with Mr. Young to address the concern.

The public 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

C. FINAL MINOR PLAT (FLP-008-2025) - Presented by City Planner, Natalie Birchak
To consider a Minor Subdivision Plat for the Prairie Creek Third Addition Subdivision, being a replat of Lot 1A of Block 2 of the Prairie Creek First Addition Subdivision, located in the NW ¼ of Section 33, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 5.35 acres.

Ms. Birchak presents the final minor plat request. The purpose of this plat to divide the property of three lots to be able to sell. Staff recommends 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 Haugen.

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

D. ZONING TEXT AMENDMENT (ZTA-003-2025) - Presented by City Planner, Natalie Birchak

To consider a zoning text amendment to Section 52-1 “Definitions” of the Subdivisions chapter of the City of Dickinson Municipal Code regarding requirements for the administrative lot modification process.

Ms. Birchak presents the text amendment. This item has been heard at prior work sessions. The purpose of the amendment is to clarify and update definitions and procedures related to lot combinations, lot splits, and lot line adjustments within the City’s Municipal Code.

The proposed changes include adding additional requirements for administrative lot combinations and lot splits. For lot combinations, the amendment sets size limits based on zoning district — for example, combinations in residential zones may not exceed 17,000 square feet in R-3, one acre in R-1, R-2, or MH districts, or ten acres in RR. In the Limited Commercial (LC) district, the combined lot may not exceed 12,000 square feet. The lot must not have been rezoned within the past year and cannot involve easement vacations or multiple zoning classifications.

For lot splits, the amendment allows a single platted lot to be divided into no more than four lots, provided that no new utility easements or rights-of-way are created and all

resulting parcels meet zoning requirements for lot area, width, and depth. Minor rights-of-way dedications may be permitted at the discretion of the City Engineer. The property must not have been rezoned within the past year, and the legal descriptions must remain simple and clear.

The amendment also revises Section 52-4 (Procedure) to establish a consistent process for administrative review of lot modifications, lot line adjustments, lot splits, and lot combinations. Under the proposed language, applications meeting the listed criteria may be reviewed and approved by the City Planner and City Engineer without requiring a hearing before the Planning and Zoning Commission or City Commission. The updated language clarifies that a signature from both the City Planner and City Engineer or designees is required for all administrative lot modifications.

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

E. ZONING TEXT AMENDMENT (ZTA-004-2025) - Presented by City Planner, Natalie Birchak

To consider zoning text amendments to Section 62-10 “Definitions”, Table 62-162-2 “Table of Permitted Uses by Zoning District” of the Zoning Ordinance regarding the removal of the Vehicle Storage commercial use, and to Section 62-469 “Commercial uses.” of the Zoning Ordinance regarding the screening requirements for outdoor storage relating to auto repair, equipment repair, and body repair uses.

City Planner Birchak presents the proposed text amendment. The purpose of this amendment is to clarify the City’s definitions and standards regarding outdoor storage and auto repair uses within commercial districts. Letters have been sent to 26 repair shops and residents within 300ft. 12 calls have been received by City staff with one not in favor.

The amendment clarifies the definition for “Outdoor Storage” to specify that it applies to materials, parts, or products related to the primary use of a property when stored for more than three days. It also clarifies that motor vehicles, regardless of their mechanical condition, are not considered outdoor storage — even when they are part of business operations.

Additional revisions are made to Section 62-469, which governs auto repair, equipment repair, and body repair uses. The amendment clarifies that motor vehicles do not constitute outdoor storage and must instead meet the screening requirements for vehicle storage (short-term) as outlined in Article VIII. Outdoor storage is still required to be completely screened from adjacent properties and rights-of-way, and any repairs or spray painting must take place within an enclosed structure.

Leonard Schwindt, Building Official speaks. He states this clarifies how we have been enforcing this for 25 years.

Chairman Fridrich opens the public hearing.

Jay Wilhelm, owner of Dickinson Econo Storage located near Sims Street and 22nd Street, states he has experienced ongoing issues since an auto repair shop opened nearby. He explains that vehicles associated with the business are being parked along his street, which prevents snow removal. He feels that allowing vehicles to remain for up to 21 days is excessive and notes that ice buildup has become a problem in the winter. City Engineer Skluzacek clarifies that this amendment does not change existing rules related to the 48-hour parking limit. Mr. Wilhelm responds that enforcement has been inconsistent in that area and states he has been exploring the possibility of installing “No Overnight Parking” signs. It is noted that this amendment does not impact on-street parking regulations.

Kurt Jorgenson, a nearby resident, speaks to request clarification on how the proposed amendment may affect his property after receiving a public notice letter.

The public hearing is closed.

City Attorney Wenko comments on off-street parking and related violations, asking whether the business owner would be held responsible for parking violations. She notes that this issue is occurring in several locations and advises that enforcement will continue to be handled on a case-by-case basis.

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

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

F. ZONING TEXT AMENDMENT (ZTA-005-2025) - Presented by City Planner, Natalie Birchak

To consider text amendments to Section 16-166 “Conditional use permit, site plan” of the Environments chapter of the City of Dickinson Municipal Code regarding submittal of a site plan for oil well drilling in accordance with the North Dakota Century Code, and to Section 16-167 “Inspections” of the Environments chapter of the City of Dickinson Municipal Code regarding City inspections of oil well sites, and to Section 62-162 “Development Regulations” and to Table 62-162-2 “Table of Permitted Uses by Zoning District” of the Zoning Ordinance regarding permitting oil wells and resource extraction in the Agricultural (AG) and General Industrial (GI) zoning districts after a public hearing in front of City Commission and approval from the North Dakota Industrial Commission.

Ms. Birchak presents the text amendment. The purpose of this amendment is to update and clarify the City’s regulations governing oil, gas, and disposal wells within the City’s zoning jurisdiction and to align with Century Code.

The amendment revises Section 16-166 to no longer require a conditional use permit for oil wells. The updated language specifies that applicants must provide detailed information including property dimensions, site access, drainage systems, locations of wells and related equipment, pollution prevention measures, screening details, and proof of insurance to the City Commission for a public hearing regarding the proposed project. After the public hearing, the City Commission shall issue a list of recommendations by resolution, which in turn is sent to the North Dakota Industrial Commission as proof the City was made aware of the project. Last, the amendment eliminates the Energy Committee, which has not met since 2019.

Revisions to Section 16-167 remove language referring to any conditional use permit, instead clarifying that requirements put in place by the North Dakota Industrial Commission must be followed. The applicant, by seeking a permit, grants the City the right to access the property for inspection purposes.

Updates to Section 62-162 clarifies that oil, gas, and service wells are permitted in the Agricultural (AG) and General Industrial (GI) zoning districts, subject to public hearing and approval by the City Commission. The amendment removes reference to requiring a special use permit.

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

Motion to approve 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. TRANSPORTATION AND COMP PLAN

KLJ presents the updated Transportation and Comprehensive Plan. Once approved by the City Commission, this will be available on our website.

7. ADJOURNMENT

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

Link for viewing Planning and Zoning Commission Meeting:

<https://youtube.com/live/nGBBXUrKhM8>

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

Teams Meeting: <https://tinyurl.com/mt6ad8x8>

Teams Meeting ID: 297 020 763 881 2

Teams Phone #: 1-701-506-0320

Local Phone #: 701-456-7006

Meeting Passcode: K4pV2Jzz

Phone Conference ID: 540 149 284#

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

From: Jotform
To: Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Natalie Birchak
Subject: Re: Unified Development Application
Date: Thursday, August 21, 2025 1:49:13 PM



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:
[Stockert Pre-Application Letter.pdf](#)
[Winn Pre-Application Letter - Final_4.16.2025.pdf](#)

Type of Development **Major Subdivision Final Plat**

Is this a Replat **Yes**

Subdivision Being Re-platted **Lots 1-3, Block 2, Stockert's 1st Sub. and all of Stockert's 2nd Sub.**

Date of Final Plat Approval at Planning & Zoning Commission **09-10-2025**

Name **Willie Winn**

Applicant Email **willie@winnconstructioninc.com**

Applicant Phone # **(701) 290-4131**

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

Applicant Representative Company **Highlands Engineering**

Applicant Representative Email **schrank@highlandseng.com**

Applicant Representative Phone # **(701) 483-2444**

Owner Name **Winn Family Revocable Real Estate Trust**

Owner Address 1872 7th Street W, Dickinson, ND, 58601

Owner Email willie@winconstructioninc.com

Owner Phone # (701) 290-4131

Is the owner present to Sign

Owner Signature Upload [251707_Owner Signature_2025-07-02.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS) A PARCEL OF LAND BEING LOTS ONE (1) THRU THREE (3), BLOCK TWO (2) OF STOCKERT'S FIRST SUBDIVISION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 149166 AND ALL OF STOCKERT'S SECOND SUBDIVISION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 209148, ALL LOCATED IN THE WEST HALF (W1/2) OF SECTION TWENTY-TWO (22), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 8.27 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

| | 1/4 Section | Township | Range |
|-------------|-----------------|----------|-------|
| Description | W1/2 Section 22 | T139N | R96W |

Property Address / General Project Location This site address is 2541 S Main Street, Dickinson, ND 58601.

Total Square Footage or Acreage of Subject Property 8.27 acres

Transmittal Letter (Explanation of Request & Proposed Operations) [251707_Transmittal-MAJOR PLAT-FINAL_2025-08-21.pdf](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

| | |
|--------------------------------|--|
| Major Platting Multiplier | 1 |
| Name of Final Plat | Stockert's Third Subdivision |
| Final Platted Lots | 1 to 10 Lots |
| Final Platted Block(s) | 1 |
| Name of Preliminary Plat | Stockert's Third Subdivision |
| Preliminary Number Lots | 1 to 10 Lots |
| Preliminary Number of Block(s) | 1 |
| | 0 |
| Application Calc | 350 |
| Required Documentation Upload | 251707_PLAT-FINAL_2025-08-21.pdf 251707_PLAT-PRELIM_2025-08-21.pdf 251707_Parcels Map_2025-04-29.pdf FIRMETTE_c77bf31c-0478-4332-81aa-9844efc6a007.pdf 251707_Vacation Petition_2025-07-02.pdf |
| Deed for Property | 3184800_Deed.pdf 3186903_Deed.pdf |
| Application Fees | Applicable Fees 350.00 USD Total: \$350.00 Transaction ID: cm84vssq |
| | Payment Information |
| | First Name: Andrew Last Name: Schrank E-Mail: willie@winconstructioninc.com |
| Applicant Signature | <input type="text"/> |
| Date | 08-21-2025 |

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.

STOCKERT THIRD ADDITION FINAL MAJOR SUBDIVISION (FLP-009-2025)

Section 3. Item A.





Transmittal Letter

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND 58601

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

Date: August 21, 2025

Re: Major Final Plat Application – Stockert’s Third Subdivision

Message: Enclosed you will find the following Major Final Plat application documents for the above referenced project being submitted for consideration at the August Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Written Statement (included, below)
- Legal Description (included, below) of the Property
- Warranty Deeds for the Properties
- Plat Drawing with Aerial Image Showing Current Site and Surrounding Land Uses and Buildings
- Final Plat Drawing
- City Parcels Map for the Area
- FEMA FIRMette for the Area Showing Current Floodplain Boundaries
- Vacation Petition Documents

Legal Description of Property

A PARCEL OF LAND BEING LOTS ONE (1) THRU THREE (3), BLOCK TWO (2) OF STOCKERT'S FIRST SUBDIVISION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 149166 AND ALL OF STOCKERT'S SECOND SUBDIVISION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 209148, ALL LOCATED IN THE WEST HALF (W1/2) OF SECTION TWENTY-TWO (22), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 8.27 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Written Statement

The owner/applicant is submitting this Major Final Plat Application for Stockert's Third Subdivision to allow for the combination of Lots 1-3, Block 2 of Stockert's First Subdivision and all of Stockert's Second Subdivision. As part of this application, the right-of-way and easements within Stockert's Second Subdivision are proposed to be vacated. Utility company signatures on the City's vacation petition form have been submitted with this request. The right-of-way does not contain any public infrastructure and is not necessary to provide access to any property, especially once these lots are combined. This site contains two existing buildings with one of these buildings lying over the current property line and easement as shown by the plat drawing. Vacating the easement will resolve this issue.

This property is located within the City's ETZ. No public improvements will be required for this subdivision. The owner plans to utilize the existing access from ND Highway 22 or 24th Street SE on the north side of this plat to access the proposed lot.

A portion of this site is located within the FEMA Special Flood Hazard Area Zone 'AE'. This floodplain area and the topography are shown on the enclosed plat drawings.

The applicant does not own or intend to purchase any additional surrounding land at this time. To my knowledge, neighboring property owners have not been informed of this plan to date. This application has been prepared in accordance with local, state, and federal regulations. No changes to the plat have been made since Preliminary Plat approval.

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



Andrew Schrank, PE, CFM - Highlands Engineering

Dickinson Land Information Map

Section 3. Item A.



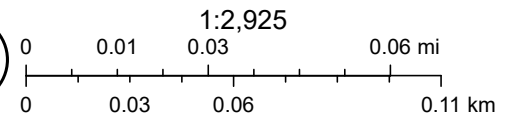
4/29/2025

Public Street Names 8K
Private Street Names
PLSS Description 12k

ETZ Stark Parcels
Lots and Easements
World Imagery

Low Resolution 15m Imagery
High Resolution 60cm Imagery
High Resolution 30cm Imagery

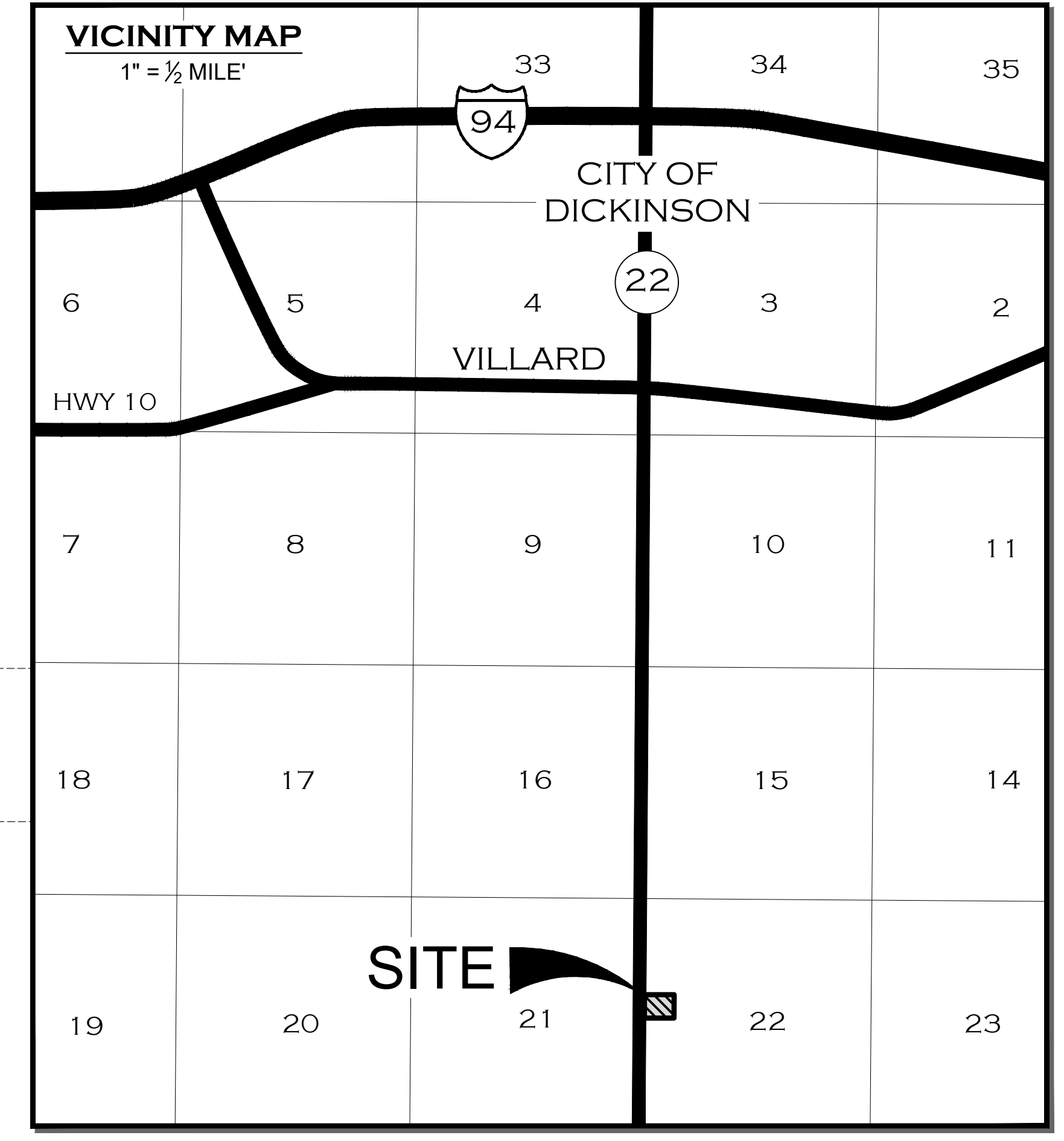
Citations
60cm Resolution Metadata



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

STOCKERT'S 3RD SUBDIVISION

BEING THE REPLAT OF LOTS 1-3, BLOCK 2 OF STOCKERT'S FIRST SUBDIVISION
AND ALL OF STOCKERT'S SECOND SUBDIVISION
IN THE W¹/₂ OF SECTION 22, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN
STARK COUNTY, NORTH DAKOTA



AREA RESERVED FOR RECORDER'S OFFICE

LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOTS ONE (1) THRU THREE (3), BLOCK TWO (2) OF STOCKERT'S FIRST SUBDIVISION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 149166 AND ALL OF STOCKERT'S SECOND SUBDIVISION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 209148, ALL LOCATED IN THE WEST HALF (W¹/₂) OF SECTION TWENTY-TWO (22), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 8.27 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

SURVEYOR'S CERTIFICATE

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

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

PROPRIETOR'S CERTIFICATE

I, WILLIS D. WINN, AS TRUSTEE OF THE WINN FAMILY REVOCABLE REAL ESTATE TRUST, WHOSE POST OFFICE ADDRESS IS 1872 7TH ST W, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF PROPERTY LYING IN THE WEST HALF (W¹/₂) OF SECTION TWENTY-TWO (22), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL UTILITY EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SUBSCRIBED OUR NAMES:

BY: WILLIS D. WINN

STATE OF _____ }
COUNTY OF _____ } SS

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

MY COMMISSION EXPIRES: _____



LEGEND

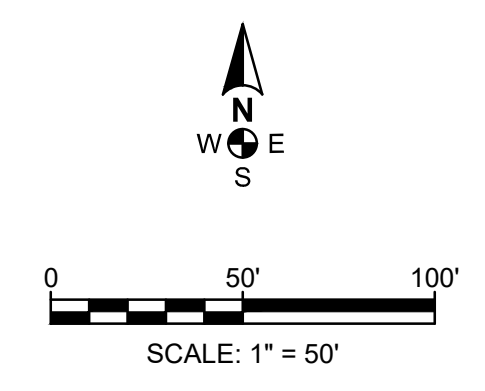
| | |
|--|---|
| | SUBDIVISION BOUNDARY |
| | EXISTING LOT LINES |
| | EXISTING LOT LINES VACATED BY THIS PLAT |
| | FOUND MONUMENT |
| | SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466" |
| | SECTION LINE |
| | QUARTER LINE |
| | SECTION CORNER |
| | QUARTER CORNER |
| | CENTER SECTION |
| | EXISTING EASEMENTS |
| | PROPOSED UTILITY EASEMENT |
| | PROPOSED RIGHT-OF-WAY VACATION |
| | PROPOSED DRAINAGE EASEMENT VACATION |
| | FEMA SPECIAL FLOOD HAZARD AREA ZONE 'AE' |
| | FEMA REGULATORY FLOODWAY |
| | 10' MAJOR CONTOURS |
| | 2' MINOR CONTOURS |

NOTES

1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE 'AE' OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0435F WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.

SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- SAID PROJECT HAS A CENTRAL MERIDIAN OF LATITUDE: 46°51'42.38098" / LONGITUDE: 102°47'24.24924". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.
- VERTICAL DATUM: NAVD 88, GEOID 03
- DATE OF LATEST FIELD WORK: MAY 2025



CITY OF DICKINSON COMMISSION APPROVAL

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

CITY PLANNING AND ZONING COMMISSION APPROVAL

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

CITY ENGINEER APPROVAL

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

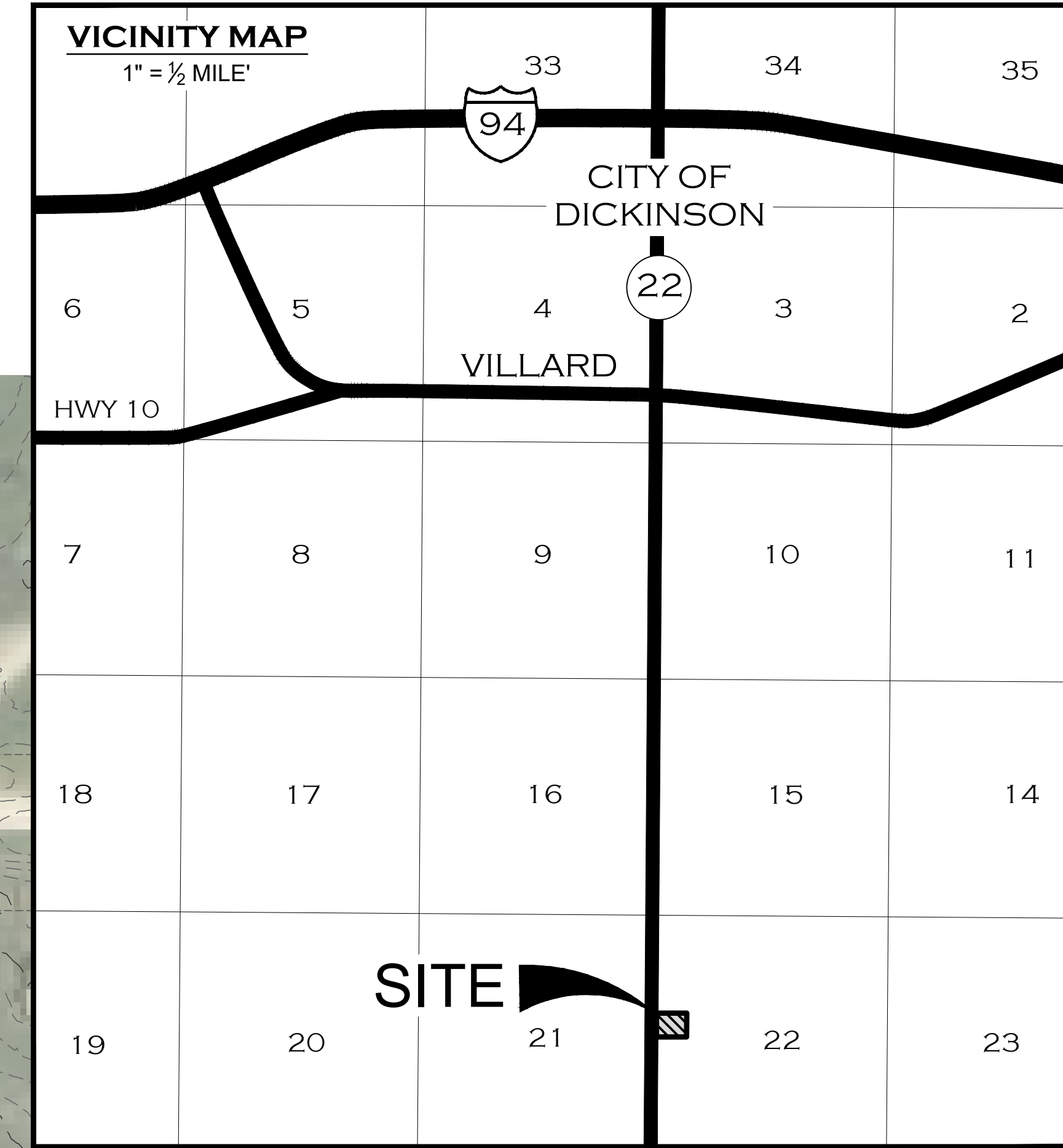
HIGHLANDS ENGINEERING
319 24TH STREET EAST, DICKINSON, ND 58601
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

| | |
|------------------------|----------------|
| PROJECT NUMBER: 251707 | SCALE: 1"=50' |
| DRAWN BY: AWS | DATE: 08/21/25 |

PRELIMINARY

STOCKERT'S 3RD SUBDIVISION

BEING THE REPLAT OF LOTS 1-3, BLOCK 2 OF STOCKERT'S FIRST SUBDIVISION
AND ALL OF STOCKERT'S SECOND SUBDIVISION
IN THE W $\frac{1}{2}$ OF SECTION 22, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN
STARK COUNTY, NORTH DAKOTA



LEGEND

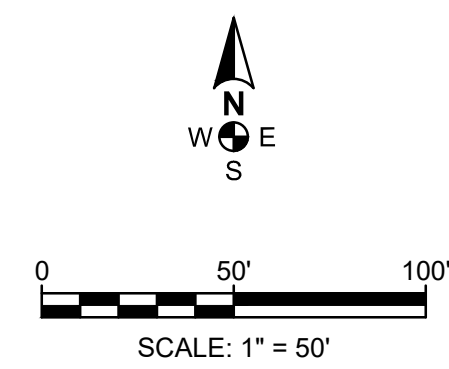
- SUBDIVISION BOUNDARY
- EXISTING LOT LINES
- EXISTING LOT LINES VACATED BY THIS PLAT
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- SECTION LINE
- QUARTER LINE
- SECTION CORNER
- QUARTER CORNER
- CENTER SECTION
- EXISTING EASEMENTS
- PROPOSED UTILITY EASEMENT
- PROPOSED RIGHT-OF-WAY VACATION
- PROPOSED DRAINAGE EASEMENT VACATION
- FEMA SPECIAL FLOOD HAZARD AREA ZONE 'AE'
- FEMA REGULATORY FLOODWAY
- 10' MAJOR CONTOURS
- 2' MINOR CONTOURS

NOTES

- 1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "AE" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0435F WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.

SURVEY NOTES

- 1) DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- 2) SAID PROJECT HAS A CENTRAL MERIDIAN OF LATITUDE: 46°51'42.38098" / LONGITUDE: 102°47'24.24924". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.
- 3) VERTICAL DATUM: NAVD 88, GEOID 03
- 4) DATE OF LATEST FIELD WORK: MAY 2025



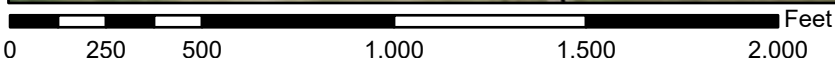
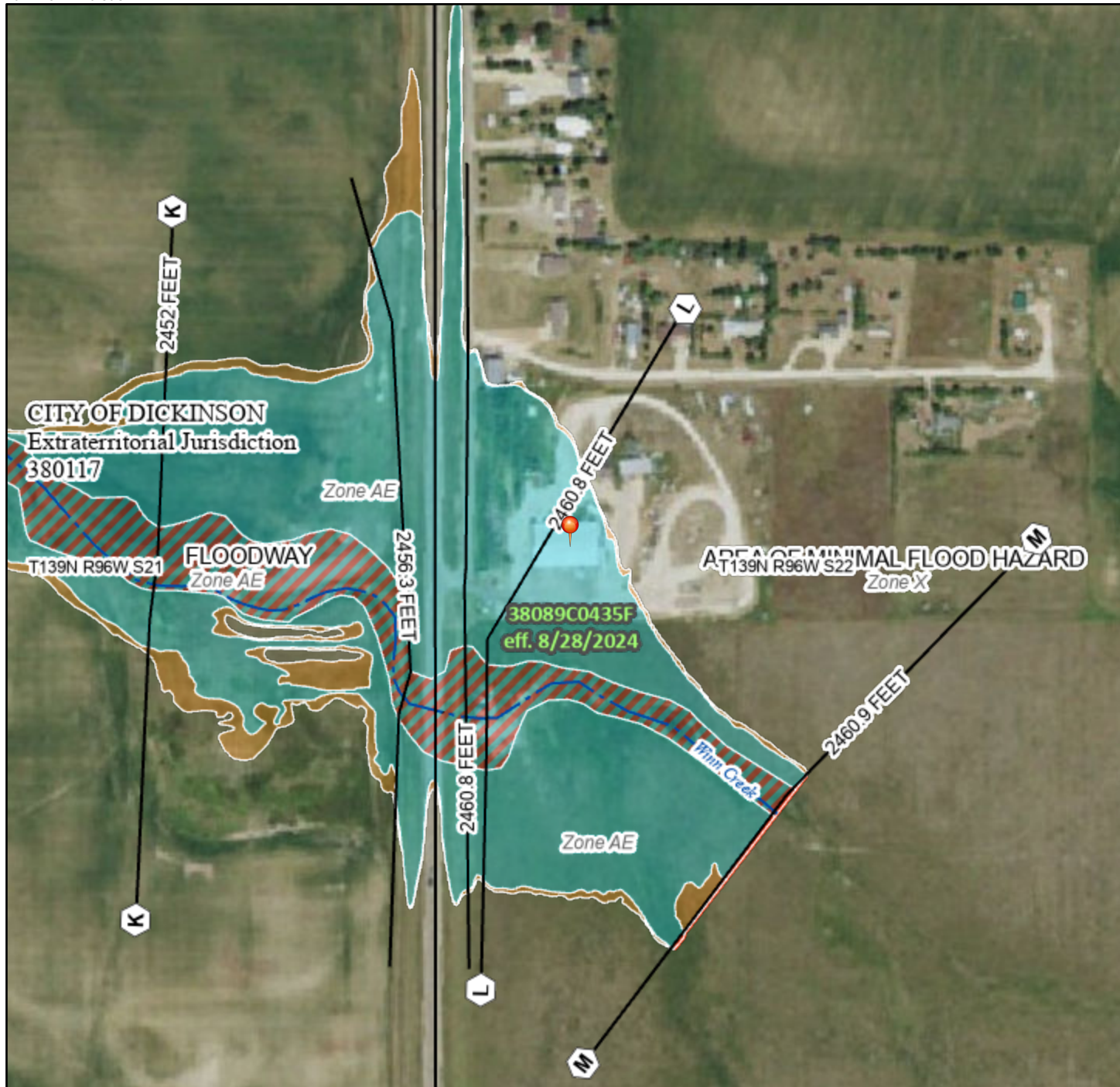
HIGHLANDS ENGINEERING
319 24TH STREET EAST, DICKINSON, ND 58601
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

| | |
|------------------------|----------------|
| PROJECT NUMBER: 251707 | SCALE: 1"=50' |
| DRAWN BY: AWS | DATE: 08/21/25 |

National Flood Hazard Layer FIRMMette



102°47'37"W 46°50'37"N



102°47'W 46°50'12"N

Basemap Imagery Source: USGS National Map 2023

Legend

Section 3. Item A.

SEE FIS REPORT FOR DETAILED LEGEND AND INFORMATION

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



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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/25/2025 at 4:24 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



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:

All public utility easements and right-of-way withing Stockert's Second Subdivision

For the Reason:

A building is located over a portion of the public utility easement, and the right-of-way is not necessary since this site developed as a single lot and Lots 1-3, Block 2 of Stockert's First Subdivision and all of Stockert's Second Subdivision is being combined into a single lot.

Willis D Winn
Signature Line

State of North Dakota)

:ss

County of Stark)

Willis D. Winn, 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 June, 2025.

Taren L Winn
Notary Public

Stark County, North Dakota
My Commission Expires:



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

Address, Lot, Block and Addition

Willis D Winn

Lots 1-3, Block 2, Stockert's 1st Sub. and all of Stockert's 2nd Sub.

Willis D. Winn - Trustee
Winn Family Revocable Real Estate Trust

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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All public utility easements and right-of-way withing Stockert's Second Subdivision

For the Reason:

A building is located over a portion of the public utility easement, and the right-of-way is not necessary since this site developed as a single lot and Lots 1-3, Block 2 of Stockert's First Subdivision and all of Stockert's Second Subdivision is being combined into a single lot.

Willis D Winn
Signature Line

State of North Dakota)

:ss

County of Stark)

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

Taren L Winn
Notary Public

Stark County, North Dakota
My Commission Expires:



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

Address, Lot, Block and Addition

Willis D Winn

Lots 1-3, Block 2, Stockert's 1st Sub. and all of Stockert's 2nd Sub.

Willis D. Winn - Trustee
Winn Family Revocable Real Estate Trust

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

MDU (Gas Department)

MDU (Electric Department)

Richard Hollis

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

(We) the undersigned certify that we are all adjoining property owners and request the City Commission to vacate (street, alley, easement, plat) located at:

All public utility easements and right-of-way withing Stockert's Second Subdivision

For the Reason:

A building is located over a portion of the public utility easement, and the right-of-way is not necessary since this site developed as a single lot and Lots 1-3, Block 2 of Stockert's First Subdivision and all of Stockert's Second Subdivision is being combined into a single lot.

Willis D Winn
Signature Line

State of North Dakota)

:ss

County of Stark)

Willis D. Winn, 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 June, 2025.

Taren L Winn
Notary Public

Stark County, North Dakota
My Commission Expires:



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

Address, Lot, Block and Addition

Willis D Winn

Lots 1-3, Block 2, Stockert's 1st Sub. and all of Stockert's 2nd Sub.

Willis D. Winn - Trustee
Winn Family Revocable Real Estate Trust

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

Mike Pierce

Mike Pierce

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

(We) the undersigned certify that we are all adjoining property owners and request the City Commission to vacate (street, alley, easement, plat) located at:

All public utility easements and right-of-way withing Stockert's Second Subdivision

For the Reason:

A building is located over a portion of the public utility easement, and the right-of-way is not necessary since this site developed as a single lot and Lots 1-3, Block 2 of Stockert's First Subdivision and all of Stockert's Second Subdivision is being combined into a single lot.

Willis D Winn
Signature Line

State of North Dakota)

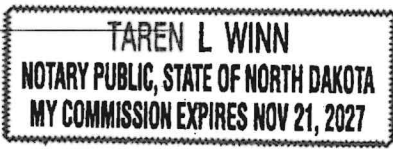
County of Stark)
Willis D. Winn

, 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 June, 2025.

Taren L Winn
Notary Public

Stark County, North Dakota
My Commission Expires:



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

Willis D Winn
Willis D. Winn - Trustee
Winn Family Revocable Real Estate Trust

Address, Lot, Block and Addition

Lots 1-3, Block 2, Stockert's 1st Sub. and all of Stockert's 2nd Sub.

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

Bryant
MDU (Gas Department)

Jeff
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

(We) the undersigned certify that we are all adjoining property owners and request the City Commission to vacate (street, alley, easement, plat) located at:

All public utility easements and right-of-way withing Stockert's Second Subdivision

For the Reason:

A building is located over a portion of the public utility easement, and the right-of-way is not necessary since this site developed as a single lot and Lots 1-3, Block 2 of Stockert's First Subdivision and all of Stockert's Second Subdivision is being combined into a single lot.

Willis D Winn
Signature Line

State of North Dakota)

:ss

County of Stark)

Willis D. Winn, 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 June, 2025.

Taren L Winn
Notary Public

Stark County, North Dakota

My Commission Expires:



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

Willis D Winn

Willis D. Winn - Trustee
Winn Family Revocable Real Estate Trust

Address, Lot, Block and Addition

Lots 1-3, Block 2, Stockert's 1st Sub. and all of Stockert's 2nd Sub.

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 Heister
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:

All public utility easements and right-of-way withing Stockert's Second Subdivision

For the Reason:

A building is located over a portion of the public utility easement, and the right-of-way is not necessary since this site developed as a single lot and Lots 1-3, Block 2 of Stockert's First Subdivision and all of Stockert's Second Subdivision is being combined into a single lot.

Willis D Winn
Signature Line

State of North Dakota)

:ss

County of Stark)

Willis D. Winn

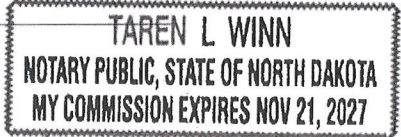
, being first duty sworn, deposes and says as follows: That he/she has read the within and foregoing Petition and knows the contents thereof, and that the same are true to the best of his/her knowledge, information and belief.

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

Taren L Winn
Notary Public

Stark County, North Dakota

My Commission Expires:



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

Willis D Winn

Willis D. Winn - Trustee
Winn Family Revocable Real Estate Trust

Address, Lot, Block and Addition

Lots 1-3, Block 2, Stockert's 1st Sub. and all of Stockert's 2nd Sub.

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)

Joseph Hubbs
Roughrider Electric

Consolidated Telephone

Consolidated Cable Vision

Midcontinent Communications

City of Dickinson

STOCKERT'S SECOND SUBDIVISION

IN THE
W1/2 SECTION 22, T.139N., R.96W.
STARK COUNTY, NORTH DAKOTA

PREPARED BY
L.W. VEIGEL & CO., P.C. CONSULTANTS
DICKINSON, NORTH DAKOTA APRIL, 1980

SURVEYOR'S CERTIFICATE

I, Eugene C. Jackson, Registered Land Surveyor, North Dakota No. 1891 of Dickinson, North Dakota, do hereby certify that the survey plat of "Stockert's Second Subdivision" in the West Half (W1/2) of Section Twenty-two (Sec. 22), Township One Hundred Thirty-nine North (T. 139 N.), Range Ninety-six West (R. 96 W.) of the 5th Principal Meridian, Stark County, North Dakota, shown hereon, was made by me, or under my direction from notes made in the field, and the same is true and correct to the best of my knowledge and belief. Said platted parcel being more particularly described as follows, to wit:

Beginning at a point which is 87.30 feet south and 100 feet east of the northwest corner of the Southwest Quarter of said Section 22, said point being on the east right-of-way line of North Dakota State Highway No. 22, thence on a bearing of North along said right-of-way a distance of 304.00 feet, thence on a bearing of East a distance of 200.00 feet, thence on a bearing of South a distance of 304.00 feet, thence on a bearing of West a distance of 200.00 feet to the Point of Beginning.

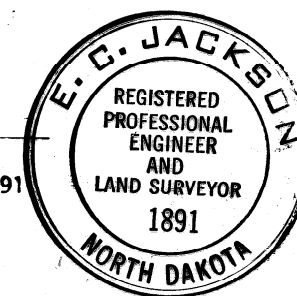
Said tract contains a total of 1.40 Acres according to the above description.

I hereby certify that the accompanying plat was made by me from notes of the survey thereof made in the field and shows the above described tract of land and the manner in which it was subdivided into lot, block and streets, that figures representing distance denote feet and decimals of a foot, and that iron pins were driven as shown at all lot corners.

I further certify that this plat is correct to the best of my knowledge and belief.

In witness whereof I have hereunto subscribed my name this 23rd day of April, 1980.

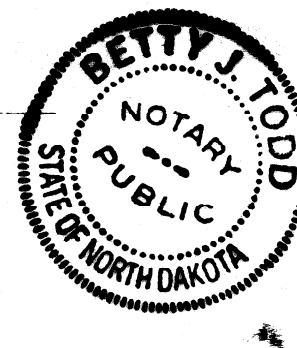
E. C. Jackson
E. C. Jackson
Registered Land Surveyor N.D. No. 1891



STATE OF NORTH DAKOTA)
COUNTY OF STARK) ss

On this 23rd day of April, 1980, before me, a Notary Public in and for said County and State, personally appeared Eugene C. Jackson, known to me to be the same person who is described in the foregoing Surveyor's Certificate, who executed the same and acknowledged that he executed the same.

Betty J. Ladd
Notary Public, Stark County, N.D.



My Commission Expires Sept 18, 1984

PROPRIETOR'S CERTIFICATE

We, Leo G. Stockert and Eleanor A. Stockert (husband and wife), owners and proprietors of "Stockert's Second Subdivision" lying in the W1/2 of Section 22, Township 139 North, Range 96 West of the 5th Prime Meridian, Stark County, Dickinson, North Dakota, do hereby certify that we have caused the same to be surveyed, staked and platted by or under the direction of Eugene C. Jackson, a Registered Land Surveyor No. 1891 in the State of North Dakota, in the manner shown on the accompanying plat and as described in the Surveyor's Certificate.

We further dedicate all streets and utility easements as shown on said plat for public use forever.

Leo G. Stockert *Eleanor A. Stockert*
Leo G. Stockert Eleanor A. Stockert

STATE OF NORTH DAKOTA)
COUNTY OF STARK) ss

On this 23 day of April, 1980, before me, a Notary Public in and for said County and State, personally appeared Leo G. Stockert and Eleanor A. Stockert, known to me to be the same persons who are described in the foregoing Proprietor's Certificate, who executed the same and acknowledged that they executed the same.

Bardene J. Johnson
Notary Public, Stark County, N.D.

My Commission Expires April 18, 1981

APPROVAL CERTIFICATE

City Commission Approval

A. C. Baumgartner President Date 5-5-80

City Planning Commission Approval

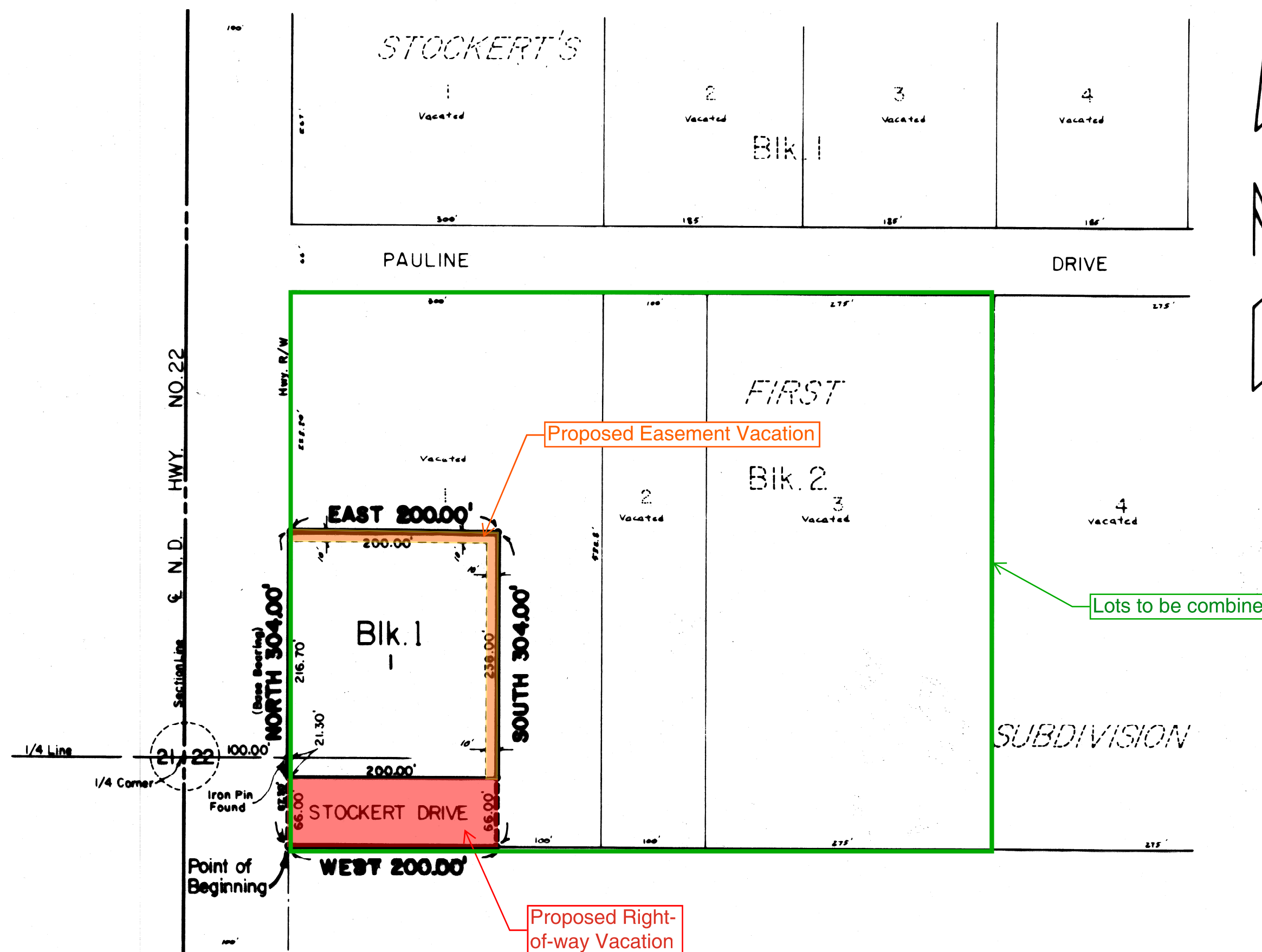
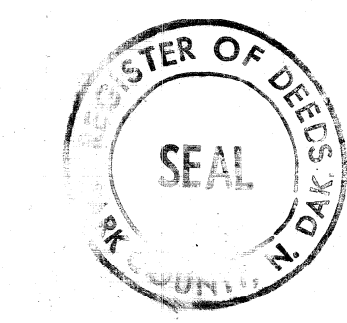
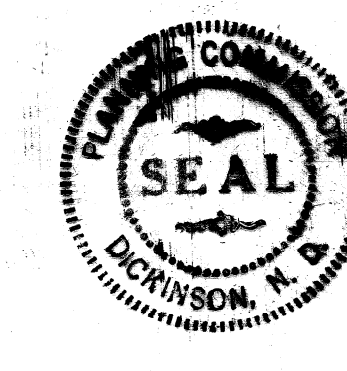
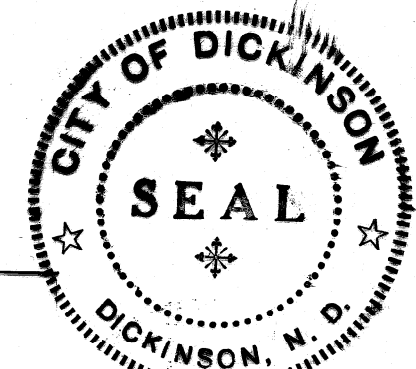
Edward Tandy Secretary Date 6-23-80

City Engineer's Approval

Ross F. C. Mabelly Engineer Date 6-24-80

County Commission Approval

Michael J. Cheesman Chairman Date 6-19-80



SCALE : 1" = 100'

IRON PIN SET
IRON PIN FOUND
UTILITY EASEMENT

STOCKERT'S 2ND SUBD.
NO. 144

DOCUMENT NO. 205148
INDEXED
State of North Dakota,) ss. Office of
County of Stark) Register of Deeds
I hereby certify that the within instrument was filed in
this office for record on the 27th day of
June 1980 at 10:02 o'clock A.M.
and was duly recorded in Book 4 of Plats
on Page 105
By *Rose Schatz* Register of Deeds
By *Bernice Meyer* Deputy
FEES \$ 5.10
INSTRUMENT RETURNED TO



Stockert Third Addition Final Major Subdivision Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: October 1, 2025
 Re: FLP-009-2025 Stockert Third Addition Final Major Subdivision

APPLICANT/OWNER

Willie Winn
 1872 7th Street West
 Dickinson, ND, 58601
 willie@winconstructioninc.com
 (701) 290-4131

APPLICANT'S REPRESENTATIVE

Andrew Schrank
 Highlands Engineering
 319 24th Street East
 Dickinson ND 58601
 schrank@highlandseng.com
 (701) 483-2444

| | | |
|----------------------------|------------------|--------------------------------|
| Public Hearing | October 8, 2025 | Planning and Zoning Commission |
| Final Consideration | October 21, 2025 | City Commission |

The applicant is requesting a final plat for the Stockert Third Addition Major Subdivision Plat. The proposed subdivision is a replat of Lots 1-3 of Block 2 of Stockert's First Subdivision, and all of Stockert's Second Subdivision, located in W1/2 of Section 22, Township 139 North, Range 96 West, of the 5th Principal Meridian, within the City of Dickinson's Extra-Territorial Zone. The proposed subdivision is +/- 8.27 acres. According to the applicant, the purpose of this subdivision is to combine the existing commercial lots in order to construct an additional commercial building.

A public hearing on a major preliminary plat of the Stockert's Third Subdivision (PLP-006-2025) was held at the August 13, 2025 Planning and Zoning Commission meeting. Both the Planning and Zoning Commission and City staff recommended approval without conditions.

The associated Stockert First Rezone, listed as REZ-006-2025, was previously heard at the September 10th, 2025 Planning and Zoning Commission meeting. The commission voted to recommend approval on REZ-006-2025.

Staff recommendation: Staff recommends approval of this final major subdivision contingent on approval of REZ-006-2025.

LOCATION

The property is a replat of Lots 1-3 of Block 2 of Stockert’s First Subdivision and all of Stockert’s Second Subdivision, located within the W1/2 of Section 22, Township 139 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 | GC & R1 |
| FUTURE LAND USE MAP DESIGNATION | MIXED USE |
| GROSS SITE ACREAGE | +/- 8.27 acres |
| LOTS PROPOSED | 1 |

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

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compliance with The Zoning Ordinance

The site is currently zoned Low Density Residential (R-1), and the applicant is proposing to rezone the site to General Commercial (GC). According to the applicant, the purpose of this zoning map amendment is to conform with the GC zoning of adjacent lots prior to re-platting all of those individual lots into one lot. According to Section 62-160: Applicability of districts, in the Municipal Code, “A base district designation shall apply to each lot or site within the City and its planning jurisdiction. A site must be in one base district.” This rezone ensures the associated Stockert Third Subdivision meets the R-1 code requirements.

The applicant has indicated an interest in constructing a new commercial building after the zoning map amendment and the replat are approved. The applicant intends to locate an

accessory structure on the property. These uses would not be permitted within R-1 zoning. Additionally, the proposed building would extend over an existing platted lot line, which would not be permitted by the Municipal Code without combining the existing lots through the subdivision process.

The applicant has submitted a petition to vacate all existing utility easements and rights-of-way within the proposed subdivision.

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 FLP-009-2025 contingent on the approval of the associated REZ-006-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-009-2025: The Stockert Third Addition Subdivision** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

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

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **FLP-009-2025: The Stockert Third Addition Subdivision** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

From: Jotform
To: Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Natalie Birchak
Subject: Re: Unified Development Application
Date: Wednesday, August 20, 2025 12:13:25 PM



Unified Development Application

Have you met with Planning Staff regarding your application?

Please upload the letter or counseling form you received following your pre-application meeting: [Winn 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

Signature

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

| | 1/4 Section | Township | Range |
|--|-------------|----------|-------|
| | 5th | | |

Description principle 147N 96

Legal - Lot/Block/Addition

| | Lot | Block | Addition |
|-------------|-------|-------|-----------------------------|
| Description | 32-36 | 1 | Heart River 4th Subdivision |

Property Address / General Project Location

7th St SW - adjacent to 267 7th St SW
Need to abandon easement between lots 35-36 and 34

Total Square Footage or Acreage of Subject Property

49,400 SF

Transmittal Letter (Explanation of Request & Proposed Operations)

[transmittal.pdf](#)
[easement 7th St lots.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

[Lots 34, 35 & 36 Heart 4th.pdf](#)

Minor Platting Multiplier

0

Prelim Platting Multiplier

0

Major Platting Multiplier

0

Application Calc

350

Deed for Property

[purchase agreement 7th St Lots.pdf](#)

Application Fees

Applicable Fees 350.00 USD

Total: \$350.00

Transaction ID: qypnr9e1

Payment Information

First Name: Winn

Last Name: winn

E-Mail wwinn@ndsupernet.com

Applicant Signature

Date 08-20-2025

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.

WINN HEART RIVER 4TH REZONE REQUEST (REZ-007-2025)



WINN HEART RIVER 4TH FUTURE LAND USE MAP (REZ-007-2025)



| | |
|---|--|
| Name of Applicant | Willis and Billie Winn |
| Company/Firm | Winn Family Rev. Real Estate Trust |
| Phone Number | (701) 290-1190 |
| Mailing Address | 1872 7th St W Dickinson, ND, Dickinson, North Dakota, 58601 |
| Email | wwin@ndsupernet.com |
| Owner of Property | Clint Heim Trust- Purchase agreement is signed – sale is contingent on rezoning these lots |
| Location of Property (address and/or legal description) | Lots 32-36 rezoning from R1 to R2 |
| Description of Project: | Build 4 multifamily units and garages Proposal to Build One 4-plex and garage on Lot 32-Lot 33 Lot 35 and Lot 36 Lot 34 will later be split & combined with lots 32 and 33 City Replatting will be requested once the rezoning is approved Will install Roadway along entire length of the lots in the City Right of Way per City Specifications Will have Property Surveyed and Submit Engineered Drawings for the Structures and Roadway after rezoning is approved |
| What questions do you have for the Development Team? | Request to vacate utilities on lots 35&36 adjacent to lot 34 |
| Supporting Documentation | Attached Plot map Petition for Vacation Unified Development Application <i>Purchase Agreement</i> |



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:
Block 1 Heart River 4th Subdivision Lots 35 & 36 adjacent to Lot 34

For the Reason:

Construct 2 4 plexes

Bessie Wilson

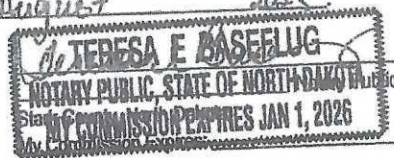
Signature Line

State of North Dakota)

:ss

County of Stark)

Bessie Wilson, 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 7th day of August 2025



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

Address, Lot, Block and Addition

N/A

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

* MDU (Gas Department) 701-456-7119

* MDU (Electric Department)

Century Link (701-890-2079) *Lumen*

* Rough Rider Electric 800-748-5533 / 483-5611

Consolidated Telephone *Century Link*
701-483-4444

* Consolidated Cable Vision

Randy Hoxter

City of Dickinson
701-456-7812

* Midcontinent Communications
605-271-0202
800-833-1300



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:
Block 1 Heart River 4th Subdivision Lots 35 & 36 adjacent to Lot 34

For the Reason:
Construct 2 4 plexes

Billie Winn

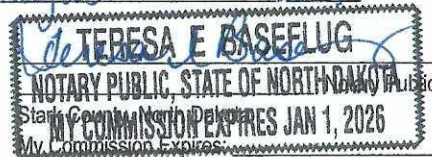
Signature Line

State of North Dakota)

County of Stark)
:ss

Billie Winn, 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 7th day of August 2025.



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

Address, Lot, Block and Addition

N/A

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

Jeff J. Miller
MDU (Gas Department)
701 - 456 - 7119

Sam L...
MDU (Electric Department)

Century Link (701-690-2079) 424-9685
[Signature]
Consolidated Telephone
701 - 483 - 4444

*Roughrider Electric
800 - 748 - 5533 / 483 - 5611
[Signature]
Consolidated Cable Vision

Midcontinent Communications
~~605-251-0202~~
800-888-1300

City of Dickinson
701-456-7812

Wayne and Mary Adsero
730 1st Ave SW
Dickinson ND 58601

Since receiving the zoning change letter dated Sept. 22nd 2025 I (Mary) have contacted the city (Natalie Birchak) and the proposed buyer (Billie Winn from Winn Construction) and have received what I feel are two different stories. The city relayed 4-4 plexes with garages while Billie said 2-4 plexes on 7th St. SW and cold storage facility to the south of the 4 plexes. Billie also told me they would put in their own access road on west side of lot running north and south to the quonsets and when I looked at the city zoning map the designation for our access to our back lot had been changed from 2nd Ave SW to "private com". I asked Natalie about rumor of our dirt road (which should be 2nd Ave SW) being closed off to use and she replied we would still have access thru our front lot. This is not true as we have overhead powerlines, many trees and underground sprinkler system making access impossible thru our front lot. Also the other issue I have with no access to our back lot is a decrease in property value and marketability for future sale. The property being considered for zoning change is already on a busy street (7th St SW) not only for vehicles but also heavy pedestrian traffic flow. The front of Heart River Elementary School, which is located 5 blocks to the west, has students from kindergarten thru fifth grade in attendance. The back of Heart River Elementary School lies on an equally busy street (6th St SW) with the schools parking lot entrance being located half way between 6th St.SW and 7th St. SW. We need to think about the safety of our children traveling to and from the neighborhood elementary school and not increasing traffic flow on already busy streets. Gress Softball Complex, located north of Heart River Elementary School and the adjacent dog park and playground area attracts many people by car, on foot and on bicycles adding to traffic flow also. We also have the Dickinson Rural Fire Department located off of Highway 22 and 7th St. SW which holds trainings and meetings for local volunteer fire departments as well as responding to emergency calls adding even more traffic to the area. We have always had a problem with trash blowing into our yard from the already existing apartment buildings and feel this would only increase with more apartments being built. As a property owner for 35 years we would request that the zoning stay the same and ask the city to stay with the original R-1 designation until such time as it can be developed. Please keep in mind that your decision affects me and all of my tax paying neighbors. Thank you,

Wayne and Mary Adsero



Winn Heart River 4th Zoning Map Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: October 1, 2025
 Re: REZ-007-2025 Winn Heart River 4th Zoning Map Amendment

APPLICANT

Billie and Willis Winn
 1872 7th Street West
 Dickinson, ND, 58601
 wwinn@ndsupernet.com
 (701) 290-1190

OWNER

Clint Heim Trust
 3448 115th Avenue SW
 Dickinson, ND, 58601

| | | |
|----------------------------|------------------|--------------------------------|
| Public Hearing | October 8, 2025 | Planning and Zoning Commission |
| Public Hearing | October 21, 2025 | City Commission |
| Final Consideration | November 4, 2025 | City Commission |

The applicants are requesting the approval of a zoning map amendment from Low Density Residential (R-1) to Medium Density Residential (R-2) for Lots 32-36 of Block 1 of the Heart River Fourth Subdivision, located within the City of Dickinson. The purpose of this rezoning is to allow for the construction of four four-unit multifamily residential buildings prior to re-platting Lots 34, 35, and 36 into two lots.

Staff recommendation: Staff recommends approval of this rezoning request.

LOCATION

The property is generally located on the southwest corner of 7th Street West and 2nd Avenue West, and it is legally described as Lots 32-36, Block 1, of the Heart River Fourth Subdivision, located within the SE1/4 of the SE1/4 of Section 9, Township 139 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota.

| | |
|--|-----------------------|
| CURRENT ZONING | R-1 |
| FUTURE LAND USE MAP DESIGNATION | RESIDENTIAL |
| GROSS SITE ACREAGE | +/- 1.14 acres |
| LOTS PROPOSED | N/A |

| ADJACENT ZONING & LAND USE | | |
|---------------------------------------|---------------|---|
| Direction | Zoning | Land Use |
| North | R-1 | Single-family residential |
| East | R-1 | Single-family residential |
| South | R-1 | Quonset storage structures |
| West | R-2; R-1 | Multi-family residential; single-family residential |

CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Consistency with the Comprehensive Plan

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated RESIDENTIAL. Medium Density Residential (R2) is an acceptable zoning district within the RESIDENTIAL FLUM designation.

Compatibility

The proposed rezoning is comparable to and compatible with the R-2 zoning district of the adjacent properties to the west along this segment of 7th Street SW.

Compliance with The Zoning Ordinance

The site is currently zoned R-1, and the applicant is proposing to rezone the site to R-2. The applicant has indicated an interest in re-platting the property in order to construct four four-unit

multi-family residences. According to Table 62-162-2: Permitted Uses by Zoning Districts, multi-family residences with up to four units are permitted in the R-2 zoning district. The proposed lots shall utilize the existing 2nd Avenue Southwest right-of-way for access. As part of the subdivision process, the applicant shall enter a development agreement with the City to construct a portion of 2nd Avenue Southwest up to the south lot line of Lot 32.

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-007-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-007-2025: The Winn Heart River 4th 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-007-2025: The Winn Heart River 4th 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."*

Section 16-170 - Zoning.

“Oil, gas, or service wells shall be permitted in ~~all zoning districts as a conditional use only, as provided for in this article and in the City zoning code; provided, however, that the Board of City Commissioners shall have the power to refuse any application for a conditional use permit by reason of the location of the proposed well and the character and value of the permanent improvements already erected on the drilling property in question or adjacent thereto, or because of the use to which the land and surroundings are adapted for civic purposes, or if, for sanitary reasons, the drilling of the well will be a serious disadvantage to the City and its inhabitants as a whole~~ the Agricultural (AG) and General Industrial (GI) zoning districts after approval from the North Dakota Industrial Commission is obtained.”

Section 16-174 – Distance limitations and spacing requirements.

In all areas within the zoning jurisdiction of the City, the following shall apply:

1. Generally.
 - a. No well shall be located less than 100 feet from any building or structure not necessary for the operation of the well. No well shall be located less than 300 feet from any building or structure of any residential use, educational use, institutional use, commercial office or retail use, or other place of assembly.
 - b. In the event of a pre-existing well, no building shall be constructed, and the City shall not issue a building permit or certificate of occupancy for any building or structure not in conformance with this section.
2. Wellheads, tank batteries and associated on-site production equipment shall be located not less than 100 feet from the edge of any public right-of-way.
3. The requirements of this section may be waived, in the sole discretion of the ~~Board of City Commissioners, as part of the conditional use permit upon finding by the Board that such waiver is consistent with public health, safety and welfare~~ North Dakota Industrial Commission.”

ORDINANCE NO. 2025

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 16 & CHAPTER 62, RELATING TO OIL WELL ESTABLISHMENT, REQUIREMENTS, AND APPROVAL PROCESS

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

SECTION 1: Section 16-170. Zoning. of Chapter 16 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 16-170. - Zoning.

Oil, gas, or service wells shall be permitted in ~~all zoning districts as a conditional use only, as provided for in this article and in the City zoning code; provided, however, that the Board of City Commissioners shall have the power to refuse any application for a conditional use permit by reason of the location of the proposed well and the character and value of the permanent improvements already erected on the drilling property in question or adjacent thereto, or because of the use to which the land and surroundings are adapted for civic purposes, or if, for sanitary reasons, the drilling of the well will be a serious disadvantage to the City and its inhabitants as a whole~~ the Agricultural (AG) and General Industrial (GI) zoning districts after approval from the North Dakota Industrial Commission is obtained.

SECTION 2: Sec. 16-174. - Distance limitations and spacing requirements. of Chapter 16 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 16-174. - Distance limitations and spacing requirements.

In all areas within the zoning jurisdiction of the City, the following shall apply:

1. Generally.
 - a. No well shall be located less than 100 feet from any building or structure not necessary for the operation of the well. No well shall be located less than 300 feet from any building or structure of any residential use, educational use, institutional use, commercial office or retail use, or other place of assembly.
 - b. In the event of a pre-existing well, no building shall be constructed, and the City shall not issue a building permit or certificate of occupancy for any building or structure not in conformance with this section.
2. Wellheads, tank batteries and associated on-site production equipment shall be located not less than 100 feet from the edge of any public right-of-way.
3. The requirements of this section may be waived, in the sole discretion of the ~~Board of City Commissioners, as part of the conditional use permit upon finding by the Board that such waiver is consistent with public health, safety and welfare~~ North Dakota Industrial Commission.

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

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

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

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

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



Oil Well Zoning Text Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: October 1, 2025
 Re: ZTA-006-2025 Section 16 – Oil Well Zoning

APPLICANT

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

| | | |
|----------------------------|------------------|--------------------------------|
| Public Hearing | October 8, 2025 | Planning and Zoning Commission |
| Public Hearing | October 21, 2025 | City Commission |
| Final Consideration | November 4, 2025 | City Commission |

Community Development staff is requesting approval of zoning text amendments to Section 16-170 - Zoning, and Section 16-174 – Distance limitations and spacing requirements, in Chapter 16-Environment of the Dickinson Municipal Code, to remove language regarding the requirement of a conditional use permit for oil wells. The intention of these amendments is to align the Dickinson Municipal Code with the North Dakota Century Code requirements regarding the permitting of oil well drilling.

Staff recommendation: Staff recommends approval of this text amendment.

STAFF ANALYSIS

BACKGROUND

The North Dakota Century Code states in Section 38-08-04: Jurisdiction of commission, that the North Dakota Industrial Commission (NDIC) has final authority over oil drilling activity. Additionally, Section 38-08-01: Declaration of policy, states *"It is hereby declared to be in the public interest to foster, to encourage, and to promote the development, production, and utilization of natural resources of oil and gas in the state"*. The NDIC requires that any organization proposing a new oil well must inform the municipality about the proposal prior to approval.

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compatibility with the Municipal Code

The proposed text amendment removes additional language referencing a conditional use permit for oil well drilling and clarifies all oil wells fall under the jurisdiction of the NDIC. This is a follow-up to ZTA-005-2025: Oil Well Recommendations text amendment, which was previously heard at the September 10th, 2025 Planning and Zoning Commission meeting. ZTA-005-2025 removed the requirement of a conditional use permit for all oil well construction and instead requires applicants attend a public hearing in front of City Commission prior to NDIC approval of the project.

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-006-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **ZTA-006-2025: The Oil Well 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-006-2025: The Oil Well 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."*

BED AND BREAKFAST, SHORT TERM RENTAL, AND LODGING SERVICES

The City of Dickinson Zoning Code defines a Bed and breakfast as “...a lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purposes of this chapter, bed and breakfasts are always owned and operated by the resident owner of the structure, include no more than ten units, and accommodate each guest or visitor for no more than seven consecutive days during any one-month period.” This definition, or a slight variation of it, is found in many zoning codes nationally.

According to Section 62-133, bed and breakfast is classified as a commercial use type. The City of Dickinson permits the bed and breakfast use in the AG, R3, LC, CC, DC and GC zoning districts, and they are allowed as a special use in the RR and R2 zoning districts.

The North Dakota Century Code defines a bed and breakfast facility as “...a private home that is used to provide accommodations for a charge to the public, with not more than seven lodging units, in which no more than two family-style meals per day are provided.” The State of North Dakota Department of Health and Human Services (NDDHHS) licenses bed and breakfast establishments.

Short term rental describes the practice of renting a house, apartment or a condominium for stays of less than 30 consecutive days. Access to cooking facilities may or may not be provided.

Short term rental does not refer to hotel or motel rooms, extended stay hotels, bed and breakfast facilities, board or lodging facilities, or farm dwelling units. Transient guests have an established primary residence elsewhere. Short-term rentals are typically advertised on platforms like Airbnb and are seen as alternatives to traditional hotels and similar lodging uses.

Short term rentals can be described as either Hosted or Un-hosted.

- **Hosted:** A short-term rental in which the dwelling unit or another dwelling unit on the property is a primary residence, and the primary resident continues to occupy the property while the short-term rental is being rented to guests.
- **Un-Hosted:** A short-term rental in which a primary resident does not occupy the property.

Although the short-term rental use is not listed in the City’s Zoning Ordinance, Section 62-133: Commercial use type does include the following description of lodging:

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of bed and breakfasts. Typical uses include hotels, apartment hotels, and motels.

Lodging services are permitted in the CC, DC, and GC zoning districts, and lodging services are allowed as a special use in LI zoning district.

The North Dakota Century Code defines a lodging establishment as “...every building or structure, or any part thereof, which is kept, used, maintained, or held out to the public as a place where sleeping accommodations are furnished to transient guests for a charge. The term does not include single structures with five or fewer guest rooms and ten or fewer total occupants, a series or group of buildings or structures containing five or fewer guest rooms and ten or fewer total occupants operated as one entity under a single ownership on the same property or physical location.” The State of North Dakota Department of Health and Human Services (NDDHHS) licenses lodging establishments.

Although the description of short-term rentals is not mentioned as a typical lodging service, of the use types listed in Chapter 62 Article III, a short-term rental appears to most closely resemble a lodging service. However, there are multiple discernable differences between short-term rental and traditional lodging uses, so it would be worthwhile to create a separate definition for a short-term rental use.

COMMERCIAL USES IN RESIDENTIAL ZONING DISTRICTS

RR-bed and breakfast (SUP); Kennels (SUP); Liquor Sales (SUP); Pet Day Care (SUP); Veterinary Services (SUP)

R1-Pet Day Care (SUP)

R2- Bed and Breakfast (SUP); Pet Day Care (SUP)

R3-Bed and Breakfast (Permitted); Convenience Storage (SUP); Funeral Service (SUP); Columbarium (SUP); Personal Improvement (SUP); Personal Services (SUP); Pet Day Care (SUP)

POTENTIAL IMPACTS OF SHORT-TERM RENTALS

Benefits

- Brings additional income to local residents and tax revenues.
- Boosts local tourism by attracting visitors through a unique lodging experience.

Impacts

- Conversion of residential units to short-term rentals reduces available housing;
- Can result in rent increases;
- Can induce speculative investments in housing;
- Can take rental units off the market;
- Can disrupt neighborhoods with noise, trash and fire safety issues;
- Can result in parking conflicts;

- Can result in more complaints about “party houses”;
- As once quiet close-knit residential neighborhood gets more short-term renters, residents may have issues with the changing character of the neighborhood;
- Homeowners and commercial operators have incentives to list housing units on short-term rental websites instead of long-term rentals as profits for short-term rentals tend to be higher;
- Short-term rentals may operate essentially as hotels, but because they are not subject to various regulations that govern hotels, they can negatively impact the lodging industry.
 - In North Dakota licenses are required for lodging facilities and bed and breakfasts.
 - This license does not include the following:
 - single structures with five or fewer guest rooms and ten or fewer total occupants, a series or group of buildings or structures containing five or fewer guest rooms and ten or fewer total occupants).

RESPONSES FROM LOCAL GOVERNMENTS

**BISMARCK PROPOSED SHORT TERM RENTAL ZONING CODE AMENDMENT
(Respondents Lauren Oster and Daniel Nairn)**

Definition

Short-Term Rental: A residential dwelling unit or any portion thereof which is rented by or on behalf of the owner to the public for compensation for temporary occupancy for a period of less than thirty (30) consecutive days. Short-term rentals do not constitute a long-term residence for a guest(s).

Proposed Development Standards

Short-Term Rental. A short-term rental is permitted as an accessory use on any residential property in any district, subject to the following provisions:

- a. Residential units utilized for a short-term rental shall not be altered in a way that changes their general residential appearance.
- b. A short-term rental may be allowed in an accessory dwelling unit.
- c. A recreational vehicle or other vehicle or structure not classified as a permanent residential dwelling unit may not be used as a short-term rental.
- d. Short-term rentals are subject to parking requirements in accordance with Section 14-03-10 (Off-Street Parking and Loading) of the City Code of Ordinances.
- e. No noise, odor, vibration, or electrical interference associated with the short-term rental beyond what is typically permitted for residential uses is restricted in accordance with Chapter 8-10 (Noises) of the City Code of Ordinances.
- f. Requirements of the International Building Code (IBC) would be met, as applicable.

FARGO (Respondent Donald Kress)

Short-term rentals are not permitted in single-dwelling residential zones. The City’s land development code contains the following:

- Lodging or tenancy of less than 30 days is not a use permitted in single-dwelling residential zones; and
- Lodging or tenancy of less than 30 days is not permitted as a home occupation.

GRAND FORKS (Respondent Andrea Edwardson)

- The zoning code does not address short term rentals.
- A single-family residence cannot be converted into two units with one as a rental unit.
- Grand Forks doesn’t distinguish short term from traditional rental situations.

JAMESTOWN (Respondent Tom Blackmore)

The City of Jamestown currently does not have any licensing required for short term rentals. If someone approaches the City about starting one, the City would require a building inspection and a fire inspection. The City would want to ensure that the proper egress is provided for and at least 1 fire extinguisher on each level of the home and working smoke detectors.

WATFORD CITY PROPOSED SHORT TERM RENTAL ZONING CODE AMENDMENT (Respondents Jake Walters and Kaitlyn Swearson)

City staff anticipates approval of this amendment in January, 2026.

Short term rentals will be allowed in the following zoning districts subject to approval of a conditional use permit (CUP) by City Commission following a public hearing before the Planning and Zoning Commission:

- A-1;
- RR-1;
- R-1, R-2; R-2M (Manufactured homes), R-3, and R-4; and
- Central Business District.

Short term rentals would be excluded from manufactured home parks, trailer parks, and all commercial and industrial districts.

In addition to other application materials or entitlements that may be required to effectuate a Short-Term Rental, the following information must be provided:

1. The name, address, and contact information of the property owner;
2. The name, address, and contact information of a local contact person who is available by telephone 24 hours per day, seven days per week;
3. Proof of insurance for the Use of the property as a Short-Term Rental;
4. Proof that property owners have registered with the North Dakota Office of State Tax Commissioner to collect and remit applicable taxes.;

- 5. A description of the following:
 - a. Location and type of smoke detectors and carbon monoxide detectors;
 - b. Egress doors and windows;
 - c. Number of Bedrooms;
 - d. Gross Area of each Bedroom; and
 - e. Identification of all hosting platforms, websites, social media, and traditional media resources where the Short-Term Rental is listed or advertised.

Certificate of Occupancy. Short-Term Rentals require a certificate of occupancy and shall be developed and inspected in accordance with all applicable provisions of state and local health, safety, Building, and fire codes.

Conditional Use Permit. All Short-Term Rentals must obtain a Conditional Use Permit from the City. CUPs shall be valid for one year and subject to annual renewal. No portion of an application fee is refundable if a CUP is denied, or operation of the Short-Term Rental is discontinued for any reason.

Maximum Occupancy. The maximum overnight occupancy of a Short-Term Rental shall be limited to no more than three people per Bedroom. The maximum overnight occupancy may be reduced based on available parking spaces and will be determined at the time of CUP approval. All Short-Term Rentals with six or more Bedrooms and 11 or more occupants must be licensed by the North Dakota Department of Health and Human Services Division of Food and Lodging.

Parking. A minimum of one off-street parking space per Bedroom shall be provided on-site. Parking areas shall not obstruct Access by emergency service vehicles.

Appearance. The Use of a Dwelling Unit as a Short-Term Rental shall not change the appearance of the property for Residential purposes nor shall the use generate excess noise, vibration, glare, odors, traffic, parking congestion, or loud or unruly gatherings that interfere with any person's enjoyment of their residence. Signage advertising the property as a Short-Term Rental is prohibited.

Septic Systems. If the Short-Term Rental utilizes a septic system, the system must be sized according to maximum occupancy of the Short-Term Rental.

Garbage. Garbage and refuse shall be stored completely enclosed within designated containers.

Tax Classification. The host shall maintain for a period of four years records in such form as the tax authorities may require to determine the amount of taxes owed to a taxing authority. Taxing authorities shall have the right to inspect such records at all reasonable times. Such records shall be maintained at the host's premises or shall be available for delivery to the taxing authority within one business day after request.

Length of Stay. Guests shall not be permitted to stay in the home for more than 30 consecutive days.

Use. A Short-Term Rental shall only be used for overnight lodging. Events and large gatherings of people who cannot occupy the short-term include, but not limited to, weddings,

banquets, and personal or corporate events. Such uses are prohibited as part of the short-term rental use.

WILLISTON (Respondent Kent Jarcik)

Short-term rentals operate as small hotels. This is not within the intent of the residential districts. Anything less than 30 days in the City code references requirements for any State and local, sales tax, lodging tax furthering qualifying it as a hotel or motel under City code and zoning code definitions. This use is not permitted in the residential zones. It is permitted in commercial zones as a hotel/motel. The City is aware of one in the past operate on the second floor above a business in the downtown on Main Street in a commercial zone.

The City's ordinance review committee has discussed short term rentals. Some concerns include occupancy rate of hotels, the intent of residential districts, VRBO and Airbnb can have a negative impact on affordable housing, with the City's housing shortage it could further compound neighborhood concerns about residences being used as worker housing. Residences being used for individual workers above the family definition and short-term transient employees occupying residences has created a significant code enforcement workload in the past. This is not to say there is not some occurrence of short-term rentals in Williston, however, the City has not adopted any enabling ordinance within the City code in residential zones for this specific use.

