



# PLANNING AND ZONING MEETING AGENDA

Wednesday, June 10, 2026 at 7:10 AM MT  
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. MAY 13TH, 2026 MINUTES**

**3. REGULAR AGENDA**

**A. FINAL MAJOR PLAT (FLP-003-2026)** - Presented by City Planner, Natalie Birchak

To consider a Final Major Subdivision Plat for the Eagles Point Second Subdivision, being the replat of Lot 2 of Block 1 of the Eagles Point Subdivision, located in the SE ¼ of Section 18, Township 140 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site is zoned Agriculture (AG). The site consists of +/- 40.01 acres.

**B. SPECIAL USE PERMIT (SUP-002-2026)** - Presented by City Planner, Natalie Birchak

To consider a Special Use Permit for a home-based sewing business located at 10679 35P Street SW on a property legally described as Lots 5 & 6, Block 1 of the Hafele Subdivision, located in the NW ¼ of the SW ¼ of Section 32, Township 140 North,

Range 95 West, in the City of Dickinson's Extra-Territorial Zone. The lot is zoned Rural Residential (RR). The site consists of +/- 2.28 acres.

**C. REZONING (REZ-003-2026)** - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from Agricultural (AG) to Public (P) for All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision, located in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, in the City of Dickinson's Extra-Territorial Zone. The site consists of +/- 11.39 acres.

**D. FINAL MAJOR PLAT (FLP-004-2026)** - Presented by City Planner, Natalie Birchak

To consider a Final Major Subdivision Plat for the Dickinson South Cemetery Second Subdivision, being a parcel of land located in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, in the City of Dickinson's Extra-Territorial Zone. The site is zoned Agriculture (AG). The site consists of +/- 7.59 acres.

**E. SPECIAL USE PERMIT (SUP-003-2026)** - Presented by City Planner, Natalie Birchak

To consider a Special Use Permit for a cemetery on a property legally described as All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision, located in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, in the City of Dickinson's Extra-Territorial Zone. The site is zoned Agriculture (AG). The site consists of +/- 11.39 acres.

**4. PUBLIC COMMENTS**

**5. ITEMS NOT ON AGENDA**

**6. WORK SESSION**

**A. HOUSING DISCUSSION** - Presented by City Planner, Natalie Birchak

**B. STORMWATER ORDINANCE UPDATE** - Presented by City Engineer/Community Development Director, Josh Skluzacek

**7. ADJOURNMENT**

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

<https://youtube.com/live/wioB8rxtnR0>

**This link will not be live until approximately 7:05 AM MT on June 10, 2026.**

**Teams Meeting: <https://tinyurl.com/PZC06102026>**

**Teams Meeting ID: 252 240 531 609 78**

**Meeting Passcode: KG2Cd7kH**

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

**Phone Conference ID:** 582 781 256#

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

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



# PLANNING AND ZONING MEETING MINUTES

Wednesday, May 13, 2026 at 7:10 AM MT  
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**

**PRESENT**

- Chairman Jason Fridrich
- Commissioner Dean Franchuk
- Commissioner Aaron Johansen
- Commissioner Richard Haugen
- Commissioner Mike Schwab
- Commissioner Val Decker
- Commissioner Zach Keller

**ABSENT**

- Vice Chairman Scott Bullinger
- Commissioner Mathew Rothstein

**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, Commissioner Franchuk, Commissioner Johansen,  
Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner  
Keller

**2. MINUTES**

**A. APRIL 8TH, 2026 MINUTES**

Motion to approve as presented.

**Motion made by Commissioner Johansen, Seconded by Commissioner Haugen.**

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Keller

**3. REGULAR AGENDA**

**A. APPROVAL AND RATIFICATION OF APPOINTMENT OF JASON FRIDRICH AND DEAN FRANCHUK**

Attorney Wenko explains that Commissioners Fridrich and Franchuk's terms expired in December 2025 and presents the item for approval and ratification of reappointment.

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

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Keller

**B. RIGHT-OF-WAY VACATION PETITION** - Presented by City Planner, Natalie Birchak

To consider a Right-of-way Vacation Petition for a 66-foot-wide section of the 32nd Street Southwest access road, located to the south of Lots 8 & 9, Block 1, of the Northgate Industrial Site Subdivision, located in the SW ¼ of the SW ¼ of Section 10, Township 140 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, in the City's Extra-Territorial Zone. The section of right-of-way proposed to be vacated consists of +/- 0.71 acres.

Ms. Birchak presents the right-of-way vacation request, explaining that the subject ROW was originally platted as an access road but is not being utilized as such. Lots to the north are zoned General Industrial. 32nd Street will remain ROW, so there is no impact to access. Staff has received no comments and recommends approval. Commissioner Franchuk notes that he notified the county road superintendent, who has no objections.

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

**Motion to approve made by Commissioner Decker, Seconded by Commissioner Johansen.**

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Keller

**C. FINAL MINOR PLAT (FLP-002-2026) - Presented by City Planner, Natalie Birchak**

To consider a Final Minor Subdivision Plat for the Energy Center 7th Addition Subdivision, being the replat of Tract A of Lot 1 of Block 2 of the Energy Center 3rd Addition Subdivision, located in the SE ¼ of Section 1, Township 139 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. The site is zoned General Industrial (GI). The site consists of +/- 4.53 acres.

Chairman Fridrich states he will be abstaining from the vote on this item.

Ms. Birchak presents the minor plat request, explaining that the purpose is to subdivide the property into smaller lots for future development. Staff has received no comments and recommends approval.

Andrew Schrank of Highlands Engineering provides additional detail, noting several easements shown on the plat. An east-to-west private access easement provides access into the lots, with one approach aligning with the existing approach on Energy Drive. A stormwater and drainage easement is also included. Mr. Schrank explains that an existing detention pond is present but cannot function properly and will require the addition of an outlet structure, along with a drainage easement to the pond. Water and sanitary sewer utilities are present on the site.

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

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

Voting Yea: Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Keller  
Voting Abstaining: Chairman Fridrich

**D. SPECIAL USE PERMIT (SUP-001-2026) - Presented by City Planner, Natalie Birchak**

To consider a Special Use Permit for a custom manufacturing business located at 2503 Fairway Street, Unit 8, on a property legally described as Lot 7 of Block 1 of the State 8th Addition Subdivision, and Lots 1, 2, & 3 of Block 1 of the State 9th Addition Subdivision, located in the SW ¼ of the NE ¼ of Section 5, Township 139 North,

Range 96 West, in the City of Dickinson. The lot is zoned Community Commercial (CC). The site consists of +/- 0.10 acres.

Ms. Birchak presents the Special Use Permit request, explaining that the applicant seeks to operate a small-scale business in the CC zoning district, primarily personal use with light commercial activity, minimal signage, and one permanent staff member. Staff considers the use custom manufacturing, has received no public comments, and recommends approval contingent on the conditions listed in the staff report:

- Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Mondays through Sundays.
- Operation of the business shall be as described in this staff report as well as in the material found in Attachment A.
- The SUP approval shall expire with any change in ownership. All subsequent owners of the property shall be required to reapply for SUP approval.
- Operation of the business shall comply with all applicable City, County, State and Federal regulations.

Applicant Josh Whiteley addresses the Commission, stating he was unaware of the proposed hours of operation condition. He references page 3 of the pre-application letter, noting that the noise decibel levels cited do not align with the municipal code, and asserts that his business is better classified as trade services. Mr. Whiteley pushes back on the proposed 8:00 a.m. to 6:00 p.m. hours, advising that he holds full-time employment and requests an extension to 10:00 p.m., as well as the addition of Sunday operations. He states he will comply with all applicable codes and notes that the south-facing window facing residential properties will remain closed during operation. He also advises that he conducted his own decibel testing.

Ms. Birchak clarifies that the proposed conditions were based on the property's proximity to residential uses, despite being located in a commercial area. Attorney Wenko adds that if complaints are received, the SUP could be subject to reevaluation or revocation. Chairman Fridrich concurs that the use appears to align more closely with trade services and states he is not opposed to extending the hours. Mr. Whiteley notes that he resides nearby on the same street.

Following discussion, the Commission agrees to amend the hours of operation to 7:00 a.m. to 10:00 p.m., including Sundays.

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

**\*Motion to approve with amended hours of 7am-10pm and Sundays added. Review on a complaint basis made by Commissioner Johansen, Seconded by Commissioner Franchuk.**

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Keller

D. **PRELIMINARY MAJOR PLAT (PLP-003-2026)** - Presented by City Planner, Natalie Birchak

To consider a Preliminary Major Subdivision Plat for the Dickinson South Cemetery Second Subdivision, being a parcel of land located in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, in the City’s Extra-Territorial Zone. The site is zoned Agriculture (AG). The site consists of +/- 7.59 acres.

Ms. Birchak presents the major plat request, noting the property is owned by the City of Dickinson. The purpose of the plat is to expand cemetery plots. She explains that while the plat was approved in 2024, it was not recorded within the required one-year period and is therefore being reheard. The City will also be bringing forward a rezoning request due to changes in agricultural lot sizes, as well as a Special Use Permit to address minimum lot size requirements. Staff has received no public comments and recommends approval contingent on approval of the rezone and SUP, which will be presented at the next meeting.

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

**Motion to approve made by Commissioner Decker, Seconded by Commissioner Schwab.**

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Keller

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

**5. ITEMS NOT ON AGENDA**

Commissioner Franchuk raises a concern regarding fictitious invoices being sent to Planning and Zoning applicants. He advises that scammers are targeting applicants with fraudulent billing. Chairman Fridrich clarifies for the public that the City will never send invoices via email, and encourages anyone with questions regarding billing to contact City Hall directly.

**6. WORK SESSION**

**A. STORMWATER ORDINANCE UPDATE** - Presented by City Engineer/Community Development Director, Joshua Skluzacek

City Engineer Joshua Skluzacek presents an update on the proposed Stormwater Ordinance revisions, noting this constitutes a substantial modification to the existing ordinance. He provides background, explaining that the City has been working to update and modernize its Stormwater Ordinance to better reflect state and industry standards. The proposed changes were developed collaboratively between the Engineering Department, Public Works Department, and a private consultant. A Stormwater Design Standards Manual is also being proposed concurrently. Mr. Skluzacek notes that he consulted with another engineer who confirmed the proposed changes are beneficial.

Leah Upchurch advises that the current code does not align with the City's MS4 permit and that these updates would bring the two into compliance.

Chairman Fridrich requests that a work session be scheduled to allow the Commission to review the changes prior to a formal vote, with the item returning for an official vote at the July Planning and Zoning meeting. Mr. Skluzacek asks the Commission to identify specific areas of focus for that session. Commissioner Decker requests that a redlined version of the ordinance be provided for review.

**7. ADJOURNMENT**

**Motion made by Commissioner Decker, Seconded by Commissioner Schwab.**

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Keller

**Link for viewing Planning and Zoning Commission Meeting:**  
<https://youtube.com/live/uuDImvzG8hQ>

**From:** Jotform  
**To:** Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Natalie Birchak; Kylee Zastoupil  
**Subject:** Re: Unified Development Application  
**Date:** Thursday, April 9, 2026 9:44:39 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: [Kouba Pre-Application Letter.pdf](#)

Type of Development **Major Subdivision Final Plat**

Is this a Replat **Yes**

Subdivision Being Re-platted **Lot 2, Block 1, Eagles Point Subdivision**

Date of Final Plat Approval at Planning & Zoning Commission **06-10-2026**

Name **Janice Kouba**

Company **Bruce D. Kouba and Janice L. Kouba Life Estate**

Applicant Email **[REDACTED]**

Applicant Phone # **[REDACTED]**

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

Applicant Representative Company **Highlands Engineering**

Applicant Representative Email **[REDACTED]**

Applicant Representative

Phone # [REDACTED]

Owner Name **Bruce D. Kouba and Janice L. Kouba Life Estate**

Owner Address [REDACTED]

Owner Email [REDACTED]

Owner Phone # [REDACTED]

Is the owner present to Sign

Owner Signature Upload [261978\\_Owner Signature\\_2026-03-03.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS) **Lot 2, Block 1, Eagles Point Subdivision**

	1/4 Section	Township	Range
Description	SE1/4 Section 18	T140N	R96W

Property Address / General Project Location **Property is Lot 2, Block 1 of Eagles Point Subdivision which is generally located in the City's ETZ in the SE1/4 of Section 18, T140N, R96W of the 5th P.M., Stark County, ND.**

Total Square Footage or Acreage of Subject Property **40.01 acres**

Transmittal Letter (Explanation of Request & Proposed Operations) [261978\\_Transmittal-FINAL PLAT\\_2026-04-09.pdf](#)

Rezone Calc Multiplier **0**

Minor Platting Multiplier **0**

Prelim Platting Multiplier **0**

Major Platting Multiplier **1**

Name of Final Plat **Eagles Point Second Subdivision**

Final Platted Lots **1 to 10 Lots**

Final Platted Block(s) **1**

Name of Preliminary Plat **Eagles Point Second Subdivision**

Preliminary Number Lots **1 to 10 Lots**

Preliminary Number of Block(s) **1**

**0 existing; 8 residential lots proposed**

Application Calc **350**

Required Documentation Upload  
[261978\\_FIRMETTE.pdf](#)  
[261978\\_Zoning Map.pdf](#)  
[261978\\_Access Easement-DRAFT\\_2026-03-17.pdf](#)  
[261978\\_Parcel Map.pdf](#)  
[261978\\_PLAT-FINAL\\_2026-03-06.pdf](#)  
[261978\\_PLAT-PRELIM\\_2026-03-06.pdf](#)

Deed for Property [3169139\\_Deed.pdf](#)

Application Fees **Applicable Fees** **350.00 USD**  

---

**Total:** **\$350.00**  
**Transaction ID: hqg3nt8h**

**Payment Information**

---

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

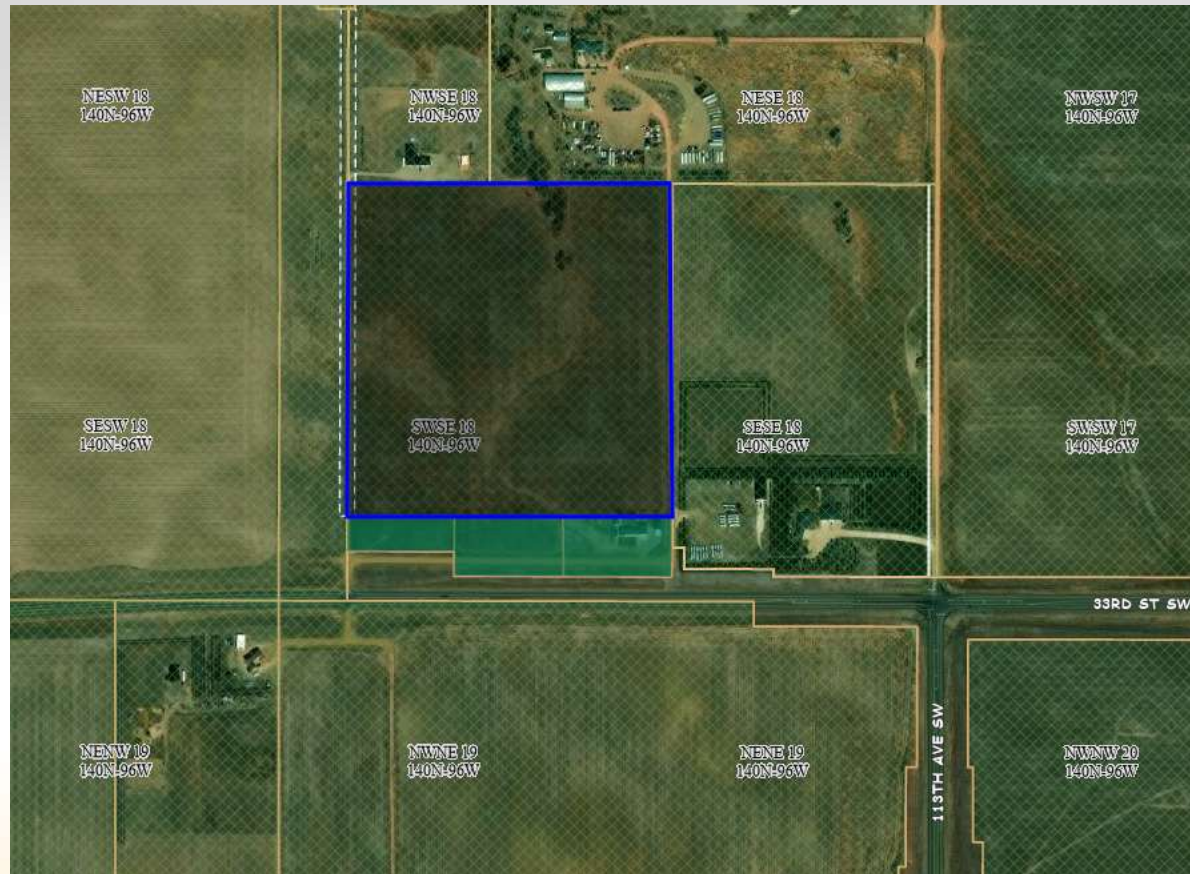
Applicant Signature

Date **04-09-2026**

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.

# EAGLES POINT 2<sup>ND</sup> FINAL MAJOR SUBDIVISION (FLP-003-2026)







## Transmittal Letter

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

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

**Date:** April 9, 2026

**Re:** Major Final Plat Application – Eagles Point Second Subdivision

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

- Pre-Submittal Meeting Letter
- Written Statement (included, below)
- Warranty Deed for the Property
- Parcel Map of the site location from the City's GIS page
- Zoning Map of the site location from the City's GIS page
- FEMA FIRMette of the site
- Preliminary Plat Drawing with aerial image showing current site conditions
- Final Plat Drawing
- Draft Access Easement

## Legal Description

Lot 2, Block 1 of Eagles Point Subdivision

## Zoning

Current: Agricultural

Proposed: Rural Residential

## Written Statement

This proposed plat of Eagles Point Second Subdivision is the replat of Lot 2, Block 1 of Eagles Point Subdivision located within the City's ETZ northwest of the City of Dickinson. This replat will create eight (8) Rural Residential lots within this lot that are ±5-acres in area, each. The applicant plans to advertise these lots for sale for residential development after approval of this plat.

The preliminary plat for this subdivision was approved at the 4/8/26 Planning and Zoning meeting. No changes have been made since this preliminary plat approval.

This site is currently zoned *Agricultural*, which requires a minimum lot size of 10-acres. Therefore, a zone change request to *Rural Residential* is being submitted to allow for the proposed ±5-acre lot sizes. Planning and zoning recommend approval of this zone change at the 4/8/26 Planning and Zoning meeting.

This site is located outside of the City's Urban Service Area as defined by the City's current comprehensive plan. Therefore, no city services are planned to be extended to this site as part of this development. Water to serve these lots will be provided by SW Water Authority or well water. Private septic systems will be necessary as each lot is developed to dispose of septic waste. An easement for a proposed water line is depicted in the center of this development along the back of the lots to allow for extension of the existing SW Water line that runs along the north boundary of this property through this development to serve each of these lots. The water line constructed in this easement will be privately maintained by the owners of these proposed lots.

Access to the proposed lots is to be provided by the private access roads that are currently constructed along the east and west boundaries of this subdivision. The road in the west boundary of this subdivision is located within an existing access easement as recorded by Stark County Document Number 3093776. A draft of a proposed access easement to allow for private and emergency access is provided with this application.

This draft easement is planned to be finalized and recorded prior to final plat approval. Both of these roads are to be privately maintained by the lot owners per this easement. This easement was submitted to Stark County for their review and approval on 4/9/26. Once this easement is approved and recorded, the Document Number will be added to the final plat.

Stormwater for this site will not be altered from its current drainage patterns since no site grading is proposed by the developer as part of this subdivision. Any grading would be performed by future lot owners as they determine necessary for their own development plans. Due to the large size of these lots, the percentage of impervious area is expected to be low as these lots are developed. As single-family residences are developed as allowed by the proposed Rural Residential zoning designation, the increase in site runoff that may be seen from adding buildings and access roads will be largely offset by the increased thickness of grass that is typical with residential development when compared to the current agricultural land on-site. This thicker grass will help slow this runoff generated from pavement and roofs and will allow for greater infiltration/evaporation. Therefore, the increase in runoff from development is anticipated to be minimal, so no stormwater detention is proposed for this development.

The applicant does own Lot 3, Block 1 of Eagles Point Subdivision east of this site but does not own or intend to purchase any additional surrounding land at this time. The neighboring property owners were notified of this subdivision during the preliminary plat process, and this application has been prepared in accordance with local, state, and federal regulations to the best of our knowledge.

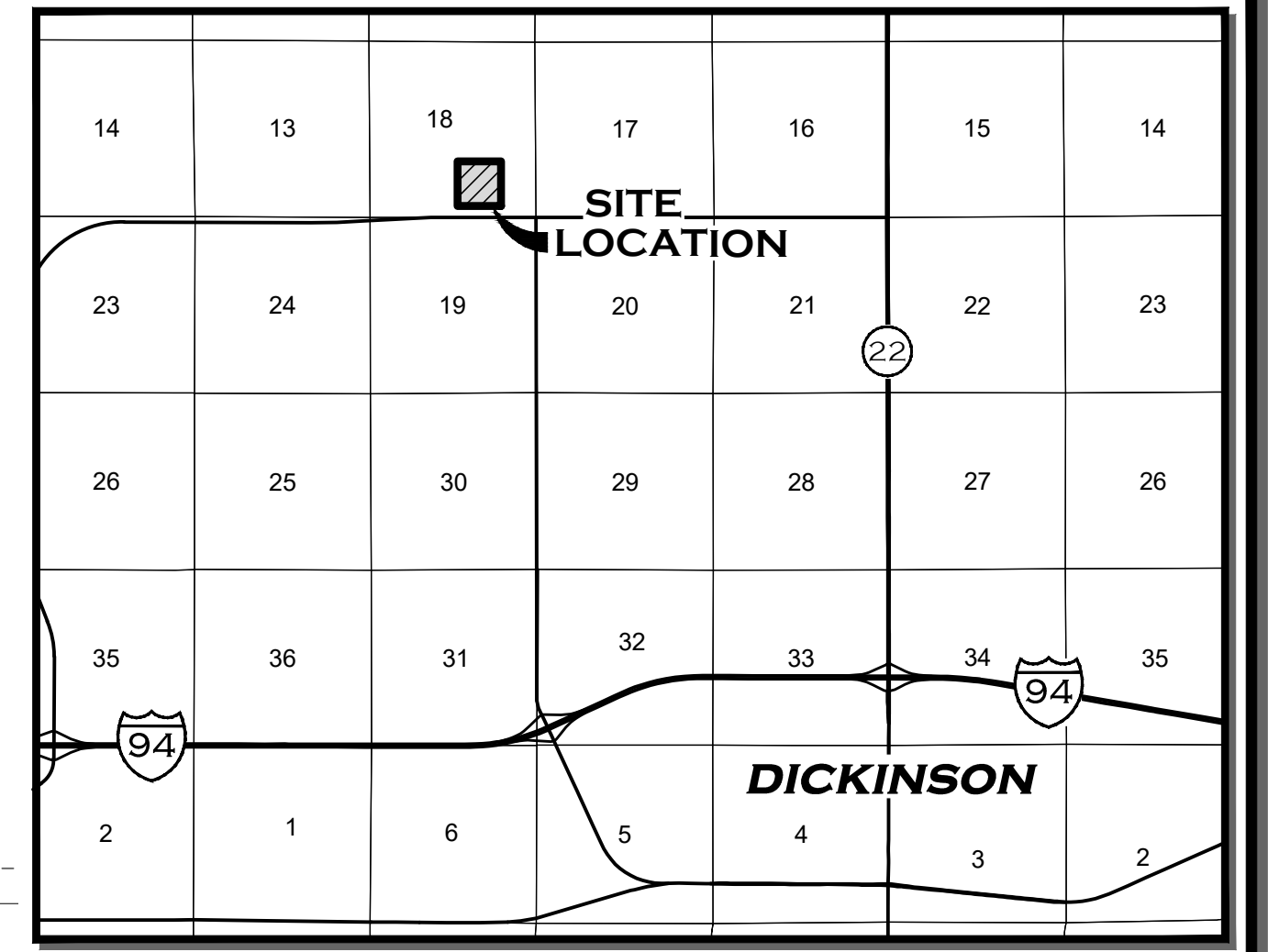
Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



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

# EAGLES POINT SECOND SUBDIVISION

BEING THE REPLAT OF LOT 2, BLOCK 1, EAGLES POINT SUBDIVISION  
IN THE SE<sup>1</sup>/<sub>4</sub> SECTION 18, T140N, R96W, OF THE 5TH P.M.  
STARK COUNTY, NORTH DAKOTA



VICINITY MAP  
1" = 1 MILE

**LEGEND**

	SUBDIVISION BOUNDARY
	PROPOSED LOT LINES
	EXISTING LOT LINES
	FOUND MONUMENT
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	SECTION LINE
	QUARTER OR SIXTEENTH LINE
	SECTION CORNER MONUMENT
	QUARTER CORNER MONUMENT
	CENTER SECTION MONUMENT
	EXISTING RIGHT TO TRAVEL LINE
	PROPOSED PUBLIC UTILITY EASEMENT
	PROPOSED WATER SYSTEM EASEMENT FOR THE BENEFIT OF EAGLES POINT SECOND SUBDIVISION
	EXISTING EASEMENTS

**ABBREVIATIONS**

DOC. NO.	DOCUMENT NUMBER
AC.	ACRE
(M)	MEASURED DISTANCE
(R)	RECORDED DISTANCE

**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.
- DATE OF LATEST FIELD WORK: FEBRUARY 2026
- THIS SUBDIVISION IS LOCATED OUTSIDE THE 1% ANNUAL CHANCE SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 38089C0180F AND 38089C0187F, WITH EFFECTIVE DATES OF AUGUST 28, 2024.
- RECORDED DISTANCES DEPICTED ARE FROM THE EAGLES POINT SUBDIVISION PLAT.

**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: \_\_\_\_\_

RESERVED FOR RECORDER'S OFFICE

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING LOT TWO (2), BLOCK ONE (1) OF EAGLES POINT SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION EIGHTEEN (18), TOWNSHIP ONE HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 40.01 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 EAGLES POINT SECOND 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**

WE, THE UNDERSIGNED, BEING THE AUTHORIZED REPRESENTATIVES OF THE BRUCE D. KOUBA AND JANICE L. KOUBA LIFE ESTATE, THE OWNER AND PROPRIETOR OF PROPERTY LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION EIGHTEEN (18), TOWNSHIP ONE HUNDRED FORTY NORTH (T140N), 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 WE 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:

SIGNATURE: \_\_\_\_\_  
BRUCE D. KOUBA

SIGNATURE: \_\_\_\_\_  
JANICE L. KOUBA

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

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRUCE D. KOUBA AND JANICE L. KOUBA, 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: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
JENNIFER WIEDERHOLT

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

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JENNIFER WIEDERHOLT, 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: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
JOEL KOUBA

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

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOEL KOUBA, 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.

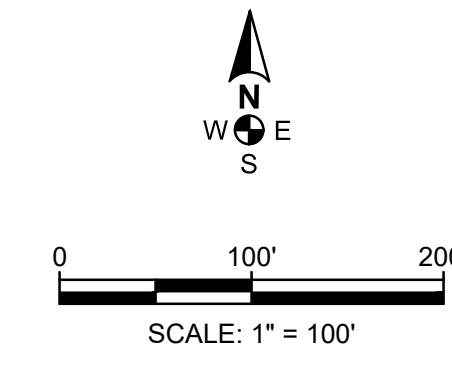
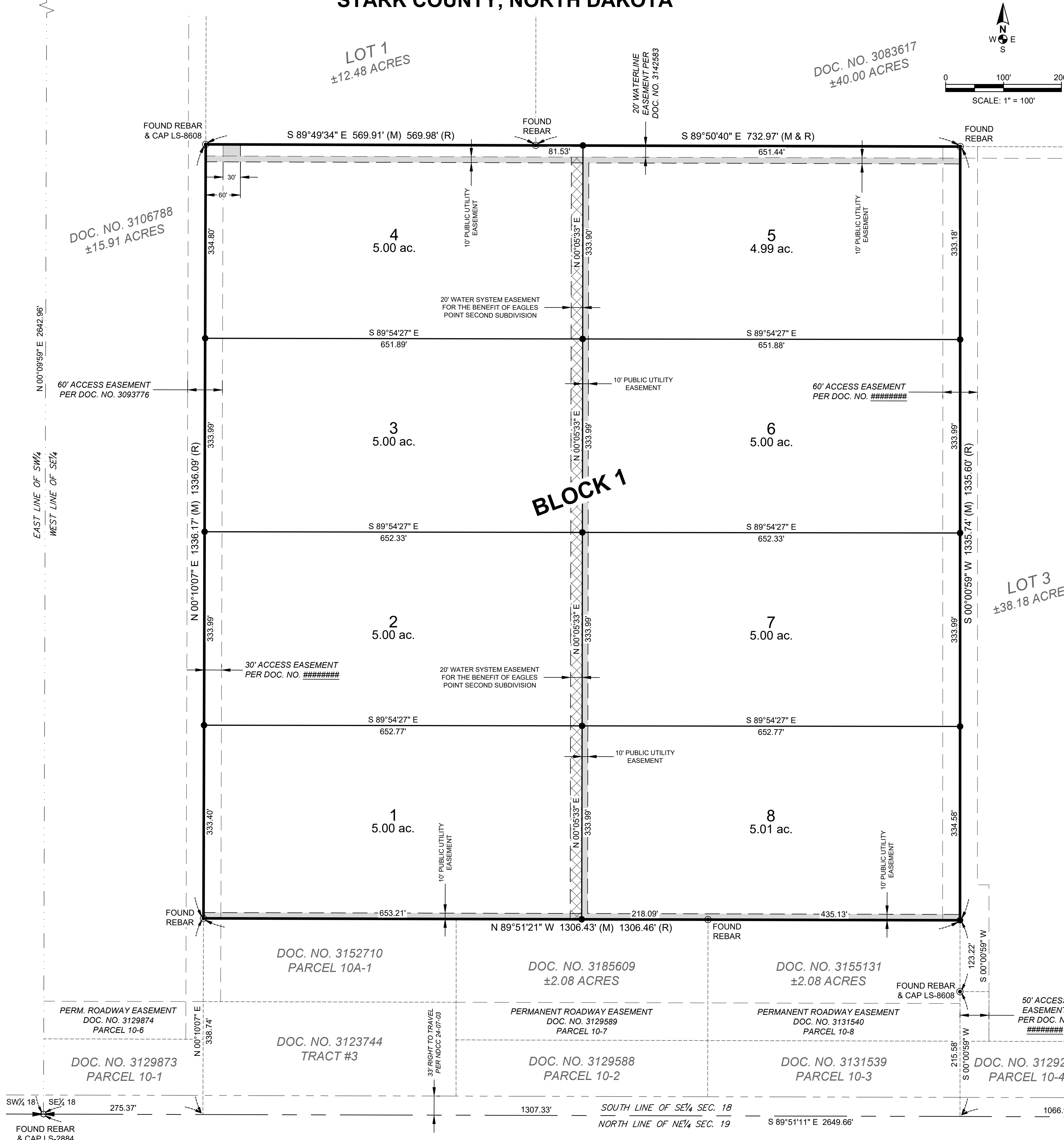
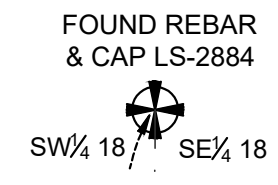
MY COMMISSION EXPIRES: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
NATHAN WANDLER

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

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NATHAN WANDLER, 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: \_\_\_\_\_



LOT 3  
±38.18 ACRES

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

PROJECT NUMBER: 261978 SCALE: 1"=100'  
DRAWN BY: AWS DATE: 05/30/26

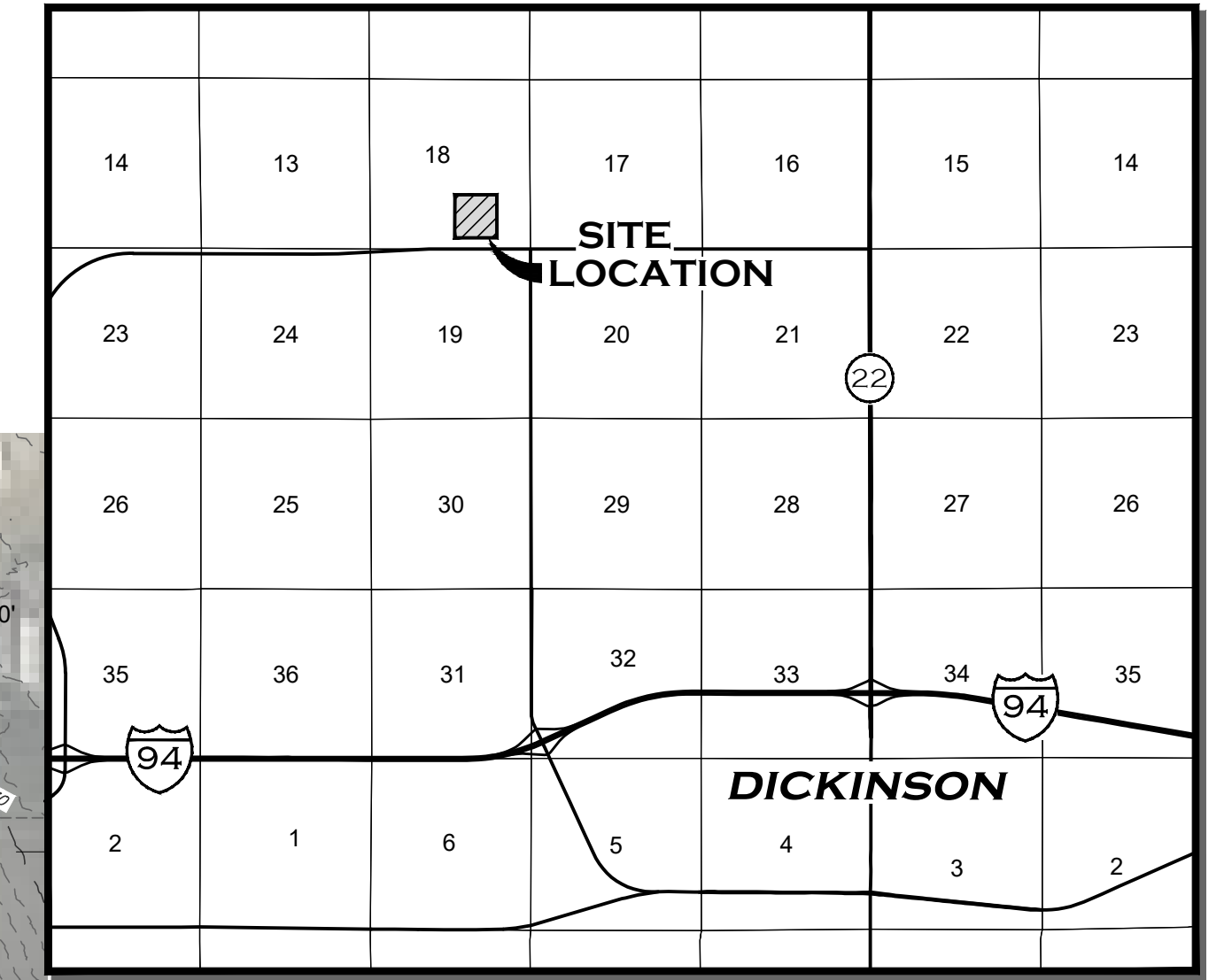
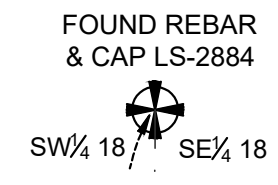
# EAGLES POINT SECOND SUBDIVISION

BEING THE REPLAT OF LOT 2, BLOCK 1, EAGLES POINT SUBDIVISION  
IN THE SE<sup>1</sup>/<sub>4</sub> SECTION 18, T140N, R96W, OF THE 5TH P.M.  
STARK COUNTY, NORTH DAKOTA

### LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOT TWO (2), BLOCK SIX (6) OF EAGLES POINT SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE<sup>1</sup>/<sub>4</sub>) OF SECTION EIGHTEEN (18), TOWNSHIP ONE HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 40.01 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.



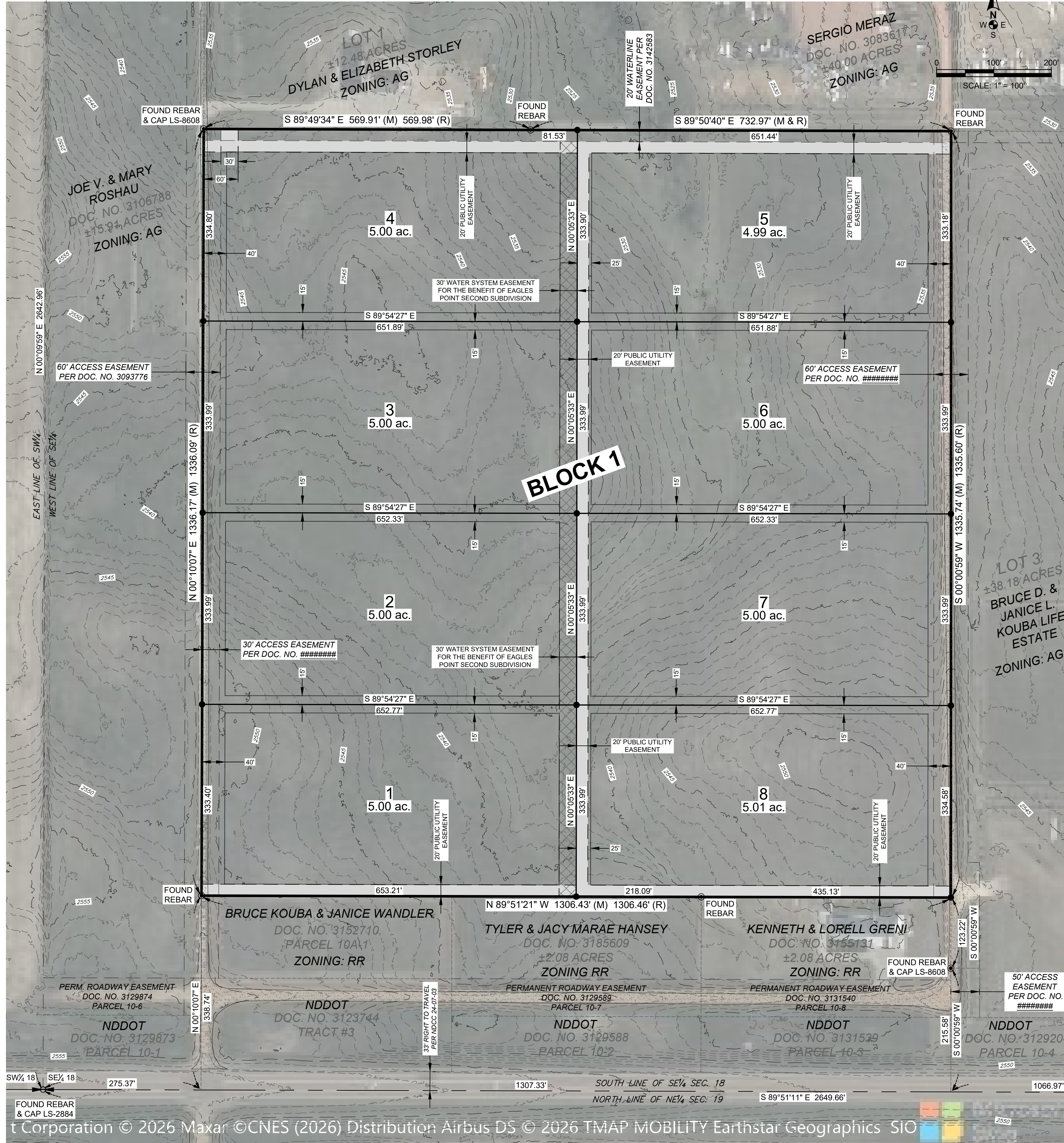
**VICINITY MAP**  
1" = 1 MILE

### LEGEND

- SUBDIVISION BOUNDARY
- PROPOSED LOT LINES
- EXISTING LOT LINES
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- SECTION LINE
- QUARTER OR SIXTEENTH LINE
- SECTION CORNER MONUMENT
- QUARTER CORNER MONUMENT
- CENTER SECTION MONUMENT
- EXISTING RIGHT-OF-WAY LINE
- PROPOSED PUBLIC UTILITY EASEMENT
- PROPOSED WATER SYSTEM EASEMENT FOR THE BENEFIT OF EAGLES POINT SECOND SUBDIVISION
- EXISTING EASEMENTS
- BUILDING SETBACK LINES
- 10' MAJOR CONTOUR
- 2' MINOR CONTOUR

### ABBREVIATIONS

- DOC. NO. DOCUMENT NUMBER
- AC. ACRE
- (M) MEASURED DISTANCE
- (R) RECORDED DISTANCE



### NOTES

- 1) 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.
- 2) DATE OF LATEST FIELD WORK: FEBRUARY 2026
- 3) THIS SUBDIVISION IS LOCATED OUTSIDE THE 1% ANNUAL CHANCE SPECIAL FLOOD HAZARD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 38089C0180F AND 38089C0187F, WITH EFFECTIVE DATES OF AUGUST 28, 2024.
- 4) RECORDED DISTANCES DEPICTED ARE FROM THE EAGLES POINT SUBDIVISION PLAT.

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

PROJECT NUMBER: 261978    SCALE: 1"=100'  
DRAWN BY: AWS    DATE: 03/06/26

**ACCESS EASEMENT AGREEMENT**

THIS Access Easement Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2026, between the Bruce D. Kouba and Janice L. Kouba Life Estate, hereinafter referred to as ("Grantor"), and Stark County, a North Dakota Political Subdivision ("Grantee");

WITNESSETH:

WHEREAS, Grantor is the owner of real property on portions of which Stark County is requiring an access area for emergency vehicles as a condition of development approval; and

WHEREAS, Grantor desires to grant an easement for ingress and egress across those certain parts of Grantor's property defined herein to allow for emergency vehicle access; and

WHEREAS, Grantor desires to grant an easement for private ingress and egress across those certain parts of Grantor's property defined herein to allow for access across an area future development; and

WHEREAS, Grantor shall improve and maintain, as necessary per the terms of this agreement, an access road to allow for private access and emergency access across this property in accordance with the terms of this Agreement;

NOW, THEREFORE, the parties agree as follows:

THE GRANTOR does hereby grant unto the Grantee and current and future owners of property within Lots 2 and 3, Block 1 of Eagles Point Subdivision in Stark County, ND, an access easement on the following property, described as follows:

*The west 30-feet of Lot 2, Block 1 of Eagles Point Subdivision in Stark County, ND;  
and*

*The east 30-feet of Lot 2, Block 1 of Eagles Point Subdivision in Stark County, ND;  
and*

*The west 30-feet of Lot 3, Block 1 of Eagles Point Subdivision in Stark County, ND;  
and*

*The east 20-feet of the west 50-feet of Lot 3, Block 1 of Eagles Point Subdivision in Stark County, ND lying within 400-feet of the south line of Section 18, Township 140 North, Range 96 West of the 5<sup>th</sup> Principal Meridian; and*

*That property described by Parcel 10-9 of the Right-of-Way Plat of SOIB-SOIA-5-022(116920), PCN 20780 in Stark County, ND more particularity described as follows:*

*A portion of a tract of land in the SE 1/4 of Section 18, Township 140 N, Range 96 W, of the 5th Principal Meridian, County of Stark, State of North Dakota, described as follows and as shown on plat 10 of 10:*

*Commencing at S1/4 corner of section 18, thence easterly along the south line of section 18 S 88 deg. 10 min. 52 sec. E a distance of 1582.53 feet.  
Thence northerly N 01 deg. 41 min. 38 sec. E a distance of 130.68 feet to the point of beginning. Thence N 01 deg. 41 min. 38 sec. E a distance of 85.00 feet. Thence S 88 deg. 03 min. 22 sec. E a distance of 50.04 feet.  
Thence S 01 deg. 56 min. 38 sec. W a distance of 85.00 feet. Thence N 88 deg. 03 min. 22 sec. W a distance of 49.67 feet to the point of beginning.*

THE EASEMENT hereby granted is for the purpose of providing a non-exclusive easement on, over, across and through Grantor's property with the free right of access across such property at any and all times and for the purpose of allowing egress and ingress to and from the property for emergency vehicle access. This access road shall be constructed of an improved gravel or paved surface with a minimum width of 20-feet capable of supporting a 60,000 lb gross vehicle weight in all four seasons with no single axle exceeding 20,000 lbs.

THE EASEMENT hereby granted shall also allow current and future owners of property lying within Lots 2 and 3, Block 1, of Eagles Point Subdivision in Stark County, ND, the free right of access to such property at any and all times and for the purpose of allowing egress and ingress to and from said property for the benefit of said Lots and any future subdivisions of said Lots requiring access from the access road in this easement area. Each current and future Owner of the easement area shall be responsible for maintaining the portion of this access road lying within said Owner's property.

THE GRANTOR hereby covenants and agrees that no structures or other improvements shall be constructed, erected, or placed upon the surface of the easement area that would materially impair the normal operation or use of the easement area for the purposes herein indicated. THE GRANTOR further covenants and agrees there shall be no parking of vehicles within the easement area that reduces the accessible roadway width to less than 20-feet.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that the Grantor shall repair and maintain the access roadway improvements to meet the requirements of this agreement to allow for said emergency access. Should the Grantor fail to maintain the roadway as required by this agreement, the Grantee shall notify the Grantor in writing of the deficiency or deficiencies and allow a thirty (30) day timeframe after said notification for the Grantor to complete the necessary maintenance. The Grantee has the option to extend this timeframe if progress is being made by the Grantor to complete the required improvements. If the maintenance is not performed within the time allotted by the Grantee, Grantee may complete the maintenance, and Grantor shall be required to reimburse Grantee for all maintenance costs incurred.

THE EASEMENT shall be binding on, and shall inure to the benefit of, the parties hereto and their respective heirs, administrators, representatives, successors, and assigns. This Agreement shall run with the land and shall be recorded with the Office of the Stark County Recorder. All obligations, promises, and covenants of the GRANTOR contained herein shall be conveyed to and binding upon purchasers of the easement property in perpetuity.

THE GRANTOR hereby covenants and agrees with the Grantee that should any part of the easement hereby granted become part of, or lie within the boundaries of any public street, then, to such extent such easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that it is lawfully seized and possessed of the aforementioned and described tract of land, and that it has a good and lawful right to convey said easement, and that it will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantee and Grantor have hereunto subscribed their signatures.

**GRANTEE:** Bruce D. Kouba and Janice L. Kouba Life Estate

\_\_\_\_\_  
Bruce D. Kouba

\_\_\_\_\_  
Janice L. Kouba

STATE OF NORTH DAKOTA    )  
  ) SS  
COUNTY OF STARK         )

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2026, before me, the undersigned officer, personally appeared Bruce D. Kouba and Janice L. Kouba, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public – North Dakota

**GRANTEE:** Bruce D. Kouba and Janice L. Kouba Life Estate

\_\_\_\_\_  
Jennifer Wiederholt

STATE OF NORTH DAKOTA    )  
  ) SS  
COUNTY OF STARK         )

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2026, before me, the undersigned officer, personally appeared Jennifer Wiederholt, to me known to be the same person described in and that executed the within and foregoing instrument and severally acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public – North Dakota

**GRANTEE:** Bruce D. Kouba and Janice L. Kouba Life Estate

\_\_\_\_\_  
Joel Kouba

STATE OF NORTH DAKOTA    )  
  ) SS  
COUNTY OF STARK         )

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2026, before me, the undersigned officer, personally appeared Jennifer Wiederholt, to me known to be the same person described in and that executed the within and foregoing instrument and severally acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public – North Dakota

**GRANTEE:** Bruce D. Kouba and Janice L. Kouba Life Estate

\_\_\_\_\_  
Nathan Wandler

STATE OF NORTH DAKOTA    )  
  ) SS  
COUNTY OF STARK         )

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2026, before me, the undersigned officer, personally appeared Jennifer Wiederholt, to me known to be the same person described in and that executed the within and foregoing instrument and severally acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

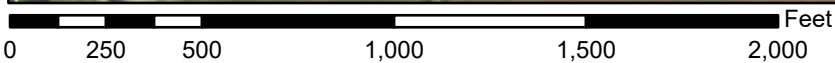
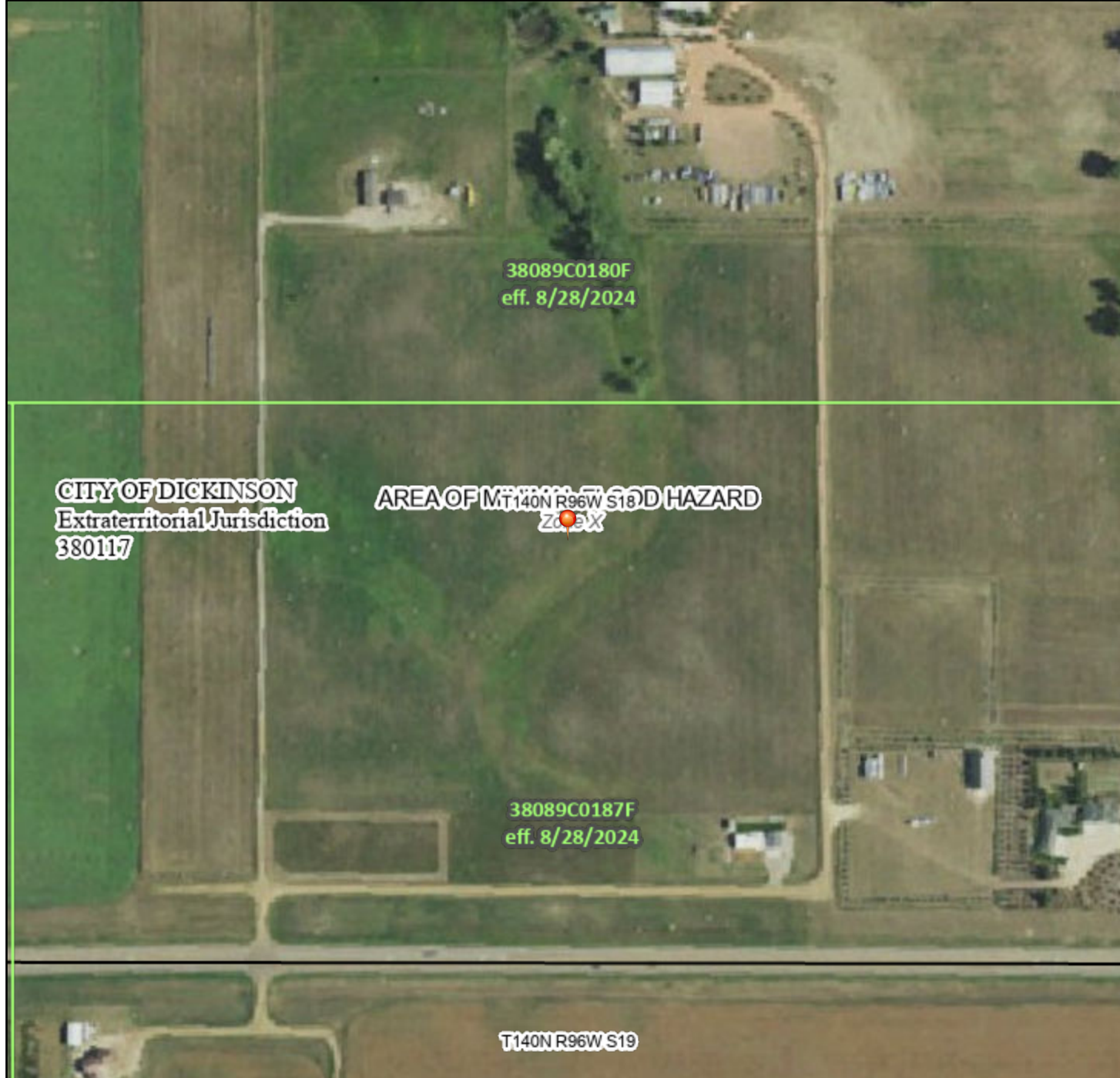
\_\_\_\_\_  
Notary Public – North Dakota



# National Flood Hazard Layer FIRMette



102°50'38"W 46°56'24"N



1:6,000

102°50'W 46°56'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) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **2/17/2026 at 10:47 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.

# Dickinson Land Information Map

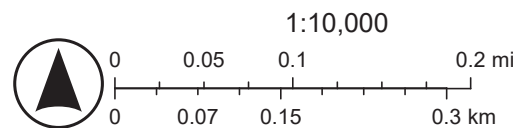
Section 3. Item A.



2/18/2026

-  PLSS Description 12k
-  Stark Parcels
-  Platted Lot Lines
-  Easement Lines
-  Extra Territorial Boundary
-  World Imagery

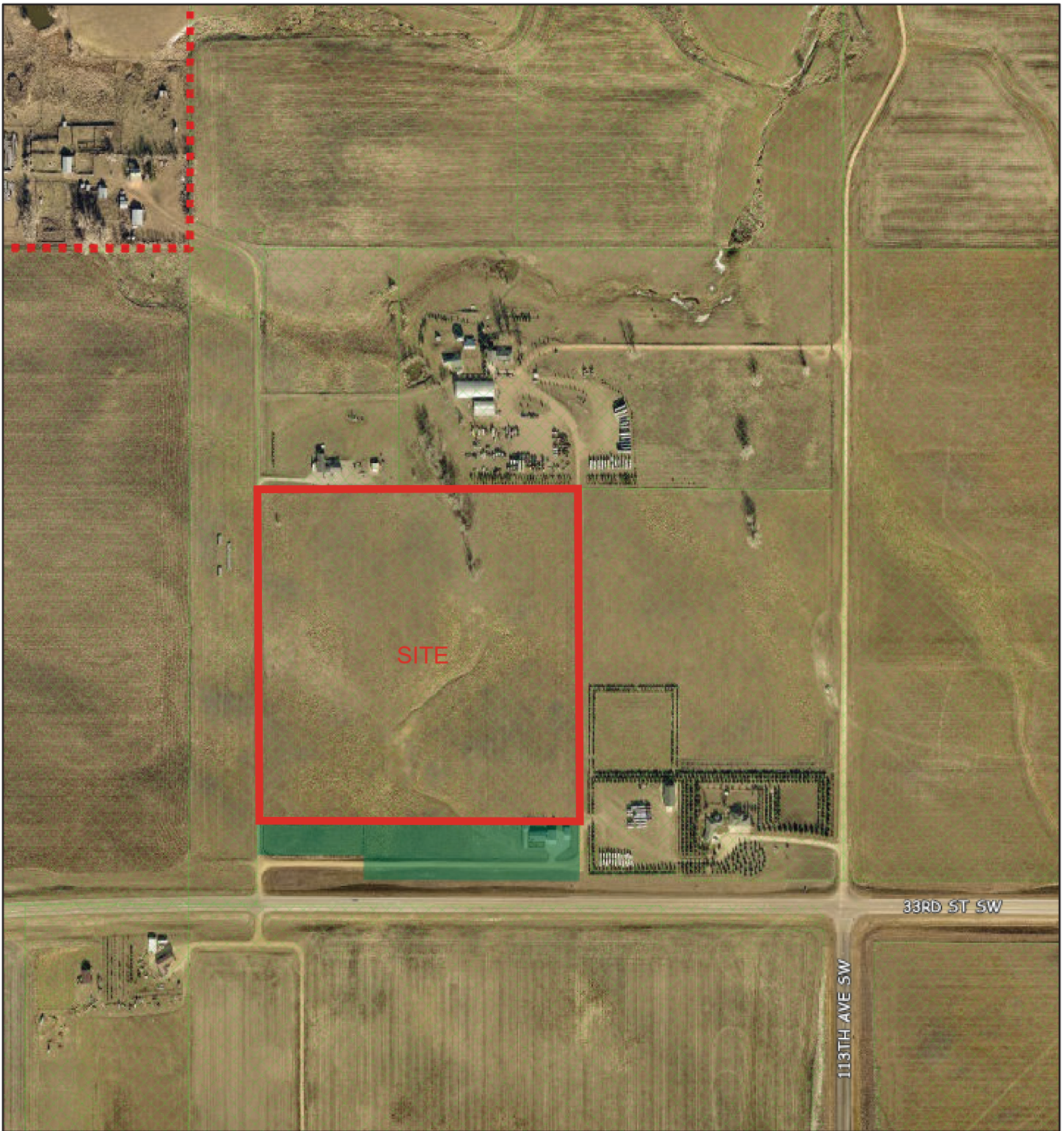
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata



Vantor, Dickinson Engineering Department, Engineering & Planning




# Dickinson Zoning Information Map

Section 3. Item A.



2/18/2026

## Dickinson Zoning

-  Rural Residential - RR
  -  Agricultural - AG
  -  Extra Territorial Boundary
- World Imagery

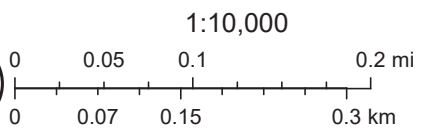
## Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

## Citations

2.4m Resolution Metadata



1:10,000

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



# Eagles Point 2<sup>nd</sup> Final Major Subdivision Staff Report

To: City of Dickinson Planning and Zoning Commissioners  
 From: City of Dickinson Community Development Services  
 Date: June 3, 2026  
 Re: FLP-003-2026 Eagles Point 2<sup>nd</sup> Preliminary Major Subdivision

**APPLICANT**

Janice Kouba  
 Bruce & Janice Kouba Life Estate  
 11311 33<sup>rd</sup> Street SW  
 Dickinson, ND, 58601

**APPLICANT'S REPRESENTATIVE**

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

<b>Public Hearing</b>	June 10, 2026	Planning and Zoning Commission
<b>Final Consideration</b>	June 16, 2026	City Commission

The applicant is requesting approval of the Eagles Point 2<sup>nd</sup> final major subdivision, being a replat of Lot 2 of Block 1 of the Eagles Point Subdivision, located in the SE ¼ of Section 18, Township 140 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). According to the applicant, the purpose of this subdivision is to divide the lot for future residential development. The site is zoned Agricultural (AG). The site consists of +/- 40.01 acres.

Staff recommendation: Staff recommends **approval** of this final major subdivision contingent on approval of REZ-002-2026.

The Planning and Zoning Commission recommended approval of the associated Eagles Point zoning map amendment (REZ-002-2026) at the April 8<sup>th</sup>, 2026 P&Z Commission meeting.

**LOCATION**

The property is generally located to the north of 33<sup>rd</sup> Street Southwest, and is currently legally described as Lot 2 of Block 1 of the Eagles Point Subdivision, located in the SE ¼ of Section 18, Township 140 North, Range 96 West, of the 5<sup>th</sup> Principal Meridian, Stark County, North Dakota.

<b>CURRENT ZONING</b>	<b>AG</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>AGRICULTURAL</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 40.01 acres</b>
<b>LOTS PROPOSED</b>	<b>8</b>

<b>ADJACENT ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	AG	Single-family residential, agricultural
East	AG	Agricultural
South	RR	Single-family residential
West	AG	Undeveloped

**SERVICES**

The proposed subdivision is located outside of the City’s Urban Service Area. Potable water would be provided either by the Southwest Water Authority or by potable water wells. Wastewater service would be provided by the use of private septic systems.

Law Enforcement would be provided by the Stark County Sheriff’s Office. The Dickinson Rural Fire Department shall serve the proposed subdivision.

Access would be provided by existing private access roads along the eastern and western portions of the property. A proposed access easement to allow for private and emergency access will be finalized and recorded prior to final plat approval. The proposed access agreement states that both private access roads will be maintained by the lot owners in the proposed subdivision. In an email dated March 21, 2026, the Stark County Road Superintendent, Todd Miller, stated the County Road Department had no issues with the proposed subdivision.

The Eagle’s Point 2<sup>nd</sup> preliminary major subdivision received a recommendation of approval from the Planning and Zoning Commission at the April 8<sup>th</sup>, 2026 meeting. Since that approval, the applicant has requested to reduce the proposed water line easement to 20 feet wide, and

the proposed public utility easement to 10 feet wide. Staff does not have any concerns regarding the requested reductions.

## **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 AGRICULTURAL. Rural Residential (RR) is an acceptable zoning district within the AGRICULTURAL FLUM designation.

### **Compatibility and Compliance with The Municipal Code**

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

- Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;
- Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- Does not violate any local, State or federally adopted law, ordinance, regulation, plan or policy; and
- Consists of four lots or less.

The proposed Eagles Point 2<sup>nd</sup> Subdivision consists of eight lots. Therefore, the proposed subdivision does not meet the above requirements and is classified as a major subdivision.

The proposed subdivision replats Lot 2 of the Eagles Point Subdivision into eight total five (5)-acre lots. According to Table 62-162-3a: Summary of Site Development Regulations in the Municipal Code, the minimum lot size for lots in the AG zoning district is 10 acres. The proposed lots do not meet the minimum lot size requirement for the AG zoning district. The applicants are requesting to rezone the property into the Rural Residential (RR) zoning district, which has a minimum lot size of one (1) acre. All proposed lots exceed the one-acre lot size minimum for the RR zoning district.

## **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-003-2026 contingent on the approval of REZ-002-2026.

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-003-2026: The Eagles Point 2<sup>nd</sup> Final Major Subdivision** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

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

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

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

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **FLP-003-2026: The Eagles Point 2<sup>nd</sup> Addition Final Major Subdivision** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

**Natalie Birchak**

**From:** Jotform <noreply@jotform.com>  
**Sent:** Tuesday, April 21, 2026 3:57 PM  
**To:** Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Natalie Birchak; Kylee Zastoupil  
**Subject:** Re: Unified Development Application  
**Attachments:** Fon Tune Pre-Application Letter.pdf; Fone Tune Alterations Site Plan.pdf; Fon Tune Alterations Transmittal Letter.pdf; Fon Tune Alterations Deed.pdf



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

Type of Development **Special Use Permit**

Name **Kie Lie Mosbrucker**

Company **Fon Tune Alteration LLC**

Applicant Email **[REDACTED]**

Applicant Phone # **[REDACTED]**

Owner Name **Kie Lie Mosbrucker**

Owner Address **[REDACTED]**

Owner Email **[REDACTED]**

Owner Phone # **[REDACTED]**

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	32	140N	95W

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	5 & 6	1	Hafele Subdivision

Property Address / General Project Location 10679 35P Street SW, interior office and workshop.

Total Square Footage or Acreage of Subject Property 2.28 acres

Existing Future Land Use Map Category **Residential**

Existing Zoning **RR - Rural Residential**

Existing Use **Residential Single Family**

Overlay District Description **N/A**

Special Use Permit for the following Use: **Home-Based Business for sewing and alterations business**

Site Exhibit - Not Less than 1" = 20' Scale

[Fone Tune Alterations Site Plan.pdf](#)

Transmittal Letter (Explanation of Request & Proposed Operations)

[Fon Tune Alterations Transmittal Letter.pdf](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 350

Deed for Property [Fon Tune Alterations Deed.pdf](#)

Application Fees Applicable Fees 350.00 USD

Total: \$350.00

Transaction ID: q160vg8k

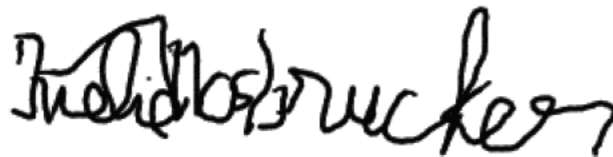
Payment Information

First Name: KieLie

Last Name: Mosbrucker

E-Mail [Redacted]

Applicant Signature



Date 04-21-2026

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

# FON TUNE ALTERATIONS LLC SPECIAL USE PERMIT (SUP-002-2026)



Date : April 20<sup>th</sup> 2026  
To: Planning & Zoning Department  
City of Dickinson  
Subject: Home Occupation Description – Fon Tune Alteration LLC

I am writing to describe how my business, Fon Tune Alteration LLC, will operate as a home-based occupation.

Fon Tune Alteration LLC is a small alteration and sewing business. Services include clothing alterations, repairs, hemming, and minor tailoring. The business is by appointment only and serves a limited number of clients. The hours of operation is 8am to 5pm Monday to Friday.

The business will operate entirely inside my residence. One room will be used as an office for Customers visit and administrative work such as scheduling, record keeping, and invoicing. A portion of the basement will be used as a work area for sewing and alterations.

The total area used for the business is a 120 square-foot office and a 100 square-foot workspace. The residence is approximately 3,440 square feet. 220 square feet is less than the maximum 30% total square footage permitted for home-based business.

No exterior changes will be made to the residence. There will be no retail storefront, no signage, and no employees working on site. Customer visits will be limited and by appointment only. Normal residential appearance and use of the property will be maintained.

Business hours will be reasonable and will not create excessive traffic, noise, or disruption to the neighborhood.

Thank you for your review and consideration.

Sincerely,  
Kie Lie Mosbrucker  
Owner, Fon Tune LLC

Phone: 701-440-6763  
Email : Kielie.mosbrucker@gmail.com



# Fon Tune Alterations Special Use Permit Staff Report

**To:** City of Dickinson Planning and Zoning Commission  
**From:** City of Dickinson Community Development  
**Date:** June 3, 2026  
**Re:** **SUP-002-2026 Fon Tune Alterations Special Use Permit**

**APPLICANT**

Kie Lie Mosbrucker  
 Fon Tune Alterations LLC  
 10679 35P Street SW  
 Dickinson, ND, 58601

<b>Public Hearing</b>	June 10, 2026	Planning and Zoning Commission
<b>Final Consideration</b>	June 16, 2026	City Commission

**EXECUTIVE SUMMARY**

The applicant is requesting approval of a Special Use Permit (SUP) application for a home-based clothing repair and alteration business. The business would be located in an interior office and workshop of a primary residence on a 2.28-acre parcel at 10679 35P Street SW in the City of Dickinson’s Extra-Territorial Zone (ETZ). The property is zoned Rural Residential (RR).

Staff Recommendation: Staff recommends approval of this special use permit subject to conditions.

**LOCATION**

The properties are located within the NW1/4 of the SW1/4 of Section 32, Township 140 North, Range 95 West, City of Dickinson, of the 5th Principal Meridian, Stark County, North Dakota. The property is legally described as Lots 5 & 6, Block 1, Hafele Subdivision.

<b>CURRENT ZONING</b>	<b>RR</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>LOW DENSITY RESIDENTIAL</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 2.28</b>
<b>LOTS PROPOSED</b>	<b>N/A</b>

<b>NEARBY ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	AG	Agricultural
East	RR & AG	Single-family residential; undeveloped
South	RR	Single-family residential; undeveloped
West	RR	Single-Family Residential

**STAFF ANALYSIS**

**BACKGROUND**

There is an existing single-family residence located at 10679 35P Street SW. The applicant has indicated there will be no significant changes to the exterior of the residence, and it will continue to be residential in appearance. Hours of operation shall be limited to normal business hours of 8AM to 5PM Monday through Saturday. Customer visits will be limited and by appointments.

**CURRENT ORDINANCE REVIEW**

The proposed home-based occupation is located within a RR-zoned district. Per Table 62-162-2: Permitted Uses by Zoning Districts, in the City Municipal Code, home-based business/home occupations are allowed in RR zoning upon obtaining a Special Use Permit, which is subject to a public hearing before the City Planning and Zoning Commission and approval by the City Commission.

The applicant has submitted a site plan demonstrating that all business operations would be limited to either a roughly 120-square-foot office or a 100-square-foot workspace. This 220-

square-foot section of the house is less than 30 percent of the building's 3,440-square-foot total floor area. This conforms with the regulations outlined in Sec. 62-471: Accessory uses, in the City's Municipal Code.

## **PUBLIC INPUT AND STAFF RECOMMENDATION**

**Public Input:** Staff has not received any public comments regarding this proposal.

**Staff Recommendation:** City of Dickinson Community Development Staff recommends **approval** of SUP-002-2026 subject to the conditions listed below:

- Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Mondays through Friday.
- Operation of the home-based business/home occupation shall be as described in this staff report as well as in the material found in Attachment A.
- The SUP approval shall expire with any change in ownership. All subsequent owners of the property shall be required to reapply for SUP approval.
- Operation of the home-based business/home occupation shall comply with all applicable City, County, State and Federal regulations.

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **SUP-002-2026: Fon Tune Alterations Special Use Permit** 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-002-2026: Fon Tune Alterations Special Use Permit** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

**Natalie Birchak**

---

**From:** Jotform <noreply@jotform.com>  
**Sent:** Thursday, May 14, 2026 11:06 AM  
**To:** Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Sylvia Miller; Sylvia Miller; Natalie Birchak  
**Subject:** New Unified Development Application



You can see the submission details below.

---

### Unified Development Application

---

Have you had a pre-submittal meeting with City Staff?	Yes
Please upload the required letter you received following your presubmittal meeting:	<a href="#">Dickinson South Cemetery Plat Pre-application Meeting Letter.pdf</a>
Type of Development	Rezoning - Zoning Map Amendment
Name	Natalie Birchak
Company	City of Dickinson
Applicant Email	natalie.birchak@dickinsongov.com
Applicant Phone #	(701) 456-7812
Owner Name	City of Dickinson
Owner Address	38 1st Street West, Dickinson, North Dakota, 58601

Owner Email natalie.birchak@dickinsongov.com

Owner Phone # (701) 456-7812

Is the owner present to Sign Yes

Signature




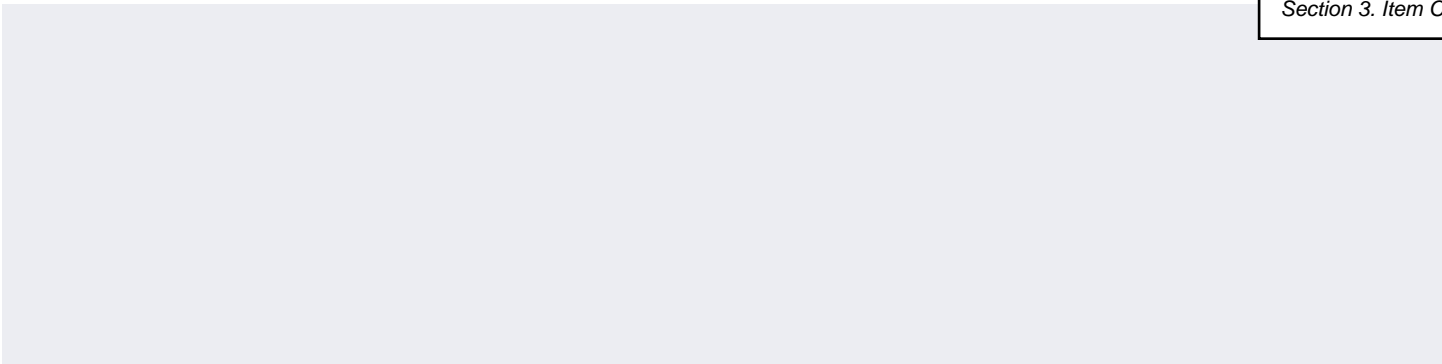
Will this application require any other action to complete the development? Yes

Identify other actions required to complete the development: Special Use Permit & Major Subdivision

	1/4 Section	Township	Range
Legal - Section/Township/Range	SW 1/4 of the NW 1/4 of Section 16	139 North	96 West

	Lot	Block	Addition
Legal - Lot/Block/Addition	All	1-8 and 1-24	Dickinson South Cemetery Subdivision & Dickinson South Cemetery Second Subdivision

Property Address / General Project Location	All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision, located in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West.
Total Square Footage or Acreage of Subject Property	11.39 acres
Transmittal Letter (Explanation of Request & Proposed Operations)	<a href="#">Dickinson South Cemetery Transmittal Letter.docx</a>
Existing Zoning	AG - Agriculture
Proposed Zoning	P- Public
Rezone Calc Multiplier	1
Overlay District Description	N/A
Map of Area to be Rezoned	<a href="#">Dickinson South Cemetery Zoning Map.jpeg</a>
Minor Platting Multiplier	0
Prelim Platting Multiplier	0
Major Platting Multiplier	0
Application Calc	250
Deed for Property	<a href="#">Deed.txt</a>
Applicant Signature	
Date	05-14-2026



Dickinson South Cemetery Rezone & Special Use Permit

The City is looking to subdivide the City-owned property within the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, in order to expand the Dickinson South Cemetery. The property is currently zoned Agricultural (AG). According to Table 62-162-3a: Summary of Site Development Regulations, the minimum lot size in the AG zoning district is 10 acres. The proposed Dickinson South Cemetery Second Subdivision contains 120 1,000-square-foot lots that do not meet the minimum lot size of the AG zoning district. The City is requesting to rezone the property from the AG zoning district to the Public (P) zoning district, which does not have a minimum lot size.

According to Table 62-162-2: Permitted Uses by Zoning Districts, the Cemetery use is allowed in the P zoning district upon obtaining a Special Use Permit (SUP). As part of the proposed development, the City is submitting an SUP application in addition to a rezone request. The Cemetery use shall consist of All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision. The site shall consist of approximately 11.39 acres. There are trees screening the property from the north, west, and south of the property, and will utilize headstones as grave markers.



Natalie Birchak  
City Planner

# DICKINSON SOUTH CEMETERY REZONE REQUEST (REZ-003-2026)



SENE 17  
139N-96W

PRIVATE CCEMETERY

PRIVATE CCEMETERY

PRIVATE CCEMETERY

PRIVATE CCEMETERY

20TH AVE SW

SWNW 16  
139N-96W



NESE 17  
139N-96W

PRIVATE RES

PRIVATE RES

NWSW 16  
139N-96W

PRIVATE RES

PRIVATE RES

PRIVATE RES

13TH ST SW

1437

1411

1407

1563

1475

1425

1395

1325

1401

15TH AVE SW

14TH AVE SW



# Dickinson South Cemetery Rezone Staff Report

To: City of Dickinson Planning and Zoning Commissioners  
 From: City of Dickinson Community Development Services  
 Date: June 3, 2026  
 Re: REZ-003-2026 Dickinson South Cemetery Rezone

**APPLICANT**

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

<b>Public Hearing</b>	June 10, 2026	Planning and Zoning Commission
<b>Public Hearing</b>	June 16, 2026	City Commission
<b>Final Consideration</b>	July 7, 2026	City Commission

The applicant is requesting approval of a Zoning Map Amendment from Agricultural (AG) to Public (P) for Lot 2 of Block 1 of the Eagles Point Subdivision, consisting of All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision, in the City of Dickinson’s Extra-Territorial Zone (ETZ). The purpose of this rezone is to allow for the subdivision of the property into 120 1,000-square-foot lots for sale as cemetery plots. The site consists of +/- 11.39 acres.

Staff recommendation: Staff recommends **approval** of this zoning map amendment subject to the approval of the associated FLP-004-2026 and SUP-003-2026.

The companion Dickinson South Cemetery 2<sup>nd</sup> final major subdivision is also scheduled for public hearing at the June 10, 2026 Planning and Zoning Commission meeting (FLP-004-2026). Additionally, the companion Dickinson South Cemetery Special Use Permit (SUP) is also scheduled for a public hearing at the June 10, 2026 Planning and Zoning Commission meeting (SUP-003-2026).

**LOCATION**

The property is generally located along 20<sup>th</sup> Avenue SW, and it is legally described as All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision, located in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota.

<b>CURRENT ZONING</b>	<b>AG</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>PUBLIC/CIVIC</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 11.39 acres</b>
<b>LOTS PROPOSED</b>	<b>N/A</b>

<b>ADJACENT ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	AG	Undeveloped
East	AG; R-3	Undeveloped
South	RR	Single-family residential
West	AG	Undeveloped

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

**Consistency with the Comprehensive Plan**

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated Public/Civic. Public (P) is an acceptable zoning district within the Public/Civic FLUM designation.

**Compatibility**

The property is owned by the City of Dickinson. The proposed subdivision is expanding the existing Dickinson South Cemetery, which falls under the Cemetery use as defined in Section 62-131: Civic use types. The existing use and ownership match the P zoning district purpose described in Table 62-162-1: Purposes of Zoning District.

**Compliance with The Municipal Code**

The associated subdivision consists of approximately 7.59 acres, and the previously-recorded Dickinson South Cemetery Subdivision consists of approximately 3.80 acres. The associated subdivision contains 120 1,000-square-foot lots. According to Table 62-162-3a: Summary of Site Development Regulations, the minimum lot size required in the AG zoning district is ten (10) acres. The proposed lots do not meet the minimum lot size requirements for the AG zoning district. The Public (P) zoning district does not have a minimum lot size requirement. The City is requesting to rezone the property to the P zoning district so the proposed subdivision will meet development standards.

According to Table 62-162-2: Permitted Uses by Zoning Districts, in Section 62-162: Development regulations, a Cemetery use is permitted by right in the AG zoning district, but requires a Special Use Permit (SUP) in the P zoning district. An SUP application shall be submitted alongside a rezone request.

#### **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-003-2026 contingent on the approval of FLP-004-2026 and SUP-003-2026.

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-003-2026: The Dickinson South Cemetery Zoning Map 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 **REZ-003-2026: The Dickinson South Cemetery Zoning Map 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."*

**Natalie Birchak**

**From:** Jotform <noreply@jotform.com>  
**Sent:** Friday, April 10, 2026 2:30 PM  
**To:** Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Natalie Birchak; Kylee Zastoupil  
**Subject:** Re: Unified Development Application



## Unified Development Application

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

Please upload the letter or counseling form you received following your pre-application meeting: [Dickinson South Cemetery Plat Pre-application Meeting Letter.pdf](#)

Type of Development **Major Subdivision Preliminary Plat**

Is this a Replat **No**

Name **Curtis Freeman**

Company **KLJ**

Applicant Email **[REDACTED]**

Applicant Phone # **[REDACTED]**

Owner Name **Cit of Dickinson**

Owner Address **[REDACTED]**

Owner Email **[REDACTED]**

Owner Phone # [Redacted]

Is the owner present to Sign **No**

Owner Signature Upload [Joshua Skluzacek Signature.jpg](#)

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

	1/4 Section	Township	Range
Description	S1/2SW1/4NW1/4 16	139 N	96 W

Property Address / General Project Location Southwest corner of Dickinson - south of fire training site and west of old inert landfill.

Total Square Footage or Acreage of Subject Property 7.59

Transmittal Letter (Explanation of Request & Proposed Operations) [Statement.docx](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 1

Major Platting Multiplier 0

Name of Preliminary Plat Dickinson South Cemetery Second Subdivision

Preliminary Number Lots **More than 40 Lots**

Preliminary Number of Block(s) 24

0

Application Calc 2000

Required Documentation Upload [Dickinson South Cemetery Second Subdivision.pdf](#)  
[FM38089C0431E.pdf](#)

Deed for Property [Deed.txt](#)

Application Fees Applicable Fees 2,000.00 USD

Total: \$2,000.00

Transaction ID: 3m8p4f7n

Payment Information

First Name: Curtis

Last Name: Freeman

E-Mail [REDACTED]

Applicant Signature



Date 04-10-2026

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.

# DICKINSON SOUTH CEMETERY 2<sup>ND</sup> FINAL MAJOR SUBDIVISION (FLP-004-2026)





# DICKINSON SOUTH CEMETERY SECOND SUBDIVISION

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (S1/2SW1/4NW1/4) OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA

### SURVEYOR'S CERTIFICATE

I, JAMES A. COOPER, PROFESSIONAL LAND SURVEYOR, N.D. NO. 5501, OF DICKINSON, STARK COUNTY, NORTH DAKOTA, DO HEREBY CERTIFY THAT THE SURVEY OF A PORTION OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (S1/2SW1/4NW1/4) OF SECTION SIXTEEN (16), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T.139N.), RANGE NINETY-SIX WEST (R.96W.) OF THE FIFTH (5TH) P.M., STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN, WAS MADE UNDER MY DIRECTION FROM NOTES MADE IN THE FIELD AND THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE BOUNDARY OF SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 16, THENCE ON AN AZIMUTH OF 091°36'01" ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 16, A DISTANCE OF 250.12 FEET TO THE SOUTHEAST CORNER OF DICKINSON SOUTH CEMETERY SUBDIVISION AS DESCRIBED IN DOCUMENT NUMBER 3007169, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, STARK COUNTY, NORTH DAKOTA AND THE POINT OF BEGINNING; THENCE ON AN AZIMUTH OF 001°29'55" ALONG THE EAST LINE OF SAID SOUTH CEMETERY SUBDIVISION AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 16, A DISTANCE OF 661.37 FEET TO THE NORTHEAST CORNER OF SAID DICKINSON SOUTH CEMETERY SUBDIVISION; THENCE ON AN AZIMUTH OF 091°38'07" A DISTANCE OF 500.00 FEET; THENCE ON AN AZIMUTH OF 181°29'55" PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 16, A DISTANCE OF 661.07 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 16, THENCE ON AN AZIMUTH OF 271°36'01" ALONG SAID SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 16, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 7.59 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RESERVATIONS, OR RIGHTS-OF-WAY, EITHER EXISTING OR OF RECORD.

JAMES A. COOPER  
PROFESSIONAL LAND SURVEYOR  
NORTH DAKOTA NO. 5501



### PROPRIETOR'S CERTIFICATE

THE CITY OF DICKINSON, A MUNICIPALITY, OWNER AND PROPRIETOR OF DICKINSON SOUTH CEMETERY SUBDIVISION TO STARK COUNTY, NORTH DAKOTA, LYING IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (S1/2SW1/4NW1/4) OF SECTION 16, TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T.139N.), RANGE NINETY-SIX WEST (R.96W.), OF THE 5TH P.M., STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THAT IT HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED BY JAMES A. COOPER, A NORTH DAKOTA LICENSED LAND SURVEYOR, AS SHOWN ON THE ACCOMPANYING PLAT. IN WITNESS, WHEREOF, WE HAVE HEREUNTO SUBSCRIBED OUR NAMES:

IN WITNESS, WHEREOF, WE HEREUNTO SUBSCRIBE OUR NAMES:

BY: \_\_\_\_\_

STATE OF NORTH DAKOTA )  
COUNTY OF ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

### OWNER:

CITY OF DICKINSON  
38 1ST STREET WEST  
DICKINSON, ND 58601

### ENGINEER:

KLJ  
677 27TH AVE EAST  
DICKINSON, ND 58601

### PLAT AREA INFORMATION:

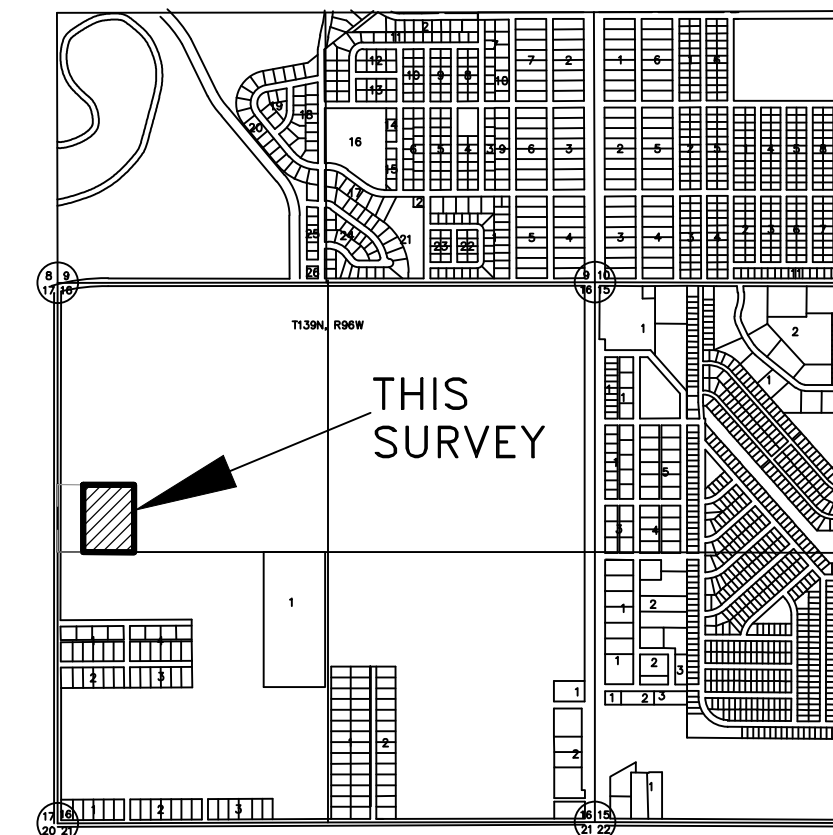
NUMBER OF LOTS 120  
LOT ACREAGE 2.75 ACRES  
R.O.W. ACREAGE 4.84 ACRES  
TOTAL ACREAGE 7.59 ACRES

CURRENT ZONING: AG

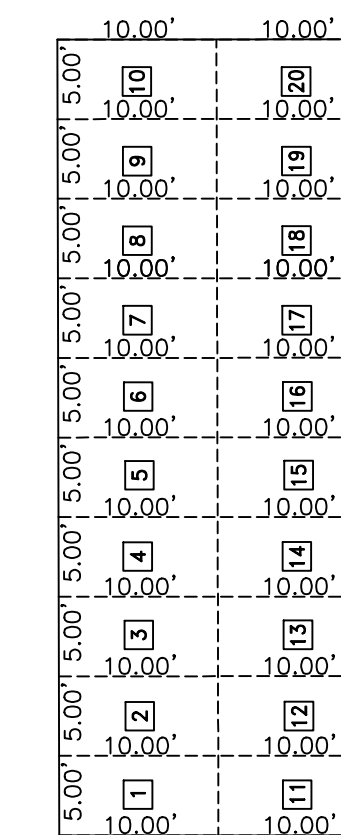
### NOTES - PROPERTY CORNER POINTS:

1.) THE POINTS USED IN THIS TABLE ARE BASED ON US STATE PLANE NAD 1983 (2011), NORTH DAKOTA SOUTH ZONE GRID COORDINATES. UNITS LISTED IN THIS TABLE ARE INTERNATIONAL FEET.

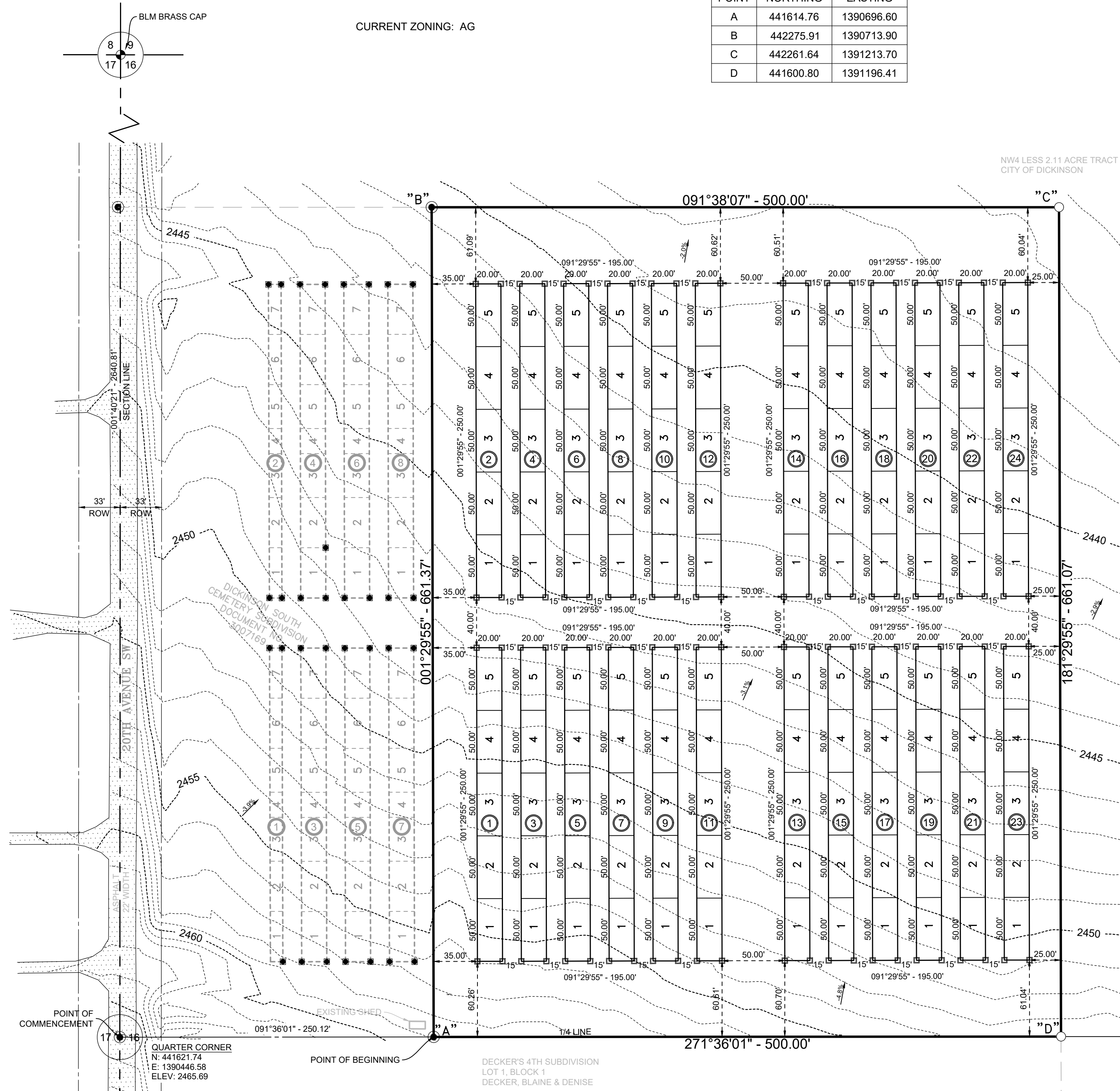
POINT	NORTHING	EASTING
A	441614.76	1390696.60
B	442275.91	1390713.90
C	442261.64	1391213.70
D	441600.80	1391196.41



VICINITY MAP  
NOT TO SCALE



TYPICAL LOT AND GRAVESITE LAYOUT, BLOCKS 1-24  
NOT TO SCALE



### CITY OF DICKINSON COMMISSION APPROVAL

COMMISSION PRESIDENT \_\_\_\_\_ DATE \_\_\_\_\_

### CITY ENGINEER APPROVAL

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

### PLANNING AND ZONING COMMISSION APPROVAL

CITY PLANNER \_\_\_\_\_ DATE \_\_\_\_\_

### STARK COUNTY COMMISSION APPROVAL

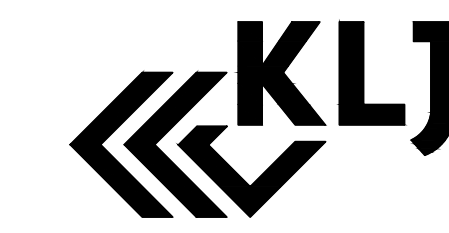
COMMISSION CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

### NOTES:

- THIS SURVEY IS BASED ON NORTH DAKOTA STATE PLANE SYSTEM, NAD 83 (2011), SOUTH ZONE, US SURVEY FOOT, AZIMUTHS SHOWN ARE GRID AZIMUTHS. MULTIPLY BY 1.000178303 TO GO FROM GRID DISTANCE TO GROUND DISTANCE.
- ELEVATIONS ARE BASED ON NAVD 88 (GEOID 12A)
- ALL DISTANCES SHOWN ARE GRID AND MEASURED UNLESS OTHERWISE NOTED.
- SURVEY WORK WAS PERFORMED DURING SEPTEMBER 2022.
- WATER IS PROVIDED BY SWWA.
- ALL ROADWAYS, DRIVES, ALLEYS, OR WALKWAYS ARE UNDEDICATED AND SOLELY FOR CEMETERY PURPOSES.

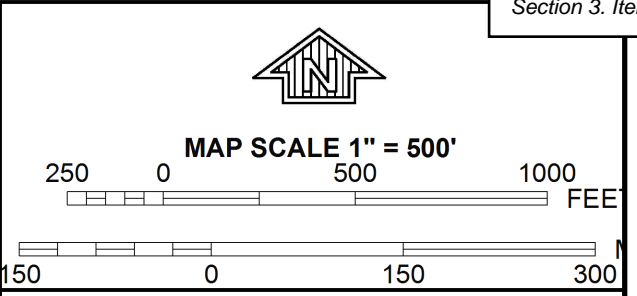
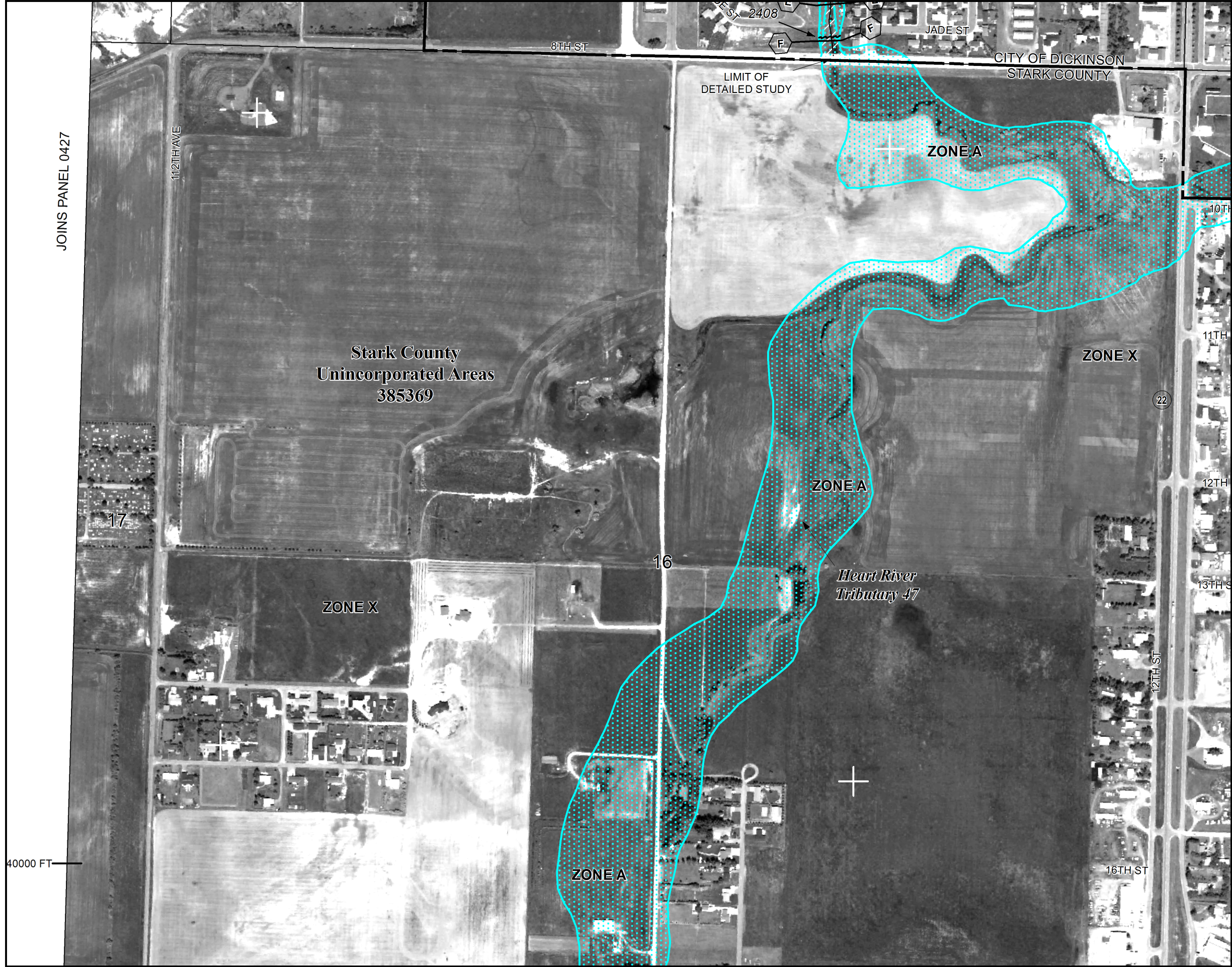
### LEGEND

- SET IRON REBAR □
- SET IRON REBAR AND CAP (LS5501) ○
- FOUND IRON REBAR ●
- FOUND IRON REBAR & LS CAP ●
- SECTION LINE - - - - -
- QUARTER-SECTION LINE - - - - -
- RIGHT OF WAY LINE - - - - -
- EXISTING LOT LINE - - - - -
- PROPOSED LOT LINE - - - - -
- PROPOSED SUBDIVISION BOUNDARY - - - - -



#### Dickinson South Cemetery Second Subdivision

- All lots abut a roadway, drive, alley, or walkway. All of which are undedicated and solely for cemetery purposes.
- A driveway has recently been constructed to access the previous platted Dickinson South Cemetery Subdivision. New streets or roadways will be required to access lots created in this second subdivision plat.
- This plat is located outside City limits, but within the Extra-Territorial Boundary of the City of Dickinson.
- Applicant does not plan to purchase any surrounding land.
- Proposed subdivision does not violate any local, state or federally-adopted law, ordinance, regulation, plan or policy.



PANEL 0431E

**FIRM**  
FLOOD INSURANCE RATE MAP

**STARK COUNTY,  
NORTH DAKOTA  
AND INCORPORATED AREAS**

**PANEL 431 OF 850**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DICKINSON, CITY OF	380117	0431	E
STARK COUNTY	385369	0431	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
38089C0431E  
**EFFECTIVE DATE**  
NOVEMBER 4, 2010

Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

JOINS PANEL 0427

40000 FT



# Dickinson South Cemetery 2<sup>nd</sup> Final Major Subdivision Staff Report

To: City of Dickinson Planning and Zoning Commissioners  
 From: City of Dickinson Community Development Services  
 Date: June 3, 2026  
 Re: FLP-004-2026 Dickinson South Cemetery 2<sup>nd</sup> Final Major Subdivision

**APPLICANT**

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

**APPLICANT'S REPRESENTATIVE**

Curtis Freeman  
 KLJ Engineering  
 677 27<sup>th</sup> Avenue East  
 Dickinson ND 58601

<b>Public Hearing</b>	June 10, 2026	Planning and Zoning Commission
<b>Final Consideration</b>	July 7, 2026	City Commission

The applicant is requesting approval of the Dickinson South Cemetery 2<sup>nd</sup> final major subdivision, being a parcel of land located in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site is zoned Agricultural (AG). The site consists of +/- 7.59 acres.

Staff recommendation: Staff recommends **approval** of this final major subdivision subject to the approval of the associated REZ-003-2026 and SUP-003-2026.

**LOCATION**

The property is generally located along 20<sup>th</sup> Avenue SW, and it is legally described as a 7.59-acre parcel of the NW1/4 Less 2.11-acre Tract 16-139-96 155.87 Acres, in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, of the 5<sup>th</sup> Principal Meridian, Stark County, North Dakota.

<b>CURRENT ZONING</b>	<b>AG</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>PUBLIC/CIVIC</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 7.59 acres</b>
<b>LOTS PROPOSED</b>	<b>121</b>

<b>ADJACENT ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	AG	Undeveloped
East	AG; R-3	Undeveloped
South	RR	Single-family residential
West	AG	Undeveloped

**BACKGROUND**

This proposed subdivision received final approval from the City Commission at the March 19<sup>th</sup>, 2024 City Commission meeting. However, the final subdivision plat was not officially recorded at the Stark County Courthouse. Section 52-4(d)(5) in the Dickinson Municipal Code states that *“Following final approval by the Board of City Commissioners, a plat in recordable form shall be furnished to the City Administrator or designee within 365 days following approval. The City Administrator or designee may grant extensions in 30 days increments for good cause shown in writing”*. Neither the City nor the contractor have records of an extension being granted to the subdivision project. To comply with the Dickinson Municipal Code, the proposed subdivision must go back through the subdivision process as outlined in Section 52-4: Procedure.

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

**Compatibility and Compliance with The Municipal Code**

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

- Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;
- Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- Does not violate any local, State or federally adopted law, ordinance, regulation, plan or policy; and
- Consists of four lots or less.

The Dickinson South Cemetery Second Subdivision will add 24 blocks, five lots per block, and 20 plots per lot. The plot sizes and layout for the drive aisles matches what was platted for the Dickinson South Cemetery. Therefore, the proposed subdivision does not meet the above requirements and is classified as a major subdivision.

The property is generally located 1,800 feet southwest of the City of Dickinson city limits, 4,000 feet west of Highway 22, and 2,000 feet south of 8th Street SW.

The proposed subdivision consists of approximately 7.60 acres. When the plat was previously approved, the minimum lot size for a property zoned AG was five (5) acres. In August of 2025, the City Commission approved an ordinance increasing the minimum lot size for AG-zoned lots to ten (10) acres. The proposed subdivision no longer meets the minimum lot size requirements of the AG zoning district. Prior to approval of the final subdivision plat, the property shall be rezoned to the Public (P) zoning district.

The proposed subdivision is expanding the existing Dickinson South Cemetery, which falls under the Cemetery use as defined in Section 62-131: Civic use types. According to Table 62-162-2: Permitted Uses by Zoning Districts, in Section 62-162: Development regulations, a Cemetery use is permitted by right in the AG zoning district, but requires a Special Use Permit (SUP) in the P zoning district. An SUP application shall be submitted alongside a rezone request.

## **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-004-2026 contingent on the approval of REZ-003-2026 and SUP-003-2026.

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-004-2026: The Dickinson South Cemetery Second Final Major Subdivision** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

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

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

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

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **FLP-004-2026: The Dickinson South Cemetery Second Final Major Subdivision** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

## Natalie Birchak

**From:** Jotform <noreply@jotform.com>  
**Sent:** Thursday, May 14, 2026 11:12 AM  
**To:** Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Natalie Birchak; Kylee Zastoupil  
**Subject:** Re: Unified Development Application  
**Attachments:** Dickinson South Cemetery Plat Pre-application Meeting Letter.pdf; Deed.txt; Dickinson South Cemetery Zoning Map.jpeg; Dickinson South Cemetery Transmittal Letter.docx



### 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: [Dickinson South Cemetery Plat Pre-application Meeting Letter.pdf](#)

Type of Development **Special Use Permit**

Name **Natalie Birchak**

Company **City of Dickinson**

Applicant Email **natalie.birchak@dickinsongov.com**

Applicant Phone # **(701) 456-7812**

Owner Name **City of Dickinson**

Owner Address **38 1st Street West, Dickinson, ND, 58601**

Owner Email **natalie.birchak@dickinsongov.com**

Owner Phone # **(701) 456-7812**

Is the owner present to Sign

Yes

Signature

*Natalee Burch*

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

Yes

	1/4 Section	Township	Range
Description	SW 1/4 of the NW 1/4 of Section 16	139 North	96 West

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	All	1-8 and 1-24	Dickinson South Cemetery Subdivision & Dickinson South Cemetery Second Subdivision

Property Address / General Project Location


All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision, located in the S 1/2 of the SW 1/4 of the NW 1/4 of Section 16, Township 139 North, Range 96 West.

Total Square Footage or Acreage of Subject Property

11.39 acres

Existing Future Land Use Map Category

Public/Civic

Existing Zoning	AG - Agriculture
Existing Use	Other
Other Use	Cemetery
Overlay District Description	N/A
Special Use Permit for the following Use:	Cemetery use in the Public zoning district
Site Exhibit - Not Less than 1" = 20' Scale	<a href="#">Dickinson South Cemetery Zoning Map.jpeg</a>
Transmittal Letter (Explanation of Request & Proposed Operations)	<a href="#">Dickinson South Cemetery Transmittal Letter.docx</a>
Rezone Calc Multiplier	0
Minor Platting Multiplier	0
Prelim Platting Multiplier	0
Major Platting Multiplier	0
Application Calc	350
Deed for Property	<a href="#">Deed.txt</a>
Applicant Signature	
Date	05-14-2026

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

# DICKINSON SOUTH CEMETERY SPECIAL USE PERMIT (SUP-003-2026)

Section 3. Item E.



## Dickinson South Cemetery Rezone & Special Use Permit

The City is looking to subdivide the City-owned property within the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 16, Township 139 North, Range 96 West, in order to expand the Dickinson South Cemetery. The property is currently zoned Agricultural (AG). According to Table 62-162-3a: Summary of Site Development Regulations, the minimum lot size in the AG zoning district is 10 acres. The proposed Dickinson South Cemetery Second Subdivision contains 120 1,000-square-foot lots that do not meet the minimum lot size of the AG zoning district. The City is requesting to rezone the property from the AG zoning district to the Public (P) zoning district, which does not have a minimum lot size.

According to Table 62-162-2: Permitted Uses by Zoning Districts, the Cemetery use is allowed in the P zoning district upon obtaining a Special Use Permit (SUP). As part of the proposed development, the City is submitting an SUP application in addition to a rezone request. The Cemetery use shall consist of All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision. The site shall consist of approximately 11.39 acres. There are trees screening the property from the north, west, and south of the property, and will utilize headstones as grave markers.



Natalie Birchak  
City Planner

SENE 17  
139N-96W

PRIVATE CCEMETERY

PRIVATE CCEMETERY

PRIVATE CCEMETERY

PRIVATE CCEMETERY

20TH AVE SW

SWNW 16  
139N-96W

NESE 17  
139N-96W

PRIVATE RES

PRIVATE RES

NWSW 16  
139N-96W

PRIVATE RES

PRIVATE RES

PRIVATE RES

13TH ST SW

15TH AVE SW

14TH AVE SW



# Dickinson South Cemetery Special Use Permit Staff Report

To: City of Dickinson Planning and Zoning Commissioners  
 From: City of Dickinson Community Development Services  
 Date: June 3, 2026  
 Re: SUP-003-2026 Dickinson South Cemetery SUP

## APPLICANT

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

<b>Public Hearing</b>	June 10, 2026	Planning and Zoning Commission
<b>Final Consideration</b>	July 7, 2026	City Commission

The applicant is requesting approval of a Special Use Permit (SUP) for a cemetery use in the Public (P) zoning district for Lot 2 of Block 1 of the Eagles Point Subdivision, consisting of All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision, in the City of Dickinson's Extra-Territorial Zone (ETZ). The purpose of this rezone is to allow for the subdivision of the property into 120 1,000-square-foot lots for sale as cemetery plots. The site consists of +/- 11.39 acres.

Staff recommendation: Staff recommends **approval** of this special use permit subject to the approval of the associated FLP-004-2026 and REZ-003-2026.

The companion Dickinson South Cemetery 2<sup>nd</sup> final major subdivision is also scheduled for public hearing at the June 10, 2026 Planning and Zoning Commission meeting (FLP-004-2026). Additionally, the companion Dickinson South Cemetery Zoning Map Amendment is also scheduled for a public hearing at the June 10, 2026 Planning and Zoning Commission meeting (REZ-003-2026).

**LOCATION**

The property is generally located along 20<sup>th</sup> Avenue SW, and it is legally described as All of Blocks 1 through 8 of the Dickinson South Cemetery Subdivision, and All of Blocks 1 through 24 of the Dickinson South Cemetery Second Subdivision, located in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota.

<b>CURRENT ZONING</b>	<b>AG</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>PUBLIC/CIVIC</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 11.39 acres</b>
<b>LOTS PROPOSED</b>	<b>N/A</b>

<b>ADJACENT ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	AG	Undeveloped
East	AG; R-3	Undeveloped
South	RR	Single-family residential
West	AG	Undeveloped

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

**Consistency with the Comprehensive Plan**

The property is owned by the City of Dickinson. The proposed subdivision is expanding the existing Dickinson South Cemetery, which falls under the Cemetery use as defined in Section 62-131: Civic use types. The existing use and ownership match the Public (P) zoning district purpose described in Table 62-162-1: Purposes of Zoning District.

**Compatibility and Compliance with The Municipal Code**

The associated subdivision consists of approximately 7.59 acres, and the previously-recorded Dickinson South Cemetery Subdivision consists of approximately 3.80 acres. The associated subdivision contains 120 1,000-square-foot lots. According to Table 62-162-3a: Summary of Site Development Regulations, the minimum lot size required in the AG zoning district is ten (10) acres. The proposed lots do not meet the minimum lot size requirements for the AG zoning district. The Public (P) zoning district does not have a minimum lot size requirement. The City is

requesting to rezone the property to the P zoning district so the proposed subdivision will meet development standards.

According to Table 62-162-2: Permitted Uses by Zoning Districts, in Section 62-162: Development regulations, a Cemetery use is permitted by right in the AG zoning district, but requires a Special Use Permit (SUP) in the P zoning district. An SUP application shall be submitted alongside a rezone request.

### **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 SUP-003-2026 contingent on the approval of FLP-004-2026 and REZ-003-2026.

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **SUP-003-2026: The Dickinson South Cemetery Special Use Permit** 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 **SUP-003-2026: The Dickinson South Cemetery Special Use Permit** 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."*

# Comprehensive Plan Update Housing Discussion

Presented by: City Planner, Natalie Birchak



# Demographic Information

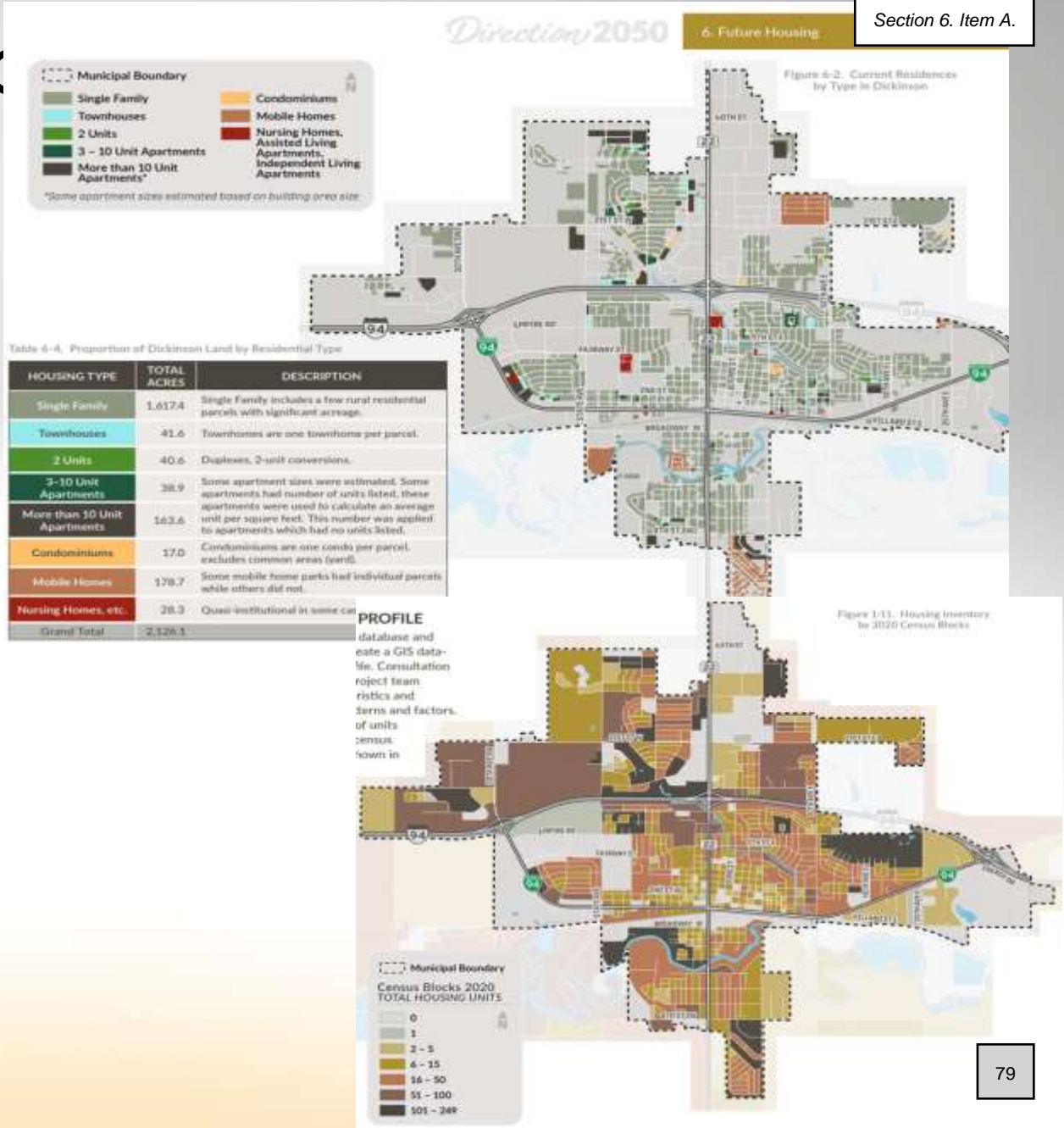
- US Census 2020 Population - 25,679
- Assumed an annual population growth of 1.4%
- Projected 2030 population - 29,2698
- Projected 2050 population - 36,449
- Number of Households in 2020 - 10,789
- Projected 2030 number of households - 12,298
- Projected 2050 number of households - 16,200
- Average household size in 2020 - 2.38
- Projected average household size in 2050 - 2.25

# Future Housing Statistics

- Average density of 3.16 households per acre
- Householder living alone - 34.5%
- Average home value - \$252,400 (2023)
- Average monthly rent - \$963 a month (2023)
- Number of housing units as of 2022-11,725
  - Number of occupied units - 10,247 (87.4%)
  - Number of vacant units - 1,478 (12.6%)
  - Owner occupied - 58%
  - Renter occupied - 42%
  - Number of one-unit structures - 7,293 (62.2%)
  - Number of two or more-unit structures - 4080 (34.8%)
  - Number of mobile homes and all other types of units - 352 (3.0%)

# Acreage by Housing Type

- Single-Family - 1,617.4
- Townhouses - 41.6
- Two Units - 40.6
- Three to Ten Unit Apartments - 38.9
- More than 10 Unit Apartments - 163.6
- Condominiums - 17.0
- Mobile Homes - 178.7
- Nursing Homes, etc. – 28.3



# Changes in Residential Units

- Between 2017 and 2022 the number of single-family units grew from 7,059 to 7,293- an increase of 3.3%
- Between 2017 and 2022 the number of multi-family units grew from 2,962 to 4,080-an increase of 37.7%
- Between 2017 and 2022 the number of mobile homes and other types of units went down from 483 to 352-a decrease of -27.2%

# Projected Housing Demand

- Future projections of housing demand are based upon the population growth trends in the Direction 2050 Comprehensive Plan and Transportation Master Plan document dated September 2025.
- Future projections of housing supply are based upon housing starts continuing at its present rate.
- Homeowner rate is predicted to increase to 59% in 2030 and 61% in 2050
- By 2030 it is anticipated that homeowner demand will exceed homeowner supply by 547 units.
- By 2050 it is anticipated that homeowner demand will exceed homeowner supply by 1,421 units.

# Projected Homeowner Demand 2030

**2030:**

Table 6-5. Dickinson's Projected Homeowner Demand by Income, 2030

MARKET SEGMENT BY INCOME	<60%	61-80%	81-100%	101-120%	121-150%	151%+	TOTAL
Estimated Total City Households							12,298
Future Owner Households	739	1,463	863	768	1,288	2,195	7,316
Projected Market-Provided Units							7,194
Total For-Sale Supply	524	643	575	812	1,475	2,740	6,769
Maximum Affordable Sale Price	\$186,507	\$248,607	\$310,811	\$373,014	\$466,268	\$579,600	
<b>TOTAL GAP</b>							
Estimated Gap or Surplus	-215	-820	-288	44	187	545	-547

**2050:**

Table 6-6. Dickinson's Projected Homeowner Demand by Income, 2050

MARKET SEGMENT BY INCOME	<60%	61-80%	81-100%	101-120%	121-150%	151%+	TOTAL
Estimated Total City Households							16,200
Future Owner Households	998	1,976	1,166	1,038	1,739	2,965	9,882
Existing Deed-Restricted Units	0	0	0	0	0	0	0
Projected Market-Provided Units							8,813
Total For-Sale Supply	656	804	719	1,015	1,841	3,427	8,461
Maximum Affordable Sale Price	\$218,258	\$290,930	\$363,723	\$436,516	\$545,646	\$678,272	
<b>TOTAL GAP</b>							
Estimated Gap or Surplus	-342	-1,172	-447	-23	102	462	-1,421



# Projected Rental Units Demand

- By 2030 it is anticipated rental demand will exceed rental supply by 439 units.
- By 2050 it is anticipated rental demand will exceed rental supply by 635 units.

# Projected Homeowner Demand 2030

2030:

Table 6-7. Dickinson's Projected Rental Demand by Income, 2030

MARKET SEGMENT BY AREA MEDIAN INCOME	<60%	61-80%	81-100%	101-120%	121-150%	151%+	TOTAL
Estimated Total City Households							12,298
Future Rental Households	989	1,195	965	747	617	467	4,981
Existing Deed-Restricted Units	215	0	0	0	0	0	215
HUD Section 8 Vouchers	254	0	0	0	0	0	254
Projected Market-Provided Units	207	553	742	817	1,018	736	4,073
<b>Total Rental Supply</b>	<b>676</b>	<b>553</b>	<b>742</b>	<b>817</b>	<b>1,018</b>	<b>736</b>	<b>4,542</b>
<b>MIDDLE-INCOME DIP</b>							<b>TOTAL GAP</b>
Estimated Gap or Surplus	-313	-642	-223	70	401	269	-439

2050:

Table 6-8. Dickinson's Projected Rental Demand by Income, 2050

MARKET SEGMENT BY AREA MEDIAN INCOME	<60%	61-80%	81-100%	101-120%	121-150%	151%+	TOTAL
Estimated Total City Households							16,200
Future Rental Households	1,255	1,516	1,225	948	782	593	6,318
Existing Deed-Restricted Units	272	0	0	0	0	0	272
HUD Section 8 Vouchers	362	0	0	0	0	0	362
Projected Market-Provided Units	239	715	832	1,030	1,315	918	5,049
<b>Total Rental Supply</b>	<b>873</b>	<b>715</b>	<b>832</b>	<b>1,030</b>	<b>1,315</b>	<b>918</b>	<b>5,683</b>
<b>MIDDLE-INCOME DIP</b>							<b>TOTAL GAP</b>
Estimated Gap or Surplus	-382	-801	-393	82	533	325	-635



# Recommendations for Promoting New Housing & Development Types

- **Support the rehabilitation of existing vacant or abandoned homes by the development community in two steps: first, identification and acquisition of properties suitable for redevelopment that can be conveyed later to another private owner at a low cost; second, securing partnerships with private or non-profit developers to rehabilitate vacant and abandoned housing at scale**
- **Identify specific vacant parcels to promote infill housing development through a publicly available list or map, especially on visible corner lots and parcels near downtown.** Currently, vacant lots can be identified using the Dickinson Land Information Application on the City of Dickinson home pages as well as in the Direction 2050 Comprehensive Plan and Transportation Master Plan.
- **Identify specific vacant parcels as pilot sites for new multifamily housing opportunities, especially those that are already owned by the City**
- **Evaluate potential barriers in details of the Development Code to building modular or industrialized homes, ADUs, and “tiny homes”.** The City should ensure that proposed modular homes fit with the existing character of Dickinson. Currently, modular and manufactured homes are permitted in all residential zoning districts. Accessory dwelling units are permitted in all residential zoning districts except the R1 district.

# Recommendations for Financing and Affordability

- **Promote the use of resilient building materials for new homes to cut down on long-term maintenance and replacement costs to homeowners over the long term. Resilient building materials refer to, but are not necessarily limited to, reinforced concrete, preservation-treated wood, exterior finishes design to withstand extreme weather and windborne debris)**
- **Continue to support the Dickinson Revitalization Program in partnership with Gate City Bank.** Gate City Bank offers low-interest loans to assist homeowners with repairs and renovations.
- **Explore a partnership with interested developers and owners of vacant property on workforce housing-specific lending products designed solely to support new multifamily developments.**
- **Identify potential housing development(s) for target Area Median Income (AMI) groups that will require significant gap financing, and encourage would-be developers to apply to utilize a portion of the State of North Dakota's Section 108 loan authority from HUD or another subsidized line of credit or subsidy source to fill the gap.**



# How Minimum Lot Sizes and Lot Widths Can Impact Single-Family Housing Costs

- Larger Minimum lot areas and lot widths can discourage the construction of smaller less expensive detached single-family housing
- A common rule of thumb is that a home's value will be approximately three times the value of the land it is on. The larger the lot, the more expensive the land. The more expensive the land, the more expensive the house is.
- R2 zoning- 7,000 square foot lots with a minimum 50-foot lot width
- R3 zoning- 7,000 square foot lots with a minimum 50-foot lot width

# Builder's Single-family Structure Potential Construction Savings from Reduced Lot Minumums

- For an entry level floor plan with a 41 foot wide four bedroom, two bathroom house with an attached double garage on a 5,300 square foot lot.
- Lot cost -  $\$3/\text{SF} \times 1,700 \text{ SF} = \$5,100$  savings
- 64' (32' less lot depth on each side of yard) of white vinyl fence x  $\$62/\text{ft} = \$3,968$  savings
- One less zone of underground sprinklers - \$850
- 2,000 SF less hydroseed - \$450

# What Do Other Communities Do?

- Fargo
  - SR-3 zoning district-5,000 square foot lots. 20 foot front yard setback. Four foot interior side yard setbacks
  - SR-4 zoning district-3,600 square foot lots. 34 foot lot widths. 15 foot front yard setbacks. Four foot interior side yard setbacks
  - SR-5 zoning district-3,000 square foot lots. 25 foot lot widths. 15 foot front yard setbacks. Four foot interior side yard setbacks
- Grand Forks - R-2 zoning district-6,000 square foot lots, 45 foot lot width
- Jamestown - R1, R1A, R2 & R2A zoning districts - 6,000 square foot lots, 40 foot lot widths
- Mandan - R4 zoning district allows 4,000 square foot lots, 40 foot lot width, 20 foot front yard setbacks
- Watford City-R-2 zoning district allows 5,000 square foot lots, 35 foot lot widths, five foot side yard setbacks
- Williston-R-2 & R-3 zoning districts allows 6,000 square foot lots and 20 foot front yard setbacks

Comments? Questions?

# City of Dickinson Planning Contact Information

- Natalie Birchak - City Planner
  - 701-456-7812 or [natalie.birchak@dickinsongov.com](mailto:natalie.birchak@dickinsongov.com)
- Steve Josephson - City/County Planner
  - 701-456-7026 or [steven.josephson@dickinsongov.com](mailto:steven.josephson@dickinsongov.com)

# Stormwater Ordinance Update

Presented by: City Engineer, Joshua Skluzacek



# Background

- The City of Dickinson has been looking to update and modernize its Stormwater Ordinance to better reflect state and industry standards
- The proposed changes were drafted through collaboration between the City's Engineering department, Public Works department, and a private consultant
- Additionally, a Stormwater Design Standards Manual (SWDM) is being proposed concurrently

# Section 60-160.2: Definitions (Major Changes)

*Best Management Practice.* A schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce increases in runoff rates and/or the pollution of downstream waters. ~~A practice or combination of practices to control erosion and water quality degradation.~~

*Erosion and Sediment Control Plan.* A written description and site map containing best management practices designed to meet the requirements of this ordinance. A plan that conforms to the State of North Dakota Stormwater Pollution and Prevention Plan Permit requirements can also be used.

*Standard Specifications.* Refers to the current edition of the “Standard Specifications for Dickinson, North Dakota” available from the office of the City Engineer.

*Stormwater Design Manual.* a design and standards manual, as adopted and amended by the City of Dickinson, that contains the principal standards and design criteria for complying with the City’s stormwater management program. The Manual details criteria for hydrologic evaluations, the design of stormwater management system facility components, water quality protection standards, and requirements for easements and rights-of-way. The Manual also contains a discussion of operation and maintenance requirements, standard forms to be used, and standard construction details adopted by the City.

*Stormwater Management Plan (SWMP).* A written document detailing stormwater runoff characteristics for a defined area and the management of that runoff to mitigate adverse impact to stormwater quality and quantity. A Stormwater Management Plan is a required submittal for a Post-Construction Stormwater Management Permit.

# Section 60-170.1: Stormwater management program scope

Every applicant for a building permit, subdivision approval, or a permit to allow construction and/or land disturbing activities must comply with the provisions of this Article and the Stormwater Design Standards Manual. No building permit, subdivision approval, or permit to allow construction activities shall be issued until approval of the Stormwater Management Plan or a written waiver of the approval requirement has been obtained.

The City Engineer may waive any requirement of this title upon making a finding that compliance with the requirement will involve an unnecessary hardship, and the waiver of such requirement will not adversely affect the standards and requirements put forth in Chapter 60-160 to 60-190. The City may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet the said standards and requirements.

The City of Dickinson is a designated Municipal Separate Storm Sewer System (MS4) under the Environmental Protection Agency's Stormwater Phase II Final Rule published on December 8, 1999 and is regulated under the North Dakota Pollutant Discharge Elimination System (NDPDES) by the North Dakota Department of Environmental Quality. To demonstrate compliance with the requirements of the MS4 General Permit, all development activities within the City's zoning jurisdiction must comply with the provisions contained herein related to construction stormwater management permits. (Ord. No. 1282 § 2.)

# Section 60-170.2: Contents of stormwater management plan & Section 60-170.3: Final stormwater management plan

The City of Dickinson Storm Water Design Manual is the governing document for engineering standards that shall be followed.

Upon completion of all required construction activities, the permit applicant shall submit to the City the final Stormwater Management Plan to document any change to the original Stormwater Management Plan concept. The final Stormwater Management Plan shall contain Record Drawings showing the final configuration for all improvements as constructed. For areas of development the final Stormwater Management Plan and Record Drawings shall be certified by a Professional engineer registered in the State of North Dakota. (Ord. No. 1282 § 2)

# Section 60-180.1: Construction stormwater management

3. Permit Conditions. Stormwater management permits are issued subject to all provisions of this title and all other applicable regulations, user charges and fees established by the City. Permits may contain any of the following conditions:
- a. The user fee for a stormwater outlet utilizing a regional stormwater management facility.
  - b. Limits on the maximum rate of stormwater discharge;
  - c. Limits on water quality degradation of stormwater discharge;
  - d. Requirements for the installation, operation and maintenance of stormwater detention/retention facilities; outlets, inlets and conveyance system.
  - e. Compliance schedule;
  - f. Requirements for notification to and acceptance by the City of any land disturbing activities which have the potential for increasing the rate of stormwater discharge resulting in degradation of stormwater quality;
  - g. Other conditions as deemed appropriate by the City to ensure compliance with this title; and
  - h. Stormwater management permits shall not be transferred to the homeowner or occupant.

# Section 60-190.1: Emergency suspension of permits

The City may for cause order the suspension of the stormwater management permit and/or building permit of a person, contractor, developer or parcel owner when it appears to the City that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons downstream, substantial danger to the environment, or a violation of any permit conditions imposed by this article. If any person is notified of the suspension order and/or a person fails to comply voluntarily with the suspension order, the City shall commence whatever steps are necessary to obtain compliance, including judicial proceedings. The City may reinstate the stormwater management permit and/or building permit upon proof of compliance with all permit conditions.

Whenever the City orders the emergency suspension of a stormwater management permit and/or building permit pursuant to the emergency provisions of this section, the City shall serve notice on the permittee personally or by registered or certified mail before or after actually suspending activity depending on the individual situation. If any person is notified of the suspension order and/or a person fails to comply voluntarily with the suspension order, the City shall commence whatever steps are necessary to obtain compliance, including judicial proceedings.

Any applicant dissatisfied with an order the City issued pursuant to this section may request a hearing before the Board of City Commissioners by filing a written request for a hearing with the City, within fifteen (15) days of receipt of the order. The hearing must be held within thirty (30) days of receipt of the request, or as subject to the current meeting schedule, whereupon the Board of City Commissioners may affirm, modify or rescind the order. A request for a hearing filed pursuant to this section does not stay the order while the hearing is pending. (Ord. No. 1282 § 2)

# Findings

- The updates bring the City requirements into compliance with the MS-4 FEMA permit and federal floodplain requirements
- The creation of a Stormwater Design Standards Manual allows for additional enforceable policies that can be updated upon any federal requirement changes. No duplicated text between the manual and the ordinance prevents conflicts between the documents
- The City intends to bring a text amendment forward at the June P&Z Meeting for final approval

Comments? Questions?

# Stormwater Design Standards Manual

City of Dickinson, ND

Approved: August 2026

Effective: August 2026

**ABLE OF CONTENTS**

**ABLE OF CONTENTS ..... II**

**LIST OF FIGURES ..... IV**

**LIST OF TABLES ..... V**

**1.0 INTRODUCTION ..... 1-1**

1.1 PREFACE ..... 1-1

1.2 PURPOSE ..... 1-1

1.3 USE OF THE MANUAL IN THE ETZ ..... 1-2

1.4 ACRONYMS ..... 1-3

1.5 DEFINITIONS ..... 1-4

1.6 DESIGN EXCEPTIONS AND DEVIATIONS ..... 1-4

1.7 ERRORS & OMISSIONS ..... 1-4

**2.0 STORMWATER MANAGEMENT PROGRAM..... 2-1**

2.1 STORMWATER PROGRAM OVERVIEW ..... 2-1

2.2 MANDATORY STORMWATER MANAGEMENT PERMITS ..... 2-1

2.3 CONFORMANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS ..... 2-1

**3.0 SUBMITTAL AND REVIEW PROCEDURES ..... 3-1**

**4.0 POST-CONSTRUCTION PEAK DISCHARGE COMPLIANCE..... 4-1**

4.1 POST-CONSTRUCTION BMP PERFORMANCE REQUIREMENTS ..... 4-1

4.1.1 Hydrologic Requirements for Projects ..... 4-1

4.2 POST-CONSTRUCTION BMP ANALYSIS & REQUIREMENTS ..... 4-1

4.2.1 Hydrologic Analysis & Reporting ..... 4-1

4.2.2 Detention Basins Analysis & Reporting ..... 4-1

4.3 POST-CONSTRUCTION BMP MINIMUM DESIGN STANDARDS ..... 4-2

4.3.1 Detention Basins ..... 4-2

4.3.2 Geotechnical\Hydrogeologic Report Requirements **Error! Bookmark not defined.**

4.4 ANALYSIS METHODOLOGIES ..... 4-4

4.4.1 Hydrology (Computing Runoff) ..... 4-4

4.4.2 Hydraulic Routing ..... 4-7

4.4.3 Acceptable Software ..... 4-8

- 5.0 POST-CONSTRUCTION WATER QUALITY COMPLIANCE ..... 5-9**
  - 5.1 POST-CONSTRUCTION BMP PERFORMANCE REQUIREMENTS .....5-9
    - 5.1.1 Requirements for Projects ..... **Error! Bookmark not defined.**
  - 5.2 POST-CONSTRUCTION BMP ANALYSIS & REPORTING REQUIREMENTS .....5-9
    - 5.2.1 Prescriptive BMP Analysis and Reporting. **Error! Bookmark not defined.**
    - 5.2.2 Alternative BMP Method Analysis and Reporting .....5-9
  - 5.3 POST-CONSTRUCTION WATER QUALITY BMP DESIGN STANDARDS.....5-10
    - 5.3.1 Detention Basins .....5-10
    - 5.3.2 Infiltration BMPs .....5-11
    - 5.3.3 Flow Through BMPs..... **Error! Bookmark not defined.**
  - 5.4 ANALYSIS METHODOLOGIES .....5-11
    - 5.4.1 Water Quality Volume ( $V_{wq}$ ) .....5-11
    - 5.4.2 Standard Methodology .....5-11
    - 5.4.3 Alternate Methodology ..... **Error! Bookmark not defined.**
- 6.0 POST-CONSTRUCTION DRAINAGE AND CONVEYANCE COMPLIANCE ..... 6-1**
  - 6.1 PERFORMANCE REQUIREMENTS .....6-1
    - 6.1.1 Street Drainage Performance Requirements .....6-1
    - 6.1.2 Storm Sewer System Performance Requirements .....6-3
    - 6.1.3 Culvert Performance Requirements.....6-7
    - 6.1.4 Open Channels Performance Requirements .....6-8
    - 6.1.5 Outlet and Outfall Protection Performance Requirements .....6-10
  - 6.2 MINIMUM DESIGN STANDARDS.....6-11
    - 6.2.1 Street Drainage Design Standards .....6-11
    - 6.2.2 Storm Sewer System Design Standards.....6-12
    - 6.2.3 Culvert Design Standards ..... **Error! Bookmark not defined.**
    - 6.2.4 Open Channel Design Standards .....6-17
  - 6.3 ANALYSIS METHODOLOGIES .....6-19
    - 6.3.1 Hydrologic Analysis .....6-19
    - 6.3.2 Hydraulic Analysis.....6-19
- 7.0 CONSTRUCTION STORMWATER CONTROL ..... 7-1**
  - 7.1 ANALYSIS METHODOLOGIES .....7-1
    - 7.1.1 Hydrology (Computing Runoff) .....7-1

7.1.2 Hydraulic Analysis.....7-1

**LIST OF FIGURES**

Figure 2-1 – Stormwater Program Overview.....**Error! Bookmark not defined.**  
Figure 3-1 – Mandatory Stormwater Permits.....**Error! Bookmark not defined.**  
Figure 3-2 – Standard SWPPP Application & Review Process .....**Error! Bookmark not defined.**  
Figure 3-3 – Expedited SWPPP Application & Review Process.....**Error! Bookmark not defined.**  
Figure 3-4 – Plat & SWPPP Application & Conditional Approval Process**Error! Bookmark not defined.**  
Figure 4-1 – Flow Chart for Determining Compliance with Peak Discharge Performance Requirements.....**Error! Bookmark not defined.**  
Figure 5-1 – Flow Chart for Determining Compliance with Water Quality Performance Requirements.....**Error! Bookmark not defined.**  
Figure 6-1 – Entrance and Exit Configurations ..... 6-22

**LIST OF TABLES**

Table 4-1 – Point of Discharge Peak Flow Compliance..... 4-1

Table 4-2 – Detention Basin Minimum Freeboard Requirements ...**Error! Bookmark not defined.**

Table 4-3 – Typical Impervious Coverage for Offsite Drainage ..... 4-5

Table 4-4 – Minimum Impervious Coverage.....**Error! Bookmark not defined.**

Table 4-5 – Runoff Curve Numbers..... 4-7

Table 5-1 – Water Quality Performance Requirement..... 5-9

Table 6-1 – 5-year 24-hour Storm Street Performance Requirements ..... 6-2

Table 6-2 – 100-year 24-hour Storm Street Performance Requirements ..... 6-2

Table 6-3 – Allowable Cross-Street Flow Requirements ..... 6-3

Table 6-4 – Storm Sewer Inlet Bypass Flow Design Requirement ..... 6-5

Table 6-5 – Storm Sewer Pipe Capacity Requirements ..... 6-6

Table 6-6 – Storm Sewer Pipe Velocity Requirements for 5-year 24-hour Storm..... 6-6

Table 6-7 – Culvert Headwater Requirements ..... 6-7

Table 6-8 – Culvert Allowable Street Overtopping Requirements ..... 6-8

Table 6-9 – Culvert Velocity Requirements ..... 6-8

Table 6-10 – Engineered Channel Freeboard Requirement ..... 6-9

Table 6-11 – Engineered Channel Lining Requirements..... 6-10

Table 6-12 – Maximum Allowable Design Velocities for Outlet Protection ..... 6-10

Table 6-13 – Storm Sewer Pipe Size Requirements..... 6-13

Table 6-14 – Storm Sewer Pipe Location Standards..... 6-14

Table 6-15 – Storm Sewer Manhole Spacing Standards..... 6-15

Table 6-16 – Storm Sewer Manhole Typical Minimum Sizes..... 6-15

Table 6-17 – Storm Sewer Manhole Drop Standards ..... 6-16

Table 6-18 – Minimum Culvert Size Requirements .....**Error! Bookmark not defined.**

Table 6-19 – Engineered Channel Geometry Requirements ..... 6-17

Table 6-20 – Manning’s Coefficients..... 6-20

Table 6-21 – Entrance and Exit Coefficients ..... 6-21

Table 6-22 – Storm Sewer Junction Losses..... 6-23

## **1.0 INTRODUCTION**

### **1.1 PREFACE**

The City of Dickinson (City) adopted this Stormwater Design Standards Manual as a guide to engineers and developers for the implementation of infrastructure related to the collection, conveyance and discharge of stormwater. The City is also designated as a Municipal Separate Storm Sewer System (MS4) under the North Dakota Pollutant Discharge Elimination System (NDPDES), necessitating a Stormwater Design Standards Manual. It is anticipated that not every situation can be contemplated in a design manual and that engineering judgement will need to be applied to some projects. The standards included in this document do not replace judgement or standard of care for the Design Engineer. All references to the City Municipal Code are subject to Chapter 60.VI. The word "shall" is always mandatory and never permissive.

Approval of any plan submitted under the provisions of this article shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of approval, the applicant makes a written request to the City Engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the City Engineer may grant one extension of not greater than one year. Any plan may be revised in the same manner as originally approved. Any denied application may be resubmitted with additional information addressing the concerns contained within the denial. The resubmitted plan is subject to all applicable fees and shall be considered as a new application.

Development and redevelopment projects within the City of Dickinson or those projects deemed applicable in the City of Dickinson extraterritorial jurisdiction shall control or collect stormwater runoff consistent with the performance requirements, design standards and analysis methods described in this SWDM. Failure to do so may result in the denial of a mandatory stormwater management permit applied for in accordance with Municipal Code (Stormwater Management). Stormwater management is not a one size fits all process and the City has selected a BMP approach to meet the requirements of the MS4 General Permit and Municipal Code.

### **1.2 PURPOSE**

This Stormwater Design Standards Manual (SWDM) has the primary purpose of providing uniform requirements for obtaining mandatory stormwater permits (construction-time and post-construction stormwater management) for development activities within the City and its extraterritorial jurisdiction. This SWDM is developed to:

1. Provide uniform requirements to demonstrate compliance with Chapter 60 of the City Municipal Code (Utilities) and the MS4 General Permit.
2. Decrease durations of project review and approvals.
3. Clearly define submittal requirements and timing to obtain mandatory stormwater permits for plat and site plan applications.

4. Define the materials required for a stormwater permit application package to be deemed complete and ready for review.
5. Define City review timelines for mandatory stormwater permit applications to provide applicants with a greater level of certainty for planning their projects.
6. Clearly and concisely define the Performance Requirements for stormwater management.
7. Summarize the Design Standards for commonly used construction and post-construction stormwater best management practices.
8. Clearly and concisely define acceptable analysis methodologies.

Content included in this SWDM is based on the following general assumptions:

1. The Design Engineer and reviewer are experienced Professional Engineers with a working knowledge of stormwater management, hydrologic analysis and hydraulic design applicable to the subject project.
2. Primary users of the manual will consist of Design Engineers preparing applications for mandatory stormwater permits in support of plat and site plan land use approvals.
3. The SWDM requirements and standards are intended to apply to the majority of development situations.
4. Large flood protection projects, floodplain management, regulated dams, roadway bridge hydraulics and other large scale regional drainage projects will have additional performance requirements and design standards that are outside the scope of this SWDM.

This SWDM is focused on clarifying the requirements for the application and approval of mandatory stormwater permits with an emphasis on the Design Engineer having a strong working knowledge of the theory behind stormwater management.

**1.3 USE OF THE MANUAL IN THE ETZ**

This SWDM is intended to be utilized for all development and redevelopment projects inside of the corporate limits of the City of Dickinson.

For development and redevelopment projects that occur within the City of Dickinson extraterritorial jurisdiction (ETZ), only the following situations will require this SWDM to apply for the development application. The City Engineer has authority to determine which projects meet these criteria or if there are unique criteria that justify the need for the SWDM requirements to be applied to the project.

- The project is located within the City of Dickinson Urban Reserve area designated in the Comprehensive plan.
- The project is located within a watershed area that has probability to flow into City corporate limits.

**1.4 ACRONYMS**

The following acronyms and corresponding terms may be referenced in this SWDM by use of the acronym.

<b>Acronym</b>	<b>Term</b>
<b>BMP</b>	Best Management Practice
<b>CMP</b>	Corrugated Metal Pipe
<b>SWPPP</b>	Construction Stormwater Management Permit
<b>EGL</b>	Energy Grade Line
<b>EPA</b>	Environmental Protection Agency
<b>ETZ</b>	Extraterritorial Zone
<b>FEMA</b>	Federal Emergency Management Administration
<b>HDPE</b>	High-Density Polyethylene Pipe
<b>HGL</b>	Hydraulic Grade Line
<b>MS4</b>	Municipal Separate Storm Sewer System
<b>NDDEQ</b>	North Dakota Department of Environmental Quality
<b>NDDOT</b>	North Dakota Department of Transportation
<b>NDPDES</b>	North Dakota Pollutant Discharge Elimination System
<b>NOI</b>	Notice of Intent
<b>NOT</b>	Notice of Termination
<b>SWPPP</b>	Construction Stormwater Management Permit
<b>PVC</b>	Polyvinyl Chloride
<b>RCP</b>	Reinforced Concrete Pipe
<b>SWDM</b>	Stormwater Design Standards Manual
<b>SWMP</b>	Stormwater Management Plan

Acronym	Term
USACE	United States Army Corps of Engineers

**1.5 DEFINITIONS**

The following terms, phrases, and words, or their derivatives, are applicable to stormwater management in the City. Refer to Chapter 60.VI of the City of Dickinson Municipal Code and the MS4 General Permit as a reference for use in this SWDM for all terms that have meanings as stated in this section.

**1.6 DESIGN EXCEPTIONS AND DEVIATIONS**

This SWDM is not intended to limit innovation or creativity, particularly when such efforts result in more efficient solutions. Departure from the required standards shall be determined by the City Engineer on a per project basis.

The City Engineer’s decision to grant, deny, or modify the proposed deviation shall be based upon evidence that the deviation request meets all of the following criteria:

1. The change will meet the applicable performance requirement.
2. The change will achieve the intended result in a comparable or superior design.
3. The change will not adversely affect safety and/or operation of the Public Storm Sewer System.
4. The change will not adversely affect maintainability of the Public Storm Sewer System.

A non-standard system may take longer to review and the deviation shall be requested during the Mandatory Stormwater Scoping Sheet described in **Section 3.0**.

**1.7 ERRORS & OMISSIONS**

Any errors or omissions in the approved plans or information used as a basis for the approval of mandatory stormwater management permits may constitute grounds for withdrawal of approvals and/or stoppage of any or all of the permitted work, as determined by the City. It shall be the responsibility of the Applicant and assigned agents to demonstrate why such work should continue, and to make changes to the plans as may be required by the City before approval of the plans is reinstated.

## **2.0 STORMWATER MANAGEMENT PROGRAM**

### **2.1 STORMWATER PROGRAM OVERVIEW**

The City's stormwater program has been established with the goals of increasing public safety, providing protection of public and private property, and meeting the Municipal Separate Storm Sewer System (MS4) requirements per State and Federal water regulations. The City is a designated MS4 under the EPA's Stormwater Phase II Final Rule and is regulated under the North Dakota Pollutant Discharge Elimination System (NDPDES) by the NDDEQ. The City's MS4 system includes open and closed drainage systems that:

1. Are owned or operated by the City and are designed to collect and convey stormwater; and
2. Discharge, either directly or indirectly, to an MS4 owned or operated by another public body or to other receiving waters.

To meet these goals and requirements, the City has adopted and enforced Municipal Code (Stormwater Management), which sets forth uniform requirements for the stormwater management systems within the City and its extraterritorial jurisdiction. Refer to **Section 1.3** for additional information on use of the SWDM in the extraterritorial areas.

### **2.2 MANDATORY STORMWATER MANAGEMENT PERMITS**

To demonstrate compliance with the requirements of the MS4 General Permit and Municipal Code, all development activities are required to:

1. Obtain the necessary mandatory stormwater permits;
2. Provide an acceptable method of mitigating increased stormwater flows from new impervious surfaces;
3. Provide an acceptable method of mitigating stormwater quality impacts from development and redevelopment activities;
4. Safely and efficiently convey stormwater flows to the City's Public Storm Sewer System; and
5. Provide management of stormwater runoff during construction disturbance activities.

Municipal Code requires mandatory stormwater permits for development inside of the City's zoning jurisdiction. The permit consist of a Construction Stormwater Management Permit (SWPPP) is further detailed in **Section 3.0**. This SWDM is a refinement of the requirements of Municipal Code and provides detailed procedures, performance requirements, design standards and analysis methodologies for the application and approval of mandatory stormwater permits.

### **2.3 CONFORMANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS**

The purpose of this SWDM is to provide requirements for the application for, and approval of, mandatory stormwater permits for developments within the City of Dickinson's zoning

jurisdiction. Approval of a City SWPPP does not constitute project approval for all required local, State and Federal regulations and permits.

It is the responsibility of the Owner, or Applicant, to obtain all necessary approvals from local, State and Federal agencies for the proposed project. Agencies that may require consultation include, but are not limited to, other City of Dickinson departments (i.e. flood plain development) Stark County, Stark County Water Resource District, NDDOT, State Water Commission, NDDEQ, USACE, FEMA and the EPA.

### **3.0 SUBMITTAL AND REVIEW PROCEDURES**

The applicant is required to submit the following documents to the NDDEQ; Notice of Intent, Storm Water Pollution Prevention Plan, and Notice of Termination. These document shall be submitted to the City of Dickinson as they are approved by the NDDEQ. The applicant is responsible of ensuring system performance, safety, and compliance with other local, State, and Federal regulations.

## **4.0 POST-CONSTRUCTION PEAK DISCHARGE COMPLIANCE**

The goal of this section is to provide guidance on the design, performance, and analysis requirements of the City of Dickinson regarding Post-Construction Peak Discharge Compliance.

### **4.1 POST-CONSTRUCTION BMP PERFORMANCE REQUIREMENTS**

Projects that require a SWPPP are subject to Peak Discharge Control requirements and shall include peak discharge post-construction structural or non-structural BMPs to conform to the requirements of **Table 4-1** and **Section 4.1.1** of this SWDM. Note that these are underlying basic requirements and additional analysis and design requirements for specific components of the City’s Public Storm Sewer System are provided within the following sections of this SWDM.

**Table 4-1 – Point of Discharge Peak Flow Compliance**

<b>Point of Discharge Location</b>	<b>Peak Discharge Control Requirement</b>
Public Storm Sewer System and new Outfalls to surface waters	Post-Construction runoff resulting from the 2-, 5-, 10-, and 100-year 24-hour rainfall events shall not exceed the runoff rate of the existing conditions.

#### **4.1.1 HYDROLOGIC REQUIREMENTS FOR PROJECTS**

Projects that require a SWPPP and are not located in a Stormwater Master Plan or previously approved SWPPP\SWMP are required to provide on-site post-construction BMPs to address peak discharge compliance performance requirements of **Table 4-1**.

Projects that require a SWPPP and are located in an area that has an adopted Stormwater Master Plan or previously approved SWPPP\SWMP shall provide documentation that the project meets the requirements for Peak Discharge Compliance by utilizing one of the scenarios described below and summarized in *Error! Reference source not found.*

## **4.2 POST-CONSTRUCTION BMP ANALYSIS & REQUIREMENTS**

### **4.2.1 HYDROLOGIC ANALYSIS & REPORTING**

All Projects that require the analysis and sizing of post-construction BMPs shall document the following minimum information for the hydrologic analysis in the SWPPP application. The SWMP shall clearly documents the application meets the Performance Requirements for Peak Flow Compliance; and hydrologic analysis requirements.

### **4.2.2 DETENTION BASINS ANALYSIS & REPORTING**

When detention basins are proposed as a post-construction BMP to mitigate for peak discharge compliance, the following minimum performance standards shall be documented in the SWPPP application.

### **Engineered Outlets**

All proposed detention basins shall include an outflow structure to limit the post-construction peak flow discharge less than or equal to the existing condition peak flow discharge for the events required by **Table 4-1**.

### **Infiltration as an Engineered Outlet**

When infiltration is used as an engineered outlet the Applicant shall include the proposed use of infiltration as a peak discharge compliance post-construction BMP, the Design Engineer shall obtain City approval on the approach, analysis methods, and field investigation requirements, and the City Engineer shall provide Project specific analysis and reporting requirements.

### **Emergency Spillway and/or Overflow Requirement**

All proposed detention basins shall have an emergency spillway or overflow path that will route overflow without causing a failure of the detention basin berm or embankment. When approved by the City Engineer, small basins may utilize an oversized riser structure and outlet culvert for the emergency overflow path.

## **4.3 POST-CONSTRUCTION BMP MINIMUM DESIGN STANDARDS**

The following sections include minimum standards that stormwater structures and BMPs shall meet within the City of Dickinson jurisdiction.

### **4.3.1 DETENTION BASINS**

The following minimum design standards are provided as a general guide for small detention basins associated with local and on-site post-construction BMPs. Design of large regional basins and dams requires engineering experience and knowledge outside of the scope of this SWDM.

Detention basins proposed as post-construction peak discharge BMPs shall meet the following minimum design requirements:

#### **Regulatory Permit Required:**

Detention basins shall be designed such that the facility does not meet the requirement of a regulated dam per the applicable ND Administrative Code and State Statutes.

1. Regulated dams and water rights are administered by the State Water Commission and the office of the State Engineer.
2. In the event of a design variation allowing a State regulated facility, it is the Applicants responsibility to coordinate all required permits with the office of the State Engineer.

#### **Design and Construction Standards:**

Public and private basins shall meet the requirements of the current edition of the City of Dickinson Construction Specifications and the following minimum construction standards:

1. **Side Slopes and Slope Stability:** Slopes of detention basins shall meet the following minimum requirements:
  - a. **Maximum Side Slopes:** 3H:1V
  - b. **Minimum Bottom Grade:** 0.5 percent
  - c. **Maximum Bottom Grade:** 5 percent
2. **Seepage Control:** A seepage control system should be provided for all embankments where a reservoir pool will be maintained for more than 72 hours, regardless of the depth of pond, height of embankment, or foundation materials.
3. **Geotechnical Engineering Requirements:** Fill material shall meet the minimum standards defined in the Geotechnical Engineering report for the project to include the infiltration calculations.
4. **Engineered Outlets:** The detention basin minimum freeboard requirements is 1.0 feet calculated from 100-year 24-hour water surface elevation to the lowest uncontrolled overflow structure. All detention basins shall include an emergency overflow spillway to prevent the berm structure integrity. All basins shall have an engineered outlet that conforms to the following minimum standards:
  - a. Minimum orifice size of 4 inches (note that water quality outlets have a smaller allowable orifice size);
  - b. Trash protection for all orifices and/or structural overflows; and
  - c. A direct connection to the Public Storm Sewer System.
    - i. It is the responsibility of the Applicant to obtain all necessary offsite easements to allow connection of proposed basin outlets to the Public Storm Sewer System at the Point of Discharge identified in the Mandatory Stormwater Scoping Sheet approval process.
    - ii. Direct Connection can include pipe or open channel conveyance.
5. **Outlet Protection:** Design of outlet culverts shall include:
  - a. Culverts shall have flared end sections.
  - b. Energy dissipation and armoring shall be provided that is appropriate for the calculated shear stress and velocities from the 100-year 24-hour event.
  - c. Rip-rap sizing shall meet the recommendations of **Table 6-12**.
6. **Easements Required:** Basins shall include drainage easements or be platted as an undevelopable lot to fully contain the detention basin maximum pool, embankment, outlet protection and other elements as required by the City Engineer.
  - a. Easements shall be noted as “Public” (maintained by the City of Dickinson or other approved public entity) or “Private” (maintained by the Applicant).
  - b. Public Easements must be approved by the City.
  - c. Private Easements must have a provision to allow access by the City to allow for maintenance of derelict BMPs.

- d. Post-Construction BMPs constructed on undevelopable lots will only be allowed when platted as Common Interest Lots that are attached to benefiting parcels. Use of Common Interest Lots must be approved by the City.

#### **4.4 ANALYSIS METHODOLOGIES**

The goal of this section is to provide detailed requirements for the analysis of Peak Discharge Control Compliance. This section is not intended to provide instruction on how to use the various methodologies or software packages as it is assumed that a sufficient understanding of hydrologic and hydraulic analyses as they apply to urban stormwater management and drainage is a prerequisite to the use of this SWDM.

##### **4.4.1 HYDROLOGY (COMPUTING RUNOFF)**

Requirements necessary for computing runoff within the City of Dickinson's jurisdiction are listed below:

##### **Acceptable Methods:**

1. NRCS (SCS) Curve Number (CN) Method, NRCS Unit Hydrograph Methods & Time of Concentration Methods.
2. The Rational Method is not an accepted methodology for Peak Discharge Control Compliance.

##### **Separation of Impervious/Pervious:**

1. Impervious and pervious cover must be separated in the analysis on a per sub-catchment basis. Use of composite CN numbers that include the impervious area will not be allowed.
2. If the hydrology modeling software selected by the Design Engineer does not allow for direct entry of the sub-catchment percent impervious, the sub-catchment will need to be modeled as two individual sub-catchments, each having the same time of concentration but with the areas of each appropriately reflecting the pervious and impervious cover. This method is demonstrated in **Example 4-1**.
3. Pervious and Impervious area within the project site must be manually measured to reflect the actual site design.
4. Modeling of offsite watersheds that are routed through a project site may utilize typical impervious percentages as provided in **Table 4-2**.

**Example 4-1 Separation of Impervious and Pervious Areas**

If a 10-acre site is 25 percent impervious with the pervious portion having a CN of 74, the site:

1. Shall not be assumed to have a single, composite CN of 80; and
2. The runoff shall be computed using:
  - a. A 2.5-acre sub-catchment with a CN of 98 for the impervious area;
  - b. A 7.5-acre sub-catchment with a CN of 74 for the pervious area; and
  - c. Both sub-catchments shall be assigned the same Tc, calculated based on the longest flow path within the 10-acre site.

**Table 4-2 – Typical Impervious Coverage for Offsite Drainage**

<b>Land Use Type</b>		<b>Impervious Cover</b>
<b>Residential Developments</b>	1/8 Acre Lots	65%
	1/4 Acre Lots	38%
	1/3 Acre Lots	30%
	1/2 Acre Lots	25%
	1 Acre Lots	20%
	2 Acre Lots	12%
Commercial		85%
Industrial		90%
Street ROW <sup>(1)</sup>		85%

(1) Street ROW includes the street, landscape boulevard, sidewalk and driveway aprons included in the public street right-of-way. Highway and/or arterial street sections may require higher impervious percentage.

**Minimum Impervious Coverage:**

The minimum impervious coverage values provided in *Error! Reference source not found.* are intended to guide the planning of stormwater facilities in the platting phase by providing a minimum impervious cover to be used for each zoning type. Impervious coverages exceeding the values in *Error! Reference source not found.* may be used when planning stormwater facilities. Site plans shall use the actual measured impervious cover. Additional explanation is provided below:

1. **Plats:**

- a. Development in the platting phase shall not assume a minimum impervious coverage value less than those provided in *Error! Reference source not found.*
  - b. Higher assumed impervious amounts may be recommended or used by the Design Engineer.
  - c. The approved plat SWMP will set the maximum impervious coverage for the development.
  - d. Development of parcels inside of an approved plat SWPPP\SWMP to higher than planned impervious percentages will require a modification to existing facilities or construction of new facilities.
2. **Site Plans:**
- a. Shall use the actual impervious cover for the proposed project not to exceed the Municipal Code Section 62-162 – Development Regulations for the maximum impervious coverage.

**Hydrologic Soil Group (HSG):**

1. Shall be obtained from the NRCS Web Soil Survey;
2. Complex soil groups shall be set to the Aggregation Method of “Dominant Condition” within the Advanced Options of the NRCS Web Soil Survey (See *Error! Reference source not found.*);
3. “Urban Land” shall be assigned a HSG of “C”; and
4. Dual HSG classifications shall be assigned the HSG with the higher runoff potential (i.e. HSG B/D shall be assumed to be HSG D).

**CN Values**

CN values shall be obtained from **Table 4-3**. Values different from those provided in **Table 4-3** must be approved by the City Engineer.

**Table 4-3 – Runoff Curve Numbers**

Cover Type	Curve Numbers for HSG Soil Groups			
	HSG A	HSG B	HSG C	HSG D
Impervious	98	98	98	98
Gravel Surface	96	96	96	96
Grass (Lawn)	39	61	74	80
Brush	30	48	65	73
Pasture/Rangeland	39	61	74	80
Cropland	62	73	80	84
Meadow (not grazed)	30	58	71	78

- (1) The CN values are the maximum allowable for existing conditions analyses.
- (2) The CN values Table 4-3 are the minimum allowable for post-construction conditions analyses.

**Time of Concentration (Tc):**

1. **Minimum Tc:** 5 minutes
2. **Sheet Flow:** Maximum length of 100 feet.
3. Refer to Part 630 Chapter 15 of the National Engineering Handbook for additional guidance and information.

**Rainfall Depths: See Error! Reference source not found.**

1. **Rainfall Distribution:** SCS Unit Hydrograph Type II
2. **Rainfall Event:** 24-Hour Storm, unless otherwise master planned or platted.

**Maximum Rainfall Hyetograph Time Increment:**

10 minutes

**Gravel Roadways and Gravel Parking Lots:**

Shall be considered as part of the impervious area when separating and analyzing pervious and impervious area within a catchment.

**4.4.2 HYDRAULIC ROUTING**

The following list is intended to provide the Design Engineer with City of Dickinson requirements for Hydraulic Routing.

**Routing Method:**

1. Storage Indication Method (also known as hydrologic routing) may be utilized for projects with unconnected basins and free discharges.
2. Dynamic Routing Methods (also known as hydraulic routing) shall be incorporated for all projects that include interconnected basins, pump stations, tail water or backwater conditions, and other complex conditions that require a dynamic routing method.
3. Rational routing methods shall not be allowed.
4. Routing method requirements will generally be noted in the Mandatory Stormwater Scoping Sheet.

**Starting Water Surface Elevation:**

1. For proposed basins the starting Water Surface Elevation (WSE) in a detention facility shall be assumed to be equal to the invert of the lowest engineered outlet.
2. Known tail water or backwater conditions may require that the starting WSE be higher.

**Outlet Protection:**

1. **Shear Stress:** Shall be calculated using the following equation:

$$\tau = \gamma D S$$

Where:

$\tau$  = Shear Stress (lb/ft<sup>2</sup>)

$\gamma$  = Weight of Water (lb/ft<sup>3</sup>)

D = Average Depth of Water (ft)

S = Surface Water Slope (Energy Grade Line)

4.4.3 ACCEPTABLE SOFTWARE

Acceptable software for the analysis of peak discharge is provided by *Error! Reference source not found.*

## 5.0 POST-CONSTRUCTION WATER QUALITY COMPLIANCE

The goal of this section is to provide guidance on the design, performance, and analysis for Post-Construction Water Quality BMPs to meet the requirements as outlined in the City’s MS4 permit (*Error! Reference source not found.*).

### 5.1 POST-CONSTRUCTION BMP PERFORMANCE REQUIREMENTS

Projects that require a SWPPP are subject to Post-Construction Water Quality requirements and shall propose permanent structural or non-structure BMPs that conform to the requirements of **Table 5-1**. Note that these are underlying basic requirements and additional analysis and design requirements for specific components of the City’s Public Storm Sewer System are provided within the following sections of this SWDM.

**Table 5-1 – Water Quality Performance Requirement**

<i>Situation</i>	<i>Water Quality Requirement</i>
New Development & Impervious Areas	Prescriptive BMP sizing requirements per <i>Error! Reference source not found.</i>
Redevelopment & Retrofit	Design BMPs to treat the first 0.5 inches of runoff from impervious areas.
Alternative BMP Method <sup>1</sup>	80% Total Suspended Solids (TSS) removal on an average annual basis shall be achieved.

(1) Requires approval from the City Engineer during the Mandatory Scoping Sheet process.

### 5.2 POST-CONSTRUCTION BMP ANALYSIS & REPORTING REQUIREMENTS

#### 5.2.1 ALTERNATIVE BMP METHOD ANALYSIS AND REPORTING

Post-Construction water quality BMPs, other than the Prescriptive BMPs included in *Error! Reference source not found.*, may be utilized when the analysis and sizing has been documented in the required SWPPP. The following minimum information shall be provided:

1. Citation and reference to an accepted BMP Manual for the analysis requirements and design standards for the Alternative BMP;
2. Demonstration that the requirements of **Table 5-1** have been met; or
3. Demonstration that alternative performance requirements approved by the City Engineer have been met; and
4. The alternative performance requirements have been approved as a deviation prior to the submittal of the SWPPP application.

### 5.3 POST-CONSTRUCTION WATER QUALITY BMP DESIGN STANDARDS

The following sections include minimum standards that stormwater structures and BMPs shall meet in the City of Dickinson.

#### 5.3.1 DETENTION BASINS

In addition to the minimum design standards presented in **Section 4.3.1**, detention basins proposed for post-construction water quality BMPs shall meet the following minimum design standards:

##### **Engineered Outlets:**

All water quality basins shall have an engineered outlet that conforms to the following minimum standards:

1. Minimum orifice size of 2 inches.
2. The distance between inlets and the outlet shall be maximized to facilitate sedimentation and limit short-circuiting of the water quality BMP:
  - a. Minimum length to width ratio is 3:1 as measured along the flow path from inlet to outlet; or
  - b. If project area constraints make this ratio unobtainable, the Design Engineer shall incorporate baffles, islands or peninsulas to increase the flow path and limit short-circuiting.

##### **Required Forebay:**

All water quality basins shall include a forebay to aid in routine maintenance, limit the potential for short-circuiting, and reduce resuspension of accumulated sediments.

1. Dry Detention Basins shall be divided into a minimum of two cells.
  - a. The first cell (forebay) shall contain, at a minimum, 10-percent of the design surface area as measured at the required water quality volume surface elevation; and
  - b. The forebay shall provide a minimum of 1 foot of dead storage for sediment accumulation.
2. Wet Detention Basins shall be divided into a minimum of two cells with the forebay containing no less than 10-percent of the design surface area as measured at the required water quality volume surface elevation.

##### **Embankment and Basin Protection:**

All exposed soils shall be stabilized by an appropriate method. Stabilization of the active storage area will need to consider the type of protection, including vegetation species selection, given the anticipated frequency and depth of inundation.

1. Dry Detention Basins shall be stabilized with native vegetation suitable for frequent inundation or other vegetative plantings that will allow for 100% coverage of the basin area;
2. Wet Basins shall include:
  - a. Appropriate stabilization at and below the normal pool elevation;
  - b. Suitable native grass or other vegetative plantings above the normal pool elevation;
  - c. Vegetation shall provide 100% coverage to the basin area over the normal pool elevation; and
  - d. Vegetative stabilization shall be selected from species suitable to grow and survive during periods of inundation.

### 5.3.2 INFILTRATION BMPS

Use of infiltration and filtration BMPs requires approval by the City Engineer during the Mandatory Stormwater Scoping Sheet process.

When approved for use, infiltration and filtration BMPs shall meet the Geotechnical Report requirements and design standards:

## 5.4 ANALYSIS METHODOLOGIES

The goal of this section is to provide detailed requirements for the analysis of Water Quality performance.

### 5.4.1 WATER QUALITY VOLUME ( $V_{wq}$ )

The water quality volume shall be determined using the methods described in *Error! Reference source not found.*

### 5.4.2 STANDARD METHODOLOGY

Standard Methodology analysis will be for the prescribed drawdown time of the selected BMP. For the purposes of determining compliance with the drawdown time requirements, the method presented in *Error! Reference source not found.* shall be used.

Drawdown time refers to the amount of time it takes for the  $V_{wq}$  to drain down to within 3 inches of the lowest engineered outlet. Depths under 0.25 feet (3 inches) may take an extensive amount of time to drawdown to the point of zero volume due to minimal head.

## **6.0 POST-CONSTRUCTION DRAINAGE AND CONVEYANCE COMPLIANCE**

The goal of this section is to provide guidance on the design, performance, and analysis requirements for Drainage and Conveyance within the City of Dickinson. Examples of drainage and conveyance facilities include storm sewer, drainage ditches, streets, open channels, culverts and other engineered systems intended to carry stormwater to a Point of Discharge.

### **6.1 PERFORMANCE REQUIREMENTS**

#### **6.1.1 STREET DRAINAGE PERFORMANCE REQUIREMENTS**

The criteria and procedures found in this section establish the performance requirements for street drainage conveyance infrastructure including gutters, inlets, manholes, and storm sewers.

##### **Hydrologic Requirements**

The street drainage system shall be designed as an integral part of the Public Storm Sewer System. Performance standards for stormwater flows on City streets are separated into requirements for the 5-year 24-hour event and the 100-year 24-hour event:

1. The 5-year 24-hour event has been selected to minimize nuisance flooding, protect against recurring minor damages, and reduce maintenance costs for streets by removing frequent flows in an orderly and economic manner.
2. The 100-year 24-hour event has been selected to minimize the potential for substantial property damage and loss of life by providing a defined drainage pathway for large rainfall events.

##### **Allowable Street Spread**

Street spread performance requirements are applicable to runoff being conveyed longitudinal to (i.e. parallel to) the right-of-way.

In situations where runoff is conveyed perpendicular to the right-of-way, the stream crossing and culvert crossing performance standards described in **Section 6.1.3** are applicable.

For the 5-year 24-hour storm, the performance requirements are to limit the spread (encroachment into the travel lanes) and the depth (inundation) of stormwater conveyed longitudinally in the right-of-way to below acceptable limits during the design event.

For the 100-year 24-hour storm, the performance requirement is to contain the runoff inside of the public right-of-way.

The street spread performance requirements for the 5-year 24-hour and 100-year 24-hour storm events are provided in **Table 6-1** and

**Table 6-2.**

**Table 6-1 – 5-year 24-hour Storm Street Performance Requirements**

<b>Street Classification<sup>(1)</sup></b>	<b>Max Depth</b>	<b>Max Encroachment<sup>(2)</sup></b>
Local Residential	No curb overtopping.	Flow may spread to crown of the street.
Local Commercial	No curb overtopping.	Flow may spread to crown of the street.
Collector – (All Sections)	No curb overtopping.	Leave 12 feet on each side of centerline clear of encroachment.
Arterial (Principal & Minor) & Parkways <sup>(3)</sup>	No curb overtopping.	Flow spread shall be limited to 7.5 feet or less from the face of curb.
State Highways	Shall meet the requirements of the NDDOT.	

- (1) Typical City urban street classification and geometry as defined by Title 14-09-05(1)(k) of the Zoning Ordinance.
- (2) Where no curb exists, flow spread shall not extend past street right-of-ways.
- (3) Maximum encroachment from interior raised median shall be less than 4-feet from the median curb.
- (4) Performance Requirements for non-standard street sections and geometry shall be determined by the City Engineer during the Mandatory Stormwater Scoping Sheet.

**Table 6-2 – 100-year 24-hour Storm Street Performance Requirements**

<b>Street Classification<sup>(1)</sup></b>	<b>Max Depth</b>	<b>Max Encroachment</b>
Local Residential	6 inches at the crown	The inundated area shall not exceed the street right-of-way.
Local Commercial	6 inches at the crown	The inundated area shall not exceed the street right-of-way.
Collector – (All Sections)	6 inches at the crown	The inundated area shall not exceed the street right-of-way.
Arterial (Principal & Minor) & Parkways	3 inches at the highest point of the driving lane.	The inundated area shall not exceed the street right-of-way.
State Highways	Shall meet the requirements of the NDDOT.	

- (1) Typical City urban street classification and geometry as defined by Title 14-09-05(1)(k) of the Zoning Ordinance.
- (2) Performance Requirements for non-standard street sections and geometry shall be determined by the City Engineer during the Mandatory Stormwater Scoping Sheet.

**Allowable Cross-Street Flow**

Cross-street flow occurs when runoff flowing longitudinally in a gutter is allowed to cross the travel lane due to a lowered crown in the street section or a valley gutter in an intersection. Cross-street flow is applicable to runoff contained in the street right-of-way and is not the same as allowable street overtopping for culverts crossing perpendicular to a street right-of-way.

Allowable cross-street flows for the 5-year 24-hour and 100-year 24-hour storm events are shown in **Table 6-3**.

**Table 6-3 – Allowable Cross-Street Flow Requirements**

<b>Street Classification<sup>(1)</sup></b>	<b>5-year 24-hour Criteria <sup>(1)</sup></b>	<b>100-year 24-hour Criteria <sup>(1)</sup></b>
Local	6 inch Depth at Crown or in Valley Gutter	9 inch Depth at Crown or in Valley Gutter
Collector	3 inch Depth in Valley Gutter	6 inch Depth at Crown or in Valley Gutter
Arterial	None	3 inch Depth or Less at Crown no allowable Valley Gutter Flow

(1) Typical City urban street classification and geometry as defined by Title 14-09-05(1)(k) of the Zoning Ordinance.

**6.1.2 STORM SEWER SYSTEM PERFORMANCE REQUIREMENTS**

The Storm Sewer System is a series of underground pipes designed to convey runoff to an outfall. This system includes inlets, pipes, manholes and other appurtenances necessary to efficiently collect and convey drainage from streets and surrounding properties. Design of the Storm Sewer System components shall be determined by a thorough analysis of the drainage area involved in accordance with the provisions of this SWDM.

The following section generally describes the performance standards for the analysis and design of a Storm Sewer System associated with a transportation system. These standards also can be applied to Storm Sewer trunk mains or other drainage pipes not located under a road or street. Based on drainage area, the Design Engineer or City Engineer may determine that more stringent performance requirements may be necessary for specific projects.

---

## **Storm Sewer Inlets and Catch Basins**

### INLET CAPACITY AND SPACING

Storm sewer inlets are a structure that intercept and capture surface runoff and direct the flow into the mainline pipe. All storm sewer inlets shall meet the following minimum performance requirements:

1. Storm sewer inlets installed in public streets shall be designed with capacity and spacing such that the maximum street spread widths and cross flow requirements of **Table 6-1**,
2. **Table 6-2** and **Table 6-3** are not exceeded.
3. Storm sewer inlets shall be designed to intercept the 5-year 24-hour design flow with the allowable bypass as defined in **Table 6-4**. Storm sewer inlets located in sag locations shall include the consideration of conveying flows greater than the design event in a manner that limits the potential for damage to adjacent property or structures.
4. The theoretical capacity of inlets and grates in sags or on grade shall be determined from manufacturers' or industry design charts or procedures utilizing the 5-year 24-hour event street spread criteria.
5. The capacity of the inlet lateral pipe shall exceed that of the theoretical capacity of the inlet for the 5-year 24-hour event.

**Table 6-4 – Storm Sewer Inlet Bypass Flow Design Requirement**

<b>Condition</b>	<b>Allowable Bypass</b>
Sag Location	No bypass flows are allowed during the 5-year 24-hour event.  Provide a 100-year 24-hour event overflow path that minimizes the potential for damage to adjacent property or structures.
Streets on Continuous Grade	The final downstream inlet or inlets shall be designed to intercept no less than 50% of the 5-year 24-hour storm.
Temporary Dead End Streets on Down Grade	Unless otherwise approved by the City Engineer, final downstream Storm Sewer Inlets shall not allow bypass flows during the 5-year 24-hour event.
Tee-Intersections on Down Grades and Low Points	No bypass flows are allowed during the 5-year 24-hour event design flow.  Depending on downstream conditions, the City Engineer may require oversizing inlets at low points.
Sag or Low Point with a Storm Sewer Outfall	Storm Sewer Inlets and Outfall Pipe shall be designed to allow no bypass flows during the 25-year 24-hour event design flow.

**INLETS LOCATED ON SAGS WITH A STORM SEWER OUTFALL**

In situations where a street drainage inlet and storm sewer system intercepts street runoff and discharges perpendicular to the right-of-way, the final sag inlets shall be sized to allow no bypass flows during a **25-year 24-hour event** and a pipe shall convey this design flow to the Point of Discharge. Additionally, an open channel overflow path shall be provided to convey the 100-year 24-hour event from the street sump location to the Point of Discharge consistent with the requirements of **Section 6.1.4 Open Channels**.

**Storm Sewer Pipe**

All storm sewer pipe shall meet the minimum performance requirements for the 5-year 24-hour and 100-year 24-hour design events as shown in **Table 6-5**.

**Table 6-5 – Storm Sewer Pipe Capacity Requirements**

<b>Storm Classification</b>	<b>Requirement</b>
5-year 24-hour Storm	HGL less than 0.5 foot above the crown of pipe as measured at the structure inlet point.
100-year 24-hour Storm	Storm sewer may be designed to surcharge during the 100-year 24-hour events; however, surcharging shall not result in a HGL elevation higher than the criteria listed in <b>Table 6-1</b> or <b>Table 6-2</b> .

All storm sewer pipe shall meet the velocity performance requirements listed in **Table 6-6**.

**Table 6-6 – Storm Sewer Pipe Velocity Requirements for 5-year 24-hour Storm**

<b>Parameter</b>	<b>Requirement</b>
Minimum Velocity	2 feet per second
Maximum Velocity	15 feet per second

**Storm Sewer Reporting Requirements**

**INLETS & CATCH BASINS**

When storm sewer inlets are proposed for a project that requires a SWPPP application, the Basis of Design Report shall include the following information documenting the performance of the storm sewer system:

1. Location, type, size, rim elevation and depth of the proposed inlet;
2. 5-year 24-hour design flow to the inlet;
3. Theoretical inlet capacity;
4. Depth of water in the gutter at the inlet;
5. Flow intercepted and flow bypassed; and
6. Street drainage spread width.

**STORM SEWER PIPE**

When storm sewer is proposed for a project that requires a SWPPP application, the Basis of Design Report shall include the following information documenting the performance of the storm sewer system:

1. Pipe calculations that state the design peak flow rates and design information for each pipe run, such as size, slope, length, material type, and Manning’s coefficient;
2. Velocities at design flow for each segment of proposed pipe;
3. HGL at each inlet, manhole, angle point, and outlet;

4. Depth from finish grade to pipe invert for each segment of proposed pipe; and
5. When there is a significant change in slope of the pipe through a manhole or other structure, the EGL at the structure assuming the velocity approaches zero.

**6.1.3 CULVERT PERFORMANCE REQUIREMENTS**

Requirements presented in this section shall be used in the analysis and reporting for design of culverts for public streets, roads and highways. Culverts are defined as a closed conduit for the passage of water under an embankment, such as a road or street. Water enters the culvert directly through the upstream opening in the conduit.

Calculations relating to design of culverts shall be submitted for approval with the SWPPP application, with criteria sections of this SWDM being referenced. The following tables define the minimum performance requirements for the analysis and design of culverts.

Hydrologic analysis and capacity of culverts shall be determined using a combination of the design storm, the allowable headwater depth and allowable street overtopping. The headwater depth is measured from the invert of the culvert to the resulting inlet headwater elevation.

The proposed culvert size and/or slope shall be increased until the requirements of **Table 6-7**, **Table 6-8** and **Table 6-9** have been met.

The allowable headwater requirements in **Table 6-7** are intended to apply to the majority of situations encountered in the City of Dickinson. All culvert crossing of the State Highway System shall also conform to the North Dakota Public Highway Stream Crossings as defined by NDAC 89-14.

**Table 6-7 – Culvert Headwater Requirements**

<b>Storm</b>	<b>Allowable Headwater</b>
25-year 24-hour Event	1.5 times the culvert diameter or culvert rise <sup>(1)</sup>
100-year 24-hour Event	<b>Table 6-8</b> Overtopping Criteria shall not be exceeded

(1) Culvert Rise is the height of the culvert for shapes other than round.

Allowable street overtopping for culverts installed perpendicular to road right-of-ways shall meet the criteria shown in **Table 6-8**. The street overtopping criteria is applicable to situations where the culvert headwater rises to a level where the flow in the channel overtops the street embankment and flows over the street to the downstream outlet of the culvert. Culvert street overtopping is not the same as allowable cross-street flow.

**Table 6-8 – Culvert Allowable Street Overtopping Requirements**

Street Classification	Storm	Requirement
All Streets	25-year 24-hour Event	No Overtopping
Local	100-year 24-hour Event	6 inches measured to the highest point on the street section (1)
Collector & Arterial	100-year 24-hour Event	No Overtopping

(1) For local urban streets, the highest point is typically the ROW line and for local rural road the highest point is the centerline of the ROW.

Analysis of the culvert shall consider the minimum velocity for cleansing and the maximum velocity for outlet protection. **Table 6-9** presents the minimum required cleaning velocity and allowable outlet velocities for typical types of protection. Outlet velocities in excess of 11 feet per second require an engineered energy dissipation feature or outlet armor design and supporting calculations.

**Table 6-9 – Culvert Velocity Requirements**

Parameter	Requirement
Minimum Velocity	2.5 feet per second during the 5-year 24-hour Storm
Outlet Protection	Per <b>Table 6-12</b>

**Culvert Reporting Requirements**

When culverts are proposed for a project that requires a SWPPP application, the Basis of Design Report shall include the following information documenting the performance of the culvert:

1. Complete culvert calculations that state the design peak flow rates, culvert size, slope, inverts, length, material type, wall thickness, and Manning’s coefficient.
2. Type of end treatment.
3. Headwater depths and water surface elevations for the design storm events.
4. Velocities at the inlet and outlet for the design storm events.
5. Flow control type (inlet or outlet).
6. Roadway cross-section and roadway profile.

**6.1.4 OPEN CHANNELS PERFORMANCE REQUIREMENTS**

Open channels in the City of Dickinson consist of two types; engineered channels and natural channels. Engineered channels are generally constructed to uniform lines and grades with lining materials or established vegetation to protect the channel from erosive forces. Natural channels

include all watercourses that have been established by nature. State, local, and federal laws shall be adhered to if modifications are proposed to natural channels.

Requirements presented in this section shall be used in the analysis and reporting for design of engineered open channels that convey runoff through and from developed areas. Analysis and impact to natural channels shall conform to FEMA floodplain management requirements and other applicable local, state and federal regulations. Channels should be located such that they will not adversely affect existing infrastructure.

Calculations relating to design of engineered channels shall be submitted with the SWPPP application for approval, with criteria sections of this SWDM being referenced. The following tables define the minimum performance requirements for the analysis and design of engineered open channels.

Engineered channels shall meet the minimum freeboard requirements listed in **Table 6-10** for the 100-year 24-hour event. Excavated or incised channels are constructed below the existing grade and do not require berms to contain the 100-year 24-hour design flows and freeboard requirements.

When berms are used to contain the 100-year 24-hour design flows, a greater amount of freeboard is required to account for the increased risk of uncontrolled flows if the berms are breached.

**Table 6-10 – Engineered Channel Freeboard Requirement**

<b>Channel Type</b>	<b>100-year 24-hour Storm Minimum Freeboard</b>
Fully Excavated or Incised	1 foot below the easement or right-of way boundary.
Berms or Built-Up Channels <sup>1</sup>	2 feet below the easement or right-of way boundary

- (1) City Engineer may require more stringent requirements for channels constructed with berms that could overtop and result in an uncontrolled discharge.
- (2) Minimum top width of channel berms shall be 6-feet

Engineered open channels shall be designed to resist the erosive forces of both the 5-year 24-hour and 100-year 24-hour events. Each case will require the Design Engineer to select channel geometry and lining materials that meet the performance requirements of this section. Channel lining design requires analysis of both the design velocity and predicted shear stress to select the proper lining material for individual channels.

Channels should be designed to avoid flows near critical depth or supercritical flows.

**Table 6-11** and *Error! Reference source not found.* provide minimum performance requirements for the allowable velocity and shear stress for engineered channels.

**Table 6-11 – Engineered Channel Lining Requirements**

<b>Condition</b>	<b>Minimum Requirement</b>
5-year 24-hour Event V < 5 FPS	Grass Lined Channels
5-year 24-hour Event V > 5 FPS	Lining to Resist Calculated Shear Forces
100-year 24-hour Event V < 5 FPS	Grass Lined Channel
100-year 24-hour Event V > 5 FPS	Lining to Resist Calculated Shear Forces

V = Velocity

FPS = Feet per Second

**Open Channel Reporting Requirements**

When engineered open channels are proposed for a project, the submitted SWMP shall include the information outlined on the SWPPP Checklist (SM-05) available in *Error! Reference source not found.*

**6.1.5 OUTLET AND OUTFALL PROTECTION PERFORMANCE REQUIREMENTS**

Outlet and/or outfall protection of culverts shall be designed to resist the erosive forces of events up to the 25-year 24-hour storm. For critical infrastructure, the City Engineer may require that culvert outfalls be designed for the 100-year 24-hour event.

Culvert outfalls shall be designed to resist the scour at the outlet and dissipate velocities to values that are appropriate for the downstream channel. For the majority of installations, utilization of properly sized rip-rap at the outlet will provide suitable protection against scour and sufficient energy dissipation.

**Table 6-12 – Maximum Allowable Design Velocities for Outlet Protection**

<i>Parameter</i>		<i>Velocity of Design Event</i>
Vegetation and/or Permanent Turf Reinforcement Mat		< 5 feet per second
Riprap Size Classification	VL	6.5 feet per second
	L	8.0 feet per second
	M	9.5 feet per second
	H	10.5 feet per second
	VH	11.0 feet per second
Energy Dissipater Required		> 11 feet per second

When velocities exceed 11 feet per second for the 25-year 24-hour event, or the City Engineer requires a higher design standard for critical infrastructure, the Design Engineer shall include an engineered energy dissipation structure. Accepted structures include:

1. Short Stilling Basin (USBR Type II).
2. Baffled Apron Stilling Basin (USBR Type IX).
3. Impact Stilling Basin (USBR Type VI).

Energy dissipation structures shall meet the design requirements of the current United States Bureau of Reclamation technical circular.

Other proprietary outlet protection measures may be proposed by the Design Engineer and approved at the City’s discretion. **Articulated Concrete Block is not allowed as culvert outlet protection.**

**6.2 MINIMUM DESIGN STANDARDS**

All design and construction for the extension of the City’s Public Storm Sewer System shall conform to the requirements of the current edition of the Standard Specifications. Requirements of the Standard Specifications are not reproduced or repeated in this SWDM. It is the responsibility of the Design Engineer to cross-reference the requirements for this SWDM and the Standard Specifications.

**6.2.1 STREET DRAINAGE DESIGN STANDARDS**

**Street Layout**

Street layout and design shall meet the requirements of Title 14-09-05 Municipal Code.

### **Curb & Gutter**

Curb & Gutter shall be included on all new public and private streets proposed for development activities in the City of Dickinson.

Curb and gutter grades shall meet the minimum design requirements of Title 14-09-05 Municipal Code.

Public Streets shall have curb and gutter that conforms to Section 603 of the Standard Specifications.

### **Valley Gutters**

Where storm sewer is not required by street spread requirements or otherwise not justified, valley gutters may be installed to convey runoff through Local Street intersections only. No valley gutters are allowed on Arterial or Collector streets unless approved by the City Engineer.

Design considerations for valley gutters include:

1. The minimum grade of the valley gutter shall be 0.5 percent at the flow line.
2. When valley gutters are used to redirect surface flow greater than 90-degrees (change direction), the Design Engineer shall include an analysis of the HGL and EGL to determine if a significant change in water surface elevation occurs due to a reduction in velocity.

## **6.2.2 STORM SEWER SYSTEM DESIGN STANDARDS**

### **Storm Sewer Inlets**

The primary purpose of storm sewer inlets is to intercept surface runoff and deposit it in a Public Storm Sewer System, thus reducing the potential for surface flooding. Storm sewer inlets can be located along street and/or in landscaped areas. The following design requirements generally apply to storm sewer inlets located within public streets and right-of-ways. These general concepts can be applied to private collection systems located in parking lots, parks, athletic fields and other areas that have storm sewer inlets and pipes to collect runoff.

The inlet capacity governs both the rate of water removed from the gutter and the amount of water that can enter the storm drain system. Inadequate inlet capacity or poor inlet location may cause flooding which creates a safety hazard and may interrupt traffic or damage adjacent property.

Storm sewer inlets located within public streets are classified into two major groups: Sag inlets and On-Grade inlets. In addition, inlet types vary as well. A brief description of the inlet types follows:

1. Curb-opening inlets: These inlets consist of a vertical opening in the curb through which the gutter flow passes.

2. Grate inlets: These inlets consist of an opening in the gutter covered by one or more grates.
3. Combination inlets: These units consist of both a curb-opening and a grate inlet acting as a single unit.
4. Catch Basin Inlets: These inlets consist of a flat grate opening intended to be installed in a parking lot or landscaped area.

Storm sewer inlets shall conform with the requirements of Section 1205 of the Standard Specifications and applicable current details.

The following are minimum design standards for inlet situations:

1. **Parking Lots and Private Property:** Catch basins installed in parking lots or private pervious areas shall meet the following minimum requirements:
  - a. **Catch Basin Capacity:** Provide 150% of the 5-year 24-hour event at each catch basin assuming a 0.5 foot depth;
  - b. **Max Ponding Depth:** 18 inches during the 100-year 24-hour event.
  - c. **Minimum Freeboard:** 1 foot to finished floor elevations, or lowest openings, of adjacent buildings during the 100-year 24-hour event.
  - d. **Overflows:** No uncontrolled (overflow) discharge to the public street right-of-way during the 100-year 24-hour event.
2. **Private Streets:** Meet the requirements of Public Streets.
3. **Public Street Right-of-Ways:** Inlets installed in public street right-of-ways shall meet the following minimum design standards:
  - a. **On-Grade Inlets:**
    - i. Inlet Capacity: Can use 100% of the computed inlet capacity (i.e. ignore clogging); and
    - ii. Minimum Inlet Size: Type 36"
  - b. **Sag Inlets:**
    - i. Inlet Capacity:
      1. Sag without a Storm Sewer Outfall: Provide 150% of the 5-year 24-hour design flow at curb depth;
      2. Sag with a Storm Sewer Outfall: Provide 150% of the 25-year 24-hour design flow at a depth that does not allow overflow from right-of-way;
    - ii. Minimum Inlet Size: Type 72"
    - iii. See *Error! Reference source not found.* for theoretical capacity of standard inlets in a sag. Design Engineer shall confirm capacities for actual location and products specified.

**Storm Sewer Pipe Design Standards**

Storm Sewer Pipe design, material and construction shall conform to the requirements of Section 802 and current Standard Drawings of the Standard Specifications.

All storm sewer pipe sizes shall conform to the requirements of **Table 6-13** unless approved by the City Engineer.

**Table 6-13 – Storm Sewer Pipe Size Requirements**

<i>Pipe Type</i>	<i>Minimum Size Requirement</i>
Public Lateral	15-inch diameter
Public Mainline	18-inch diameter or not decreasing in flow direction
Private Storm Sewer	12-inch diameter
Private Foundation or Building Drain	4-inch diameter

All storm sewer pipes shall be located consistent with the requirements **Table 6-14** unless approved by the City Engineer.

**Table 6-14 – Storm Sewer Pipe Location Standards**

<i>Situation</i>	<i>Design Location</i>
Street Right-of-Way	Storm sewer parallel to the street and in the right-of-way should be placed beneath the traveled lanes, to fit specific manhole or inlet connections.  Storm sewers should be located in streets with 10 feet of horizontal separation from sanitary sewers and water mains.  Storm sewer pipe changes in grade or direction shall be made at manholes that are accessible through a standard manhole casting.
Public Easements	Pipe centered in a 30-foot minimum easement width.  Easements located outside of street right-of-ways shall include a 20 foot wide all-weather access and maintenance path.
Private Easements	Pipe centered in a 20-foot minimum easement width.

Notes:

- (1) Easements shall be noted as “Public” (maintained by the City of Dickinson or other approved public entity) or “Private” (maintained by the Applicant).
- (2) Public Easements must be approved by the City.

- (3) Private Easements must have a provision to allow access by the City to allow for maintenance of derelict storm sewer pipes.

Pipes shall be designed to withstand anticipated loads in accordance with standard industry design procedures. AASHTO HS-20 loading may be assumed during design unless unique conditions of the site warrant a higher load capacity.

The Design Engineer shall confirm the minimum pipe cover for materials specified for individual projects.

**Manholes**

Manholes or other maintenance access ports (tee manhole sections on large diameter pipe) are required whenever there is a change in direction, elevation, grade or the junction of two runs of storm sewer.

Manhole design, material and construction shall conform to the requirements of Section 1205 and current Standard Drawings of the Standard Specifications.

Manholes shall be located such that the maximum spacing requirements of **Table 6-15** are not exceeded.

**Table 6-15 – Storm Sewer Manhole Spacing Standards**

<b>Situation</b>	<b>Maximum Manhole Spacing</b>
18" to 21" Storm Sewer Pipe	450 feet
24" to 30" Storm Sewer Pipe	500 feet
Over 30" Storm Sewer Pipe	600 feet

- (1) All pipe sizes are in round diameters.

Manhole size (diameter) shall be sufficient for the size of pipe entering and exiting the structure. **Table 6-16** lists the design standards for typical reinforced concrete pipe and precast concrete manholes. The Design Engineer shall confirm that the minimum manhole size listed in **Table 6-16** is appropriate for the materials specified for individual projects and angles of pipe entering/exiting the manhole.

**Table 6-16 – Storm Sewer Manhole Typical Minimum Sizes**

<b>Situation</b>	<b>Minimum Manhole Size</b>
18" to 24" Storm Sewer Pipe	48-inch Diameter Manhole
27" to 36" Storm Sewer Pipe	60-inch Diameter Manhole
42" Storm Sewer Pipe	72-inch Diameter Manhole
48" and larger Storm Sewer Pipe	Junction Box or Tee Manhole as approved by the City Engineer

- (1) Sizing based on recommendations by Forterra. Design engineer to confirm manhole sizing from actual supplier.
- (2) All pipe sizes are in round diameters. Design engineer to confirm minimum manhole size to other pipe shapes.
- (3) Inlets shall not be utilized as manholes for mainline storm sewer pipe.

Elevation drop shall be provided in manholes per the requirements of **Table 6-17**.

**Table 6-17 – Storm Sewer Manhole Drop Standards**

<b>Situation<sup>(1)</sup></b>	<b>Minimum Manhole Drop</b>
Increase in Storm Sewer Pipe Size	Match Crowns of Pipes <sup>(2)</sup>
Same Size Pipe with less the 45-degree Change in Direction	Carry the Pipe Slope Through the Manhole Structure
Same Size Pipe with 45-degree or greater Change in Direction	Minimum of 0.2 foot Drop Through the Manhole

- (1) All pipe sizes are in round diameters. Design engineer to confirm minimum manhole size to other pipe shapes.
- (2) In areas of flat topography, City Engineer may waive the requirement to match crowns.

**Easements**

Storm sewer pipes constructed outside of the street right-of-way shall include drainage meeting the requirements of **Table 6-14**.

**Design Considerations**

Factors to be taken into consideration in culvert design include design flows, the culvert's hydraulic performance, the economy of alternative pipe materials and sizes, horizontal and vertical alignment, and environmental concerns. The following minimum design considerations shall be met when designing culverts:

1. The minimum size as listed by *Error! Reference source not found.*

2. The size, shape, and type of culvert crossings shall be based on flow quantities calculated using the hydrologic methods set forth in **Section 6.1.3**.
3. The structural design of culverts shall conform to those methods and criteria recommended by the manufacturer for that culvert type and for the conditions found at the installation site. However, the minimum standards set forth in the current AASHTO standards shall be adhered to.
4. All culvert inlet structures shall be designed to minimize entrance losses. All culverts shall be fitted with flared end sections, headwalls, wing-walls or other approved methods of entrance loss minimization. Projecting ends are not permitted.
5. Culvert outlets shall be designed to resist the erosive forces from the design storm. All culvert outlets shall be fitted with a flared end section, headwalls, wing-walls or other approved outlet structure. Projecting ends are not permitted.
6. For large structures or where groundwater is a problem, the design shall include necessary provisions to resist hydrostatic uplift forces that could result in failure of the structure.
7. All culvert designs shall include an analysis that determines whether inlet or outlet control conditions govern.
8. Ponding above culvert inlets will not be allowed if such ponding will cause property or roadway damage, culvert clogging, saturation of fills, detrimental upstream deposits of debris, or inundate any other structure.
9. All culvert designs shall meet AASHTO HS-20 loading criteria.

### **Easements**

Culverts extended outside of the street right-of-way shall include drainage easements of a width necessary to contain the 100-year 24-hour water surface elevation required freeboard and maintenance access.

1. Easements shall be noted as “Public” (maintained by the City of Dickinson or other approved public entity) or “Private” (maintained by the Applicant).
2. Public Easements must be approved by the City.
3. Private Easements must have a provision to allow access by the City to allow for maintenance of derelict open channels and culverts.
4. The minimum drainage easement width shall be 30 feet.

### **6.2.3 OPEN CHANNEL DESIGN STANDARDS**

The use of open channels shall generally be limited to undeveloped areas that can conform to the requirements of the hydraulics, topography, and right-of-way limitations.

**Minimum Geometry Requirements**

*Table 6-18 – Engineered Channel Geometry Requirements*

<i>Parameter</i>	<i>Minimum Value</i>
Longitudinal Slope of Channel	0.25 Percent
Side-Slopes	3 Horizontal to 1 Vertical or flatter
Cross Section Shape	Trapezoidal
Minimum Bottom Width	4 feet

**Restrictions on Inter-Lot Flow**

Overland flow occurs when excess precipitation runs off in sheet fashion prior to accumulating in a drainage way. Overland flow generally occurs on private property and can also be described as inter-lot flows. Restrictions on inter-lot flows include:

1. Overland flow will only be permitted within individual private lots or land parcels, and in defined swales less than 2 feet deep.
2. Storm water runoff cannot be diverted, or channelized, from one private lot downstream through a separate lot unless appropriate easements are executed.
3. Private adjacent lots in common ownership are still required to dedicate easements.

**Engineered Channels – Vegetated**

In addition to the requirements stated in **Section 6.1.4** the following minimum design standards shall be met:

1. Drop structures may be used to control the grade in order to meet the velocity and shear stress requirements.
2. The design shall consider the channel material’s ability to withstand projected channel velocities and shear stresses for the 100-year 24-hour event. Channel protection measures shall be designed where necessary.
3. Side slopes greater than 3H:1V may be permitted if approved stabilization is utilized.
4. All grass channels shall include the utilization of a biodegradable or photodegradable erosion control mat to resist the calculated shear stress until vegetation can be established.
5. The grass species selected for seeding shall conform to requirements set forth by the Standard Specifications.

---

### **Easements**

Open channels shall include drainage easements of a width necessary to contain the 100-year 24-hour water surface elevation required freeboard and maintenance access.

1. Easements shall be noted as “Public” (maintained by the City of Dickinson or other approved public entity) or “Private” (maintained by the Applicant).
2. Public Easements must be approved by the City.
3. Private Easements must have a provision to allow access by the City to allow for maintenance of derelict open channels.
4. The minimum open channel drainage easement width shall be 30 feet regardless of the size of the channel.

## 6.3 ANALYSIS METHODOLOGIES

The goal of this section is to provide the detailed requirements for the analysis of drainage and conveyance facilities.

### 6.3.1 HYDROLOGIC ANALYSIS

1. **Unit Hydrograph:** NRCS (formerly SCS) Curve Number (CN) & Time of Concentration (Tc) Methods discussed in **Section 4.0** of this SWDM.
2. **Rational Method**
  - a. Intensity-Duration-Frequency (IDF) curves shall be from NOAA Atlas 14 using the Dickinson Municipal Airport station (*Error! Reference source not found.*).
  - b. Intensity (I) shall be based on the Time of Concentration (Tc) to the inlet(s). Note that multiple intensities may be needed for a single system.
  - c. Runoff Coefficient (C) shall be determined based on the site cover and obtained from accepted literature. The source used to obtain the Runoff Coefficient(s) shall be stated in the SWMP.

### 6.3.2 HYDRAULIC ANALYSIS

1. **Inlet Analysis:** Shall use the following methods:
  - a. On-Grade:
    - i. HEC-22 methodology.
  - b. Sag (Low Point):
    - i. HEC-22 methodology; or
    - ii. Orifice/Weir Equation.
2. **Manning's n Coefficients:**
  - a. Manning's n coefficients for commonly used materials and surfaces are provided in **Table 6-19**.
  - b. For surfaces not covered by **Table 6-19**, values shall be obtained from literature approved by the City Engineer.
  - c. The source(s) used to determine any coefficient(s) not provided in **Table 6-19** shall be stated in the SWMP.

**Table 6-19 – Manning’s Coefficients**

<b>Material/Surface</b>	<b>Manning’s n Coefficient</b>
RCP	0.013 – 0.014
CMP	0.022 – 0.024
HDPE (smooth)	0.010 – 0.012
HDPE (corrugated)	0.021 – 0.023
PVC	0.010 – 0.012
Vegetated Channel (not mowed)	0.035 – 0.050
Maintained Ditch/Channel (mowed)	0.030 – 0.040
Concrete Channel	0.015
Street (Asphalt)	0.014 – 0.016
Street (Concrete)	0.013 – 0.015
Urban Street Boulevards	0.045

**3. Entrance and Exit Coefficients:**

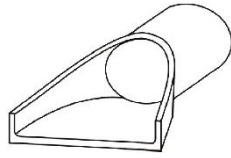
- a. Entrance and Exit Coefficients for common configurations are provided in **Table 6-20** and **Figure 6-1**.
- b. For situations not covered by **Table 6-20**, values should be obtained from accepted literature approved by the City Engineer.
- c. The source(s) used to determine any coefficient(s) not provided in **Table 6-20** shall be stated in the SWMP.

**Table 6-20 – Entrance and Exit Coefficients**

	<b>Material</b>	<b>Design Scenario</b>	<b>Entrance Coefficient</b>	<b>Exit Coefficient</b>
Pipe or Arch Culverts	RCP	Flared End Section	0.5	1.0
		Square Cut*	0.5	
		Socket or Rounded*	0.2	
	CMP or HDPE	Projecting	0.9	
		Mitered	0.7	
		Conforms to Fill	0.5	
Box Culverts	RCP	No Wingwalls	0.5	1.0
		Wingwalls (30° - 75°)	0.4	
		Wingwalls (10° - 25°)	0.5	
		Wingwalls (Straight)	0.7	

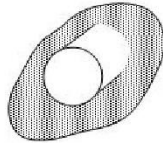
\*Applies to Headwall or Projecting

**Figure 6-1 – Entrance and Exit Configurations**



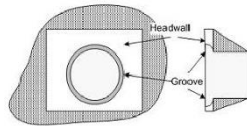
**Flared-End Section**

These are common end sections that function hydraulically equivalent in operation to a headwall in both inlet and outlet control.



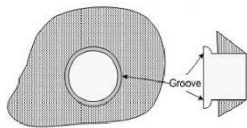
**Projecting**

This configuration results in the end of the culvert barrel projecting out of the embankment.



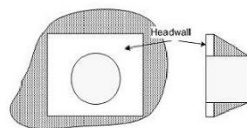
**Grooved Pipe with Headwalls**

The grooved pipe is for concrete culverts and decreases the loss through the culvert entrance.



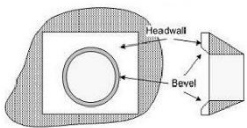
**Grooved Pipe Projecting**

This option is for concrete pipe culverts.



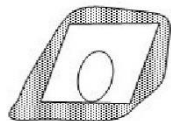
**Square Edge with Headwalls**

Square edge with headwalls is an entrance condition where the culvert entrance is flush with the headwall.



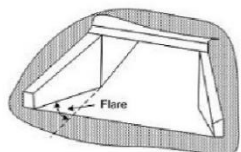
**Beveled Edge with Headwalls**

A beveled edge is a tapered inlet edge that decreases head loss as flow enters the culvert barrel.



**Mitered**

A mitered entrance is when the culvert barrel is cut so it is flush with the embankment slope.



**Wingwall**

Wingwalls are used when the culvert is shorter than the embankment and prevents embankment material from falling into the culvert.

Source: <http://www.fhwa.dot.gov/>

**4. Storm Sewer Junction Losses**

- a. Minimum storm sewer junction losses are provided in **Table 6-21**.
- b. For situations not covered by **Table 6-21** values should be obtained from accepted literature approved by the City Engineer.
- c. The source(s) used to determine any coefficient(s) not provided in **Table 6-21** shall be stated in the SWMP.

**Table 6-21 – Storm Sewer Junction Losses**

<i>Design Scenario</i>	<i>Entrance Coefficient</i>	<i>Exit Coefficient</i>
Inlet Junction	0.2	0.5
Manhole Junction	0.1	0.3

**5. Inlet/Outlet Control:**

- a. Analysis method shall account for both the potential for inlet or outlet control conditions with the water surface based on the higher computed water surface elevation.
- b. Inlet/outlet control shall be computed at all surface entrances to storm sewer (e.g. ditch draining to a flared end section) and culverts.

**6. Inlet Analysis Clogging Factor:**

- a. Inlet clogging factors are not required.
- b. For situations that the Design Engineer determines inlet clogging factors are necessary or applicable, state the use of clogging factors in the SWMP.

**7. Shear Stress:** Shall be calculated using the following equation:

$$\tau = \gamma D S$$

Where:

$\tau$  = Shear Stress (lb/ft<sup>2</sup>)

$\gamma$  = Weight of Water (lb/ft<sup>3</sup>)

D = Average Depth of Water (ft)

S = Surface Water Slope (Energy Grade Line)

## 7.0 CONSTRUCTION STORMWATER CONTROL

### 7.1 THE GOAL OF THIS SECTION IS TO PROVIDE GUIDANCE ON THE DESIGN, PERFORMANCE, AND ANALYSIS OF THE CONSTRUCTION STORMWATER CONTROL REQUIREMENTS OF THE CITY OF DICKINSON AS DEFINED IN THE SWPPP.ANALYSIS METHODOLOGIES

The goal of this section is to provide specific analysis methodologies for Construction Stormwater Control as required by the North Dakota Construction General Permit and the City’s MS4 General Permit (*Error! Reference source not found.*). Note that Small Site SWPPP applications do not need a hydrologic or hydraulic analysis.

#### 7.1.1 HYDROLOGY (COMPUTING RUNOFF)

1. **Computing Runoff:** Runoff calculation methods shall be consistent with those discussed in **Section 4.4.1**.
2. **Newly Graded Ground:** A minimum CN of 90 shall be used for all newly graded ground regardless of Hydrologic Soil Group.

#### 7.1.2 HYDRAULIC ANALYSIS

Hydraulic analyses shall be made using the methods described below unless otherwise approved by the City Engineer.

1. **Velocity:** Shall be obtained using one of the acceptable methods presented in *Error! Reference source not found.*
2. **Shear Stress:** Shall be calculated using the following equation:

$$\tau = \gamma D S$$

Where:

$\tau$  = Shear Stress (lb/ft<sup>2</sup>)

$\gamma$  = Weight of Water (lb/ft<sup>3</sup>)

D = Average Depth of Water (ft)

S = Surface Water Slope (Energy Grade Line)

3. **Capacity of Swales and Ditches:** Shall be analyzed using one of the methods presented in *Error! Reference source not found.*

Error! Reference source not found.

**NOAA Atlas 14 Rainfall Depths**

<b>Average Recurrence Frequency</b>	<b>24-Hour Rainfall Event (inches)</b>
2-year (50% Chance Storm)	2.1
5-year (20% Chance Storm)	2.6
10-year (10% Chance Storm)	3.1
25-year (4% Chance Storm)	3.9
100-year (1% Chance Storm)	5.3
500-year (0.2% Chance Storm)	7.2

Source: <http://www.noaa.gov/>

**Error! Reference source not found. – Allowable Velocity and Shear Stress for Selected Materials**

<b>Material Category</b>	<b>Material Type</b>	<b>Allowable Velocity (ft/s)</b>	<b>Allowable Shear Stress (lb/ft<sup>2</sup>)</b>
Temporary Rolled Erosion Control Product (RECP) (1)	Jute Net	1-2.5	0.45
	Straw w\ Net	1-3	1.5-1.65
	Coconut Fiber w\ Net	3-4	2.25
	Fiberglass roving	2.5-7	2
Nondegradable RECP (1)	Unvegetated	5-7	3
	Partially Established	7.5-15	4-6
	Fully Vegetated	8-21	8
Hard Surface (1)	Gabions	1-19	10
	Concrete	>18	12.5
Riprap (2)	D <sub>50</sub> = 6-inches		2.4
	D <sub>50</sub> = 12-inches		4.8

Source:

(1) *NRCS Part 654 Stream Restoration Design National Engineering Handbook*, Table 8-11.

- (2) Kilgore, R. T. and Cotton, G. K. (2005). *Design of roadside channels with flexible linings*. FHWA-NHI-05-114 Hydraulic Engineering Circular Number 15, 3rd Edition, 153 pp.

The allowable velocity and shear stress presented in *Error! Reference source not found.* are provided as a guideline for the selection of a type, or class, of stabilization. The Design Engineer shall select materials and provide manufactures literature for allowable velocity and shear of the actual material to be installed.

*Error! Reference source not found.* – **Theoretical Street Sag Inlet Capacities**

<b>Sag Inlet Size</b>	<b>Theoretical 6" Head Capacity (cfs)</b>
36-Inch	6.8
72-Inch	10.3
108-Inch	13.8
144-Inch	17.3

\*Inlets were analyzed as Neenah Foundry R-3295 Type C

*Error! Reference source not found.*

**Precipitation-Intensity Graphical**

Need to update this

Source: <http://www.noaa.gov/>

**Precipitation-Intensity Tabular**

Need to update this

Source: <http://www.noaa.gov/>

## **Chapter 60 UTILITIES**

### **Articles:**

**I. In General**

**II. Water System**

**III. Sewers and Sewage Disposal**

**IV. Water, Wastewater and Stormwater Charges**

**V. Municipal Street Lighting Utility**

**VI. Stormwater Management**

## **Article VI. - Stormwater Management**

### **Sections:**

- 60-160            General Provisions**
- 60-170            Stormwater Management Program**
- 60-180            Construction Stormwater Management Permits**
- 60-190            Enforcement and Penalties**

### **Sub-sections:**

- 60-160.1        Purpose and Policy.**
- 60-160.2        Definitions.**
- 60-160.3        Illicit Discharge into Stormwater System.**
- 60-160.4        Application.**
- 60-160.5        Operation and Maintenance Considerations.**
- 60-160.6        Mandatory Compliance with Other City Codes.**
- 60-170.1        Stormwater Management Program Scope.**
- 60-170.2        Contents of Stormwater Management Plan.**
- 60-170.3        Final Stormwater Management Plan.**
- 60-170.4        Conditions.**
- 60-180.1        Construction Stormwater Management.**
- 60-180.2        Construction Activities.**
- 60-190.1        Emergency Suspension of Permits.**
- 60-190.2        Revocation of a Permit.**
- 60-190.3        Notification.**
- 60-190.4        Hearing.**
- 60-190.5        Penalty.**
- 60-190.6        Costs of Damage.**
- 60-190.7        City Attorney's Fees and Costs.**
- 60-190.8        Falsifying Information.**

## **SECTION 60-160. GENERAL PROVISIONS**

### **60-160.1 - Purpose and Policy.**

This title sets forth uniform requirements for stormwater management systems within the City and its extraterritorial jurisdiction. It is the intent of the Board of City Commissioners that the requirements and standards contained in this ordinance comply with all applicable state and federal laws. In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control, or floodplain ordinance, or other regulations adopted by the City, County, State or Federal authorities, the more restrictive standard prevails.

The objectives of this title are:

1. To promote, preserve, and enhance the natural resources within the City of Dickinson, its extraterritorial jurisdiction and watersheds;
2. To protect and promote the health, safety, and welfare of the people and property through effective stormwater management practices;
3. To protect the City's natural resources from adverse impacts caused by development or other activities;
4. To allow for land development, land disturbing, or other activities that may adversely and potentially irreversibly impact stormwater quality and environmentally sensitive lands related to property within the City of Dickinson, the extraterritorial jurisdiction and watersheds while controlling runoff and protecting property;
5. To regulate land development, land disturbing, or other activities that may have an adverse impact to stormwater quality and quantity;
6. To minimize conflicts and encourage compatibility between land disturbing and development activities and environmentally sensitive issues (i.e. land, water, habitat, etc.);
7. To require detailed review standards and procedures for land development activities proposed throughout the City, and its extraterritorial jurisdiction, thereby achieving a balance between urban growth and development, and the protection of water quality; and
8. To provide for adequate stormwater system analysis and appropriate stormwater system design as necessary to protect public and private property, water quality, and existing natural resources. This title establishes and provides for the following stormwater management criteria:
  - a. The regulation of development through the issuance of stormwater management permits and through the enforcement of general stormwater drainage requirements throughout the City as they relate to managing stormwater volumes, rates of runoff, flow duration, and their subsequent impacts to downstream property and stormwater management facilities.
  - b. The regulation of, and the establishment of criteria for, existing public underground storm sewers, existing artificial and natural open channel drainage systems, existing stormwater detention and retention ponds, and existing private stormwater drainage systems discharging into the public system.

- c. Penalties for violating the provisions of this ordinance, and the orders, rules, regulations and permits issued hereunder. (Ord. No. 1282 § 2.)

## **60-160.2 - Definitions.**

For the purpose of this ordinance and title, the following terms, phrases, and words, and their derivatives, shall have the meaning as stated in this section. Words used in the present tense include the future tense. Words in plural number include the singular number, and words in the singular number include the plural number. The word “shall” is mandatory and the word “may” is permissive.

**Agricultural Land Use:** The use of land for planting, growing, cultivating and harvesting crops for human or livestock consumption and pasturing or yarding of livestock.

**Applicant:** Any person wishing to obtain a building permit, special use permit, zoning change, or subdivision approval, that requires a mandatory stormwater management permit.

**Approval:** Recognition that the project has addressed the applicable requirements to be issued a mandatory stormwater management permit.

**Best Management Practice:** A schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce increases in runoff rates and/or the pollution of downstream waters.

**Catchment:** The area of a development or redevelopment project that collects stormwater to a discrete Point of Discharge or Point of Analysis.

**Certification Report:** The required analysis documenting that the facilities identified in an approved Stormwater Management Plan have been constructed and function as intended. A Certification Report is a required submittal prior to project closeout.

**City:** The Board of City Commissioners

**Control Measure:** A practice or combination of practices to control erosion and attendant pollution.

**Construction:** Any site under development which lacks vegetative or permanent cover.

**Construction Plans:** Engineered drawings detailing the size and character of post-construction stormwater management facilities and site development.

**Construction Stormwater Management:** The implementation of appropriate temporary BMPs to minimize soil sediment or pollutants carried in runoff from construction activities. Also included is the management of run-on and runoff of stormwater from the construction activities.

**Conveyance Structure:** A pipe, open channel, or other facility that transports runoff from one location to another.

**Detention Facility:** A natural or manmade structure, including constructed stormwater wetlands, for the temporary storage of runoff which may contain a pool of water, or may be dry during times of no runoff.

**Developer:** A person, firm, corporation, sole proprietorship, partnership, federal or state agency or political subdivision thereof engaged in a land disturbance and/or land development activity.

**Certification Report** The required analysis documenting that the facilities identified in an approved Stormwater Management Plan have been constructed and function as intended. A Certification Report is a required submittal prior to project closeout.

**Common plan of development or sale** A contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan, e.g., a housing development of five ¼ - acre lots (40 CFR 122.26(b)(15)(i)).

**Conditional Approval** The issuance of a mandatory stormwater permit on the stipulation that additional materials and/or actions occur in the future to document and confirm the submitted and reviewed application materials.

**Construction Activities** As defined in 40 CFR part 122.26(b)(14)(x) and (b)(15). This includes a disturbance to the land that results in a change in topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating. Construction activity includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility Construction Plans, Engineered drawings detailing the size and character of post-construction stormwater management facilities and site development.

**Construction Stormwater Management** The implementation of appropriate permanent BMPs to minimize soil sediment or pollutants carried in runoff from construction activities. Also included is the management of run-on and runoff of stormwater from the construction activities.

**Development Means any of the following activities:**

- a. Structural development, including construction of a new building or other structure;
- b. Expansion or alteration of an existing structure that results in an increase in the ground surface dimensions of the building or structure;
- c. Land disturbing activities that result in land disturbance of one or more acres; or

**EPA:** United States Environmental Protection Agency.

**Erosion:** Any process that wears away at the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.

**Erosion and Sediment Control Plan:** A written description and site map containing best management practices designed to meet the requirements of this ordinance. A plan

that conforms to the State of North Dakota Stormwater Pollution and Prevention Plan Permit requirements can also be used.

**Extraterritorial Jurisdiction:** The zoning or subdivision jurisdiction of the City, but outside its corporate limits.

**Excavation** Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or spread and shall include the resulting conditions.

**Fill** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

**Hydric Soils** Soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. (Reference: USDA, NRCS. 2010. Field Indicators of Hydric Soils in the United States. [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_050723.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_050723.pdf))

**Illicit Discharge** Any discharge to, or seepage into the City's MS4 that is not composed entirely of stormwater or uncontaminated groundwater except discharges pursuant to an NPDES permit. Examples include, and are not limited to, construction material discharges, discharging of sanitary sewers and runoff of spilled chemicals, fuels or lubricants. Exceptions to illicit discharges are included in the City's current MS4 General Permit.

**Impervious Surface** Any land cover that prevents rain, or melting snow, from soaking into the ground, such as roofs (including overhangs), streets, sidewalks, patios, driveways, and parking lots. For the purposes of this SWDSM, all road, driveway or parking surfaces, shall be considered impervious.

**Land Disturbing Activities** Any land alterations or disturbances that may result in soil erosion, sedimentation, or change in runoff including, but not limited to, removal of ground cover, grading, excavating, and filling of land, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, and harvesting trees.

**Landowner:** Any person holding title to or having an ownership interest in land.

**Land User:** Any person operating, leasing, renting, or having made other arrangements with a landowner by which the landowner authorizes use of their land.

**Municipal separate storm sewer system or "MS4"** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins,

curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management Agency under section 208 of the CWA that discharges to waters of the United States;

Designed or used for collecting or conveying stormwater;

Which is not a combined sewer; and

Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**Multiple-Purpose Facility:** An urban stormwater facility that fulfills multiple functions, such as enhancement of runoff quality, erosion control, wildlife habitat, or public recreation, in addition to its primary purpose of conveying or controlling runoff.

**Notice of Termination (NOT)** Notification to the City and/or NDDEQ of one of the following criteria has been met: final stabilization has been successfully established; transfer of ownership of the responsibility for the site and its discharges has been legally transferred to another operator; or alternative permitting for the facility has been obtained for an individual National Pollution Discharge Elimination System permit to replace the general permit coverage.

**On-Site Post-Construction Facility or BMP** A permanent stormwater facility provided to serve only the project area and no significant areas outside of the project boundaries.

On-site facilities shall be sized to include the existing condition runoff flows from areas up gradient of the development boundary that flow onto the development under the existing condition.

**Outfall** The point where a municipal separate storm sewer system discharges from a pipe, ditch, or other discrete conveyance to receiving waters, or other municipal separate storm sewer systems. It does not include diffuse runoff or conveyances, which connect segments of the same stream or other water systems

**Occupant:** Any person using a lot, parcel of land, or premises connected to and discharging stormwater into the stormwater system of the City.

**Pervious Surface** Any land cover that permits absorption of stormwater or snow melt into the ground. Any surface with a curve number less than 95 are to be considered as pervious surfaces.

**Point of Analysis** The location where runoff from development or redevelopment will be evaluated for compliance with the requirements of Chapter 60-160 of the City

Municipal Code and this SWDSM. In general, this will be the location where post developed flow rates must meet the existing conditions rates and water quality BMPs have been provided.

The Point of Analysis may be located downstream of the Point of Discharge(s). The Point of Analysis will be determined by the City Engineer. In practicality, there may be more than one Point of Analysis for a project.

**Permanent Development:** Any buildings, structures, parking lots, roads, landscaping and related features constructed as part of a development project approved under a stormwater management permit, that will remain after development is constructed.

**Permanent Facilities:** Any natural or constructed features of a stormwater system including, but is not limited to storm sewers, infiltration areas, detention/retention areas, channels, streets, and similar features, that will remain after development is constructed.

**Permittee:** Any person who has received a stormwater management permit from the City.

**Person:** Any developer, individual, firm, corporation, partnership, franchise, association, owner, occupant of property, or agency - public or private.

**Point of Discharge** A location where stormwater discharges from development or redevelopment areas into the Public Storm Sewer System or other receiving waters. In practicality, there may be more than one Point of Discharge on a site or for a project.

**Post-Construction Facilities or Post-Construction BMP** Permanent structural and non-structural best management practices to mitigate adverse impacts to stormwater quality and water quantity which are part of any natural or constructed stormwater system that require periodic or minimal maintenance to retain their operational capabilities. This includes, and is not limited to, storm sewers, infiltration areas, detention areas, channels, streets, etc.

**Post-Construction Stormwater Management** The implementation of appropriate permanent BMPs to address the stormwater quantity, quality, and conveyance for new and redevelopment projects.

**National Pollution Discharge Elimination System (NPDES) Permit:** Any permit or requirement enforced by the North Dakota Department of Environmental Quality pursuant to the Clean Water Act as amended for the purposes of regulating stormwater discharge.

**Planning Commission:** An appointed Commission of the Dickinson City Commission, which is tasked with addressing land use in accordance with Chapter 44.

**Private Drainage Channel:** A drainage channel on privately-owned land or easements which eventually discharges into a public drainage channel, public storm sewer or public right of way.

**Private Storm Sewer:** A storm sewer on privately owned land or easements.

**Public Drainage Channel:** A drainage channel located on public property that collects and conveys stormwater.

**Public Storm Sewer:** A storm sewer located entirely on publicly owned land or easements.

**Private Storm Sewer System** A system of conveyances designed or used for collecting or conveying stormwater on privately-owned land or easements which eventually discharges into the Public Storm Sewer System. The Private Storm Sewer System consists of both open and enclosed drainage systems (including roads with drainage systems, parking lots, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned and operated by private entities.

**Public Storm Sewer System** A system of conveyances designed or used for collecting or conveying stormwater, owned or operated by the City and included in the City’s municipal separate storm sewer system (MS4). The Public Storm Sewer System consists of both open and enclosed drainage systems (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by the City and are designed to collect and convey stormwater; and discharge, either directly to an MS4 owned or operated by another public body, or to other receiving waters.

**Redevelopment** Any construction, alteration or improvement on a previously developed site that creates new impervious surfaces that does not violate the definition of Construction Activities listed above, and does not violate the maximum impervious coverage allowed as per Table 62-162-3a – Summary of Site Development Regulations.

**Regional Detention:** An area which temporarily stores stormwater from more than one source.

**Regional Flood:** A flood that is representative of large floods known to have occurred generally in the state and recently characteristic of what can be expected to occur on an average frequency in the magnitude of a one hundred (100) year recurrence interval. It is also referred to as the base flood.

**Runoff:** Rainfall, snowmelt, dewatering or irrigation water flowing over the ground surface and into open channels, underground storm sewers, and detention or retention ponds.

**Sediment:** Solid or organic material that, in suspension, may be transported by air, water, gravity, or ice, and deposited at another location.

**Site:** The entire area included in the legal description of the parcel or other land division on which land development or land disturbing activity is proposed in a permit application.

**State:** The State of North Dakota.

**Stabilized** The use of practices that prevents exposed soil from eroding. Temporary stabilization is (i.e. mulching, erosion control blankets) used on exposed soils where construction has ceased and will not resume for more than 14 days. Final stabilization is when all soil disturbing activities are complete and a uniform, perennial vegetative cover with a density of at least 70% of the native background cover has been established, or equivalent permanent erosion measures (like riprap) are in place.

**Standard Specifications** Refers to the current edition of the “Standard Specifications for Dickinson, North Dakota” available from the office of the City Engineer.

**Storm Sewer:** A pipe or conduit for carrying stormwater, surface runoff, street and wash waters, and drainage, excluding sewage and industrial wastes.

**Stormwater Design Manual:** a design and standards manual, as adopted and amended by the City of Dickinson, that contains the principal standards and design criteria for complying with the City’s stormwater management program. The Manual details criteria for hydrologic evaluations, the design of stormwater management system facility components, water quality protection standards, and requirements for easements and rights-of-way. The Manual also contains a discussion of operation and maintenance requirements, standard forms to be used, and standard construction details adopted by the City.

**Stormwater Management System:** Physical facilities that collect, store, convey, and treat stormwater runoff in urban areas. These facilities normally include detention and retention facilities, streets, storm sewers, inlets, open channels, and special structures, such as inlets, manholes, and energy dissipaters that are located within public right-of-way or easements dedicated to the City of Dickinson.

**Stormwater Detention:** Temporary storage of stormwater runoff in ponds, parking lots, depressed grassy areas, roof tops, buried underground tanks, and other similar features, for future or controlled release that is used to delay and attenuate flow.

**Stormwater Retention:** Permanent stormwater storage designed to eliminate subsequent surface discharge. Ponds are the most common types of retention storage.

**Stormwater Management Criteria:** Specific guidance provided to the designer to carry out stormwater management policies.

**Stormwater Management Plan (SWMP)** A written document detailing stormwater runoff characteristics for a defined area and the management of that runoff to mitigate adverse impact to stormwater quality and quantity. A Stormwater Management Plan is a required submittal for a Post-Construction Stormwater Management Permit.

**Stormwater Permit** A permit allowing land development and land disturbing activities so as to protect the Public Storm Sewer System such that development or redevelopment activities are in conformance with the MS4 General Permit.

**Stormwater Pollution Prevention Plan (SWPPP)** A site specific plan required for Construction Stormwater Permits that addresses all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity and controlled through the implementation of Best Management Practices (BMPs).

**Sub-catchment** A smaller area of the hierarchical pattern of drainage from a Catchment. For Mandatory Stormwater Permits, sub-catchments are used to define unique drainage areas inside of the project Catchment.

**Sub-watershed** A smaller area of the hierarchical pattern of drainage from a Watershed. An area of land where all surface water is tributary to a larger drainage system.

**Unpolluted Water:** Any water of quality equal to or better than the effluent criteria in effect, or water that would not cause a violation of receiving water quality standards.

**Urban Area:** Land associated with, or part of, a defined city or town.

**User:** Any person who benefits from and/or is regulated by City stormwater management policies and facilities.

**User Fee:** A fee levied on users of a public stormwater management system for the user's proportionate share of the cost of operation and maintenance or replacement of such works.

**Watershed** An area of land where all surface water from rain, melting snow, or ice converges to a single point at a lower elevation where the waters join another body of water, such as a river or lake.

**Watershed Stormwater Master Plan** A stormwater management plan that characterizes and address runoff from a defined drainage area and makes

recommendations for the implementation of regional facilities, or BMPs, to address peak flow and water quality compliance and/or regional drainage and conveyance systems. Watershed Stormwater Master Plans that are adopted by the City Commission are planning documents that provide drainage area specific refinements to stormwater management performance requirements and design standards.

**Waters of the State** Any and all surface waters that are contained in or flow in or through the state of North Dakota as defined in NDCC 61-28-02. This definition includes all water courses, even if they are usually dry.

**Water Shed:** The land area that drains water to a particular stream, river, or lake. It is a land feature that can be identified by tracing a line along the highest elevations between two areas on a map, often a ridge.

**Waterway:** any channel, open ditch, or river which carries natural flows or stormwater.

**Wetlands** Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Reference: Definition of wetlands as used by the USACE and EPA since the 1970s for regulatory purposes: <https://www.epa.gov/cwa-404/section-404-clean-water-act-how-wetlands-are-defined-and-identified>)

### **60-160.3 - Illicit Discharge into Stormwater System.**

It shall be unlawful for any person to discharge, deposit, dump or drain, or cause to be discharged, deposited, dumped or drained any liquid, solid or material which may degrade stormwater quality and/or is prohibited by city, state or federal regulations or policies into the stormwater system. For the purposes of this chapter, illicit discharges do not include the following, unless information is available to indicate otherwise: Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from firefighting activities. (Ord. No. 1282 § 2.)

### **60-160.4 - Application.**

A proposed Stormwater Management Plan shall be filed with the City Engineer when the definition of construction activities is met. If an existing stormwater management plan exists for the property, a new stormwater management plan will not be required if the engineering requirements are met for the proposed development as defined above. The application shall include a description of the location upon which the approval is requested, verification that the proposed use is permitted in the underlying zoning district, and adequate evidence showing the proposed use will conform to the standards set forth in this article and the City of Dickinson Stormwater Design Manual. Applicable fees as set forth in the city fee schedule shall be paid prior to commencement of any construction activities. Exemptions to the requirements of this section include:

- (1) Any part of a fully developed subdivision with streets, curbs, and gutters for which a plat was approved and recorded with the County Register on or before June 10, 2003;
- (2) A parcel for which a building permit was approved on or before June 10, 2003;
- (3) An administrative subdivision or minor subdivision, as defined in this Code;
- (4) Installation of a fence, sign, telephone, and electric poles and other kinds of posts or poles; or
- (5) Construction of a standalone single-family dwelling is exempt from filing a stormwater management plan, but must provide erosion control measures while under construction;
- (6) Emergency work to protect life, limb, or property.
- (7) The Planning and Zoning Commission may waive any requirement of this article upon making a finding that compliance with the requirement will involve an unnecessary hardship, and the waiver of such requirement will not adversely affect the standards and requirements put forth in [Sections 16-104](#) and [16-105](#). The City may require as a condition of the waiver such dedication or construction or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.
- (8) All Stormwater Management Plans that have been approved by the City of Dickinson prior to (DATE OF ADOPTION BY THE CITY COMMISSION IN 2026) shall be considered approved with no revisions required.

### **60-160.5 - Operation and Maintenance Considerations.**

All stormwater management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff. It shall be the responsibility of the applicant to obtain or provide any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes. (Ord. No. 1282 § 2)

### **60-160.6 - Mandatory Compliance with Other City Codes.**

In addition to this article, the applicant is responsible for adhering to the requirements of all city codes, including but not limited to the following:

- 1. Zoning regulations
- 2. The city’s Flood Damage Prevention Ordinance, ordinance number 1404, Chapter 20
- 3. Regulations governing the subdivision of land.

(Ord. No. 1282 § 2.)

**Secs. 60-161—60-169. - Reserved.**

**SECTION 60-170. - STORMWATER MANAGEMENT PROGRAM**

**60-170.1 - Stormwater Management Program Scope.**

Every applicant for a building permit, subdivision approval, or a permit to allow construction and/or land disturbing activities must comply with the provisions of this Article and the Stormwater Design Standards Manual. No building permit, subdivision approval, or permit to allow construction activities shall be issued until approval of the Stormwater Management Plan or a written waiver of the approval requirement has been obtained.

The City Engineer may waive any requirement of this title upon making a finding that compliance with the requirement will involve an unnecessary hardship, and the waiver of such requirement will not adversely affect the standards and requirements put forth in Chapter 60-160 to 60-190. The City may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet the said standards and requirements.

The City of Dickinson is a designated Municipal Separate Storm Sewer System (MS4) under the Environmental Protection Agency’s Stormwater Phase II Final Rule published on December 8, 1999 and is regulated under the North Dakota Pollutant Discharge Elimination System (NDPDES) by the North Dakota Department of Environmental Quality. To demonstrate compliance with the requirements of the MS4 General Permit, all development activities within the City’s zoning jurisdiction must comply with the provisions contained herein related to construction stormwater management permits.

**60-170.2 - Contents of Stormwater Management Plan.**

The City of Dickinson Storm Water Design Manual is the governing document for engineering standards that shall be followed.

- a.

**60-170.4 - Conditions.**

A Stormwater Management Plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this article are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, require the acquisition of certain lands or easements, and require the conveyance to the City of Dickinson or other public entity of certain lands or interests therein. The City may specify special requirements for specific watersheds within the City. The nature of these requirements will be subject to the unique environmental and natural resource environment of each sub watershed.

**Secs. 60-171—60-179. - Reserved.**

## **SECTION 60-180. – CONSTRUCTION STORMWATER MANAGEMENT PERMITS**

### **60-180.1 - Construction Stormwater Management.**

1. **Mandatory Permits.** Any person proposing a construction activities for development or redevelopment as defined above shall obtain a stormwater management permit before initiating those activities.
2. **Permit Application.** All person's subject to meeting the requirements for a mandatory stormwater management permit shall complete and file with the City Engineer an application in the form prescribed by the City and accompanied by a fee established by the City. The permit application shall be accompanied by a Stormwater Management Plan as prescribed under Chapter 60, Article VI. The City Engineer will evaluate the data furnished as part of the Stormwater Management Plan and may require additional information. After evaluation and acceptance of the Stormwater Management Plan, the City may issue a stormwater management permit subject to any terms and conditions deemed necessary.
3. **Permit Conditions.** Stormwater management permits are issued subject to all provisions of this title and all other applicable regulations, user charges and fees established by the City. Permits may contain any of the following conditions:
  - a. Limits on the maximum rate of stormwater discharge;
  - b. Limits on water quality degradation of stormwater discharge;
  - c. Requirements for the installation, operation and maintenance of stormwater detention/retention facilities; outlets, inlets and conveyance system.
  - d. Compliance schedule;
  - e. Requirements for notification to and acceptance by the City of any land disturbing activities which have the potential for increasing the rate of stormwater discharge resulting in degradation of stormwater quality; and
  - f. Other conditions as deemed appropriate by the City to ensure compliance with this title.

4. Permit Duration. Permits shall be in effect for a time period specified by the City. The applicant shall apply for permit renewal a minimum of ninety (90) days prior to the expiration of the applicant's existing permit.
5. Permit Modification. Permits may be modified by the City for just cause upon 30 days' notice. Just cause shall include but not be limited to:
  - a. A written request submitted by the permittee to the City and agreed upon by the city.
6. Monitoring Facilities. The City may require the applicant to provide and operate, at the applicant's expense, a monitoring facility to allow inspection, sampling, and flow measurements of each stormwater facility component. Where at all possible, the monitoring facility shall be located on the property of the applicant as opposed to on public rights-of-way. Ample room must be allowed for accurate flow measuring and sampling and the facility shall be kept in a safe and proper operating condition.

**Secs. 60-181—60-189. - Reserved.**

**60-190. – ENFORCEMENT AND PENALTIES**

**60-190.1. - Emergency Suspension of Permits.**

The City may for cause order the suspension of the stormwater management permit and/or building permit of a person, contractor, developer or parcel owner when it appears to the City that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons downstream, substantial danger to the environment, or a violation of any permit conditions imposed by this article. If any person is notified of the suspension order and/or a person fails to comply voluntarily with the suspension order, the City shall commence whatever steps are necessary to obtain compliance, including judicial proceedings. The City may reinstate the stormwater management permit and/or building permit upon proof of compliance with all permit conditions.

The City may order the emergency suspension of a stormwater management permit and/or building permit pursuant to the emergency provisions of this section, the City shall serve notice on the permittee personally or by registered or certified mail before or after actually suspending activity depending on the individual situation. If any person is notified of the suspension order and/or a person fails to comply voluntarily with the suspension order, the City shall commence whatever steps are necessary to obtain compliance, including judicial proceedings.

Any applicant dissatisfied with an order the City issued pursuant to this section may request a hearing before the Board of City Commissioners by filing a written request for a hearing with the City, within fifteen (15) days of receipt of the order. The hearing must be held within thirty (30) days of receipt of the request, or as subject to the current meeting schedule,

whereupon the Board of City Commissioners may affirm, modify or rescind the order. A request for a hearing filed pursuant to this section does not stay the order while the hearing is pending. (Ord. No. 1282 § 2)

**60-190.2 - Revocation of a Permit.**

A stormwater management permit may be revoked following notice and an opportunity for a hearing in accordance with Sections 38.14.150.3 and 38.14.150.4. The City may revoke a stormwater management permit for cause, including but not limited to if upon permitted site there is:

- 1. One or more violation of any terms or conditions of the stormwater management permit;
- 2. False statements on any required reports;
- 3. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
- 4. Any other violation of this title or related ordinance.

(Ord. No. 1282 § 2; Ord No. 1369 §1)

**60-190.3 - Notification.**

Whenever the City finds that any person has violated or is violating this title, stormwater management permit and/or its conditions, or any prohibition, limitation or requirement contained herein, the City shall serve upon such person a written notice stating the nature of the violation. Within the time period specified, a plan for the satisfactory correction thereof must be submitted to the City. (Ord. No. 1282 § 2)

**60-190.4 - Hearing.**

If the violation is not corrected by timely compliance, the City may order any permittee who causes or allows a violation to a stormwater management permit to show cause before the Board of City Commissioners why the order of the City should not be upheld. A notice of hearing must be served on the permittee specifying the time and place of a hearing to be held by the Board Commission regarding the order of the City, and directing the permittee to show cause before the Board Commission why the order of the City should not be upheld. The notice must be served personally or by registered or certified mail postmarked at least ten (10) days before the hearing. The evidence submitted at the hearing shall be considered by the city which shall then uphold, modify or rescind the order of the city. An appeal of the city’s decision may be taken according to law.

If any person commences any land disturbing activities which result in increased stormwater quantity or stormwater quality degradation into the City stormwater management system contrary to the provisions of this title, federal or state requirements or any order of the City, the City Attorney may, following the authorization of such action by the Board of City Commissioners, commence legal action for appropriate legal and/or equitable relief. (Ord. No. 1282 § 2; Ord No. 1369 §1)

### **60-190.5 - Penalty.**

Any person who is found to have violated an order of the Board of City Commissioners made in accordance with this title, or who has failed to comply with any provision of this title and the orders, rules, regulations and permits issued hereunder, is guilty of an offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. (Ord. No. 1282 § 2)

### **60-190.6 - Costs of Damage.**

Any person violating any of the provisions of this title or who initiates an activity which causes a deposit, obstruction, or damage or other impairment to the City's stormwater management system is liable to the City for any expense, loss, or damage caused by the violation or the discharge. The City may bill the person violating this title for the costs for any cleaning, repair or replacement work caused by the violation of stormwater discharge. (Ord. No. 1282 § 2)

### **60-190.7 - City Attorney's Fees and Costs.**

In addition to the civil penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by appropriate action against the person found to have violated this title or the orders, rules, regulations and permits issued hereunder. (Ord. No. 1282 § 2)

### **60-190.8 - Falsifying Information.**

Any person who knowingly makes any false statements, representations, or certification in any applicable record, report, plan, or other document filed or required to be maintained pursuant to this title, or stormwater management permit, or who knowingly falsifies, tampers with, or knowingly renders inaccurate any monitoring devices or method required under this chapter, shall be guilty of an offense. (Ord. No. 1282 § 2)

### **Sec. 60-191 – 60-199. - Reserved.**