



PLANNING AND ZONING MEETING AGENDA

Wednesday, March 11, 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. FEBRUARY 11, 2026 MNUTES

3. REGULAR AGENDA

A. FINAL MAJOR PLAT (FLP-001-2026) - Presented by City Planner, Natalie Birchak

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

B. ZONING TEXT AMENDMENT (ZTA-005-2026) - Presented by City Planner, Natalie Birchak

To consider a zoning text amendment to Table 62-162-2 "Table of Permitted Uses by Zoning District" in Section 62-162 "Development Regulations" of the Zoning Ordinance regarding prohibiting storage containers from being used as accessory structures in residential zoning districts.

C. ZONING TEXT AMENDMENT (ZTA-006-2026) - Presented by City Planner, Natalie Birchak

To consider a text amendment to Section 50-75 “Commercial use of sidewalks, streets and public grounds restricted.”, and Section 50-76 “Permitted uses of sidewalks, streets, or other public grounds.” of Chapter 50 – Streets, Sidewalks, and Other Public Places, of the City of Dickinson Municipal Code regarding definition changes and licensing requirements for mobile vendor vehicles.

4. PUBLIC COMMENTS
5. ITEMS NOT ON AGENDA
6. WORK SESSION

A. CITY LIMIT ROW DISCREPANCIES - Presented by City Planner, Natalie Birchak

B. DATA CENTER MODEL ORDINANCE - Presented by City Planner, Natalie Birchak

7. ADJOURNMENT

Link for viewing Planning and Zoning Commission Meeting:

https://youtube.com/live/sM9T_ODpqCE

This link will not be live until approximately 7:05 AM MT on March 11, 2026.

Teams Meeting: <https://tinyurl.com/PZC03112026>

Teams Meeting ID: 244 178 573 573 05 **Meeting Passcode:** 054ix3UJ3m

Teams Phone #: 1-701-506-0320

Phone Conference ID: 984 571 469#

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, February 11, 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

- Vice Chairman Scott Bullinger
- Commissioner Dean Franchuk
- Commissioner Aaron Johansen
- Commissioner Richard Haugen
- Commissioner Mike Schwab
- Commissioner Val Decker
- Commissioner Zach Keller
- Commissioner Rothstein

ABSENT

- Chairman Jason Fridrich

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: Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Keller, Commissioner Rothstein

2. MINUTES

A. JANUARY 14TH, 2025 MINUTES

Motion to approve as presented.

Motion made by Commissioner Johansen, Seconded by Commissioner Schwab.

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

3. REGULAR AGENDA

A. CHAIRMAN APPOINTMENT

Johansen nominates Fridrich, Decker seconds.

Motion made by Commissioner Johansen, Seconded by Commissioner Decker.

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

B. VICE CHAIR APPOINTMENT

Decker nominates Bullinger, Franchuck seconds.

Motion made by Commissioner Decker, Seconded by Commissioner Franchuk.

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

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

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

Ms. Birchak presents the ZTA. She explains Community Development staff is requesting approval of zoning text amendments to Section 62-133 – Commercial use types, Table 62-162-2. Permitted Uses by Zoning Districts in Section 62-162 – Development Regulations, and Section 62-469 – Commercial uses, in Chapter 62- Zoning of the Dickinson Municipal Code, to permit and license short-term rental uses in the Rural Residential (RR), Low Density Residential (R-1), Medium Density Residential (R-2), High Density Residential (R-3), Mobile Home (MH) and Downtown Commercial (DC) zoning districts. This proposed amendment also establishes a licensing process for short-term rental uses in resident-owned homes that are residential in appearance. This amendment has been heard at prior PZ meetings. Suggestions from the commission have been added. No public comments have been received and staff recommends approval.

*a list of all changes can be found in the accompanying agenda packet for this item

Vice Chair Bullinger opens the public hearing. There being no comments, the hearing is closed.

Motion made by Commissioner Johansen. Second Rothstein

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

D. ZONING TEXT AMENDMENT (ZTA-003-2026) - Presented by City Planner, Natalie Birchak

To consider a zoning text amendment to Section 62-56 “Amendment procedure.” of the Zoning chapter of the City of Dickinson Municipal Code regarding notice and protest requirements for rezoning, special use permits, and text amendments.

Ms. Birchak presents the ZTA. She explains Community Development staff is requesting approval of zoning text amendments to Section 62-56 – Amendment procedure, in Chapter 62-Zoning of the Dickinson Municipal Code, to remove the requirement placed on rezoning and Special Use Permit (SUP) applicants to notify adjacent property owners through petition signature collection. This amendment also clarifies the specific procedure the City utilizes to notify adjacent properties of any public hearings. This has been heard at prior PZ meetings. Suggestions from the commission have been added. No public comments have been received and staff recommends approval.

* a list of all changes can be found in the accompanying agenda packet for this item

Vice Chair Bullinger opens the public hearing. There being no comments, the hearing is closed.

Motion made by Commissioner Decker, Seconded by Commissioner Haugen.

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

E. ZONING TEXT AMENDMENT (ZTA-004-2026) - Presented by City Planner, Natalie Birchak

To consider zoning text amendments to Section 62-10 “Definitions.”, Section 62-471 “Accessory uses.”, and to Section 62-594 “Parking of certain vehicles.” of the Zoning Ordinance regarding updating the definitions of personal, commercial, recreational, heavy, and heavy recreational vehicles.

Ms. Birchak presents the ZTA. She explains Community Development staff is requesting approval of zoning text amendments to Section 62-10 – Definitions, Section 62-471 – Accessory uses, and Section 62-594 – Parking of certain vehicles, in Chapter 62-Zoning of the Dickinson Municipal Code, to update the definitions of personal, commercial, heavy, and recreational vehicles. This proposed amendment also clarifies that heavy vehicles cannot be parked or stored on residential lots. This

has been heard at prior PZ meetings. Suggestions from the commission have been added. No public comments have been received and staff recommends approval.

* a list of all changes can be found in the accompanying agenda packet for this item

Vice Chair Bullinger opens the public hearing. There being no comment the hearing is closed.

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

4. PUBLIC COMMENTS

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. CURALEAF ANNUAL SUP REVIEW

Ms. Birchak presented the item, noting that the applicant has appeared before the board for the past four years regarding the marijuana dispensary. Staff reported no issues with the Special Use Permit and confirmed the applicant is current with all required state licensing. No action is required.
Amber Wanner, manager is present for any questions.

B. FOOD TRUCK PERMITTING - Presented by City Planner, Natalie Birchak

Ms. Birchak presented proposed regulations for mobile food units (food trucks) operating within the City of Dickinson. The presentation outlined licensing requirements, operational standards, permitted zoning districts, parking regulations, and enforcement provisions. Vendors would be required to obtain an annual city license, provide documentation such as health department approval, insurance, and inspections, and comply with operational rules including distance requirements from buildings and restaurants, noise regulations, and cleanup responsibilities. The proposal also identified designated mobile vendor corridors and approved operating areas, and established administrative penalties and possible license revocation for violations.

* a list of all proposed changes can be found in the accompanying agenda packet for this item

Discussion:

Vice Chair Bullinger asked about the process for food trucks operating on roadways. Ms. Birchak explained they would only be permitted within designated corridors and would be required to obtain a license. Food trucks may also operate on private property with the property owner's approval. Commissioner Schwab asked whether

this could create issues with farmers markets. Ms. Birchak indicated that those situations would be addressed through the event permit process.

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

City Planner Natalie Birchak presented proposed regulations regarding residential storage containers. The presentation addressed questions raised at a previous meeting, including whether storage containers should be prohibited only within city residential zoning districts or also within the ETZ, how they should be regulated in commercial and industrial districts, and whether the proposed requirements could be enforced.

Staff determined that storage containers should be prohibited in residential zoning districts, including Rural Residential (RR), and that enforcement would be feasible. In commercial and industrial zoning districts, storage containers would be permitted but required to be screened from adjacent rights-of-way and neighboring properties in accordance with outdoor storage screening requirements.

The proposal also included language clarifying that intermodal shipping containers, as defined by the International Building Code, would not be permitted in residential zoning districts for more than 30 days, while remaining subject to screening requirements in other zoning districts.

* a list of all proposed changes can be found in the accompanying agenda packet for this item

Discussion:

Commissioner Johansen asked whether existing storage containers currently in violation would be grandfathered in. Building Official Schwindt stated there are not many cases of noncompliance and that staff would work with property owners to bring them into compliance, primarily through screening requirements.

Commissioner Haugen expressed concern about residents using old vehicles, trailers, and similar items for storage. Mr. Schwindt noted that the proposed regulations are a first step toward providing enforceable standards, as the City currently has limited ability to address issues such as junk vehicles within the ETZ.

City Attorney Wenko explained that enforcement authority in the ETZ is limited and that addressing issues such as junk vehicles has been difficult. She cautioned against overextending the City's jurisdiction. Mr. Schwindt added that enforcement would largely be complaint-driven or addressed during the building permit process, noting that without these regulations the City currently has little mechanism for enforcement.

Commissioner Decker asked whether there are any outstanding complaints, and staff indicated there are none at this time. Commissioner Rothstein questioned why the City is focusing on storage containers when other forms of storage are also used. Mr. Schwindt explained that permits are currently required for accessory structures larger than 10 by 12 feet.

C. **TRANSPORTATION AND MASTER PLAN UPDATE ORDINANCE** - Presented by City Planner, Natalie Birchak

Ms. Birchak presented the amended plan and major policy changes. She noted that the Transportation Master Plan and Comprehensive Plan Update were accepted by resolution at the October 21, 2025 City Commission meeting. The amendments incorporate policies from the existing Comprehensive Plan that were not included in the updated plan to ensure they remain enforceable prior to adoption by ordinance. Major changes include updates to plan language, the creation of two residential Future Land Use Map categories—High Density Residential and Low Density Residential—and the addition of an Urban Reserve category for areas adjacent to the City expected to develop for urban uses. The amendments also remove Policy 2.10, related to oil well standards, and Policy 3.1, which encouraged establishment of an R-4 zoning district.

7. **ADJOURNMENT**

Motion made by Commissioner Schwab, Seconded by Commissioner Haugen.

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

Link for viewing Planning and Zoning Commission Meeting:
<https://youtube.com/live/l-rK-CGTgzY>

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: Friday, February 6, 2026 3:28:19 PM



Unified Development Application

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

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

Type of Development **Major Subdivision Final Plat**

Is this a Replat **Yes**

Subdivision Being Re-platted **Lots 1 and 2, Block 1, Energy Center Third Addition**

Date of Final Plat Approval at Planning & Zoning Commission **03-11-2026**

Name **Tracy Tooz**

Company **Dickinson Energy Park, LLC**

Applicant Email **[REDACTED]**

Applicant Phone # **[REDACTED]**

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

Applicant Representative Company **Highlands Engineering**

Applicant Representative Email **[REDACTED]**

Applicant Representative

Phone # [REDACTED]

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

Owner Address [REDACTED]

Owner Email [REDACTED]

Owner Phone # [REDACTED]

Is the owner present to Sign

Owner Signature Upload [241279_Owner Signature_2024-02-28.pdf](#)

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

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

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

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

Total Square Footage or Acreage of Subject Property 70.71 acres

Transmittal Letter (Explanation of Request & Proposed Operations) [241279_Transmittal-Final Plat_2026-02-06.pdf](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 1

Name of Final Plat Energy Center 6th Addition

Final Platted Lots	1 to 10 Lots
Final Platted Block(s)	1
Name of Preliminary Plat	Energy Center 6th Addition
Preliminary Number Lots	1 to 10 Lots
Preliminary Number of Block(s)	1
	0
Application Calc	350
Required Documentation Upload	241279_Plat-PRELIM_2026-02-06_7806.pdf 241279_Plat-FINAL_2026-02-06_1274.pdf 241279_Development Agreement-2025-12-04_1607.docx 241279_Parcel Map_2025-12-03.pdf 241279_Utility Map_2025-12-03.pdf 241279_COS-Combined_2025-12-04_1773.pdf 241279_ENERGY CENTER 6TH-FINAL-ED_2026-02-06.pdf 241279_Stormwater Report-FINAL-ED_2026-02-06.pdf
Deed for Property	3109483_Deed_2593.pdf
Application Fees	Applicable Fees 350.00 USD
	Total: \$350.00
	Transaction ID: 27bh9k89
	Payment Information
	First Name: Andrew
	Last Name: Schrank
	E-Mail: [REDACTED]
Applicant Signature	<input type="text"/>
Date	02-06-2026

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.

ENERGY CENTER 6TH ADDITION MAJOR SUBDIVISION (FLP-001-2026)





Transmittal Letter

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

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

Date: February 6, 2026

Re: Final Plat Application – Energy Center 6th Addition

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

- Written Statement (included, below)
- Dickinson Energy Park, LLC Deed
- Five (5) Certificates of Survey with Legal Descriptions of areas to be deeded
- Preliminary Plat drawing with Aerial Imagery Overlay
- Final Plat drawing
- Draft Development Agreement
- Parcel map from the City's GIS page
- Utility map from the City's GIS page
- Sanitary Sewer and Site Improvement Plans for Energy Center 6th Addition
- Stormwater Report for Energy Center 6th Addition

WRITTEN STATEMENT

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

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

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

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

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

A zone change request was previously submitted and is being processed concurrently with this plat application. The proposed zone changes requested in combination with this plat are as follows:

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

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

As part of the pre-application letter, City Staff requested trip generation information for this site. The lots to be owned by the City, Lots 1, 2, and 7, were not included in this trip generation analysis as the City is more familiar with the use of these lots and should be

able to provide their own traffic data as necessary. Trip generation information available from the ITE Trip Generation Manual, 10th Edition, was reviewed to determine the most appropriate land use category available to generate trip estimates for Lots 3-6. A Land Use category with industrial uses having information available based on the acreage of the property was desired as this is all that is known about the intended use of this property at this time. The “Manufacturing” land use was the most applicable category that met these requirements. The ITE Manual defines this category as “an area where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to the actual production of goods, manufacturing facilities generally also have office, warehouse, research, and associated functions.” The average rate of trip ends generated for this land use are 35.02 per acre with 50% entering and 50% leaving and a standard deviation of 28.72 vehicles according to the ITE Manual. It should be noted that this information provided may vary greatly based on how each lot is developed and the actual uses of this land, which is indicated by the high standard deviation of this data. The following bullets depict trip ends anticipated for Lots 3-6 in this development.

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

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

Sanitary sewer service to Lot 2 is already along the east side of this lot. Sanitary sewer service to Lot 1 will be extended by the City from an existing sanitary sewer main along the west edge of this subdivision through the easement provided in the northwest corner of Lot 6. A new public sanitary sewer system will need to be extended through this subdivision to serve the remaining lots, Lots 3-6. This sanitary sewer extension will be constructed by Dickinson Energy Park, LLC as it will serve the lots that they own. This proposed sewer system is shown by the enclosed Sanitary Sewer and Site Improvement Plans for Energy Center 6th Addition. This sanitary sewer line location was selected as it lies within the natural low area of the topography, which will allow sanitary waste from all lots to flow by gravity avoiding the need for additional lift stations. After construction and approval of this system by the City of Dickinson, the ownership and maintenance of this system will be turned over to the City according to the draft Development Agreement.

Tract 1 is to be reserved for stormwater management and public infrastructure as noted on the plat drawing. A stormwater management facility and a portion of the previously mentioned sanitary sewer system are to be constructed within this Tract to serve this development. Lots 3 thru 5 will have pre-vs-post development runoff detained within the regional stormwater management facility that is to be constructed within Tract 1. The location of Tract 1 was selected as it is the current outfall location for runoff from these three lots, which will help to reduce the amount of site grading required to drain runoff from these lots to this facility. After construction of this stormwater management system by Dickinson Energy Park, LLC and approval by the City, Tract 1 will be deeded to the City of Dickinson and future ownership and maintenance of this tract will be the responsibility of the City according to the draft Development Agreement. The enclosed Stormwater Report details the sizing of the proposed detention pond within this Tract, and the design is depicted by the enclosed Sanitary Sewer and Site Improvement Plans for Energy Center 6th Addition. The remaining lots do not drain to this tract as they have other runoff outfall locations. Therefore, the remaining lots will need to detain runoff individually within their property in accordance with City Codes and policies at the time of development.

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

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

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



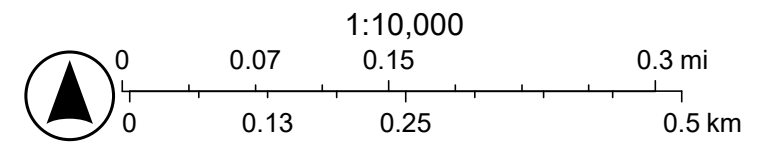
Andrew Schrank, PE, CFM
Highlands Engineering

Dickinson Land Information Map



12/3/2025

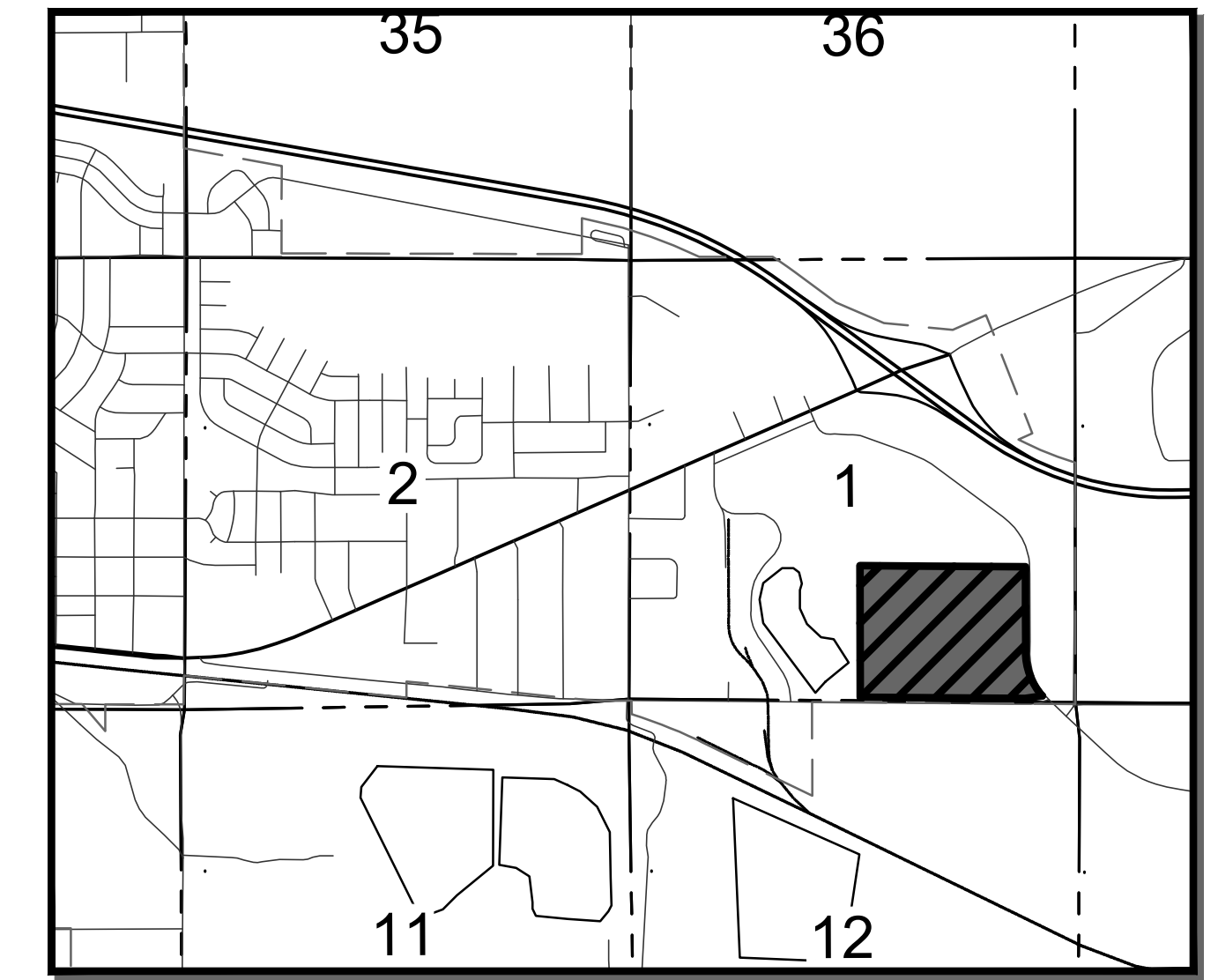
- Dickinson Tax Parcels
- Stark Parcels
- Platted Lot Lines
- Easement Lines
- Municipal Boundary
- Extra Territorial Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata



Vantor, Dickinson Engineering Department, Engineering & Planning

ENERGY CENTER 6TH ADDITION

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



VICINITY MAP
1" = 2000'
LEGEND

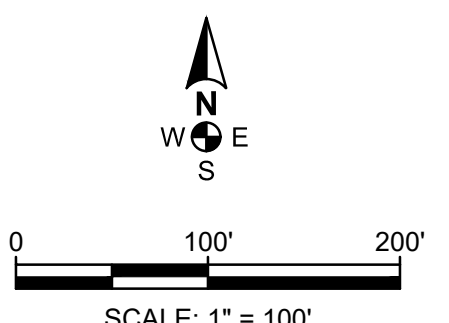
- PROPERTY BOUNDARY
- PROPOSED LOT LINES
- EXISTING LOT LINES
- EXISTING LOT LINES TO BE VACATED
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- SECTION LINE
- SECTION CORNER
- QUARTER CORNER
- PROPOSED EASEMENT CENTERLINE
- PROPOSED UTILITY EASEMENTS (15' WIDTH TYPICAL)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

PLAT NOTES

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

SURVEY NOTES

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



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

PROJECT NUMBER: 241279 SCALE: 1"=100'
DRAWN BY: AWS DATE: 02/12/26
SHEET: 1 OF 1

ENERGY CENTER 6TH ADDITION

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

AREA RESERVED FOR RECORDER'S OFFICE

PROPRIETOR'S CERTIFICATE

I, **SCOTT DECKER**, PRESIDENT OF THE CITY COMMISSION OF THE CITY OF DICKINSON WHOSE ADDRESS IS 38 1ST ST W, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF LOTS 1, 2, AND 7, BLOCK 1 OF THIS PROPOSED **ENERGY CENTER 6TH ADDITION** PLAT, MORE PARTICULARLY CONSISTING OF THE FOLLOWING DESCRIBED PROPERTY:

- LOT 2, BLOCK 1 OF **ENERGY CENTER 3RD ADDITION** IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 326775;
- LOT 1A, BLOCK 1 OF **ENERGY CENTER 3RD ADDITION** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587, LESS AND EXCEPT **PARCEL B** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____ AND LESS AND EXCEPT **PARCEL D** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____, BOTH BEING LOCATED WITHIN SAID LOT 1A;
- **PARCEL A** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____ BEING A PORTION OF LOT 1, BLOCK 1 OF **ENERGY CENTER THIRD ADDITION** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171;
- **PARCEL C** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____ BEING A PORTION OF LOT 1, BLOCK 1 OF **ENERGY CENTER THIRD ADDITION** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171; AND
- **PARCEL E** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____ BEING A PORTION OF LOT 1, BLOCK 1 OF **ENERGY CENTER THIRD ADDITION** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171;

DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

PRINTED NAME: _____

SIGNATURE: _____

STATE OF _____ }
COUNTY OF _____ } SS

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

MY COMMISSION EXPIRES: _____

PROPRIETOR'S CERTIFICATE

I, _____, AUTHORIZED REPRESENTATIVE OF DICKINSON ENERGY PARK, LLC, WHOSE ADDRESS IS 555 HIGHWAY 1804 NE, BISMARCK, ND 58503, THE OWNER AND PROPRIETOR OF LOTS 3 THROUGH 6 AND TRACT 1, BLOCK 1, AND THE RIGHT-OF-WAY TO BE DEDICATED TO THE PUBLIC AS SHOWN BY THIS PROPOSED **ENERGY CENTER 6TH ADDITION** PLAT, MORE PARTICULARLY CONSISTING OF THE FOLLOWING DESCRIBED PROPERTY:

- LOT 1, BLOCK 1 OF **ENERGY CENTER 3RD ADDITION** IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171, LESS AND EXCEPT **PARCEL A** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____, LESS AND EXCEPT **PARCEL C** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____, AND LESS AND EXCEPT **PARCEL E** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____, ALL BEING LOCATED WITHIN SAID LOT 1;
- **PARCEL B** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____ BEING A PORTION OF LOT 1A, BLOCK 1 OF **ENERGY CENTER THIRD ADDITION** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587; AND
- **PARCEL D** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____ BEING A PORTION OF LOT 1A, BLOCK 1 OF **ENERGY CENTER THIRD ADDITION** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3180587;

DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

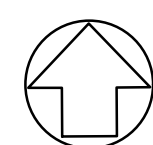
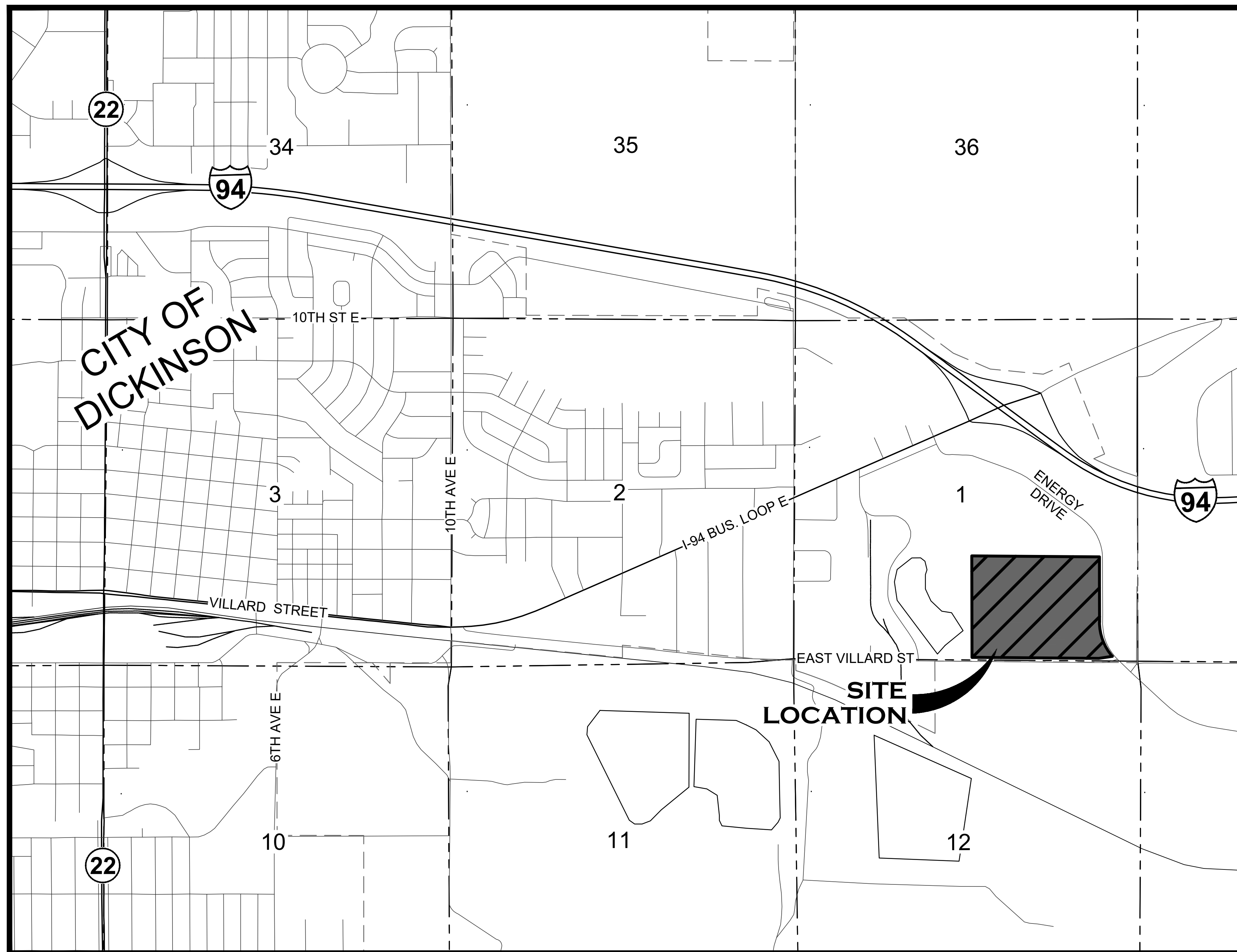
PRINTED NAME: _____

SIGNATURE: _____

STATE OF _____ }
COUNTY OF _____ } SS

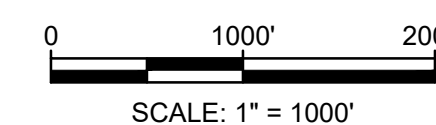
ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____



VICINITY MAP

(SCALE: 1" = 1000')



LEGAL DESCRIPTION

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

- LOT ONE (1) AND ONE 'A' (1A) ALSO ENCOMPASS THE FOLLOWING PARCELS:
- LOT ONE (1) AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3098171;
- **PARCEL A** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____;
- **PARCEL B** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____;
- **PARCEL C** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____;
- **PARCEL D** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____;
- AND
- **PARCEL E** AS RECORDED BY STARK COUNTY DOCUMENT NUMBER _____.

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

SURVEYOR'S CERTIFICATE

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

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

CITY OF DICKINSON COMMISSION APPROVAL

PRINTED NAME: _____

TITLE: _____

SIGNATURE: _____

DATE: _____

CITY PLANNING AND ZONING COMMISSION APPROVAL

PRINTED NAME: _____

TITLE: _____

SIGNATURE: _____

DATE: _____

CITY ENGINEER APPROVAL

PRINTED NAME: _____

TITLE: _____

SIGNATURE: _____

DATE: _____



HIGHLANDS ENGINEERING

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

PROJECT NUMBER:	241279	SCALE:	1"=100'
DRAWN BY:	AWS	DATE:	02/12/26
SHEET:	1 OF 2		

ENERGY CENTER 6TH ADDITION

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

E1/4 SEC. 1,
T139N, R96W
FOUND NDDOT
REBAR & CAP

AREA RESERVED FOR RECORDER'S OFFICE

ABBREVIATIONS

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

LEGEND

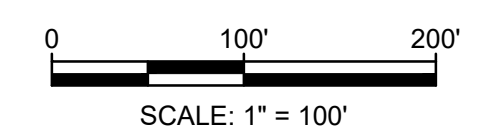
	PROPERTY BOUNDARY
	PROPOSED LOT LINES
	EXISTING LOT LINES
	EXISTING LOT LINES TO BE VACATED
	FOUND REBAR MONUMENT
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	SECTION LINE
	SECTION CORNER
	QUARTER CORNER
	PROPOSED UTILITY EASEMENTS
	PROPOSED DRAINAGE & SANITARY SEWER EASEMENT
	PROPOSED SANITARY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

PLAT NOTES

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

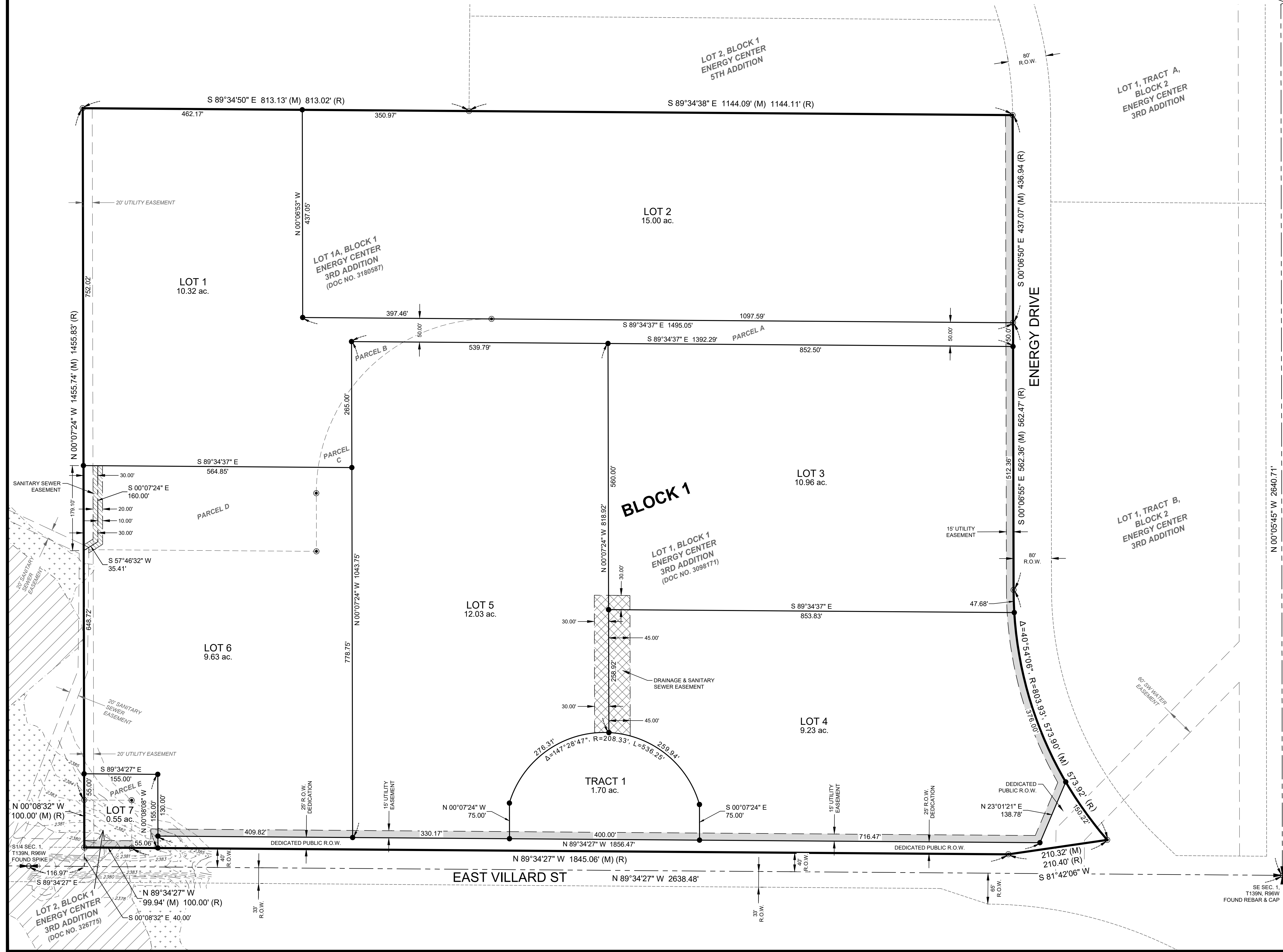
SURVEY NOTES

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



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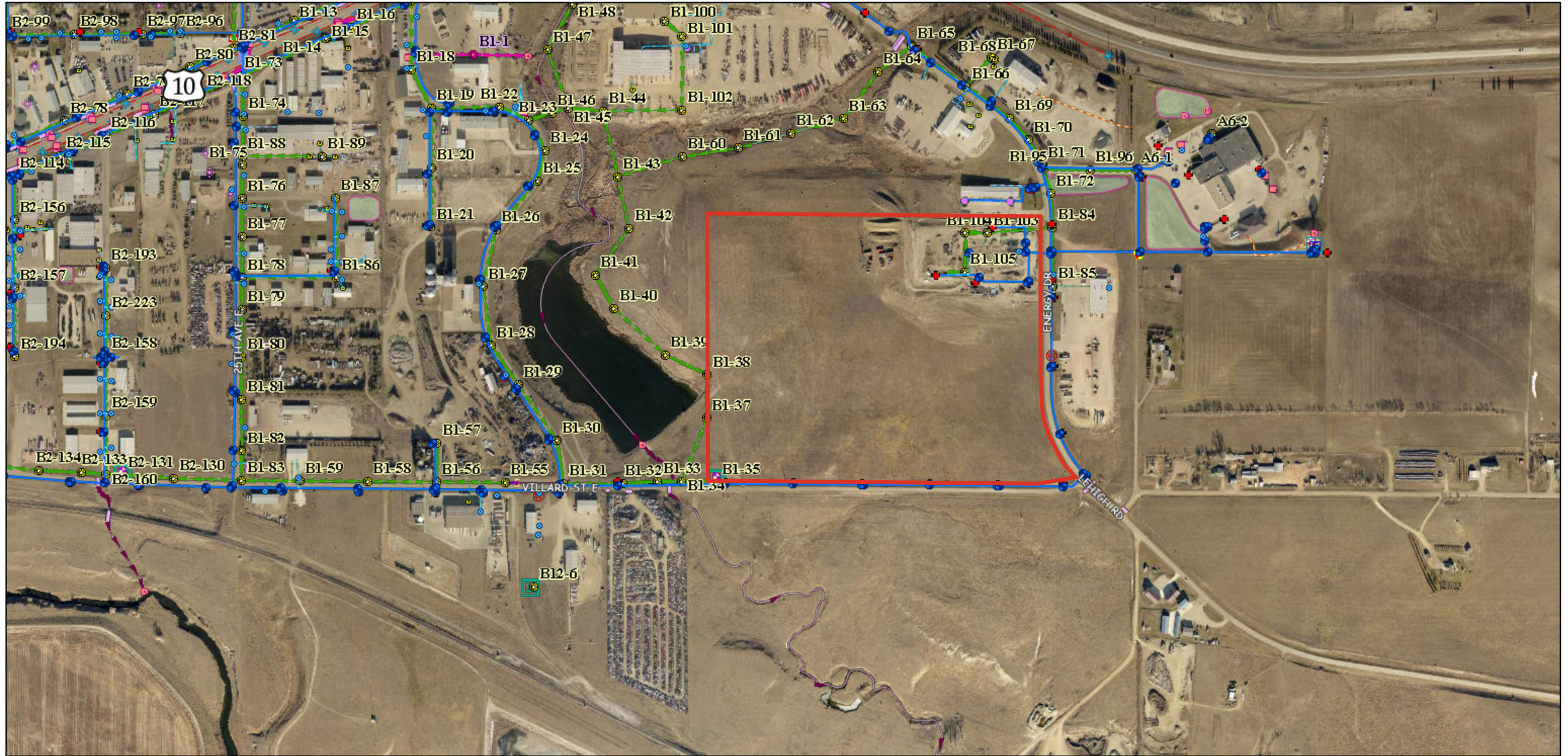
PROJECT NUMBER: 241279	SCALE: 1"=100'
DRAWN BY: AWS	DATE: 02/12/26
SHEET: 2 OF 2	



SE SEC. 1,
T139N, R96W
FOUND REBAR & CAP

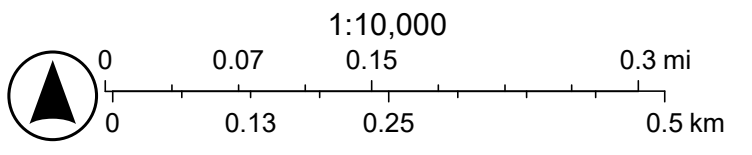
SE 1/4 SEC. 1,
T139N, R96W
FOUND SPIKE

Dickinson Utility Information Map



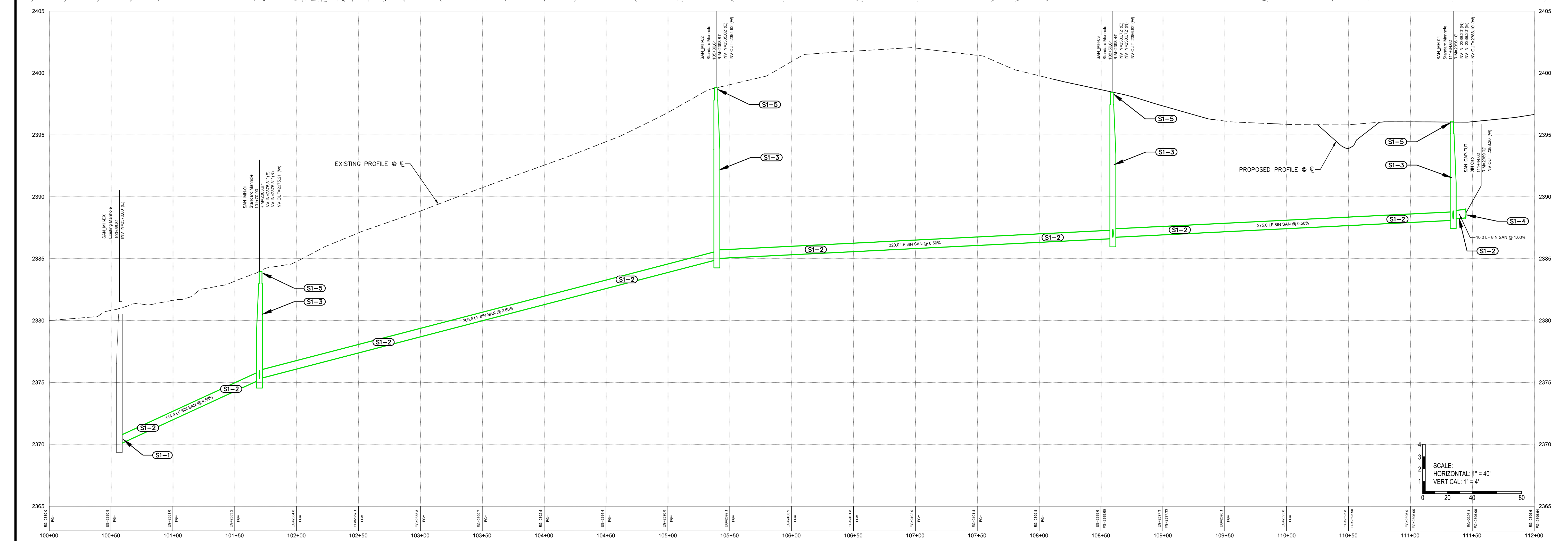
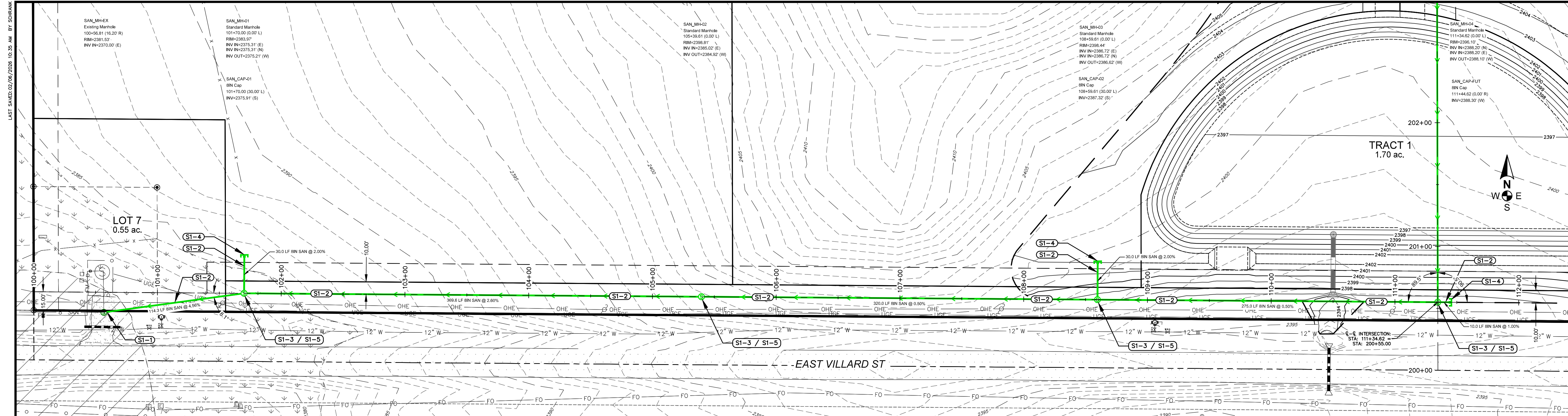
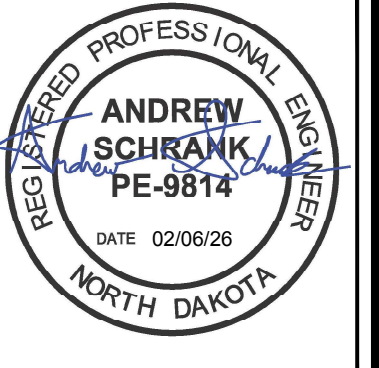
12/3/2025

- | | | | | |
|--|---|--|---|--|
| <ul style="list-style-type: none"> ● Water Curb Stop Valve ■ Water System Valve ● Normally Closed ● Normal Operation ● Water Hydrant ● City of Dickinson ● Private or Other ⊗ Water Manhole | <p>Water Network Structures</p> <ul style="list-style-type: none"> Enclosed Storage Facility <p>Water Lateral Lines</p> <ul style="list-style-type: none"> Fire Hydrant Service <p>Water Main Lines</p> <ul style="list-style-type: none"> Ductile Iron - From 8 to 12 in | <ul style="list-style-type: none"> Polyvinyl Chloride - From 8 to 12 in Polyvinyl Chloride - Under 8 in Water Casings ● Sanitary Control Valve ● Sanitary Clean Outs ● Sanitary Manhole Sanitary Lateral Lines <p>Sanitary Network Structures</p> <ul style="list-style-type: none"> Lift Station Storm Inlets Storm Discharge ● Storm Manholes | <ul style="list-style-type: none"> Sanitary Gravity Mains Sanitary Pressurized Mains Sanitary Casings <p>Storm Gravity Mains</p> <ul style="list-style-type: none"> Storm Gravity Mains Storm Culverts Storm Open Drains Storm Detention Structures <p>Poles</p> <ul style="list-style-type: none"> ◆ Streetlight, City of Dickinson ◆ Streetlight, Roughrider Electric ◆ General Lighting, Private | <p>Wire Access Points</p> <ul style="list-style-type: none"> Electric-Handhole Electric-Service <p>Wire Lines</p> <ul style="list-style-type: none"> Communication Networking Streetlight Other <p>World Imagery</p> |
|--|---|--|---|--|



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

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



SANITARY SEWER NOTES

- S1-1. CONNECT TO EXISTING SANITARY MANHOLE IN LOCATION SHOWN.
- S1-2. INSTALL 8-INCH PVC SANITARY SEWER MAIN IN LOCATIONS SHOWN.
- S1-3. CONSTRUCT STANDARD SANITARY SEWER MANHOLE PER CITY DETAIL 'C3.01' IN LOCATIONS SHOWN.
- S1-4. INSTALL 8-INCH PVC CAP AT END OF SEWER LINE IN LOCATION SHOWN AND MARK END OF LINE PER THE SPECIFICATIONS.
- S1-5. INSTALL EXTERNAL CHIMNEY SEAL PER CITY DETAIL 'C3.05' IN LOCATIONS SHOWN.

ENERGY CENTER 6TH ADDITION
SANITARY SEWER AND SITE IMPROVEMENTS
DICKINSON ENERGY PARK, LLC

SCALE:
1"=40' H. / 1"=4' V.
DATE: 02/06/26
DRAWN BY: AWS
PROJECT NUMBER: 241279

SHEET TITLE:
SANITARY SEWER PLAN & PROFILE

SHEET NUMBER:
C3.01
06 of 08



HIGHLANDS
ENGINEERING

STORMWATER REPORT

ENERGY CENTER 6TH ADD'N

CITY OF DICKINSON, ND

PROJECT NUMBER: 241279

DATE ISSUED: February 6, 2026

office 701 483 2444
fax 701 483 2610

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

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



CERTIFICATION

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly registered professional engineer under the laws of the State of North Dakota.

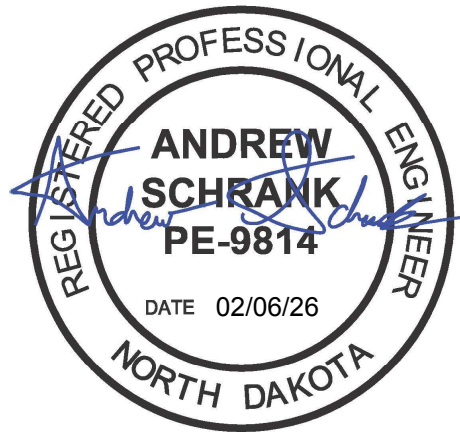




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REFERENCED DOCUMENTS

- ¹ SANITARY SEWER AND SITE IMPROVEMENT PLANS FOR ENERGY CENTER 6TH ADDITION
- STAMPED BY: ANDREW SCHRANK, PE - HIGHLANDS ENGINEERING
 - PLAN DATE: 02/06/26
 - PROJECT NUMBER: 241279



NARRATIVE

This report addresses the existing and proposed flow conditions and the routing of stormwater for the proposed stormwater management facility to be located in Tract 1, Block 1 of Energy Center 6th Addition in the City of Dickinson, ND. A detention pond is proposed within this Tract to detain runoff to pre-development rates from Lots 3, 4, and 5, Block 1, of Energy Center 6th Addition. For exact details of the proposed site improvements and layout of this pond, please refer to the *Sanitary Sewer and Site Improvement Plans for Energy Center 6th Addition*¹ that were prepared for this project.

Design Methodology

Runoff values were calculated using the SCS TR-55 hydrology method with Type II rainfall distribution. Time of concentration values for pre-development basins were calculated using SCS TR-55 methodology with a minimum value of 5-minutes. Post-developed drainage basins for Lots were modeled with an assumed time of concentration of 15-minutes, and the stormwater Tract was modeled with the minimum time of concentration value of 5-minutes. Curve Numbers used were obtained from values in Table 2-2a within the "Urban Hydrology for Small Watersheds Technical Release 55" published by the NRCS in June of 1986. Manning's n-values for the time of concentration calculations were based on values obtained from, Table 3-1 of the same document, and from tables for recommended values from the "Autodesk® Storm and Sanitary Analysis 2024" software that were developed from the USACE, 1998, HEC-1 Flood Hydrograph Package User's Manual, Hydrologic Engineering Center and the previously mentioned TR-55 Manual. These values are shown in Appendix J. Rainfall depths and intensities used for design were 1.90, 3.08, and 4.58-inches for the 2-, 10-, and 100-year, 24-hour rainfall events, respectively. "Autodesk® Storm and Sanitary Analysis 2024" software was used to model storm water runoff using the hydrodynamic link routing method. Normal depth flow was assumed at the site outfall location. Hydrologic Soil Groups for pre-and-post-development models were based on information obtained from the USDA Web Soil Survey site as shown in Appendix I.

Pre-Development Conditions

The pre-development site analyzed by this report consists of the area that drains through the proposed Tract 1 to the existing culvert in East Villard Street at the low point in this roadway just south of this Tract. This area currently consists of herbaceous rangeland in good condition. The pre-developed site was broken into one (1) drainage basin to include this entire area.

The pre-development runoff peak flows were modeled using the previously outlined design methodology. The table below lists the calculated pre-development 2-, 10-, and 100-year peak runoff flows for the site outfall location analyzed by our pre-development model.

Table 1: Pre-Development Peak Runoff Flows

Storm Event	EX_Out-01 Peak Flow (cfs)
2-year	13.09
10-year	39.49
100-year	79.42

Post-Development Conditions

A detention pond is proposed within Tract 1, Block 1 of Energy Center 6th Addition to detain runoff to pre-development rates from Lots 3, 4, and 5, Block 1, of Energy Center 6th Addition. For exact details of the proposed pond, please refer to the *Sanitary Sewer and Site Improvement Plans for Energy Center 6th Addition*¹ that were prepared for this project.

These lots are zoned General Industrial (GI), which has a maximum impervious area of 100% according to the City of Dickinson Zoning Code. Since we can reasonably anticipate that these lots will not realistically develop with entirely impervious surfaces, an assumption of 85% impervious was assumed for the post-developed Lots.

The proposed site was broken into two (2) subbasins, P_Sub-01 encompassing Lots 3 and 4, and P_Sub-02 encompassing Lot 5. These basins drain directly to the proposed detention pond modeled as P_Stor-01. This detention pond will include an appropriately sized outlet structure to discharge runoff at no more than the pre-development runoff rates to the outfall location, P_Out-01, being the culvert inlet at the low-point of East Villard Street just south of Tract 1.

The table below lists the calculated post-development 2-, 10-, and 100-year peak runoff flows for the outfall location analyzed by our post-development model. The maximum water storage elevation in the detention pond is also indicated by this table. For reference, the stormwater management facility was analyzed with a bottom elevation of 2396.75', and a top of berm elevation of 2402.00'. The pond is proposed to be constructed with a bottom elevation of 2396.50', but the storage in this bottom 6-inches was not analyzed as part of the proposed storage volume to allow for potential sediment accumulation at the bottom of the pond.

Table 2: Post-Development Peak Runoff Flows

Storm Event	PR_Out-01 Peak Flow (cfs)	Storage Area Max. Water El.
2-year	12.04	2398.71'
10-year	37.40	2399.82'
100-year	70.25	2400.95'

Pre-vs-Post Development Analysis

The tables below summarize the pre-and-post-development 2-, 10-, and 100-year peak runoff for the outfall location analyzed as well as the calculated change in flow. These values in these tables are based on the calculations from the previous two sections of this report and provide a direct comparison of the pre-vs-post development runoff at the site outfall location.

Table 3: Pre-vs-Post-Development Peak Runoff Flows for Out-01

Storm Event	EX_Out-01 Peak Flow (cfs)	PR_Out-01 Peak Flow (cfs)	Change in Peak Flow (cfs)
2-year	13.09	12.04	-1.05
10-year	39.49	37.40	-2.09
100-year	79.42	70.25	-9.17

As shown, the pre-vs-post-development runoff decreases for all storm events analyzed. Therefore, the stormwater management facility as designed and depicted by the *Sanitary Sewer and Site Improvement Plans for Energy Center 6th Addition*¹ is sufficient to detain runoff to pre-development rates for Lots 3, 4, and 5, Block 1 of Energy Center 6th Addition assuming these lots drain site runoff to this proposed tract, and the impervious area of these lots does not exceed 85% when developed.

Environmental Considerations

Temporary and permanent erosion control measures will be provided according to local and state regulations for any disturbed soil. Minimum erosion and sediment control measures are depicted by the *Sanitary Sewer and Site Improvement Plans for Energy Center 6th Addition*¹ prepared for this subdivision. The Contractor will be responsible for preparing a SWPPP and providing and maintaining erosion and sediment control items in accordance with the NDPDES Permit that they are to obtain for this project.

No documented wetlands are present within this site as shown by the USFWS National Wetland Inventory map included in Appendix K.

A small portion of the southwest corner of this property is currently located within Special Flood Hazard Area (SFHA) Zone AE as shown by the FIRMette for this site included in Appendix L.

--- END OF NARRATIVE ---

APPENDIX A

Pre-Development Model Inputs

Project Description

File Name 241279_SSA Model-EX.SPF

Project Options

Flow Units CFS
 Elevation Type Elevation
 Hydrology Method SCS TR-55
 Time of Concentration (TOC) Method SCS TR-55
 Link Routing Method Hydrodynamic
 Enable Overflow Ponding at Nodes YES
 Skip Steady State Analysis Time Periods NO

Analysis Options

Start Analysis On 00:00:00 0:00:00
 End Analysis On 00:00:00 0:00:00
 Start Reporting On 00:00:00 0:00:00
 Antecedent Dry Days 0 days
 Runoff (Dry Weather) Time Step 0 01:00:00 days hh:mm:ss
 Runoff (Wet Weather) Time Step 0 00:05:00 days hh:mm:ss
 Reporting Time Step 0 00:05:00 days hh:mm:ss
 Routing Time Step 5 seconds

Number of Elements

	Qty
Rain Gages	1
Subbasins.....	1
Nodes.....	1
<i>Junctions</i>	0
<i>Outfalls</i>	1
<i>Flow Diversions</i>	0
<i>Inlets</i>	0
<i>Storage Nodes</i>	0
Links.....	0
<i>Channels</i>	0
<i>Pipes</i>	0
<i>Pumps</i>	0
<i>Orifices</i>	0
<i>Weirs</i>	0
<i>Outlets</i>	0
Pollutants	0
Land Uses	0

Subbasin Hydrology

Subbasin : E_Sub-01

Input Data

Area (ac) 32.06
 Peak Rate Factor 0
 Weighted Curve Number 78.79
 Rain Gage ID *

Composite Curve Number

Soil/Surface Description	Area (acres)	Soil Group	Curve Number
Herbaceous range, Good	0	B	62
Herbaceous range, Good	18.09	C	74
Herbaceous range, Good	13.97	D	85
Composite Area & Weighted CN	32.06		78.79

Time of Concentration

TOC Method : SCS TR-55

Sheet Flow Equation :

$$T_c = (0.007 * ((n * L_f)^{0.8})) / ((P^{0.5}) * (S_f^{0.4}))$$

Where :

- Tc = Time of Concentration (hr)
- n = Manning's roughness
- Lf = Flow Length (ft)
- P = 2 yr, 24 hr Rainfall (inches)
- Sf = Slope (ft/ft)

Shallow Concentrated Flow Equation :

- V = 16.1345 * (Sf^{0.5}) (unpaved surface)
- V = 20.3282 * (Sf^{0.5}) (paved surface)
- V = 15.0 * (Sf^{0.5}) (grassed waterway surface)
- V = 10.0 * (Sf^{0.5}) (nearly bare & untilled surface)
- V = 9.0 * (Sf^{0.5}) (cultivated straight rows surface)
- V = 7.0 * (Sf^{0.5}) (short grass pasture surface)
- V = 5.0 * (Sf^{0.5}) (woodland surface)
- V = 2.5 * (Sf^{0.5}) (forest w/heavy litter surface)
- Tc = (Lf / V) / (3600 sec/hr)

Where:

- Tc = Time of Concentration (hr)
- Lf = Flow Length (ft)
- V = Velocity (ft/sec)
- Sf = Slope (ft/ft)

Channel Flow Equation :

$$V = (1.49 * (R^{2/3})) * (S_f^{0.5}) / n$$

$$R = Aq / Wp$$

$$T_c = (L_f / V) / (3600 \text{ sec/hr})$$

Where :

- Tc = Time of Concentration (hr)
- Lf = Flow Length (ft)
- R = Hydraulic Radius (ft)
- Aq = Flow Area (ft²)
- Wp = Wetted Perimeter (ft)
- V = Velocity (ft/sec)
- Sf = Slope (ft/ft)
- n = Manning's roughness

Sheet Flow Computations	Subarea A	Subarea B	Subarea C
	Manning's Roughness :	0.15	0
Flow Length (ft) :	150	0	0
Slope (%) :	2.3	0	0
2 yr, 24 hr Rainfall (in) :	1.9	0	0
Velocity (ft/sec) :	0.15	0	0
Computed Flow Time (min) :	16.63	0	0

Shallow Concentrated Flow Computations	Subarea A	Subarea B	Subarea C
	Flow Length (ft) :	620	740
Slope (%) :	6.3	3.5	0
Surface Type :	Unpaved	Unpaved	Unpaved
Velocity (ft/sec) :	4.05	3.02	0
Computed Flow Time (min) :	2.55	4.08	0
Total TOC (min)	23.27		



APPENDIX B

Pre-Development 2-Year Storm Event Results

Subbasin Summary

SN	Subbasin ID	Area (ac)	Peak Rate Factor	Weighted Curve Number	Total Rainfall (in)	Total Runoff (in)	Total Runoff Volume (ac-in)	Peak Runoff (cfs)	Time of Concentration (days hh:mm:ss)
1	E_Sub-01	32.06	0.00	78.79	1.90	0.46	14.65	13.09	0 00:23:16

Node Summary

SN	Element ID	Element Type	Invert Elevation (ft)	Ground/Rim (Max) Elevation (ft)	Initial Water Elevation (ft)	Surcharge Elevation (ft)	Ponded Area (ft ²)	Peak Inflow (cfs)	Max HGL Elevation (ft)	Max Surcharge Depth Attained (ft)	Min Freeboard Attained (ft)	Time of Flooding Occurrence (days hh:mm)	Total Flooded Volume (ac-in)	Total Time Flooded (min)
1	E_Out-01	Outfall	2395.50					0.00	0.00					

Subbasin Hydrology

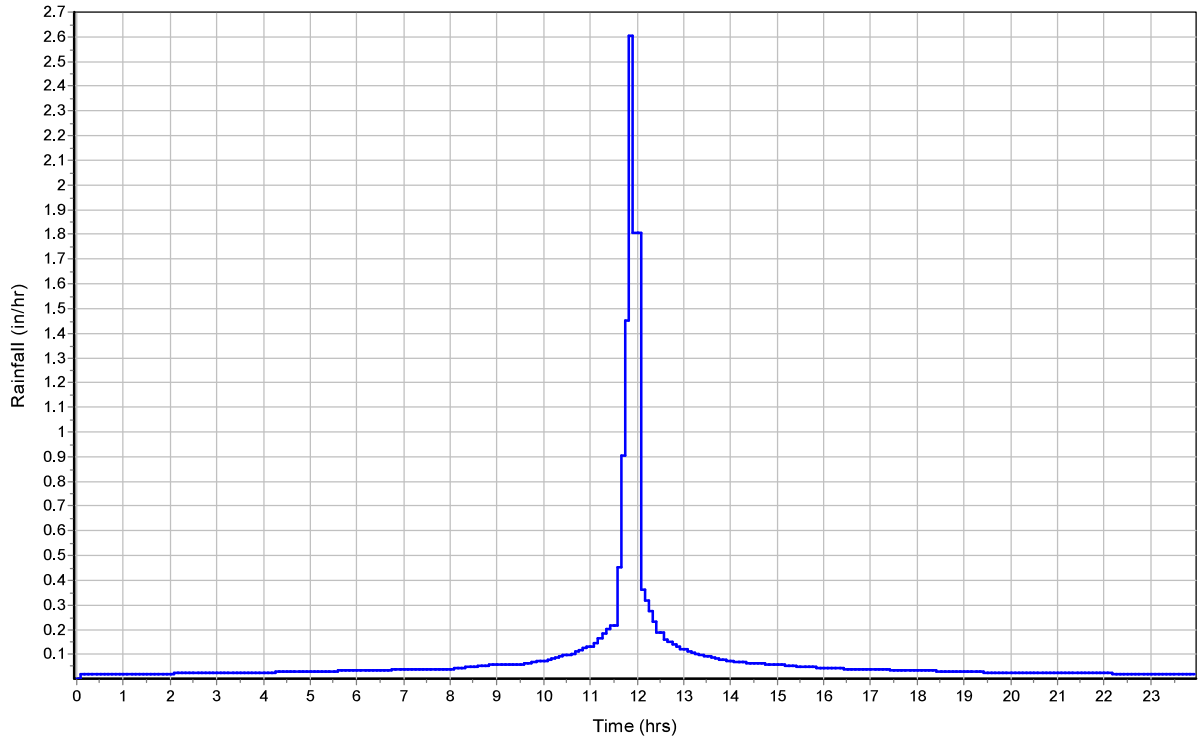
Subbasin : E_Sub-01

Subbasin Runoff Results

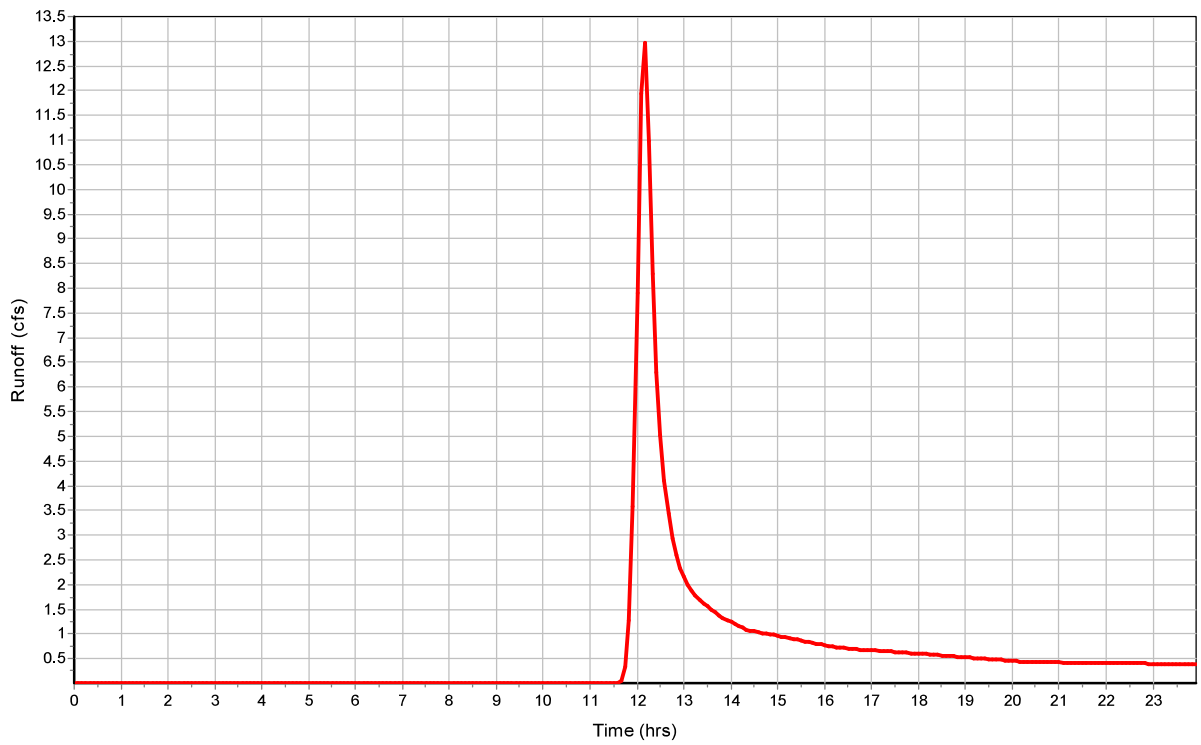
Total Rainfall (in)	1.9
Total Runoff (in)	0.46
Peak Runoff (cfs)	13.09
Weighted Curve Number	78.79
Time of Concentration (days hh:mm:ss)	0 00:23:16

Subbasin : E_Sub-01

Rainfall Intensity Graph



Runoff Hydrograph



APPENDIX C

Pre-Development 10-Year Storm Event Results

Subbasin Summary

SN	Subbasin ID	Area (ac)	Peak Rate Factor	Weighted Curve Number	Total Rainfall (in)	Total Runoff (in)	Total Runoff Volume (ac-in)	Peak Runoff (cfs)	Time of Concentration (days hh:mm:ss)
1	E_Sub-01	32.06	0.00	78.79	3.08	1.23	39.56	39.49	0 00:23:16

Node Summary

SN	Element ID	Element Type	Invert Elevation (ft)	Ground/Rim (Max) Elevation (ft)	Initial Water Elevation (ft)	Surcharge Elevation (ft)	Ponded Area (ft ²)	Peak Inflow (cfs)	Max HGL Elevation (ft)	Max Surcharge Depth (ft)	Min Freeboard (ft)	Time of Flooding (days hh:mm)	Total Flooded Volume (ac-in)	Total Time Flooded (min)
1	E_Out-01	Outfall	2395.50					0.00	0.00					

Subbasin Hydrology

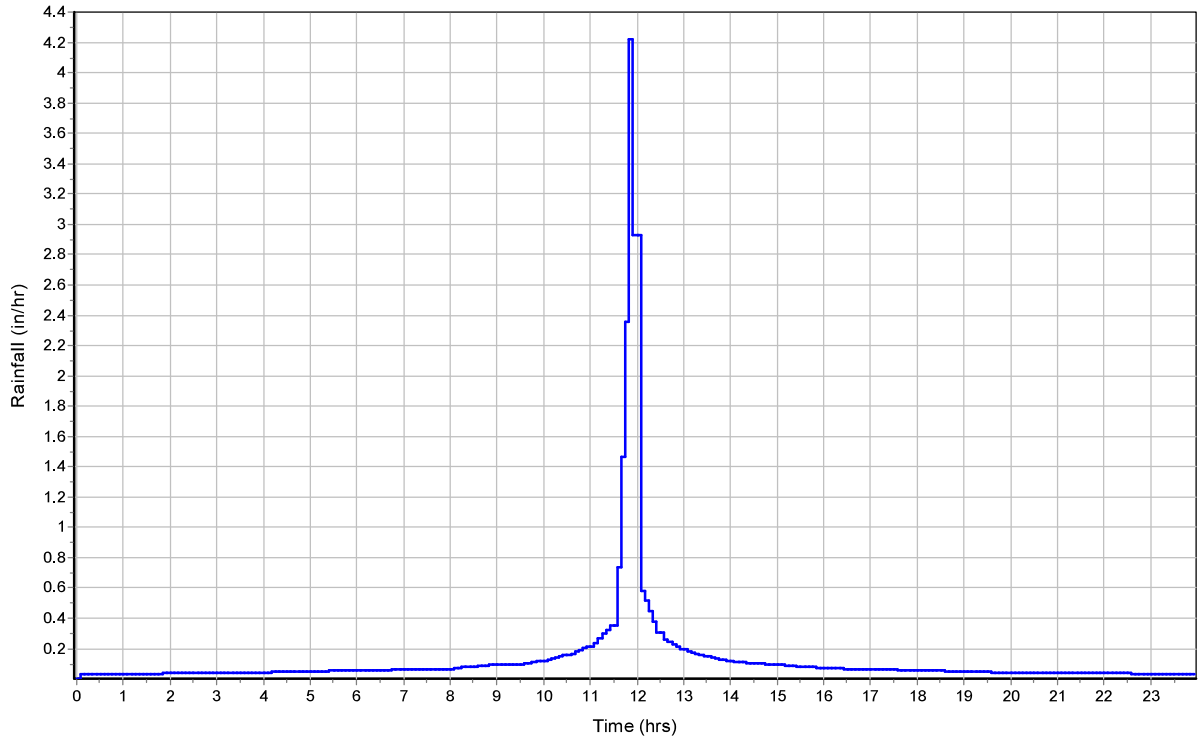
Subbasin : E_Sub-01

Subbasin Runoff Results

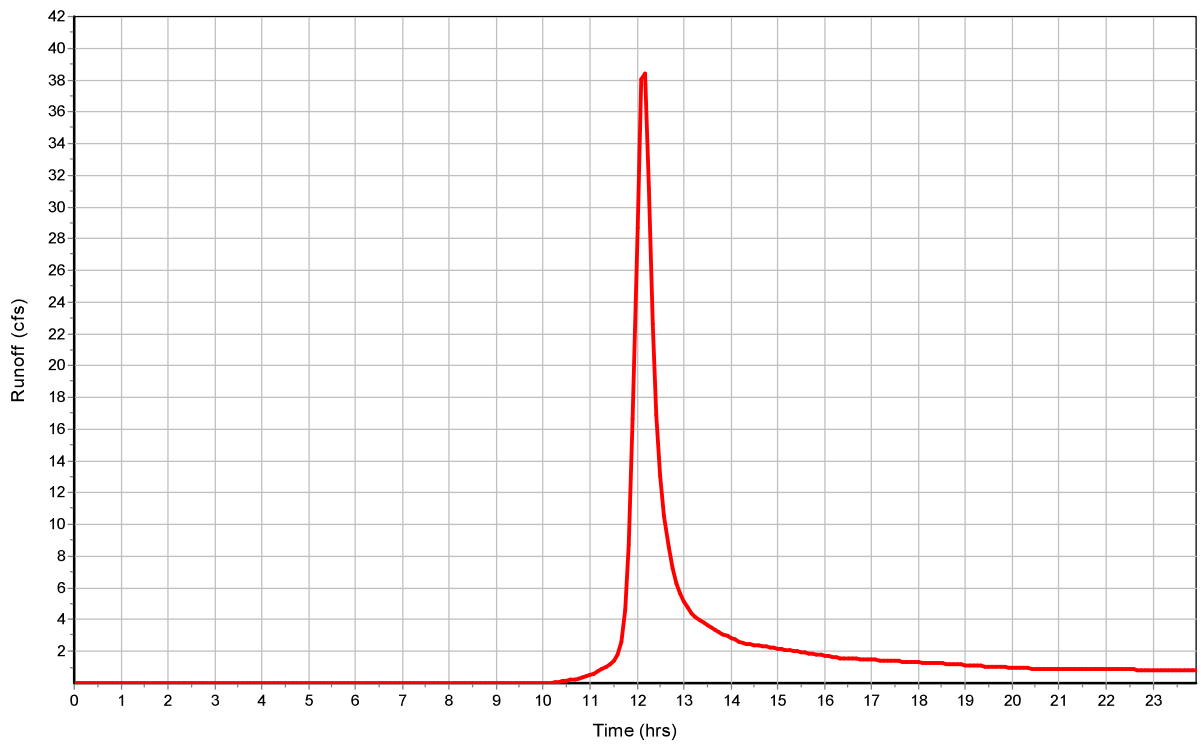
Total Rainfall (in)	3.08
Total Runoff (in)	1.23
Peak Runoff (cfs)	39.49
Weighted Curve Number	78.79
Time of Concentration (days hh:mm:ss)	0 00:23:16

Subbasin : E_Sub-01

Rainfall Intensity Graph



Runoff Hydrograph



APPENDIX D

Pre-Development 100-Year Storm Event Results

Subbasin Summary

SN	Subbasin ID	Area (ac)	Peak Rate Factor	Weighted Curve Number	Total Rainfall (in)	Total Runoff (in)	Total Runoff Volume (ac-in)	Peak Runoff (cfs)	Time of Concentration (days hh:mm:ss)
1	E_Sub-01	32.06	0.00	78.79	4.58	2.43	77.78	79.42	0 00:23:16

Node Summary

SN	Element ID	Element Type	Invert Elevation (ft)	Ground/Rim (Max) Elevation (ft)	Initial Water Elevation (ft)	Surcharge Elevation (ft)	Ponded Area (ft ²)	Peak Inflow (cfs)	Max HGL Elevation (ft)	Max Surcharge Depth Attained (ft)	Min Freeboard Attained (ft)	Time of Flooding Occurrence (days hh:mm)	Total Flooded Volume (ac-in)	Total Time Flooded (min)
1	E_Out-01	Outfall	2395.50					0.00	0.00					

Subbasin Hydrology

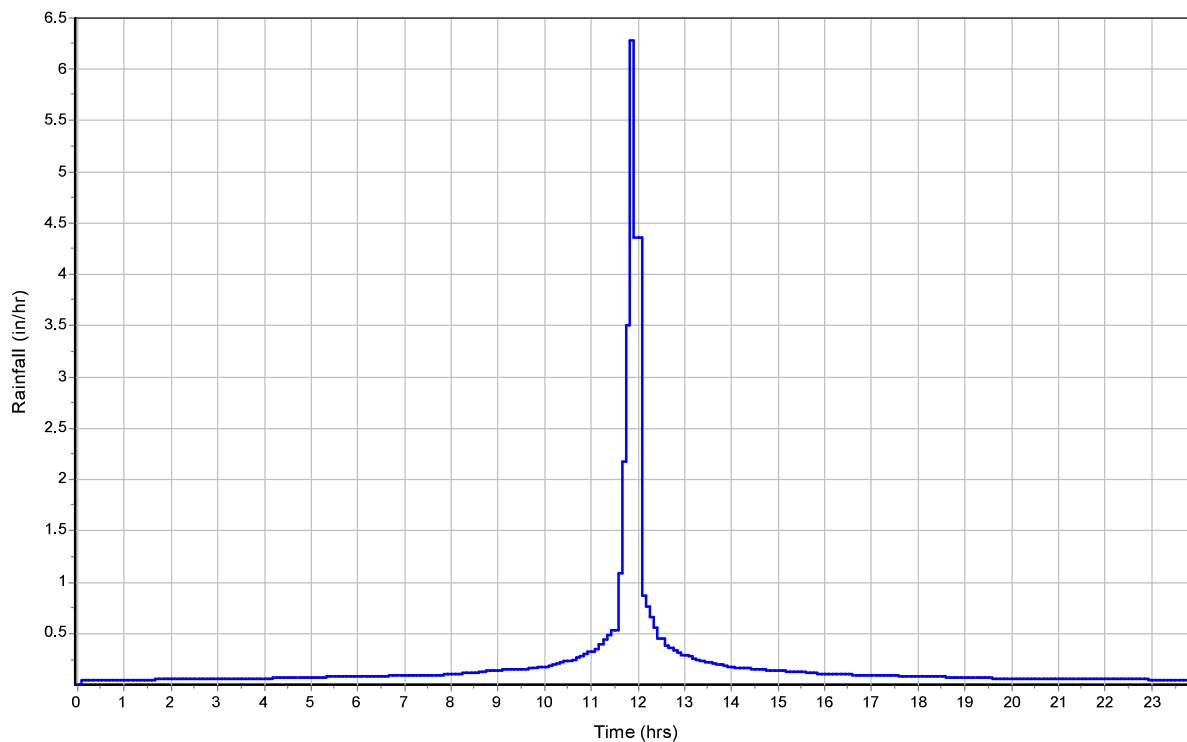
Subbasin : E_Sub-01

Subbasin Runoff Results

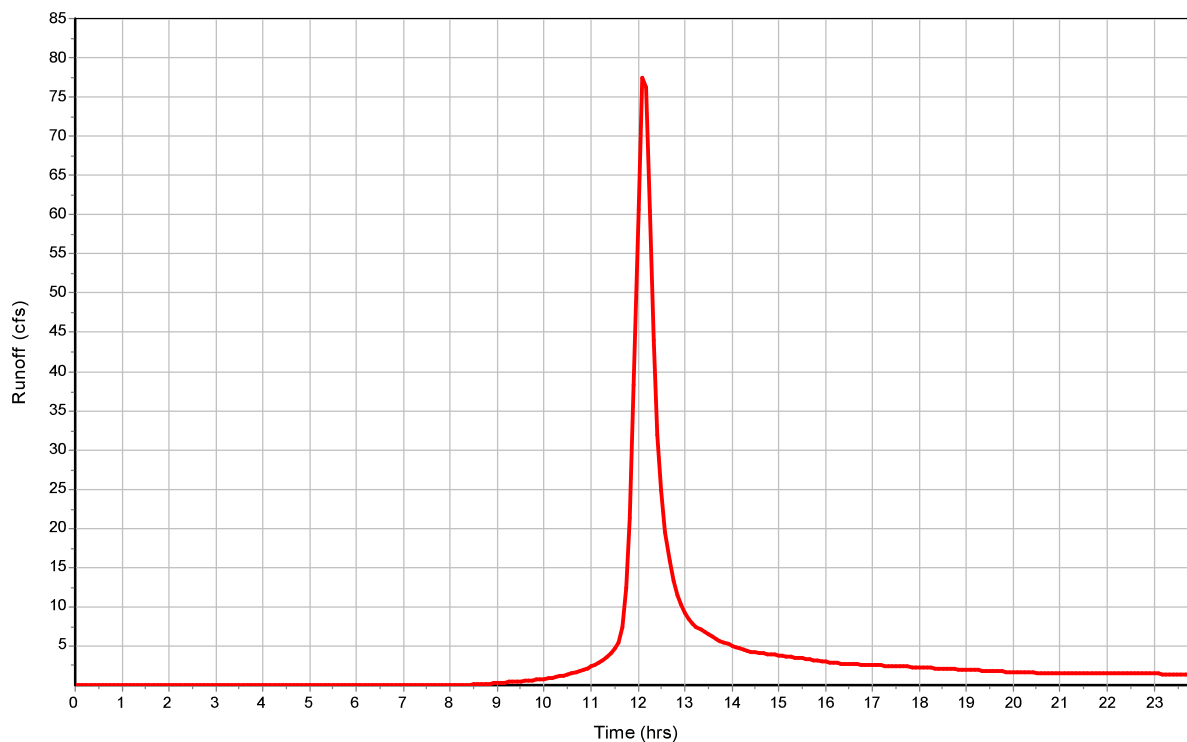
Total Rainfall (in)	4.58
Total Runoff (in)	2.43
Peak Runoff (cfs)	79.42
Weighted Curve Number	78.79
Time of Concentration (days hh:mm:ss)	0 00:23:16

Subbasin : E_Sub-01

Rainfall Intensity Graph



Runoff Hydrograph



APPENDIX E

Post-Development Model Inputs

Project Description

File Name 241279_SSA Model-PR.SPF

Project Options

Flow Units CFS
 Elevation Type Elevation
 Hydrology Method SCS TR-55
 Time of Concentration (TOC) Method User-Defined
 Link Routing Method Hydrodynamic
 Enable Overflow Ponding at Nodes YES
 Skip Steady State Analysis Time Periods NO

Analysis Options

Start Analysis On 00:00:00 0:00:00
 End Analysis On 00:00:00 0:00:00
 Start Reporting On 00:00:00 0:00:00
 Antecedent Dry Days 0 days
 Runoff (Dry Weather) Time Step 0 01:00:00 days hh:mm:ss
 Runoff (Wet Weather) Time Step 0 00:05:00 days hh:mm:ss
 Reporting Time Step 0 00:05:00 days hh:mm:ss
 Routing Time Step 5 seconds

Number of Elements

	Qty
Rain Gages	1
Subbasins.....	3
Nodes.....	4
<i>Junctions</i>	2
<i>Outfalls</i>	1
<i>Flow Diversions</i>	0
<i>Inlets</i>	0
<i>Storage Nodes</i>	1
Links.....	5
<i>Channels</i>	1
<i>Pipes</i>	1
<i>Pumps</i>	0
<i>Orifices</i>	2
<i>Weirs</i>	1
<i>Outlets</i>	0
Pollutants	0
Land Uses	0

Subbasin Hydrology

Subbasin : P_Sub-01

Input Data

Area (ac) 23.38
Peak Rate Factor 0
Weighted Curve Number 94.39
Rain Gage ID *

Composite Curve Number

Soil/Surface Description	Area (acres)	Soil Group	Curve Number
Urban commercial, 85% imp	14.35	C	94
Urban commercial, 85% imp	9.03	D	95
Composite Area & Weighted CN	23.38		94.39

Subbasin : P_Sub-02

Input Data

Area (ac) 12.37
Peak Rate Factor 0
Weighted Curve Number 94.06
Rain Gage ID *

Composite Curve Number

32	Area	Soil	Curve
Soil/Surface Description	(acres)	Group	Number
Urban commercial, 85% imp	1.49	B	92
Urban commercial, 85% imp	7.13	C	94
Urban commercial, 85% imp	3.74	D	95
Composite Area & Weighted CN	12.36		94.06

Subbasin : P_Sub-03

Input Data

Area (ac) 1.93
Peak Rate Factor 0
Weighted Curve Number 80
Rain Gage ID *

Composite Curve Number

32	Area	Soil	Curve
Soil/Surface Description	(acres)	Group	Number
> 75% grass cover, Good	1.93	D	80
Composite Area & Weighted CN	1.93		80

Junction Input

SN Element ID	Invert Elevation (ft)	Ground/Rim (Max) Elevation (ft)	Ground/Rim (Max) Offset (ft)	Initial Water Elevation (ft)	Initial Water Depth (ft)	Surcharge Elevation (ft)	Surcharge Depth (ft)	Ponded Area (ft ²)	Minimum Pipe Cover (in)
1 P_Jun-01	2394.50	2402.00	7.50	0.00	-2394.50	2402.00	0.00	0.00	
2 P_Jun-02	2394.00	2402.00	8.00	0.00	-2394.00	2402.00	0.00	0.00	

Channel Input

SN Element ID	Length	Inlet Invert Elevation	Inlet Invert Offset	Outlet Invert Elevation	Outlet Invert Offset	Total Drop	Average Slope	Shape	Height	Width	Manning's Roughness	Entrance Losses	Exit/Bend Losses	Additional Losses	Initial Flow	Flap Gate
	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(%)		(ft)	(ft)					(cfs)	
1 P_Channel-01	41.18	2394.00	0.00	2393.00	0.00	1.00	2.4300	Parabolic	2.000	100.000	0.0320	0.0000	0.0000	0.0000	0.00	No

Pipe Input

SN Element ID	Length (ft)	Inlet Invert Elevation (ft)	Inlet Invert Offset (ft)	Outlet Invert Elevation (ft)	Outlet Invert Offset (ft)	Total Drop (ft)	Average Slope (%)	Pipe Shape	Pipe Diameter or Height (in)	Pipe Width (in)	Manning's Roughness	Entrance Losses	Exit/Bend Losses	Additional Losses	Initial Flow Gate (cfs)	No. of Barrels
1 P_Pipe-01	66.38	2394.50	0.00	2394.00	0.00	0.50	0.7500	CIRCULAR								

Storage Nodes

Storage Node : P_Stor-01

Input Data

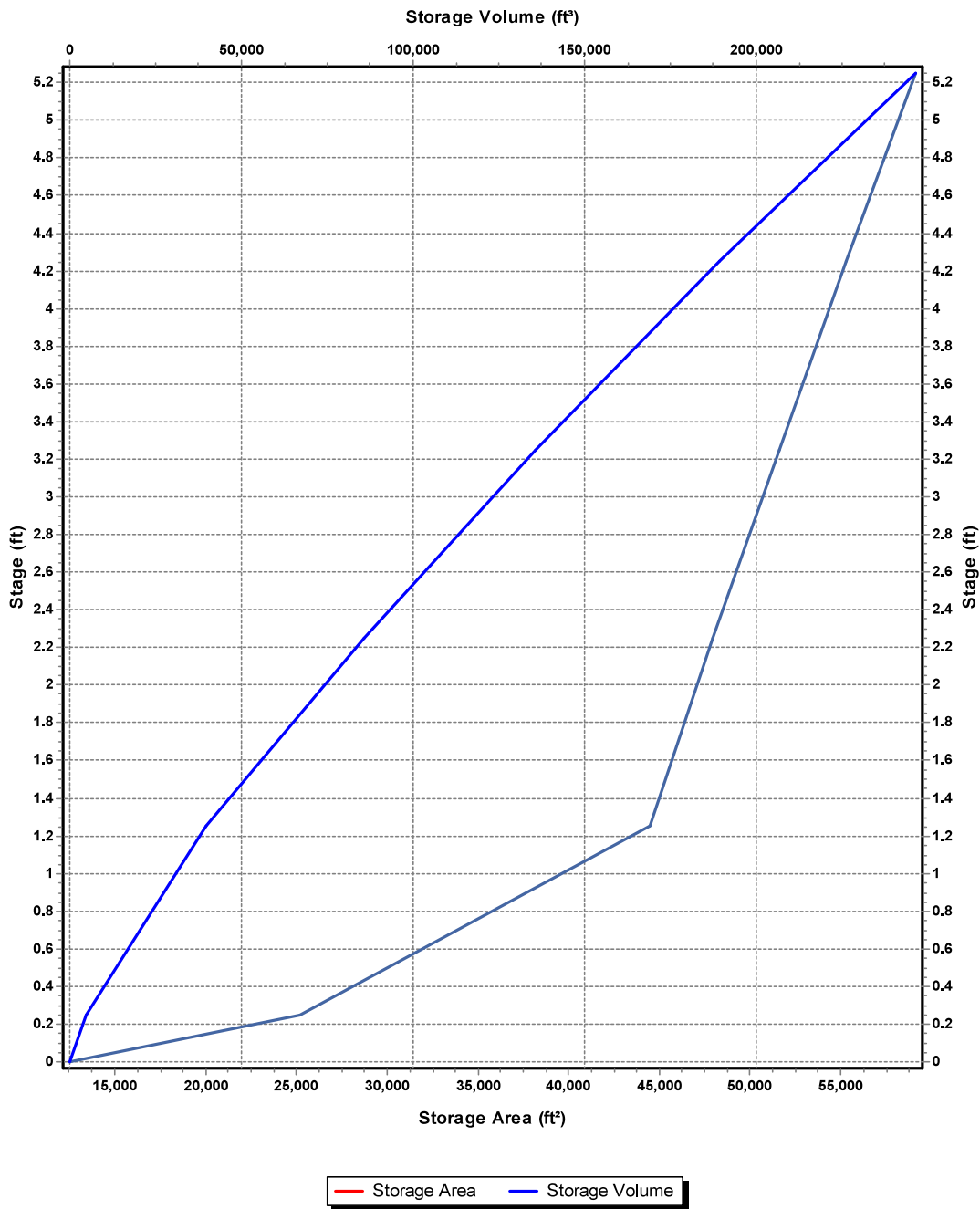
Invert Elevation (ft) 2396.75
Max (Rim) Elevation (ft) 2402.00
Max (Rim) Offset (ft) 5.25
Initial Water Elevation (ft) 0.00
Initial Water Depth (ft) -2396.75
Ponded Area (ft²) 45000.00
Evaporation Loss 0.00

Storage Area Volume Curves

Storage Curve : Storage-01

Stage (ft)	Storage Area (ft ²)	Storage Volume (ft ³)
0	12500	0
0.25	25226	4715.75
1.25	44462	39559.75
2.25	47986	85783.75
3.25	51609	135581.25
4.25	55330	189050.75
5.25	59147	246289.25

Storage Area Volume Curves



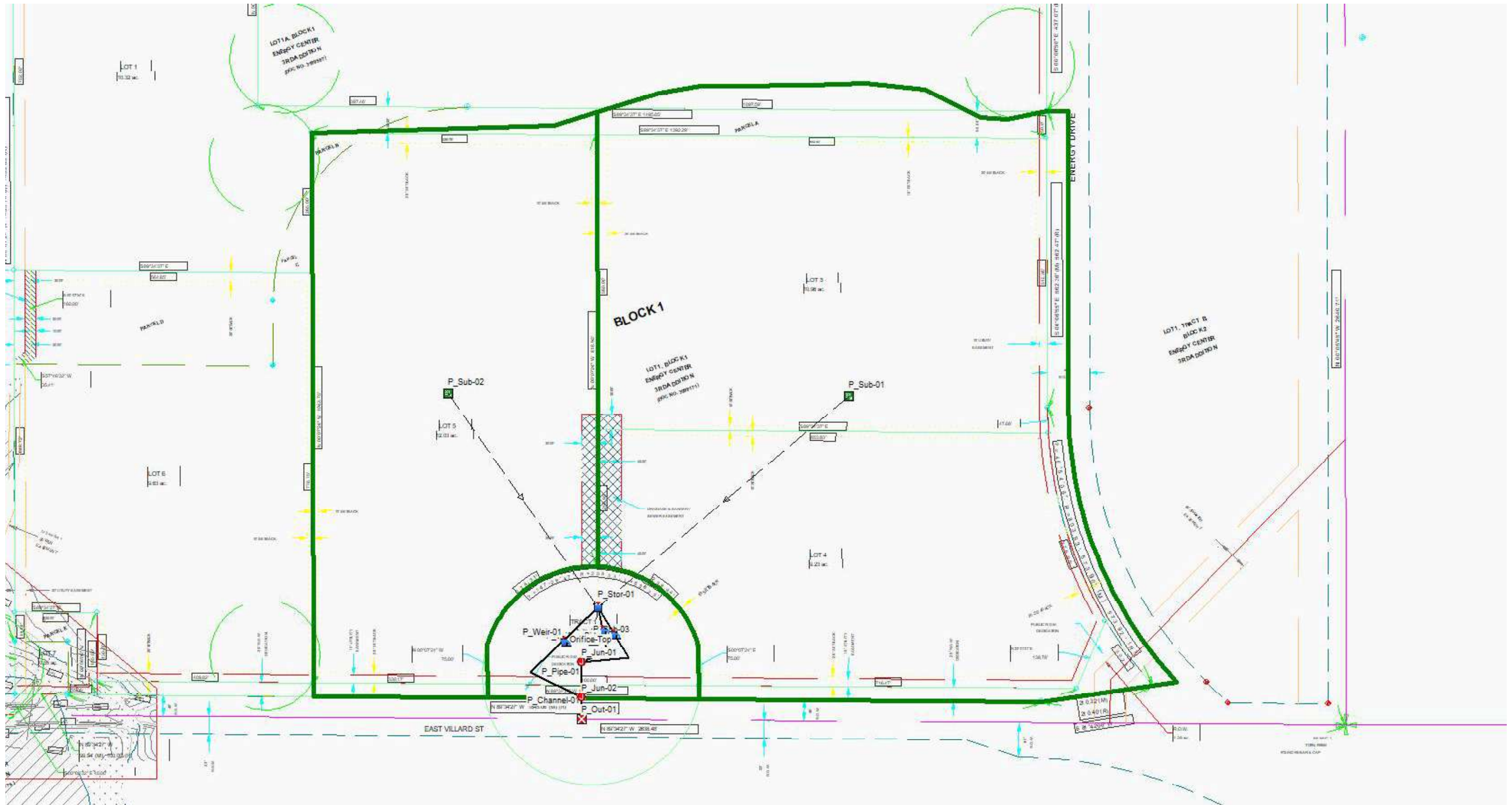
Storage Node : P_Stor-01 (continued)

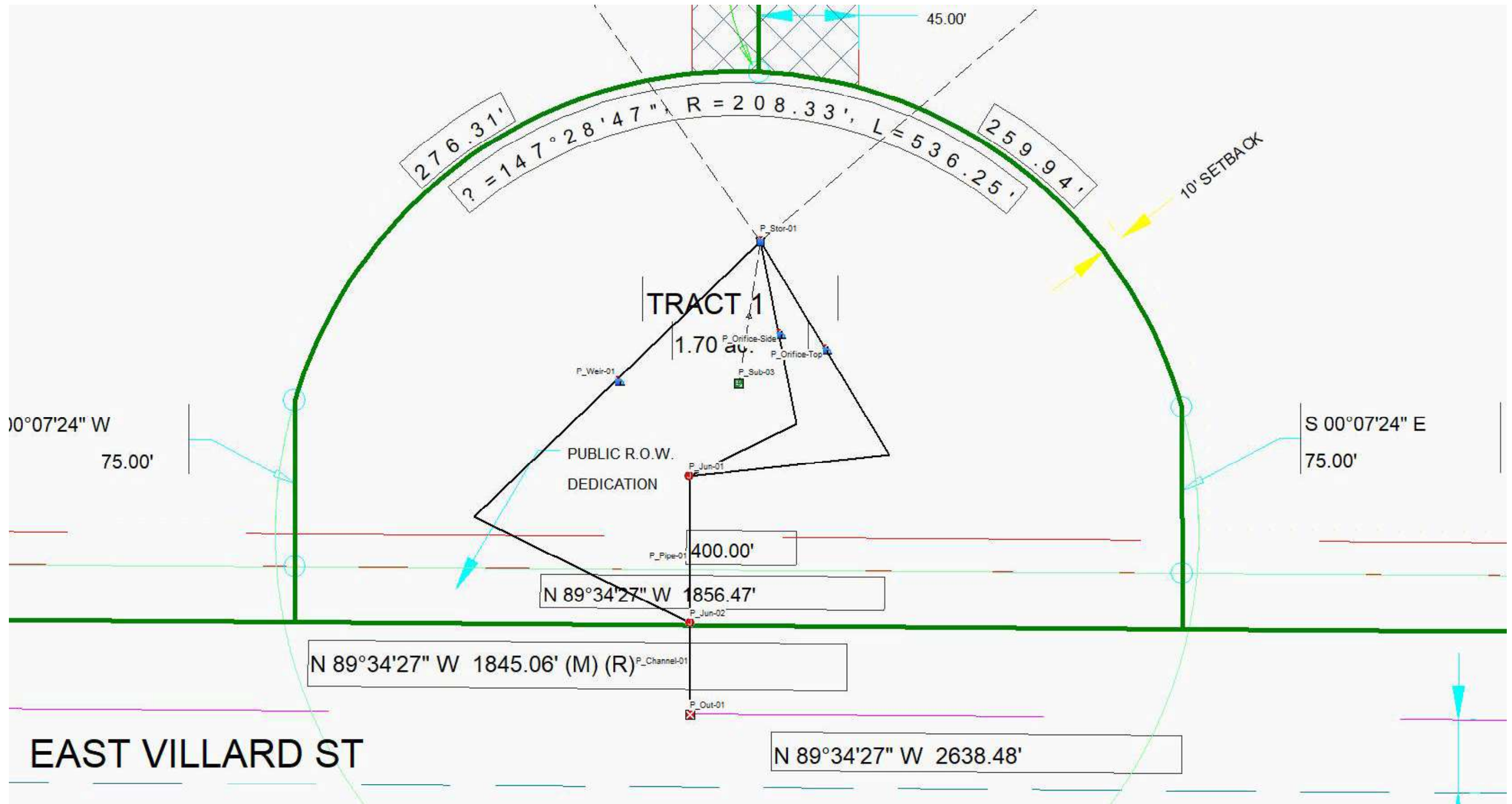
Outflow Weirs

SN Element ID	Weir Type	Flap Gate	Crest Elevation (ft)	Crest Offset (ft)	Length (ft)	Weir Total Height (ft)	Discharge Coefficient
1 P_Weir-01	Trapezoidal	No	2400.67	3.92	25.00	1.50	3.33

Outflow Orifices

SN Element ID	Orifice Type	Orifice Shape	Flap Gate	Circular Orifice Diameter (in)	Rectangular Orifice Height (in)	Rectangular Orifice Width (in)	Orifice Invert Elevation (ft)	Orifice Coefficient
1 P_Orifice-Side	Side	Rectangular	No					
2 P_Orifice-Top	Bottom	CIRCULAR	No					





APPENDIX F

Post-Development 2-Year Storm Event Results

Subbasin Summary

SN	Subbasin ID	Area (ac)	Peak Rate Factor	Weighted Curve Number	Total Rainfall (in)	Total Runoff (in)	Total Runoff Volume (ac-in)	Peak Runoff (cfs)	Time of Concentration (days hh:mm:ss)
1	P_Sub-01	23.38	0.00	94.39	1.90	1.34	31.21	37.96	0 00:15:00
2	P_Sub-02	12.37	0.00	94.06	1.90	1.31	16.18	19.76	0 00:15:00
3	P_Sub-03	1.93	0.00	80.00	1.90	0.50	0.97	1.43	0 00:05:00

Node Summary

SN	Element ID	Element Type	Invert Elevation (ft)	Ground/Rim (Max) Elevation (ft)	Initial Water Elevation (ft)	Surcharge Elevation (ft)	Ponded Area (ft ²)	Peak Inflow (cfs)	Max HGL Elevation (ft)	Max Surcharge Depth (ft)	Min Freeboard (ft)	Time of Peak Flooding Occurrence (days hh:mm)	Total Flooded Volume (ac-in)	Total Time Flooded (min)
1	P_Jun-01	Junction	2394.50	2402.00	0.00	2402.00	0.00	12.04	2395.89	0.00	6.11	0 00:00	0.00	0.00
2	P_Jun-02	Junction	2394.00	2402.00	0.00	2402.00	0.00	12.04	2394.24	0.00	7.76	0 00:00	0.00	0.00
3	P_Out-01	Outfall	2393.00					12.04	2393.24					
4	P_Stor-01	Storage Node	2396.75	2402.00	0.00		45000.00	57.03	2398.71				0.00	0.00

Subbasin Hydrology

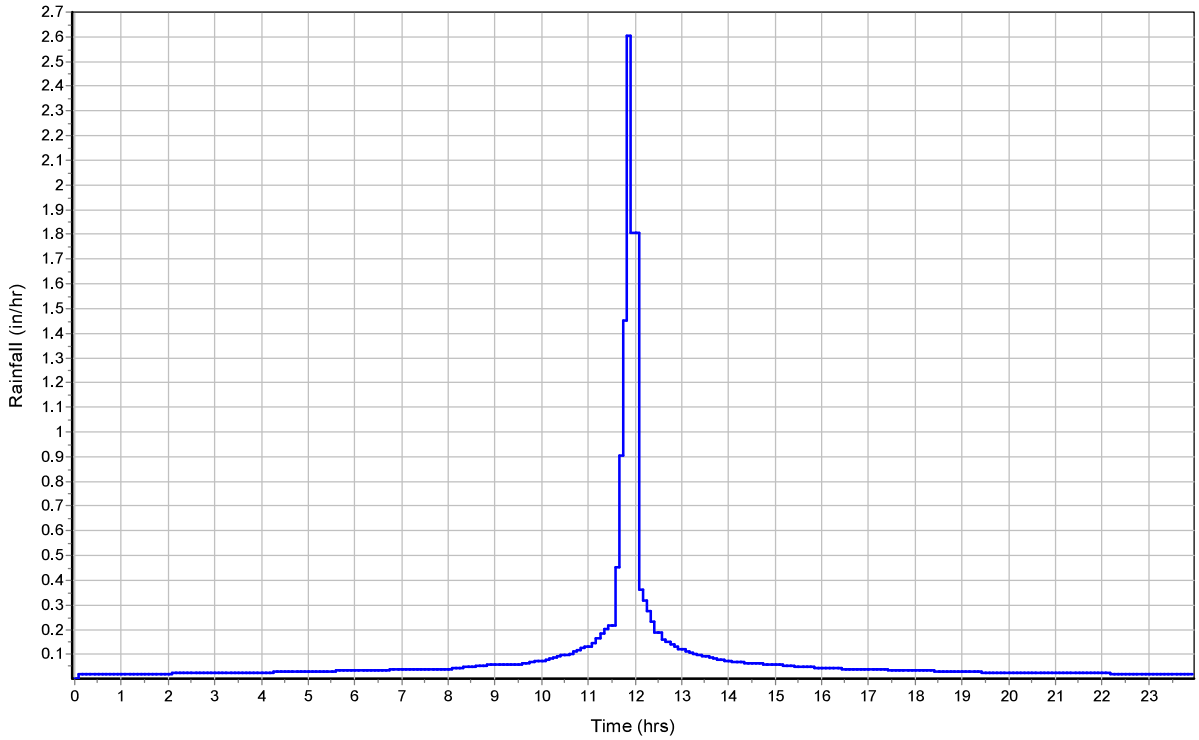
Subbasin : P_Sub-01

Subbasin Runoff Results

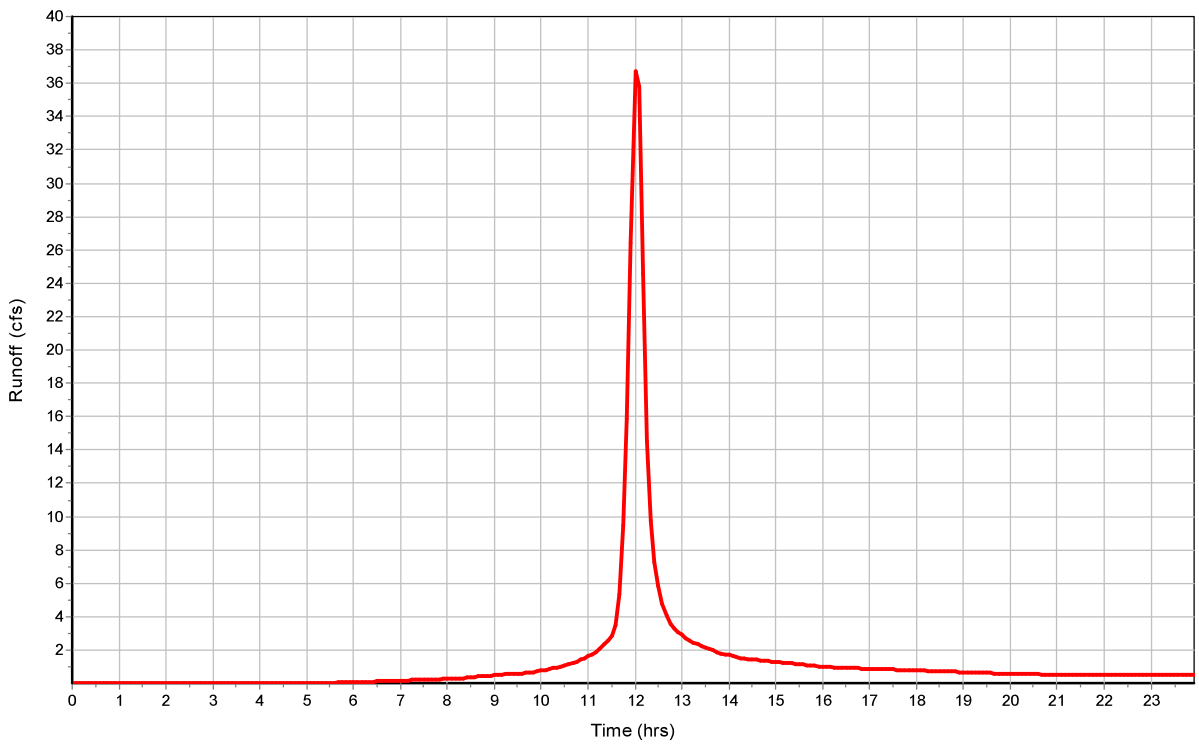
Total Rainfall (in)	1.9
Total Runoff (in)	1.34
Peak Runoff (cfs)	37.96
Weighted Curve Number	94.39
Time of Concentration (days hh:mm:ss)	0 00:15:00

Subbasin : P_Sub-01

Rainfall Intensity Graph



Runoff Hydrograph



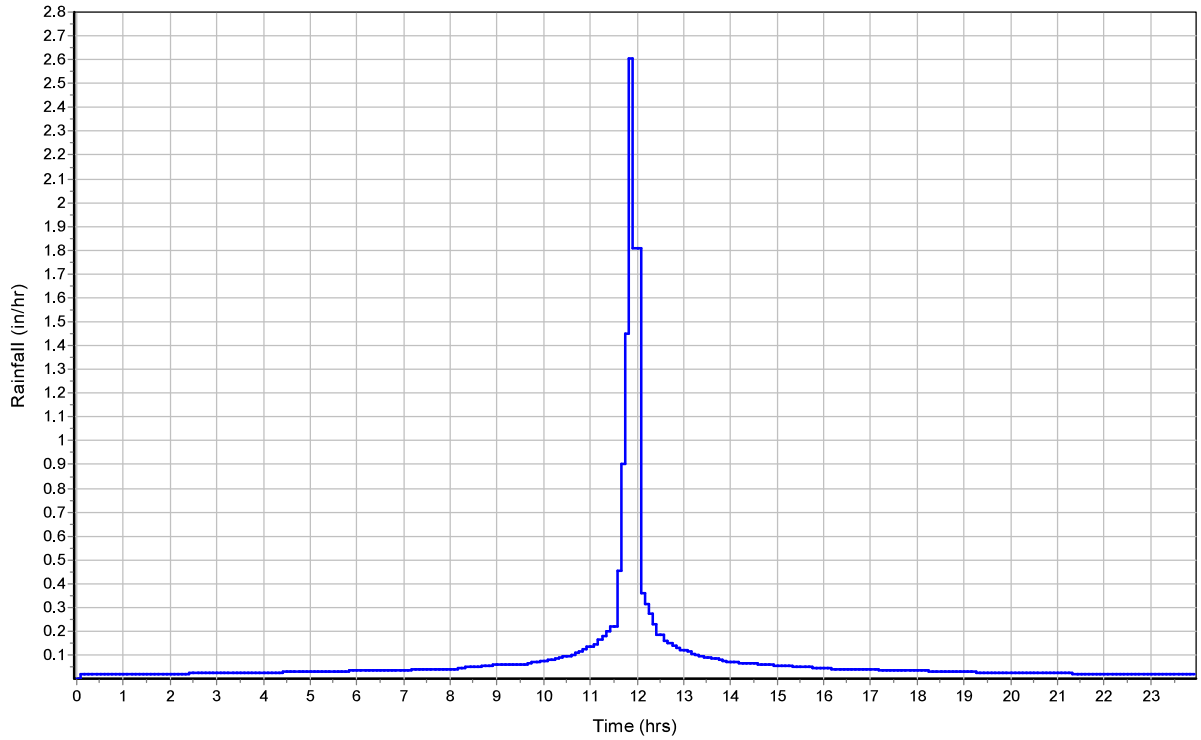
Subbasin : P_Sub-02

Subbasin Runoff Results

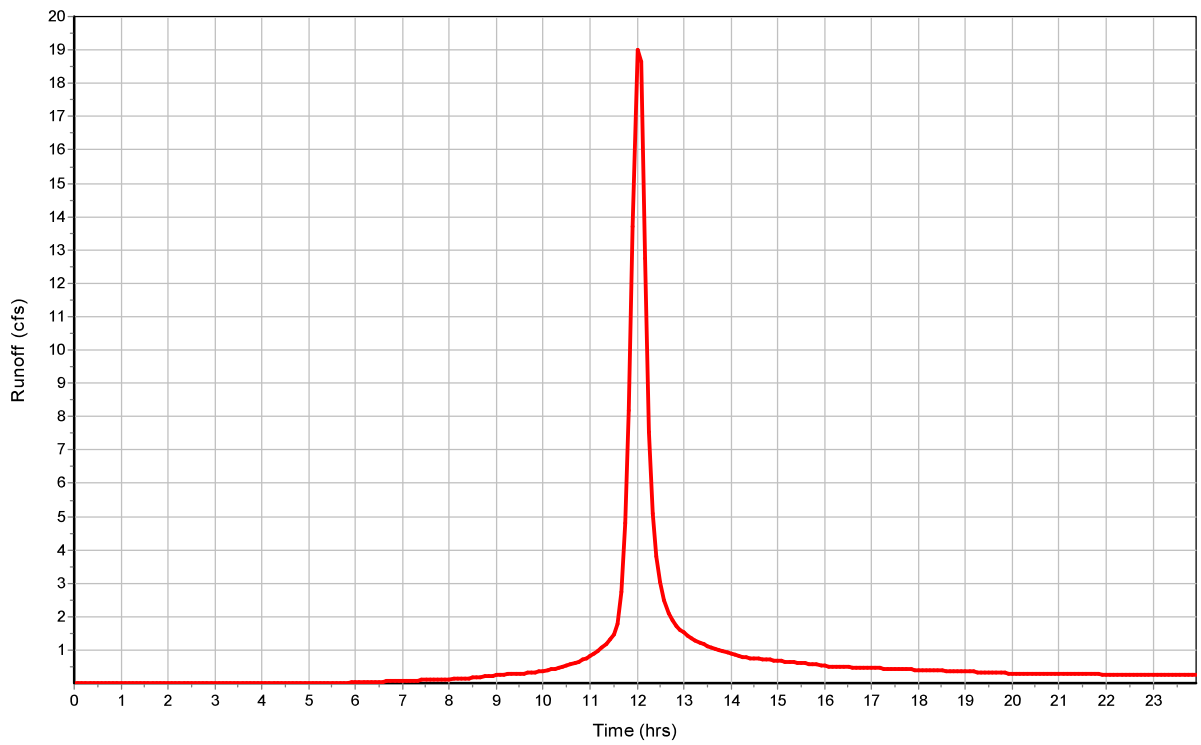
Total Rainfall (in) 1.9
Total Runoff (in) 1.31
Peak Runoff (cfs) 19.76
Weighted Curve Number 94.06
Time of Concentration (days hh:mm:ss) 0 00:15:00

Subbasin : P_Sub-02

Rainfall Intensity Graph



Runoff Hydrograph



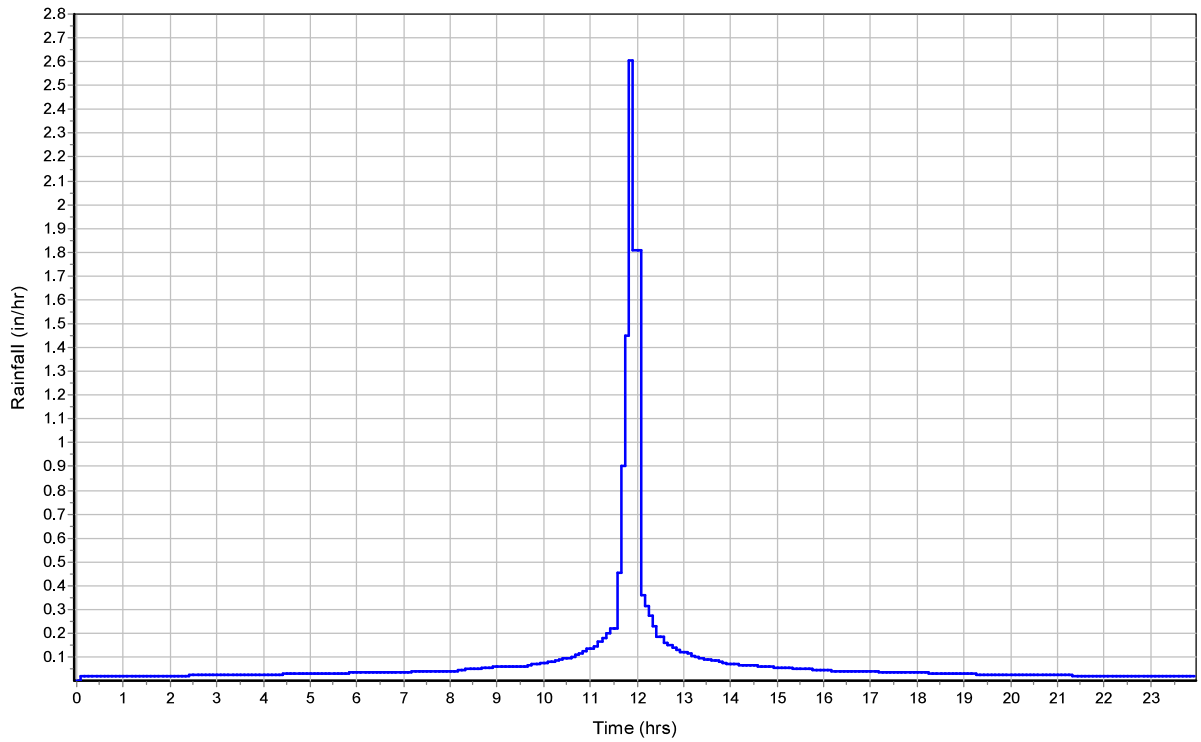
Subbasin : P_Sub-03

Subbasin Runoff Results

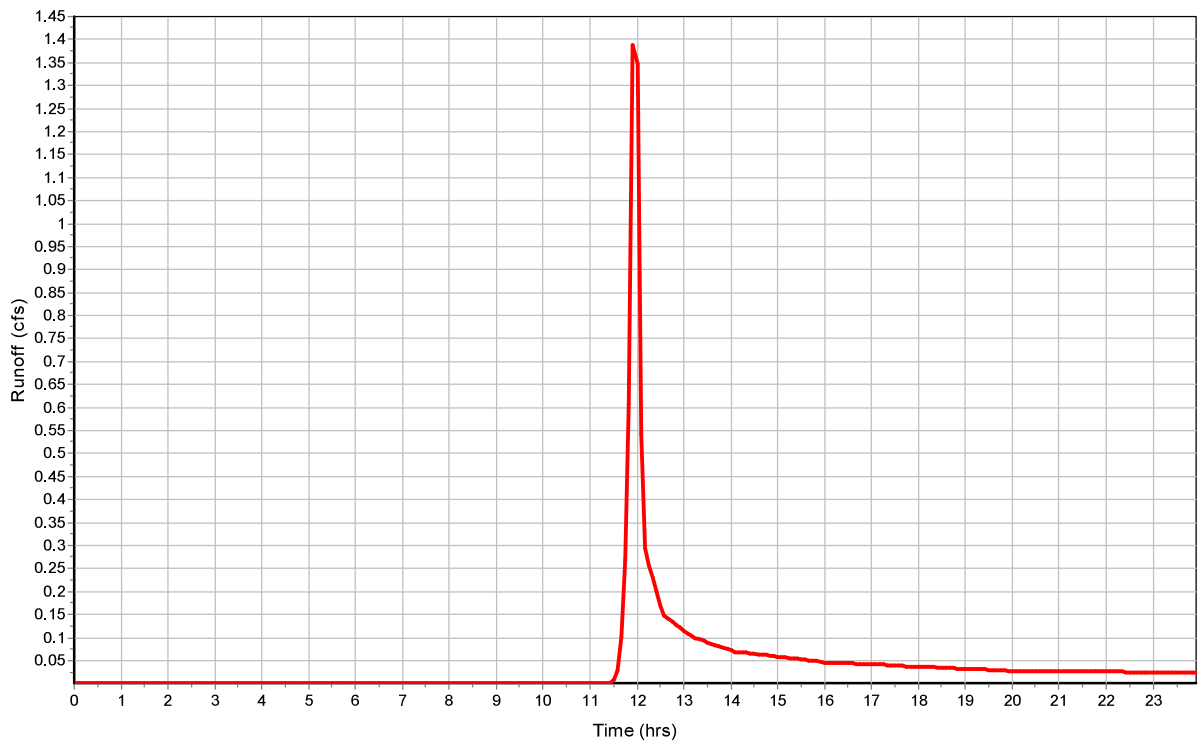
Total Rainfall (in) 1.9
Total Runoff (in) 0.5
Peak Runoff (cfs) 1.43
Weighted Curve Number 80
Time of Concentration (days hh:mm:ss) 0 00:05:00

Subbasin : P_Sub-03

Rainfall Intensity Graph



Runoff Hydrograph



Junction Results

SN	Element ID	Peak Inflow	Peak Lateral Inflow	Max HGL Elevation Attained	Max HGL Depth Attained	Max Surcharge Depth Attained	Min Freeboard Attained	Average HGL Elevation Attained	Average HGL Depth Attained	Time of Max HGL Occurrence	Time of Peak Flooding Occurrence	Total Flooded Volume	Total Time Flooded
		(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(days hh:mm)	(days hh:mm)	(ac-in)	(min)
1	P_Jun-01	12.04	0.00	2395.89	1.39	0.00	6.11	2394.88	0.38	0 12:29	0 00:00	0.00	0.00
2	P_Jun-02	12.04	0.00	2394.24	0.24	0.00	7.76	2394.08	0.08	0 12:29	0 00:00	0.00	0.00

Channel Results

SN Element ID	Peak Flow	Time of Peak Flow Occurrence	Design Flow Capacity	Peak Flow/Design Flow Ratio	Peak Flow Velocity	Travel Time	Peak Flow Depth	Peak Flow Depth/Total Depth Ratio	Total Time Surcharged	Froude Number	Reported Condition
	(cfs)	(days hh:mm)	(cfs)		(ft/sec)	(min)	(ft)		(min)		
1 P_Channel-01	12.04	0 12:29	1168.02	0.01	2.14	0.32	0.24	0.12	0.00		

Pipe Results

SN Element ID	Peak Flow (cfs)	Time of Peak Flow Occurrence (days hh:mm)	Design Flow Capacity (cfs)	Peak Flow/Design Flow Ratio	Peak Flow Velocity (ft/sec)	Travel Time (min)	Peak Flow Depth (ft)	Peak Flow Depth/Total Depth Ratio	Total Time Surcharged (min)	Froude Number	Reported Condition
1 P_Pipe-01	12.04	0 12:29	57.89	0.21	7.73	0.14	0.82	0.27	0.00		Calculated

Storage Nodes

Storage Node : P_Stor-01

Output Summary Results

Peak Inflow (cfs)	57.03
Peak Lateral Inflow (cfs)	57.03
Peak Outflow (cfs)	12.04
Peak Exfiltration Flow Rate (cfm)	0
Max HGL Elevation Attained (ft)	2398.71
Max HGL Depth Attained (ft)	1.96
Average HGL Elevation Attained (ft)	2397.12
Average HGL Depth Attained (ft)	0.37
Time of Max HGL Occurrence (days hh:mm)	0 12:29
Total Exfiltration Volume (1000-ft ³)	0
Total Flooded Volume (ac-in)	0
Total Time Flooded (min)	0
Total Retention Time (sec)	0

APPENDIX G

Post-Development 10-Year Storm Event Results

Subbasin Summary

SN	Subbasin ID	Area (ac)	Peak Rate Factor	Weighted Curve Number	Total Rainfall (in)	Total Runoff (in)	Total Runoff Volume (ac-in)	Peak Runoff (cfs)	Time of Concentration (days hh:mm:ss)
1	P_Sub-01	23.38	0.00	94.39	3.08	2.47	57.65	68.00	0 00:15:00
2	P_Sub-02	12.37	0.00	94.06	3.08	2.43	30.10	35.70	0 00:15:00
3	P_Sub-03	1.93	0.00	80.00	3.08	1.31	2.53	4.00	0 00:05:00

Node Summary

SN	Element ID	Element Type	Invert Elevation (ft)	Ground/Rim (Max) Elevation (ft)	Initial Water Elevation (ft)	Surcharge Elevation (ft)	Ponded Area (ft ²)	Peak Inflow (cfs)	Max HGL Elevation (ft)	Max Surcharge Depth Attained (ft)	Min Freeboard Attained (ft)	Time of Peak Flooding Occurrence (days hh:mm)	Total Flooded Volume (ac-in)	Total Time Flooded (min)
1	P_Jun-01	Junction	2394.50	2402.00	0.00	2402.00	0.00	37.42	2397.64	0.00	4.36	0 00:00	0.00	0.00
2	P_Jun-02	Junction	2394.00	2402.00	0.00	2402.00	0.00	37.40	2394.41	0.00	7.59	0 00:00	0.00	0.00
3	P_Out-01	Outfall	2393.00					37.40	2393.41					
4	P_Stor-01	Storage Node	2396.75	2402.00	0.00		45000.00	104.20	2399.82				0.00	0.00

Subbasin Hydrology

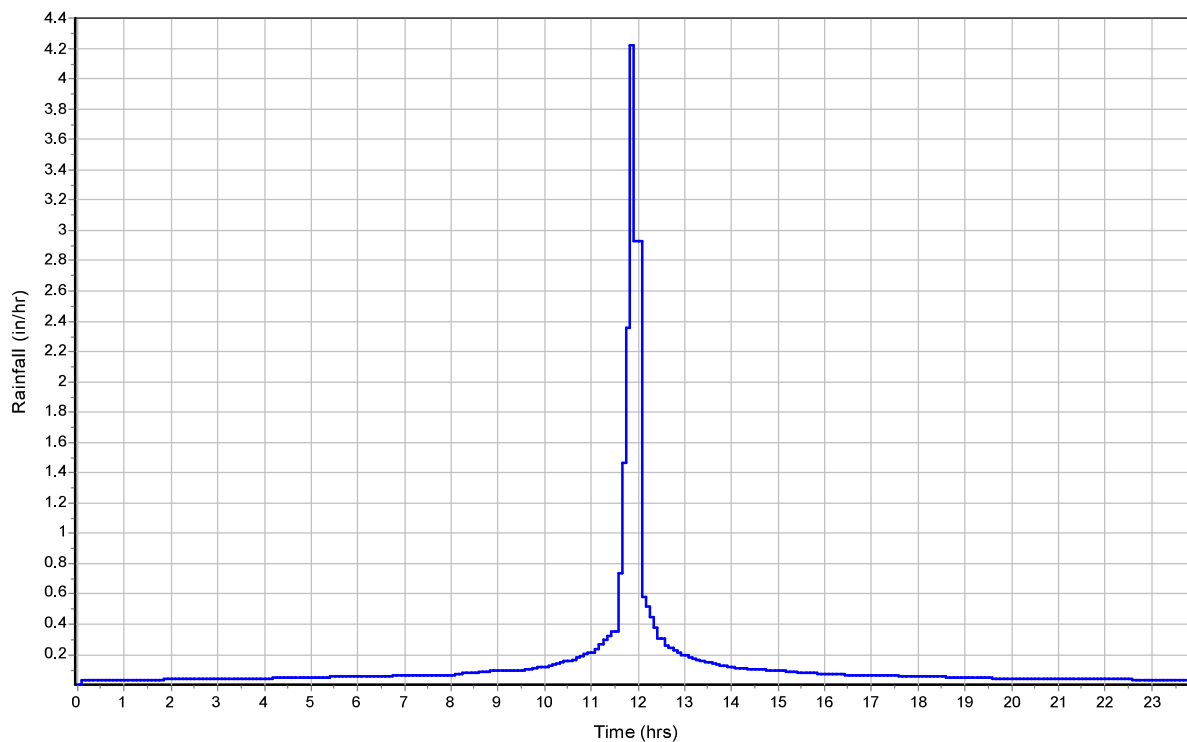
Subbasin : P_Sub-01

Subbasin Runoff Results

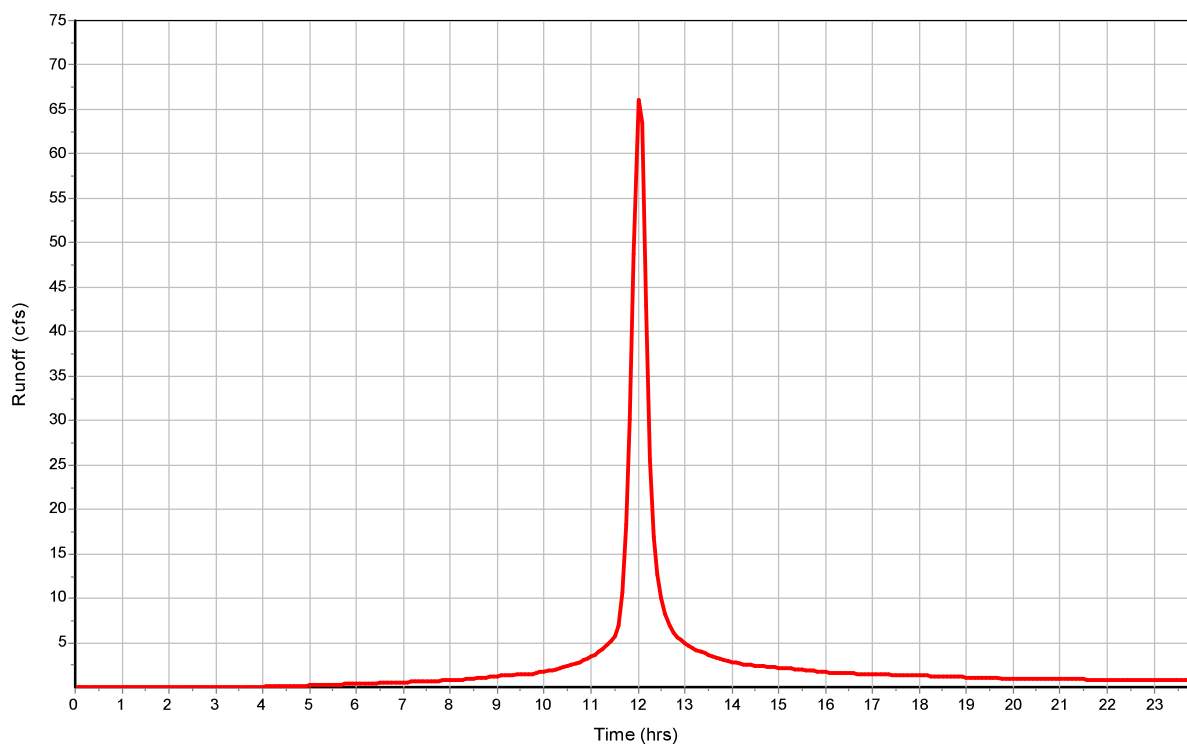
Total Rainfall (in)	3.08
Total Runoff (in)	2.47
Peak Runoff (cfs)	68
Weighted Curve Number	94.39
Time of Concentration (days hh:mm:ss)	0 00:15:00

Subbasin : P_Sub-01

Rainfall Intensity Graph



Runoff Hydrograph



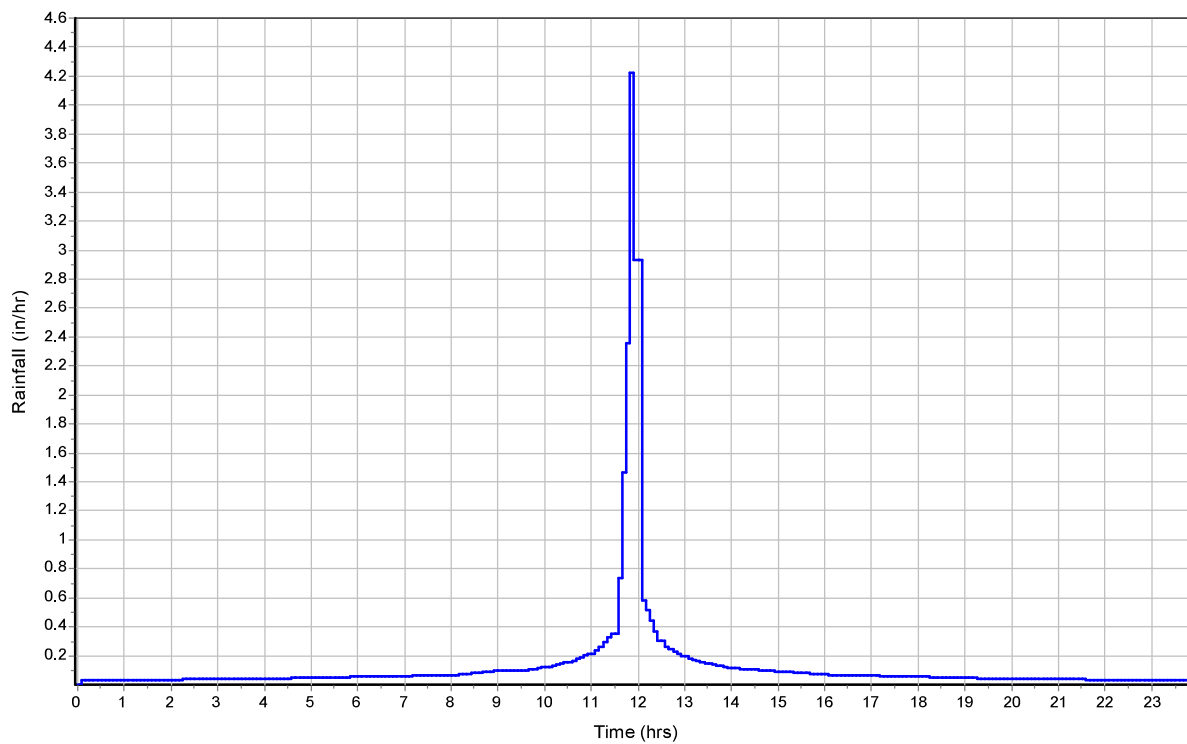
Subbasin : P_Sub-02

Subbasin Runoff Results

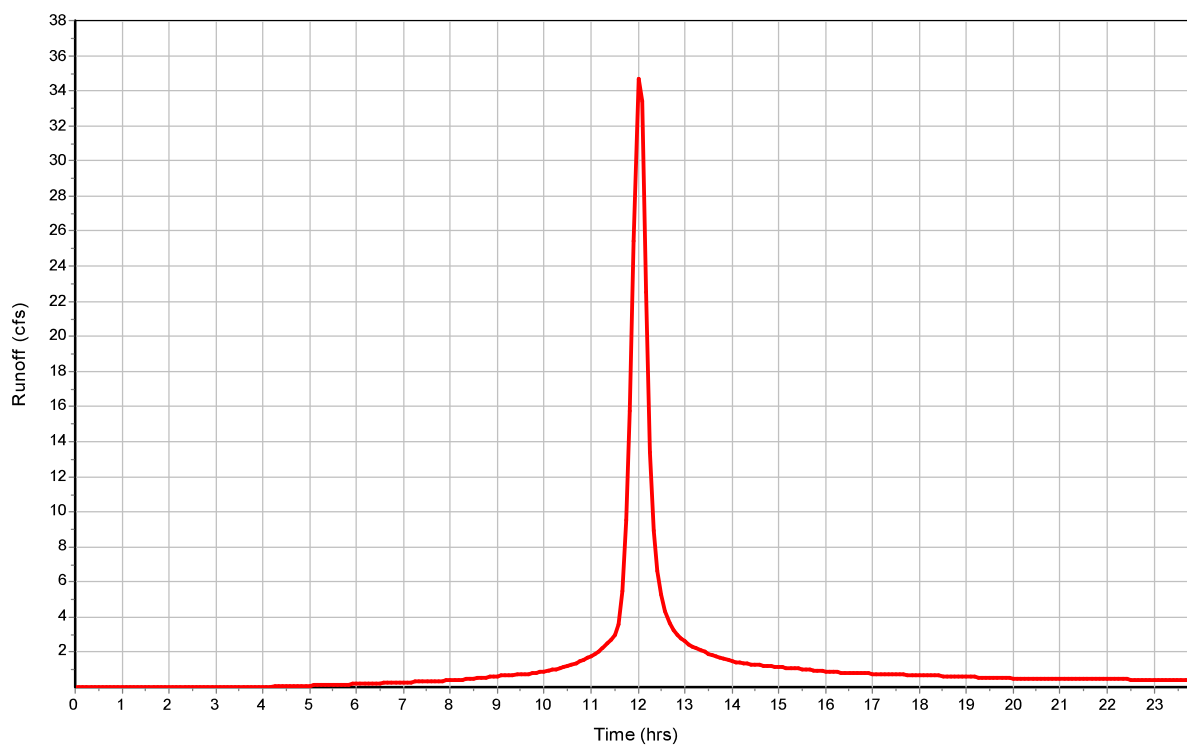
Total Rainfall (in)	3.08
Total Runoff (in)	2.43
Peak Runoff (cfs)	35.7
Weighted Curve Number	94.06
Time of Concentration (days hh:mm:ss)	0 00:15:00

Subbasin : P_Sub-02

Rainfall Intensity Graph



Runoff Hydrograph



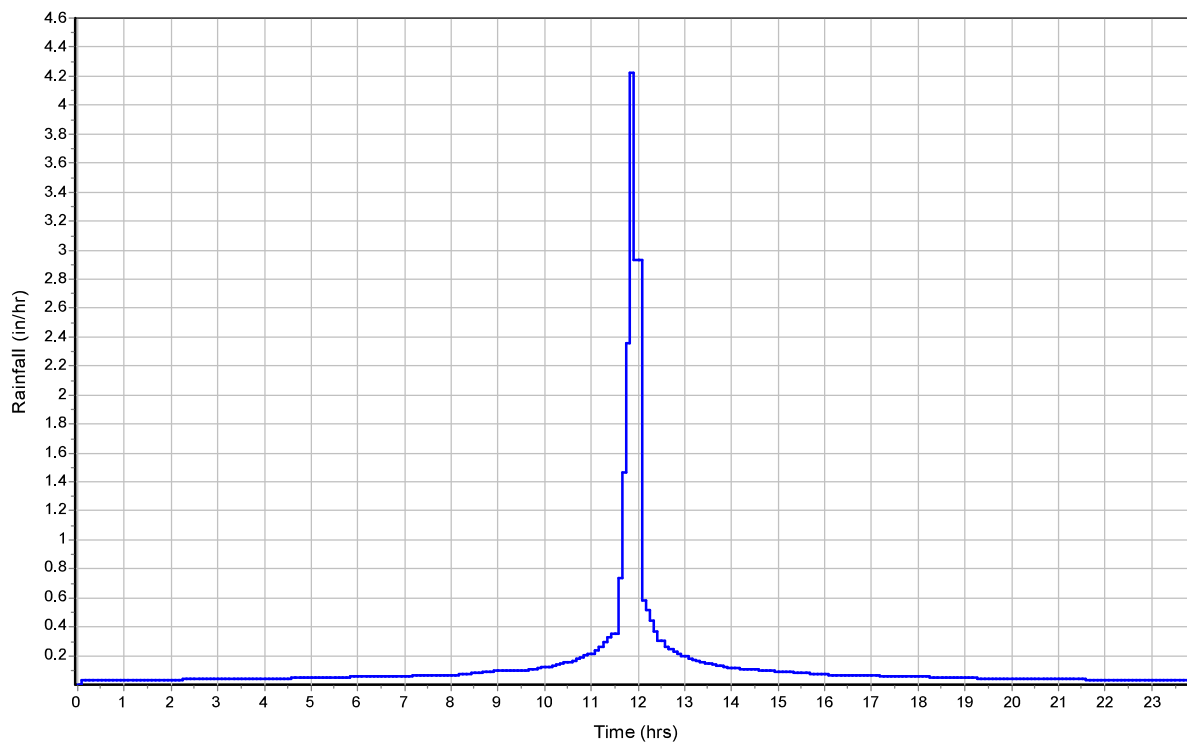
Subbasin : P_Sub-03

Subbasin Runoff Results

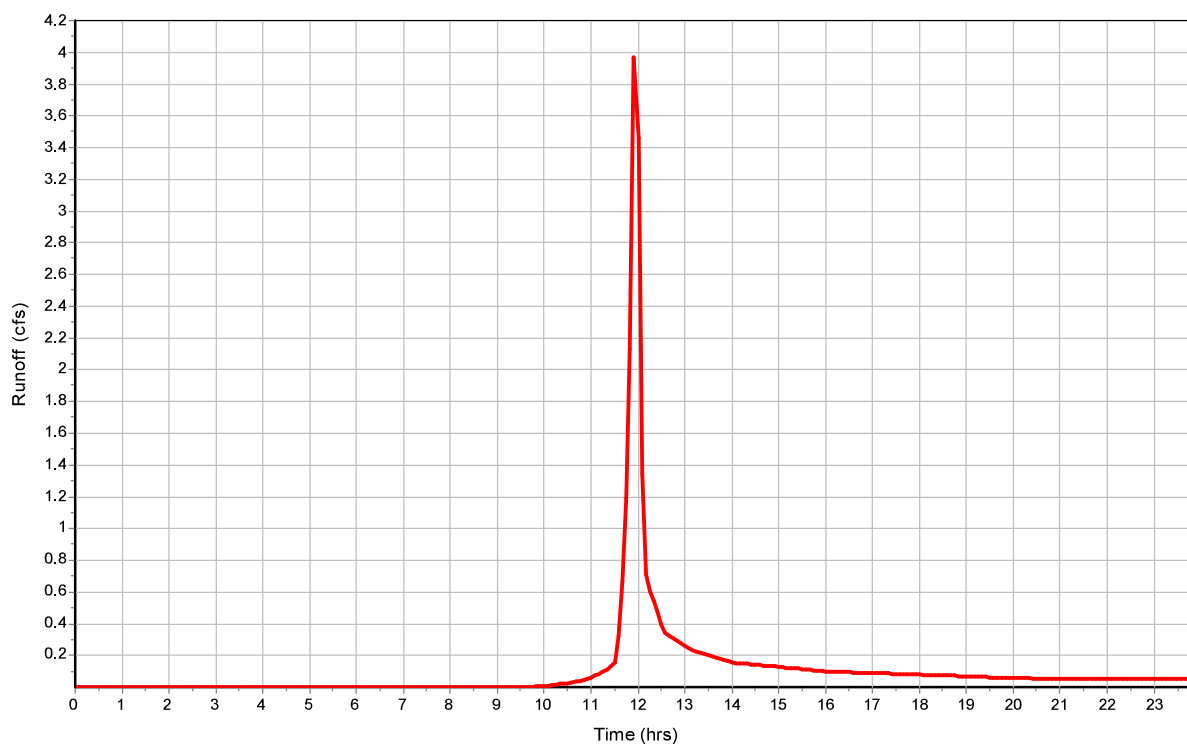
Total Rainfall (in) 3.08
Total Runoff (in) 1.31
Peak Runoff (cfs) 4
Weighted Curve Number 80
Time of Concentration (days hh:mm:ss) 0 00:05:00

Subbasin : P_Sub-03

Rainfall Intensity Graph



Runoff Hydrograph



Junction Results

SN	Element ID	Peak Inflow	Peak Lateral Inflow	Max HGL Elevation Attained	Max HGL Depth Attained	Max Surcharge Depth Attained	Min Freeboard Attained	Average HGL Elevation Attained	Average HGL Depth Attained	Time of Max HGL Occurrence	Time of Peak Flooding Occurrence	Total Flooded Volume	Total Time Flooded
		(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(days hh:mm)	(days hh:mm)	(ac-in)	(min)
1	P_Jun-01	37.42	0.00	2397.64	3.14	0.00	4.36	2395.09	0.59	0 12:21	0 00:00	0.00	0.00
2	P_Jun-02	37.40	0.00	2394.41	0.41	0.00	7.59	2394.11	0.11	0 12:21	0 00:00	0.00	0.00

Channel Results

SN Element ID	Peak Flow	Time of Peak Flow Occurrence	Design Flow Capacity	Peak Flow/Design Flow Ratio	Peak Flow Velocity	Travel Time	Peak Flow Depth	Peak Flow Depth/Total Depth Ratio	Total Time Surcharged	Froude Number	Reported Condition
	(cfs)	(days hh:mm)	(cfs)		(ft/sec)	(min)	(ft)		(min)		
1 P_Channel-01	37.40	0 12:21	1168.02	0.03	3.04	0.23	0.41	0.20	0.00		

Pipe Results

SN Element ID	Peak Flow (cfs)	Time of Peak Flow Occurrence (days hh:mm)	Design Flow Capacity (cfs)	Peak Flow/Design Flow Ratio	Peak Flow Velocity (ft/sec)	Travel Time (min)	Peak Flow Depth (ft)	Peak Flow Depth/Total Depth Ratio	Total Time Surcharged (min)	Froude Number	Reported Condition
1 P_Pipe-01	37.40	0 12:21	57.89	0.65	9.02	0.12	1.70	0.57	0.00		Calculated

Storage Nodes

Storage Node : P_Stor-01

Output Summary Results

Peak Inflow (cfs)	104.2
Peak Lateral Inflow (cfs)	104.2
Peak Outflow (cfs)	37.42
Peak Exfiltration Flow Rate (cfm)	0
Max HGL Elevation Attained (ft)	2399.82
Max HGL Depth Attained (ft)	3.07
Average HGL Elevation Attained (ft)	2397.39
Average HGL Depth Attained (ft)	0.64
Time of Max HGL Occurrence (days hh:mm)	0 12:20
Total Exfiltration Volume (1000-ft ³)	0
Total Flooded Volume (ac-in)	0
Total Time Flooded (min)	0
Total Retention Time (sec)	0

APPENDIX H

Post-Development 100-Year Storm Event Results

Subbasin Summary

SN	Subbasin ID	Area (ac)	Peak Rate Factor	Weighted Curve Number	Total Rainfall (in)	Total Runoff (in)	Total Runoff Volume (ac-in)	Peak Runoff (cfs)	Time of Concentration (days hh:mm:ss)
1	P_Sub-01	23.38	0.00	94.39	4.58	3.94	92.04	105.79	0 00:15:00
2	P_Sub-02	12.37	0.00	94.06	4.58	3.90	48.26	55.63	0 00:15:00
3	P_Sub-03	1.93	0.00	80.00	4.58	2.53	4.89	7.77	0 00:05:00

Node Summary

SN	Element ID	Element Type	Invert Elevation (ft)	Ground/Rim (Max) Elevation (ft)	Initial Water Elevation (ft)	Surcharge Elevation (ft)	Ponded Area (ft ²)	Peak Inflow (cfs)	Max HGL Elevation (ft)	Max Surcharge Depth Attained (ft)	Min Freeboard Attained (ft)	Time of Peak Flooding Occurrence (days hh:mm)	Total Flooded Volume (ac-in)	Total Time Flooded (min)
1	P_Jun-01	Junction	2394.50	2402.00	0.00	2402.00	0.00	57.25	2399.94	0.00	2.06	0 00:00	0.00	0.00
2	P_Jun-02	Junction	2394.00	2402.00	0.00	2402.00	0.00	70.25	2394.55	0.00	7.45	0 00:00	0.00	0.00
3	P_Out-01	Outfall	2393.00					70.25	2393.55					
4	P_Stor-01	Storage Node	2396.75	2402.00	0.00		45000.00	163.87	2400.95				0.00	0.00

Subbasin Hydrology

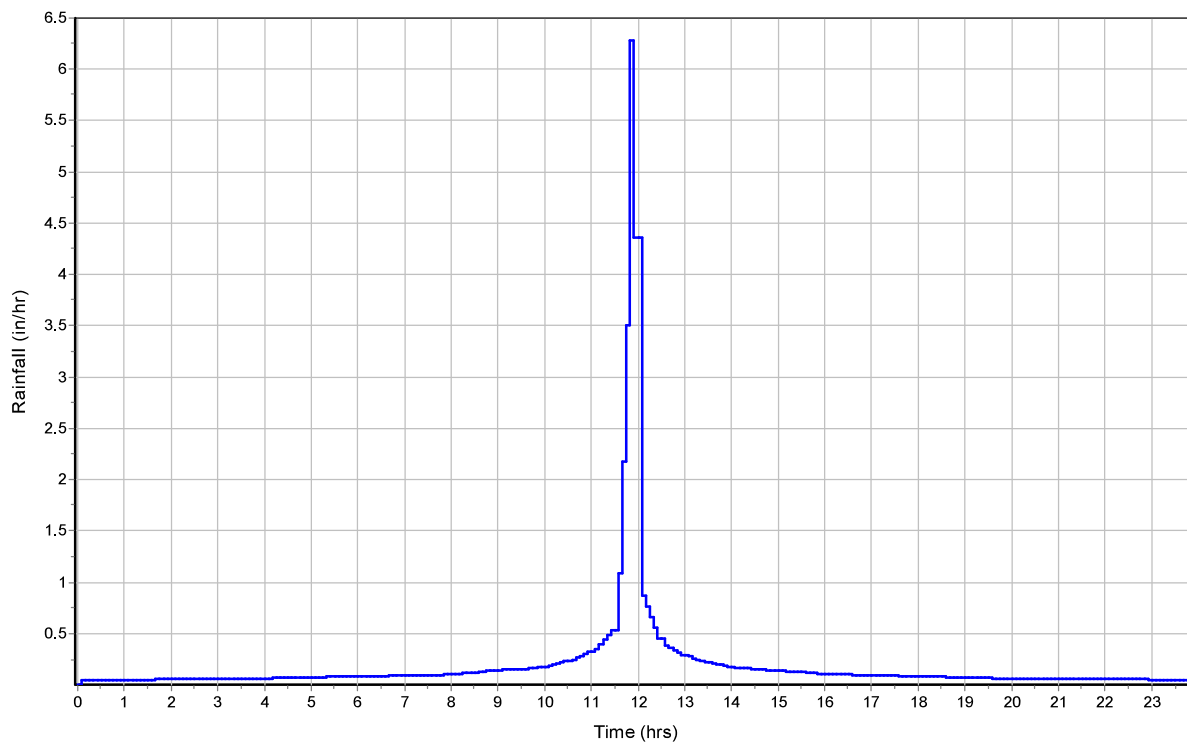
Subbasin : P_Sub-01

Subbasin Runoff Results

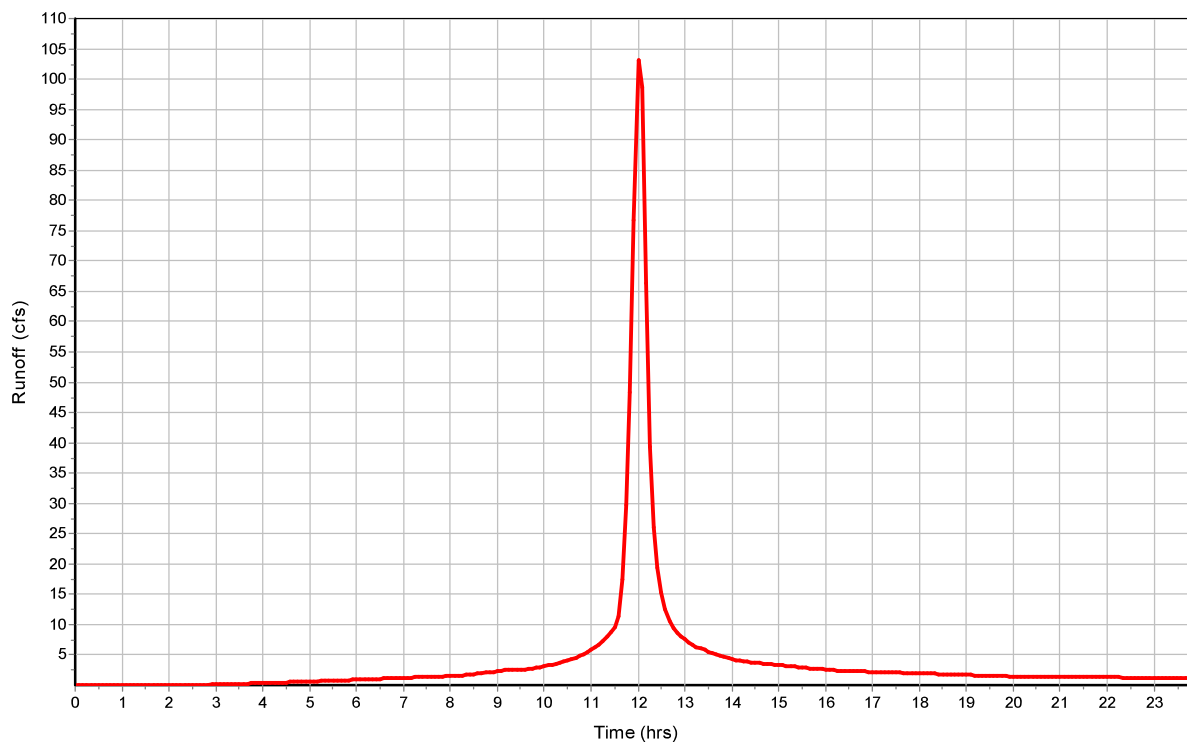
Total Rainfall (in)	4.58
Total Runoff (in)	3.94
Peak Runoff (cfs)	105.79
Weighted Curve Number	94.39
Time of Concentration (days hh:mm:ss)	0 00:15:00

Subbasin : P_Sub-01

Rainfall Intensity Graph



Runoff Hydrograph



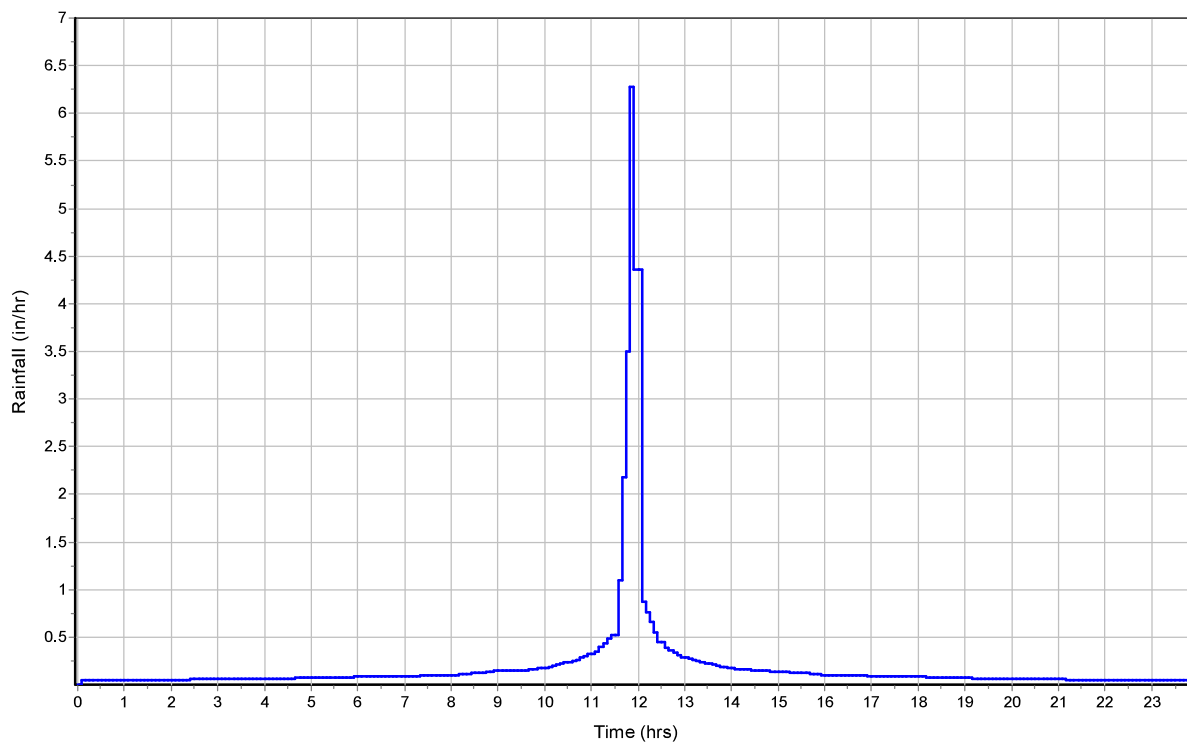
Subbasin : P_Sub-02

Subbasin Runoff Results

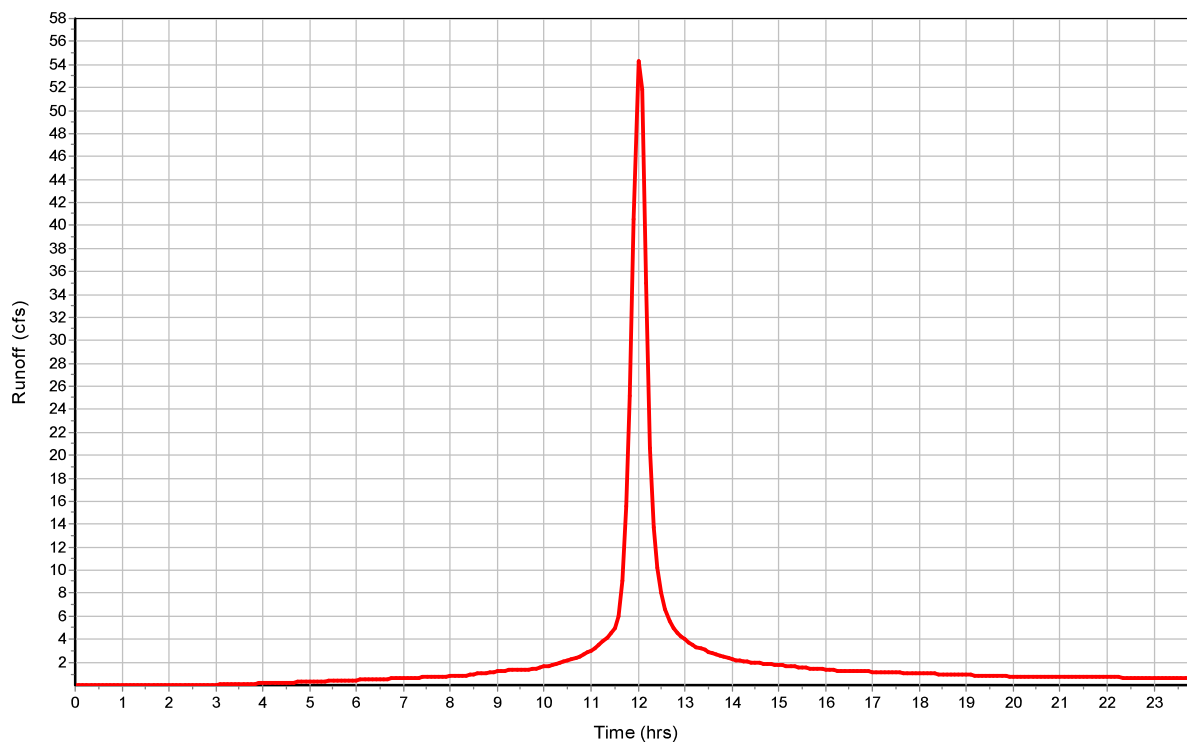
Total Rainfall (in) 4.58
Total Runoff (in) 3.9
Peak Runoff (cfs) 55.63
Weighted Curve Number 94.06
Time of Concentration (days hh:mm:ss) 0 00:15:00

Subbasin : P_Sub-02

Rainfall Intensity Graph



Runoff Hydrograph



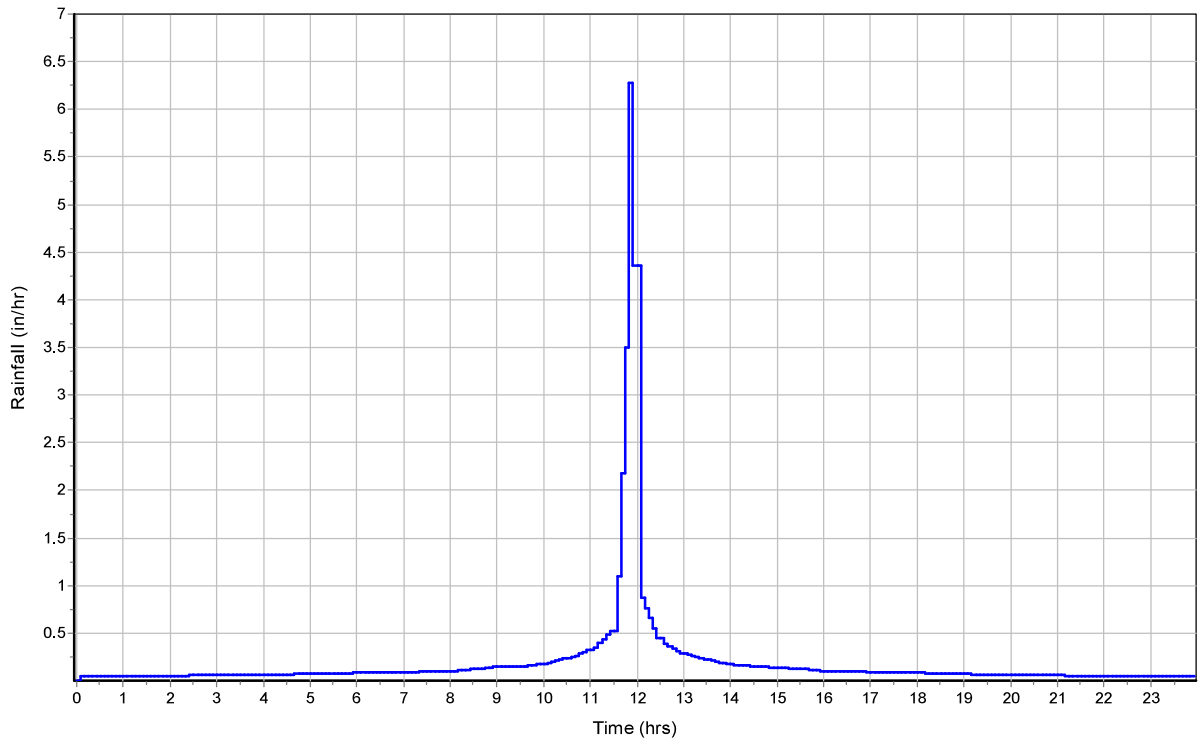
Subbasin : P_Sub-03

Subbasin Runoff Results

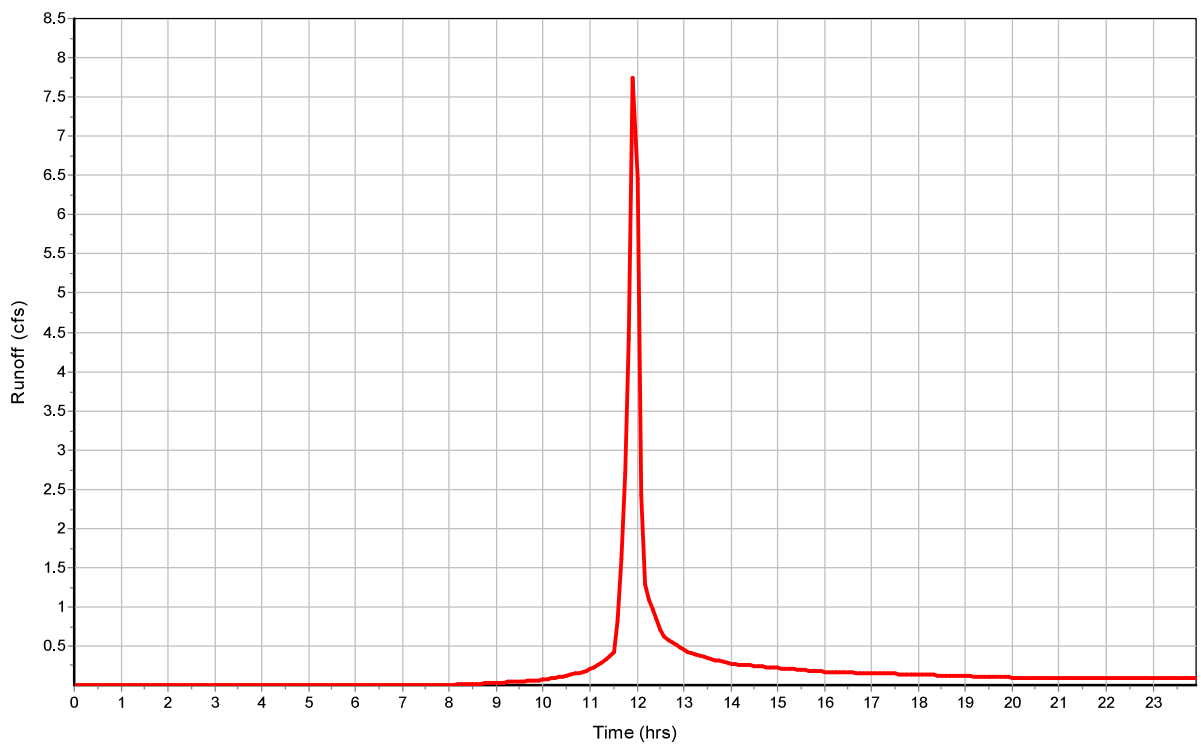
Total Rainfall (in) 4.58
Total Runoff (in) 2.53
Peak Runoff (cfs) 7.77
Weighted Curve Number 80
Time of Concentration (days hh:mm:ss) 0 00:05:00

Subbasin : P_Sub-03

Rainfall Intensity Graph



Runoff Hydrograph



Junction Results

SN	Element ID	Peak Inflow	Peak Lateral Inflow	Max HGL Elevation Attained	Max HGL Depth Attained	Max Surcharge Depth Attained	Min Freeboard Attained	Average HGL Elevation Attained	Average HGL Depth Attained	Time of Max HGL Occurrence	Time of Peak Flooding Occurrence	Total Flooded Volume	Total Time Flooded
		(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(days hh:mm)	(days hh:mm)	(ac-in)	(min)
1	P_Jun-01	57.25	0.00	2399.94	5.44	0.00	2.06	2395.46	0.96	0 12:18	0 00:00	0.00	0.00
2	P_Jun-02	70.25	0.00	2394.55	0.55	0.00	7.45	2394.15	0.15	0 12:18	0 00:00	0.00	0.00

Channel Results

SN Element ID	Peak Flow	Time of Peak Flow Occurrence	Design Flow Capacity	Peak Flow/Design Flow Ratio	Peak Flow Velocity	Travel Time	Peak Flow Depth	Peak Flow Depth/Total Depth Ratio	Total Time Surcharged	Froude Number	Reported Condition
	(cfs)	(days hh:mm)	(cfs)		(ft/sec)	(min)	(ft)		(min)		
1 P_Channel-01	70.25	0 12:19	1168.02	0.06	3.69	0.19	0.54	0.27	0.00		

Pipe Results

SN Element ID	Peak Flow (cfs)	Time of Peak Flow Occurrence (days hh:mm)	Design Flow Capacity (cfs)	Peak Flow/Design Flow Ratio	Peak Flow Velocity (ft/sec)	Travel Time (min)	Peak Flow Depth (ft)	Peak Flow Depth/Total Depth Ratio	Total Time Surcharged (min)	Froude Number	Reported Condition
1 P_Pipe-01	57.25	0 12:18	57.89	0.99	13.16	0.08	1.77	0.59	0.00		Calculated

Storage Nodes

Storage Node : P_Stor-01

Output Summary Results

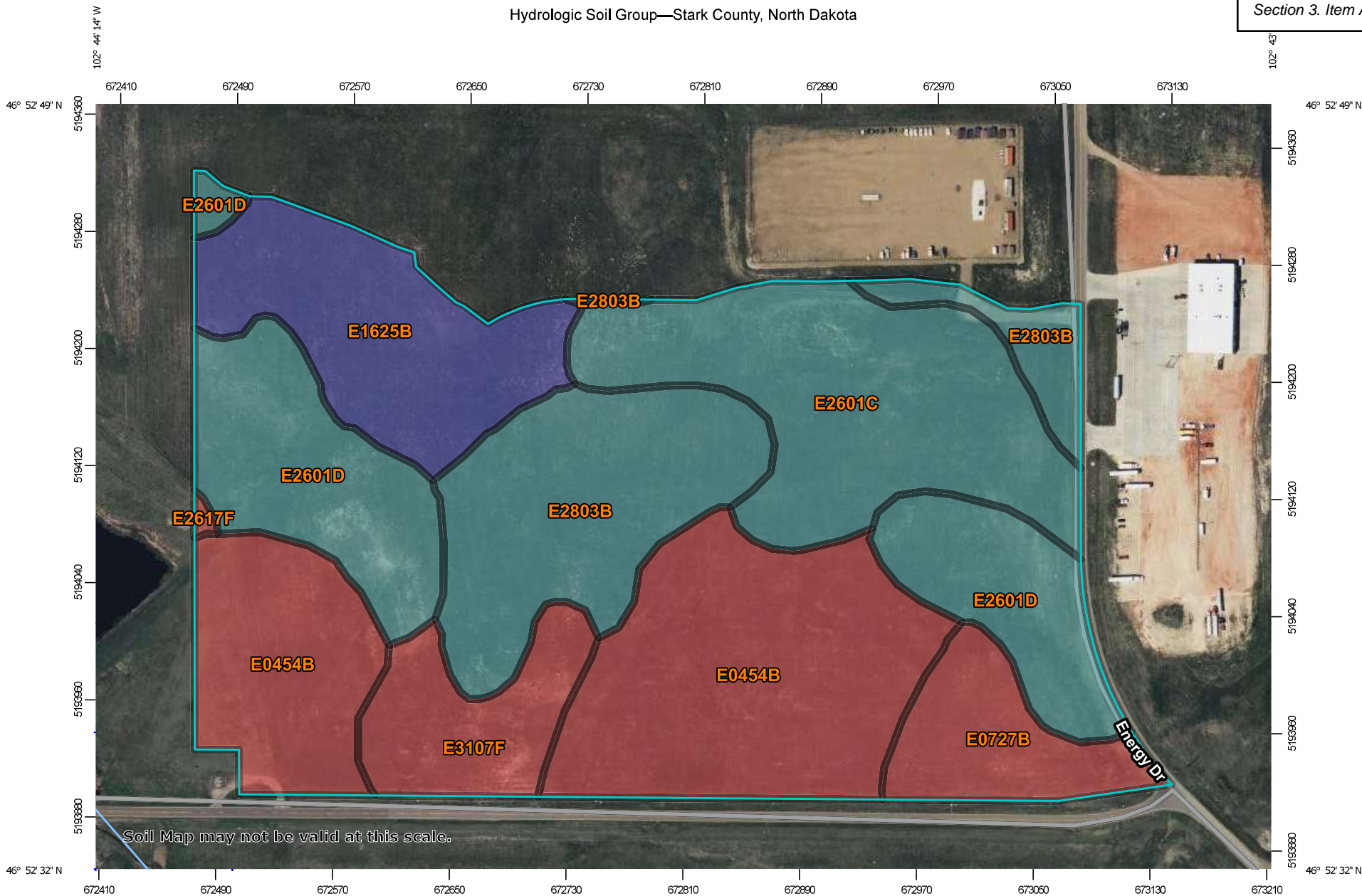
Peak Inflow (cfs)	163.87
Peak Lateral Inflow (cfs)	163.87
Peak Outflow (cfs)	70.25
Peak Exfiltration Flow Rate (cfm)	0
Max HGL Elevation Attained (ft)	2400.95
Max HGL Depth Attained (ft)	4.2
Average HGL Elevation Attained (ft)	2397.69
Average HGL Depth Attained (ft)	0.94
Time of Max HGL Occurrence (days hh:mm)	0 12:18
Total Exfiltration Volume (1000-ft ³)	0
Total Flooded Volume (ac-in)	0
Total Time Flooded (min)	0
Total Retention Time (sec)	0

APPENDIX I

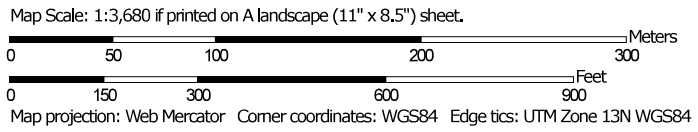
Hydrologic Soil Groups

Hydrologic Soil Group—Stark County, North Dakota

Section 3. Item A.




Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)









 Area of Interest (AOI)

Soils

Soil Rating Polygons





-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available

Soil Rating Lines

-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available

Soil Rating Points

-  A
-  A/D
-  B
-  B/D

-  C
-  C/D
-  D
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Stark County, North Dakota
 Survey Area Data: Version 23, Sep 7, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 2, 2021—Jun 7, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
E0454B	Daglum-Rhoades complex, 0 to 6 percent slopes	D	14.5	26.5%
E0727B	Barkof-Janesburg complex, 3 to 6 percent slopes	D	3.1	5.7%
E1625B	Vebar-Parshall fine sandy loams, 3 to 6 percent slopes	B	6.4	11.7%
E2601C	Amor-Cabba loams, 6 to 9 percent slopes	C	9.4	17.2%
E2601D	Amor-Cabba loams, 9 to 15 percent slopes	C	9.1	16.7%
E2617F	Cabba-Chama-Shambo loams, 9 to 50 percent slopes	D	0.1	0.2%
E2803B	Amor-Shambo loams, 3 to 6 percent slopes	C	8.7	15.9%
E3107F	Cabba-Badland complex, 6 to 70 percent slopes	D	3.4	6.2%
Totals for Area of Interest			54.6	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

APPENDIX J

Table of Recommended Manning's N-Values

Manning's Roughness for Overland Flow	
Land Surface Type	Manning n
Urban:	
Concrete, Asphalt, or Gravel	0.005 - 0.015
Average Grass Cover	0.40
Rural Residential (1 - 10 acre lots, maintenance or grazing assumed)	0.40
Urban Residential (maintained lawns assumed, with effects of landscaping, driveways, roofs included in combined value):	
1 - 3 building units/acre	0.30
3 - 10 building units/acre	0.20
> 10 building units/acre	0.15
Commercial/Industrial (effects of landscaping, driveways, roofs included in combined value)	0.11
Grass:	
Average Grass Cover	0.40
Poor Grass Cover, Moderately Rough Surface	0.30 - 0.40
Light Turf	0.20
Dense Turf	0.17 - 0.80
Dense Grass	0.17 - 0.30
Bermuda Grass	0.30 - 0.48
Dense Shrubbery and Forest Litter	0.40
Natural:	
Short Grass Prairie	0.10 - 0.20
Poor Grass Cover, Moderately Rough Surface	0.30 - 0.40
Sparse Vegetation	0.05 - 0.13
Oak Grasslands, Open Grasslands	0.60
Dense Cover of Trees and Bushes	0.80
Rangeland:	
Typical	0.13
No Debris Cover	0.09 - 0.34
20% Debris Cover	0.05 - 0.25
Woods:	
Light Underbrush	0.40
Dense Underbrush	0.80
Rural Residential (1 - 10 acre lots, maintenance or grazing assumed)	0.40
Cultivated Areas:	
Bare Packed Soil (free of stone)	0.10
Fallow (no residue)	0.05
Conventional Tillage:	
No Residue	0.06 - 0.12
With Residue	0.16 - 0.22
Chisel Plow:	
No Residue	0.06 - 0.12
With Residue	0.10 - 0.16
Fall Disking (with residue)	0.30 - 0.50
No Till:	
No Residue Cover	0.04 - 0.10
20 - 40% Residue Cover	0.07 - 0.17
60 - 100% Residue Cover	0.17 - 0.47
Rural Residential (1 - 10 acre lots, maintenance or grazing assumed)	0.40
Sources:	
-USACE, 1998, HEC-1 Flood Hydrograph Package User's Manual, Hydrologic Engineering Center, Davis, CA	
-Soil Conservation Service, 1986, Urban Hydrology for Small Watersheds, Technical Release 55, U.S. Department of Agriculture, Washington, DC	

APPENDIX K


USFWS National Wetland Inventory



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov

February 4, 2026

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
|  | Freshwater Pond |  | |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

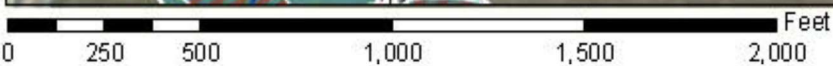
APPENDIX L

FEMA FIRMETTE

National Flood Hazard Layer FIRMeTte



102°44'15"W 46°52'53"N



1:6,000

102°43'37"W 46°52'29"N

Basemap Imagery Source: USGS National Map 2023

Legend

Section 3. Item A.

SEE FIS REPORT FOR DETAILED LEGEND AND INFORMATION

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, A99
 - With BFE or Depth Zone AE, AO, AH, VE, AP
 - Regulatory Floodway

- OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes. Zone X
 - Area with Flood Risk due to Levee Zone D

- OTHER AREAS**
 - Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone D

- GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall

- OTHER FEATURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation: 20.2, 17.5
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature

- MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped



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

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

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

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



DEVELOPMENT AGREEMENT

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

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

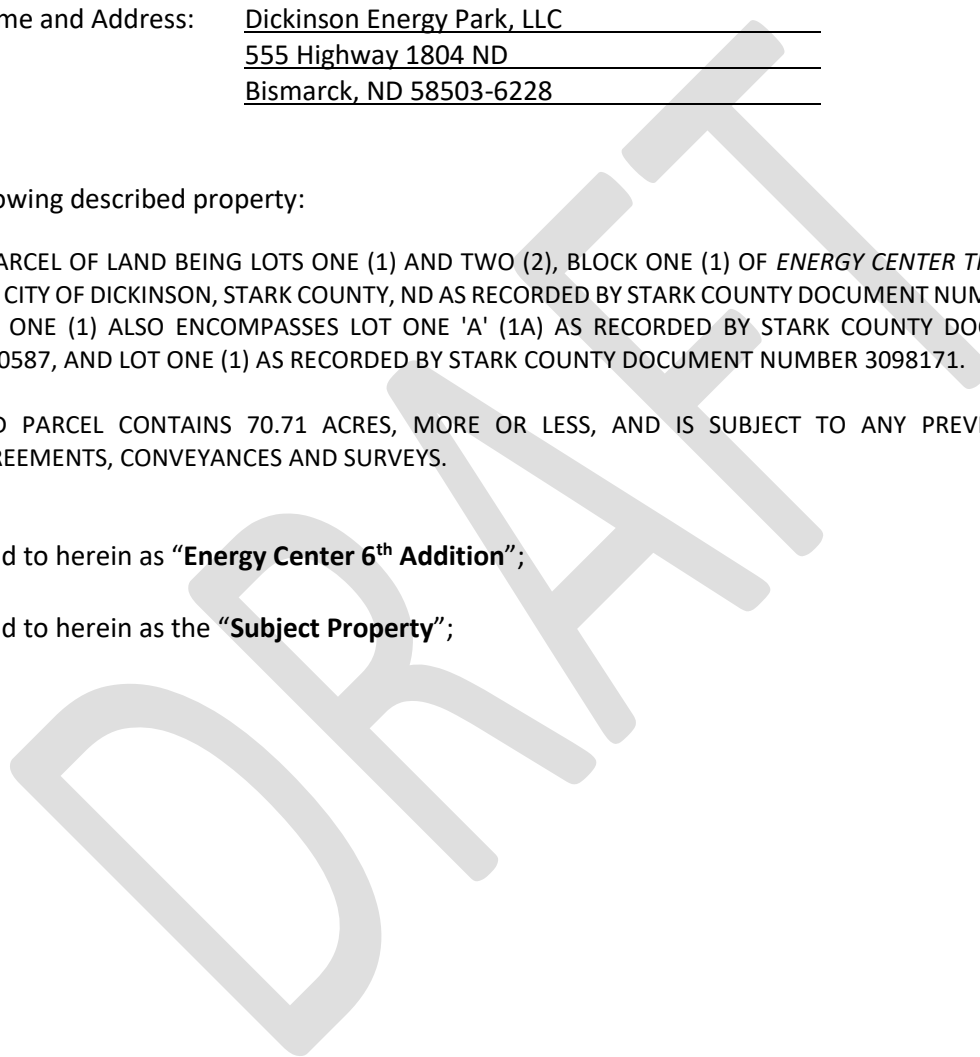
For the following described property:

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

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

Also referred to herein as “**Energy Center 6th Addition**”;

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



RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Energy Center 6th Addition Final Major Subdivision Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: March 4, 2026
 Re: FLP-001-2026 Energy Center 6th Addition Final Major Subdivision

APPLICANT

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

APPLICANT'S REPRESENTATIVE

Andrew Schrank
 Highlands Engineering
 319 24th Street East
 Dickinson ND 58601

Public Hearing	March 11, 2026	Planning and Zoning Commission
Final Consideration	March 17, 2026	City Commission

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

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

The companion Energy Center 6th rezoning request is also scheduled for final consideration at the March 17, 2026 City Commission meeting (REZ-001-2026).

LOCATION

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

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

ADJACENT ZONING & LAND USE		
Direction	Zoning	Land Use
North	GI	Industrial; undeveloped
East	GI	Industrial
South	GI	Undeveloped
West	GI	Undeveloped

CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Consistency with the Comprehensive Plan

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

Compatibility and Compliance with The Municipal Code

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

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

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

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

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

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

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

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-001-2026 contingent on the approval of REZ-001-2026 and the recording of the associated development agreement.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-001-2026: The Energy Center 6th Addition 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-001-2026: The Energy Center 6th 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."*

ORDINANCE NO. 2026

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 62, RELATING TO THE USE OF STORAGE CONTAINERS AS ACCESSORY STRUCTURES IN RESIDENTIAL ZONING DISTRICTS

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

SECTION 2: Notes to Tables 62-162-2. And 62-162-3, as outlined in Section 62-162. Development Regulations. of Chapter 62 of the Municipal Code of the City of Dickinson, is hereby amended and re-enacted as follows:

Sec. 62-162. – Development regulations.

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

Note 1: Rural Residential development situated within one of the designated rural development areas of the Comprehensive Plan may occur on minimum lot sizes below 1.0 acres, if such development is approved by the City as a conservation subdivision, designed in conformance with the Comprehensive Plan, to ensure compatible installation of infrastructure and sanitary waste collection systems in the future.

Note 2: Six feet for single-story construction, one foot for each four feet for any building over 24 feet in height. See Section 62-467 for supplemental regulations governing single-family attached and townhouse residential use types.

Note 3: See Section 62-467 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 4: Height limit for residential structures. 65 feet for other permitted uses.

Note 5: Setback ten feet for single-story construction, five feet for each additional story.

Note 6: The 3,000 square feet per townhouse unit applies for up to ten units in townhouse developments in the R-2 District.

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

Note 8: Toxic gaseous storage: Storage facilities of toxic gaseous, materials, tanks/or bulk facilities shall not be built within two miles of any residential subdivision or within one mile of any building for human occupancy generally, unless approved by a special use permit after a finding that storage will not pose a potential public health hazard.

Note 9:

- 1) Adequate direct road access to the site is provided with such access designed to minimize traffic congestion; and
- 2) Sufficient off-street parking areas are provided in conformance with Article IX of this chapter, Table 62-589-1; and
- 3) The site is located at least one mile from any residentially zoned area.

Note 10: Density for retirement residential is 7,000 square feet for four units and 1,000 square feet for each additional unit.

Note 11: Attached garages shall not exceed the total square footage and height of the residence.

Note 12: Detached structures shall not exceed the height of 15 feet or the height of the primary residence, whichever is less, unless the detached structure is setback from the side and rear property line a minimum of two horizontal feet for every one foot in height exceeding the maximum height of the structure in residential districts.

Note 13: Accessory structures larger than 250 square feet shall be constructed with similar materials of the primary residence or building in residential and commercial zoning districts.

Note 14: Residential use in multi-story structures in the DC zoning district, as well as family and group cares, emergency residential, group care, group home, religious assembly, and bed and breakfast uses will be located in the floor or floors above commercial uses.

Note 15: In addition to the off-street parking requirements in Article IX of this chapter, parking and loading areas in the P zoning district abutting or directly across the street from a residential zoning district shall be set back the minimum front yard setback of the adjacent residential district.

Note 16: All service, repair, processing or storage on property abutting or across the street from a residential zoning district shall be contained wholly within an enclosed building unless screened from residential zoning by a site-obstructing fence or wall.

SECTION 3: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

SECTION 5: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2026

Second Reading: _____, 2026

Final Passage: _____, 2026

Suggestion:

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

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



Residential Storage Containers Text Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: March 4, 2026
 Re: ZTA-003-2026 Section 62 – Residential Storage Containers

APPLICANT

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

Public Hearing	March 11, 2026	Planning and Zoning Commission
Public Hearing	March 17, 2026	City Commission
Final Consideration	April 6, 2026	City Commission

Community Development staff is requesting approval of zoning text amendments to the notes for Table 62-162-2: Permitted Uses by Zoning Districts, in Section 62-162: Development regulations, in Chapter 62-Zoning of the Dickinson Municipal Code, to prohibit the use of storage containers as accessory structures in residential zoning districts within City limits. This amendment also subjects storage containers located outside of the residential zoning districts to the same screening requirements as outdoor storage.

Staff recommendation: Staff recommends approval of this proposed text amendment.

The proposed ordinance amending Chapter 62 addressing storage containers is included with this staff report.

STAFF ANALYSIS

BACKGROUND

City staff has received numerous complaints from residents within City limits regarding properties utilizing storage containers as permanent structures. Unlike permanent structures, a building permit is not required for storage containers.

The 2024 International Building Code (IBC) defines an intermodal shipping container as *"a six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials."* Structures that meet this definition may be considered accessory structures based on the current Municipal Code, and therefore may be constructed or placed in residential zoning districts.

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compatibility with the Municipal Code

Intermodal shipping containers are often used by residents either as temporary storage containers when moving or due to other events, or as permanent structures to allow container storage on a property. The proposed ordinance allows for the continued use of temporary storage containers that do not remain on the property for greater than 30 days. In the event a property owner requires a temporary storage container for greater than 30 days, they may work with the Building Department to get incremental time extensions.

The proposed ordinance allows intermodal storage containers to be utilized on commercial, industrial, and agricultural properties, but would be subject to the outdoor storage screening requirements outlined in Section 62-567: Screening standards. This includes a landscaping buffer zone and opaque screen when adjacent to less intensive zoning districts.

During workshop sessions with the Planning and Zoning Commission, it was asked whether this proposed ordinance will be enforced in the Extra-Territorial Zone or only within City limits. After further discussion, City staff is proposing to only enforce this ordinance within City limits to ensure the Code Enforcement team is able to effectively enforce the proposed ordinance.

PUBLIC INPUT AND STAFF RECOMMENDATION

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

Staff Recommendation: The City Development Team staff recommends **approval** of ZTA-005-2026.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **ZTA-005-2026: The Residential Storage Container Zoning Text Amendment** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

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

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend denial of **ZTA-005-2026: The Residential Storage Container Zoning Text Amendment** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

ORDINANCE NO. 2026

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 50, RELATING TO MOBILE FOOD UNIT REGULATIONS AND LICENSING PROCEDURE

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

SECTION 1: Section 50-75. – Commercial use of sidewalks, streets and public grounds restricted. of Chapter 50 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 50-75. – Commercial use of sidewalks, streets and public grounds restricted.

- a) *Prohibition.* Except as authorized by this article for locations within the DC District and the Mobile Food Unit Corridor, no person, firm, or entity shall sell, offer, or expose for sale any food, goods, wares, or merchandise, upon any public street, alley, sidewalk, public right-of-way or other public grounds owned or controlled by the City.
- b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Approved area means an area of public right-of-way or public property specifically set aside or approved by the City for use by mobile vendors and mobile food units. Information on approved areas shall be available from City Code Enforcement.

Adjacent to, as it relates to patio areas, means an area on the public sidewalk defined as the space between two lines, each drawn from the ends of a building or portion of a building housing a business, perpendicular to the right-of-way.

Cooking means the preparation of food through the use of heat by boiling, baking, roasting, microwaving, frying, grilling, smoking or any other method using heat.

~~*Designated area* means an area of public right-of-way or public property specifically set aside or designated by the City for use by mobile vendors. The boundaries and rules for use of each designated area shall be as shown by maps or diagrams produced by the City and available from City Engineering or City Administration.~~

Downtown Commercial District means the area of the zoning district entitled, "Downtown Commercial District," pursuant to Chapter 62, Article IV.

Food includes any food item meant for human consumption and any beverage meant for human consumption.

Grilling means the cooking of raw animal products such as meat, poultry or fish or vegetables on a flat top or charbroil style high-heat surface designed for such purpose, but

does not include smoking, deep-fat frying, wok or skillet-style cooking, rotisserie-style cooking or any other type of cooking.

Ice cream truck means a motor vehicle utilized as the point of retail sales of pre-wrapped or prepackaged ice cream or similar frozen dessert products

Merchandise includes, but is not limited to, plants, flowers, wearing apparel, jewelry, ornaments, artwork, household or office supplies or other goods or wares, and excepting food or beverages of any kind.

Mobile food unit means a trailer which may be moved by towing with a vehicle or a self-contained mobile food truck which is designed and used for displaying, cooking, keeping or storing any food or beverages for sale by a vendor. The mobile food unit must be inspected and approved by the Public Health Department/Environmental Health Division.

Mobile vendor means any person or entity engaged in the business of preparing or serving food or merchandise from a pushcart or a mobile ~~vendor vehicle~~ food unit.

Mobile Food Unit Corridor includes public streets where mobile food units are permitted to operate without special permission.

~~*Mobile vendor vehicle* means a trailer which may be moved by towing with a vehicle or a self-contained mobile food truck which is designed and used for displaying, cooking, keeping or storing any food, beverages, merchandise or other articles for sale by a vendor. To the extent a mobile vendor vehicle is used for preparing, displaying, cooking, keeping or storing food or beverages, the mobile vendor vehicle must be inspected and approved by the Public Health Department/Environmental Health Division.~~

Outdoor merchandise area means an area in front of or adjacent to a retail business where merchandise is located on a public sidewalk for the purpose of displaying, exhibiting, selling or offering merchandise for sale.

Outdoor patio area means an area in front of or adjacent to a business maintaining a liquor license, a restaurant license or limited restaurant license issued by the City and located on a public sidewalk whereon tables, chairs or benches are placed for the purposes of serving food and/or alcoholic beverages.

Pushcart means a wheeled cart which may be moved by hand by one person without the assistance of a motor and which is designed and used for displaying, cooking, keeping or storing any food, beverages or other articles for sale by a vendor. To the extent a pushcart is used for displaying, keeping or storing food or beverages, the pushcart must be inspected and approved by the Public Health Department/Environmental Health Division.

- c) Term and fee. Each permit required by this chapter **unless otherwise stated** shall expire on December 31 of each year, unless revoked by the City, regardless of the date of issuance. There shall be an application fee for permits issued under this chapter as provided in the City fee schedule.

- d) Indemnity. Each application and permit required by this chapter shall clearly state that the applicant agrees to indemnify and hold the City harmless from any and all claims, demands or causes of action which may result from placement of outdoor patio areas, mobile vendors, sale of merchandise or sign on public property. The applicant shall, at the time of making application for the permit, provide proof of insurance to cover the risk of injury to person or property, including, but not limited to, public streets, alleys, sidewalks, public rights-of-way or other public grounds or property owned or controlled by the City, caused by the presence of items on public property. Said insurance shall provide minimum coverage for bodily injury of \$1,000,000.00 per occurrence and in the aggregate. Such insurance shall be issued by an insurance company authorized to conduct business in the State, and the City shall be listed as a certificate holder on each such policy of insurance. Any license issued under this chapter shall immediately and automatically expire upon lapse or termination of said policy.

SECTION 2: Section 50-76. – Permitted uses of sidewalks, streets, or other public grounds. of Chapter 50 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 50-76. – Permitted uses of sidewalks, streets, or other public grounds.

Except as allowed under the provisions of this chapter or as part of a permitted community event or festival within the DC District, it shall be unlawful for any person to sell, offer for sale or order, any food, goods, wares, merchandise, mechanical devices, animals or any other article of any kind whatsoever, by whatever name called, upon any public street, alley, sidewalk, public right-of-way or other City-owned or -controlled public grounds without a permit issued by the City.

- 1) *Outdoor patio areas.* No person may own, set up or operate an outdoor patio area on any public sidewalk without first obtaining a permit from the City. An application for an outdoor patio area and minimum rules for sidewalk clearances and border heights is available from the Building and Codes Department. Food and beverages may be sold in outdoor patio areas on the public sidewalks only pursuant to a permit issued by the City. An outdoor patio area must be adjacent to the business that has received the permit to operate the outdoor patio area. This section shall not apply to an outdoor patio area that is part of a permitted community event or festival. Permit holders for outdoor patio areas and their employees shall meet the following:
 - a. The permit holder shall set up the outdoor patio area, including, but not limited to, the furniture, canopies, fencing and/or other accessories used for the outdoor patio area, only in the area designated by the City in the permit. An outdoor patio area may not include a roadway or alley. The outdoor patio area shall not impede, endanger or interfere with pedestrian or vehicular traffic. The City shall set minimum sidewalk standards with regard to obstructions located in the clear space required by this section.
 - b. Furniture, canopies, fencing and/or other accessories used for the outdoor patio area shall be located so that a minimum of 48 consecutive inches of unobstructed

clear space for pedestrian travel within the pedestrian way, or the minimum required by the Americans with Disabilities Act, if greater, is maintained at all times.

- c. The permit holder shall provide proper containers or some other means for the collection of waste and trash within the outdoor dining area permitted. The permit holder shall keep the immediate area around the outdoor dining area and the outdoor patio area clean of garbage, trash, paper, cups, cans, litter, or other spillage associated with the operation of the outdoor dining area. All waste and trash shall be properly disposed of by the permit holder.
- d. The permit holder shall comply with all City health and other applicable regulatory agency requirements, including, but not limited to, the requirements for food service. The permit holder shall display in a conspicuous location all such required permits and/or licenses and shall provide copies of those permits and/or licenses to the City prior to issuance of a permit for an outdoor patio area by the City. The permit holder shall renew the permit annually. The permit holder shall continuously maintain the required approvals, permits and/or licenses and provide evidence to the City upon request.
- e. The permit holder shall be responsible for the maintenance, upkeep, security, and safe condition of the furniture and accessories of the outdoor patio area and the City shall not be responsible for the same.
- f. The permit holder shall not have on the premises any bell, siren, horn, loudspeaker or any similar device to attract the attention of possible customers nor shall the permit holder use any such device to attract attention.
- g. Employees of the permit holder for the outdoor dining area shall not consume alcoholic beverages while working in the outdoor patio area.
- h. For any outdoor patio area where alcoholic beverages are served, the permit holder shall comply with all State and local regulations for the sale, possession and/or consumption of alcoholic beverages and shall provide the City with a diagram and/or plans showing the location of the outdoor patio area where alcoholic beverages will be served. In addition, the area where alcoholic beverages are sold, possessed and/or consumed must be effectively bordered by a partition, temporary fence or other rigid device designed and intended to separate the outdoor patio area from passersby.
- i. The permit holder shall not post any signs or other advertisements on any partitions, fences or other device designed and intended to separate the outdoor patio area from passersby.
- j. The permit holder shall comply with the prohibitions on disturbing, annoying and unnecessary noises set forth in Chapter 38, Article IV.
- k. The design of the furniture, canopies, fencing and/or other accessories, including a border required for an outdoor patio area by Subsection (1)h of this section, must be approved by the City prior to a permit being issued. The applicant must provide a scaled site plan including dimensions of the design of the furniture and

accessories to be used for the outdoor patio area as part of the application for a permit.

- l. Tables, chairs, fences or dividers and any other structure or item placed on the sidewalk must be removed by November 1 each year and may not be set out until April 1 each year unless different dates are specifically allowed by the City Administrator.
 - m. Cooking or food preparation shall not be allowed in outdoor dining areas. Self-service food outdoors is allowed if approved by the Public Health Department/Environmental Health Division.
 - n. No outdoor patio area equipment or furniture may be placed in such a manner as to obstruct a building exit.
- ~~2) *Mobile vendors.* A mobile vendor may not cook, prepare, display, or sell food or merchandise on any public street, public alley or sidewalk or other public grounds except as allowed by this section. Upon application and receipt of a permit to do so issued by the City, a mobile vendor may, cook, prepare, display, or sell food or merchandise in or on any designated area that has been specifically identified by the City for that use. No mobile vendor shall locate or operate in an area of the City not zoned for the sale of prepared food or merchandise. This section shall not apply to a mobile vendor that is part of a permitted community event or festival. Permit holders for mobile vendors and their employees shall meet the following:~~
- ~~a.—A mobile vendor may locate a mobile vendor vehicle or pushcart and operate in any designated area between the hours designated by the City for each designated area. Designated areas may be used from May 1 through October 31 each year. Designated areas are available to any permitted mobile vendor on a first come, first served basis. A mobile vendor may not reserve, occupy or otherwise attempt to hold a designated area prior to the time requirements set forth above.~~
 - ~~b.—A mobile vendor may not grill, barbeque or smoke food within 50 feet from any entrance of any building without first obtaining the written permission of the building owner and tenants served by those entrances.~~
 - ~~c.—A mobile vendor must provide and deploy portable lighting adequate to illuminate the vicinity of the mobile vendor vehicle or pushcart.~~
 - ~~d.—A mobile vendor may not set up chairs, tables or other temporary seating in a designated area.~~
 - ~~e.—A mobile vendor shall be responsible to remove any garbage, spills or stains or to repair any damage to the designated area resulting from its operations, and shall be prohibited from any dumping into the storm sewers.~~
 - ~~f.—A mobile vendor may not leave a mobile vendor vehicle or pushcart in a designated area unattended or overnight.~~
 - ~~g.—A mobile vendor wishing to utilize the City's designated areas to sell food or merchandise shall make application for a mobile vendor license on an application which is available from the Building and Codes Department. At a minimum, the information in the application must contain:~~

- ~~1. For the sale of food, a letter from the Public Health Department/Environmental Health Division stating that the mobile vendor vehicle or pusheart has been inspected and approved.~~
 - ~~2. A certificate of insurance from a company licensed to do business in the State evidencing that the applicant has general liability insurance policies in effect with limits of at least \$250,000.00 per individual and \$1,000,000.00 per occurrence.~~
 - ~~3. A mobile vendor failing to comply with any State law, City ordinance or policy adopted by the City is subject to permit suspension or revocation upon the order of the Board of City Commissioners.~~
- 2) *Mobile vendors.* This section is only applicable to mobile vendors that do not meet the definition of a mobile food unit or ice cream truck. Mobile food units and ice cream trucks are subject to the regulations listed in Section 50-76(3).
- a. Mobile vendors that do not meet the definition of a mobile food unit or an ice cream truck may not display or sell food or merchandise on any public street, public alley or sidewalk or other public grounds outside of a permitted community event or festival.
 - b. Mobile vendors that do not meet the definition of a mobile food unit or ice cream truck may operate on private property within the following zoning districts without obtaining a license with the City, provided they have the permission of the property owner:
 - i. Limited Commercial
 - ii. Community Commercial
 - iii. General Commercial
 - iv. Limited Industrial
 - v. Public
 1. If property is owned by the Park District, the applicant shall supply the Parks & Recreation division with all documentation as required by this section & acquire written approval proving they have permission to operate at the property
 2. If property is owned by the City of Dickinson, the applicant shall acquire written approval proving they have permission to operate the mobile food unit at the property. This does not apply to community events or festivals where the applicant has received a special event permit
 - c. Mobile vendors must comply with all other applicable federal, state, county, and city regulations and requirements.
- 3) *Mobile food units.* No person may set up or operate a mobile food unit without first obtaining a license from the City of Dickinson and must meet the requirements and conditions laid out in this section.
- a. This license may only be obtained if the Public Health Department has licensed the mobile food unit. A license shall be acquired even if the mobile food unit is only participating in a special event or festival

- b. Each license required by this section shall expire on January 31 of each year, regardless of the date of issuance. Licenses are non-transferable. There shall be a license fee as provided in the City Fee Schedule.
- c. At minimum, the information in the license application must contain:
 - 1. Annual Fire & Safety inspection
 - 2. Mobile Food Unit License from the public health department
 - 3. Waste Management Plan
 - 4. A certificate of insurance from a company licensed to do business in North Dakota evidencing that the applicant has general liability insurance policies in effect with limits of at least \$250,000 per individual and \$1,000,000 per occurrence
 - 5. North Dakota Sales & Use Tax permit
- d. Each application and license required by this Chapter shall clearly state that the applicant agrees to indemnify and hold the city harmless from any and all claims, demands or causes of action which may result from placement of outdoor patio areas, mobile vendors, sale of merchandise or sign on public property. The applicant shall, at the time of making application for the license, provide proof of insurance to cover the risk of injury to person or property, including but not limited to public street, alley, sidewalk, public right-of-way or other public grounds or property owned or controlled by the City, caused by the presence of items on public property. Said insurance shall provide minimum coverage for bodily injury of \$1,000,000 per occurrence and in the aggregate. Such insurance shall be issued by an insurance company authorized to conduct business in the State of North Dakota, and the City of Dickinson shall be listed as a Certificate Holder on each such policy of insurance. Any license issued under this Chapter shall immediately and automatically expire upon lapse or termination of said policy.
- e. A mobile food unit may operate in the following zoning districts, off of the public street, subject to all regulations in this section:
 - 1. Limited Commercial
 - 2. Community Commercial
 - 3. General Commercial
 - 4. Limited Industrial
 - 5. Public
 - i. If property is owned by the Park District, the applicant shall supply the Parks & Recreation division with all documentation as required by this section & acquire written approval proving they have permission to operate the mobile food unit at the property
 - ii. If property is owned by the City of Dickinson, the applicant shall acquire written approval proving they have permission to operate the mobile food unit at the property. This does not apply to community events or festivals where the applicant has received a special event permit or approved areas

- f. Mobile food units looking to operate in public right-of-way adjacent to the Downtown Commercial (DC) zoning district must obtain a temporary use permit prior to operating.
- g. For each license issued in compliance with this Section, Code Enforcement will issue two license decals. License decals shall be affixed to the vehicle in a way that they are visible from both the sidewalk and street when parked. Failure to display the decal shall be a violation of this Section.
- h. A mobile food unit may not grill, barbeque or smoke food within 50 feet from any entrance of any building without first obtaining the written permission of the building owner and tenant(s) served by those entrances
- i. A mobile food unit shall not be parked closer than 50 feet from a restaurant without first obtaining the written permission of the building owner
- j. Exhaust from equipment shall be a minimum of 10 feet from structures
- k. The license holder shall be responsible for the maintenance, upkeep and security of the mobile food unit. Skirting of the mobile food unit is not allowed
- l. The license holder shall comply with all noise regulations set forth in the City of Dickinson Municipal Code
- m. A mobile food unit may not set up chairs, tables or other temporary seating
- n. A mobile food unit shall be responsible to remove any garbage, spills or stains or repair any damage resulting from its operations.
- o. A mobile food unit may not leave a mobile food unit or pushcart unattended at approved areas of operation
- p. A mobile food unit may not operate within 500 feet of a special event licensed through the City. This does not apply to mobile vendors listed on the Special Event Permit that are taking part in the permitted event
- q. A mobile food unit may not interfere with the required off-street parking for the approved area as required by the City of Dickinson Municipal Code
- r. Parking on streets is permitted within the Mobile Food Unit Corridor provided it is in compliance with all ordinances, regulations, parking zones and posted signage and shall not hinder the lawful parking or operation of other vehicle
 - 1. A mobile food unit must locate the vending window open to the public sidewalk and as close as possible to the curb
- s. Mobile food units must be mobile and must be removed from the street or from the location where food is sold during those hours when not open for business. The mobile food unit shall not function as a permanent structure
- t. Ice cream trucks shall be permitted to operate on streets with a speed limit of 25 mph or less outside of the Downtown District
- u. Penalty for ordinance violations. Any license issued pursuant to this section may be suspended or revoked by the Building Official or their designee for violating any of the provisions of this chapter. Any licensee or agent or employee of a licensee who has violated any provisions of this chapter shall be subject to the following penalties:
 - 1. First offense: \$250 administrative fine

2. Second Offense: \$500 administrative fine
 3. Third Offense: \$750 administrative fine & license revocation
 - i. If an applicant wishes to contest a revocation, they shall submit a written request to the Building Official or their designee to be brought forward for a public hearing in front of City Commission regarding overturning the revocation or denial. The City Commission may overturn a license denial or revocation with a simple majority vote and resolution.
 - ii. In the event that a license is revoked due to the applicant violating one of the rules outlined above, the applicant may not apply for a new license until at least six (6) months have passed. An applicant having had multiple license revocations in the past may serve as justification to deny a new license application.
 - v. The Police Department may remove or cause to be removed any mobile food unit in violation of this section within the public right-of way after having notified in writing the owner of the mobile food unit of the intention to do so at least 48 hours prior to such removal.
- 4) *Use of the sidewalk by an adjacent business for sale of merchandise.* Merchandise may not be sold on any public street, alley, sidewalk, public right-of-way or other public grounds in the City except as part of a permitted community event or festival or except pursuant to a permit for the temporary use of the sidewalk within the DC District issued by the City. An application for a permit to use the sidewalk to sell merchandise shall be available from the Building and Codes Department.
- a. A permit to sell merchandise shall not be issued unless the proposed location is adjacent to the applicant's business and shall be located so that they do not impede, endanger or interfere with pedestrian or vehicular traffic.
 - b. A minimum of 48 consecutive inches of unobstructed clearance within the pedestrian way, or the minimum required by the Americans with Disabilities Act, if greater, must be maintained at all times.
 - c. Merchandise and the fixtures or devices on which the merchandise is displayed must not block regulatory signs, crosswalks or intersections and shall be sufficiently lit during times of low light in order to provide for safe pedestrian passage alongside the outdoor merchandise area.
 - d. All merchandise located within an outdoor merchandise area shall be placed so that the outdoor merchandise and the fixtures or devices on which the merchandise is displayed are stable and not easily tipped and do not include sharp edges, protrusions, or other features which may be hazardous to the public.
 - e. All displays of merchandise within the outdoor merchandise area must meet a minimum height of 28 inches tall or of sufficient size or height so that safe pedestrian traffic is not impeded or must comply with the requirements of the Americans with Disabilities Act, whichever requirement is more restrictive.
 - f. All merchandise and the fixtures or devices on which the merchandise is displayed shall be moved inside the building or structure wherein the retail

business is located during inclement weather, including, but not limited to, heavy rain, wind, ice or snow.

- g. All merchandise and the fixtures or devices on which the merchandise is displayed must be secured so that it may not be dislodged during windy or stormy weather prior to being moved inside the building or structure wherein the retail business is located.
 - h. Outdoor merchandise areas shall not include merchandising of any live animals.
 - i. Alcoholic beverages may not be displayed or sold from outdoor merchandise areas.
- 5) *Pedestrian signs.* Pedestrian signs may be on a public sidewalk that is at least six feet in width, provided the dimensions and proposed location of the sign meet the following standards and provided a permit is obtained pursuant to Chapter 62, Article II, Division 1:
- a. A sign permit shall not be issued unless the proposed location is adjacent to the applicant's business and shall be located so that it does not impede, endanger or interfere with pedestrian or vehicular traffic.
 - b. A minimum of 48 consecutive inches of unobstructed clearance within the pedestrian way, or the minimum required by the Americans with Disabilities Act, if greater, must be maintained at all times.
 - c. The height of the sign shall not exceed four feet (48 inches) above the surface of the sidewalk. A height of five feet (60 inches) above the surface of the sidewalk is permitted if the sign is mounted on an easel.
 - d. The width of the sign shall not exceed 30 inches, or a width that ensures that at least four feet (48 inches) of unobstructed clearance will exist on the sidewalk after sign placement, whichever results in the lesser sign width.
 - e. No sign shall extend past one foot (12 inches) back from the curb or into any portion of the street surface or parking lane.
 - f. Pedestrian signs shall be self-supporting and freestanding. Sign supports or features shall not protrude into the pedestrian area adjacent to the sign.
 - g. Signs requiring electrical connections shall be prohibited.
 - h. Permitted pedestrian signs may be displayed or located on the sidewalk only during hours the business is open.

SECTION 3: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

SECTION 5: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President

Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2026

Second Reading: _____, 2026

Final Passage: _____, 2026

Food Truck License Requirements

Presented by: City Planner, Natalie Birchak



Section 50-75(b). – Commercial use of sidewalks, streets and public grounds restricted. (Relevant excerpts)

Designated *Approved Area*: means an area of public right-of-way or public property specifically set aside or approved by the City for use by mobile vendors and mobile ~~vendor vehicles~~ food units. Information on approved areas shall be available from City Code Enforcement.

Ice Cream Truck means a motor vehicle utilized as the point of retail sales of pre-wrapped or prepackaged ice cream or similar frozen dessert products

Mobile Food Unit: means a trailer which may be moved by towing with a vehicle or a self-contained mobile food truck which is designed and used for displaying, cooking, keeping or storing any food or beverages for sale by a vendor. The mobile food unit must be inspected and approved by the Public Health Department/Environmental Health Division

Mobile Vendor Corridor: public streets where mobile vendors and mobile ~~vendor vehicles~~ food units are permitted to operate without special permission

Section 50-76(2). – Permitted uses of sidewalks, streets, or other public grounds. (Additions)

- No person may set up or operate a mobile food unit without first obtaining a license from the City of Dickinson and must meet the requirements and conditions laid out in this section. This license may only be obtained if the Public Health Department has licensed the mobile food unit.
 - A license shall be acquired even if the mobile food unit is only participating in a special event or festival
- Each license required by this section shall expire on January 31 of each year, regardless of the date of issuance. Licenses are non-transferable. There shall be a license fee as provided in the City Fee Schedule.
- At minimum, the information in the license application must contain:
 - Annual Fire & Safety inspection
 - Mobile Food Unit License from the public health department
 - Waste Management Plan
 - A certificate of insurance from a company licensed to do business in North Dakota evidencing that the applicant has general liability insurance policies in effect with limits of at least \$250,000 per individual and \$1,000,000 per occurrence
 - North Dakota Sales & Use Tax permit
- Each application and license required by this Chapter shall clearly state that the applicant agrees to indemnify and hold the city harmless from any and all claims, demands or causes of action which may result from placement of outdoor patio areas, mobile vendors, sale of merchandise or sign on public property. The applicant shall, at the time of making application for the license, provide proof of insurance to cover the risk of injury to person or property, including but not limited to public street, alley, sidewalk, public right-of-way or other public grounds or property owned or controlled by the City, caused by the presence of items on public property. Said insurance shall provide minimum coverage for bodily injury of \$1,000,000 per occurrence and in the aggregate. Such insurance shall be issued by an insurance company authorized to conduct business in the State of North Dakota, and the City of Dickinson shall be listed as a Certificate Holder on each such policy of insurance. Any license issued under this Chapter shall immediately and automatically expire upon lapse or termination of said policy

Mobile Food Unit Regulations:

- A mobile food unit may operate in the following zoning districts, off of the public street, subject to all regulations in this section:
 - Limited Commercial
 - Community Commercial
 - General Commercial
 - Limited Industrial
 - Public
 - If property is owned by the Park District, the applicant shall supply the Parks & Recreation division with all documentation as required by this section & acquire written approval proving they have permission to operate the mobile food unit at the property
 - If property is owned by the City of Dickinson, the applicant shall acquire written approval proving they have permission to operate the mobile food unit at the property. This does not apply to community events or festivals where the applicant has received a special event permit or approved areas

Mobile Food Unit Regulations – Continued

- For each license issued in compliance with this Section, Code Enforcement will issue two license decals
 - License decals shall be affixed to the vehicle in a way that they are visible from both the sidewalk and street when parked
 - Failure to display the decal shall be a violation of this Section
- A mobile vendor may not grill, barbeque or smoke food within 50 feet from any entrance of any building without first obtaining the written permission of the building owner and tenant(s) served by those entrances
- A mobile food unit shall not be parked closer than 50 feet from a restaurant without first obtaining the written permission of the building owner
- Exhaust from equipment shall be a minimum of 10 feet from structures
- The license holder shall be responsible for the maintenance, upkeep and security of the mobile food unit. Skirting of the mobile food unit is not allowed
- The license holder shall comply with all noise regulations set forth in the City of Dickinson Municipal Code
- A mobile vendor may not set up chairs, tables or other temporary seating
- A mobile vendor shall be responsible to remove any garbage, spills or stains or repair any damage resulting from its operations.

Mobile Food Unit Parking Regulations:

- A mobile vendor may not leave a mobile food unit or pushcart unattended at approved areas of operation unless otherwise designated in the multi-day Special Event Permit
- A mobile vendor may not operate within 500 feet of a special event licensed through the City
 - This does not apply to mobile vendors listed on the Special Event Permit that are taking part in the permitted event
- A mobile food unit may not interfere with the required off-street parking for the approved area as required by the City of Dickinson Municipal Code
- Parking on streets is permitted within the Mobile Vendor Corridor provided it is in compliance with all ordinances, regulations, parking zones and posted signage and shall not hinder the lawful parking or operation of other vehicles
 - A mobile food unit must locate the vending window open to the public sidewalk and as close as possible to the curb
- Mobile food units must be mobile and must be removed from the street or from the location where food is sold during those hours when not open for business. The mobile food unit shall not function as a permanent structure
- Ice cream trucks shall be permitted to operate on streets with a speed limit of 25 mph or less outside of the Downtown District

Mobile Food Unit Penalties:

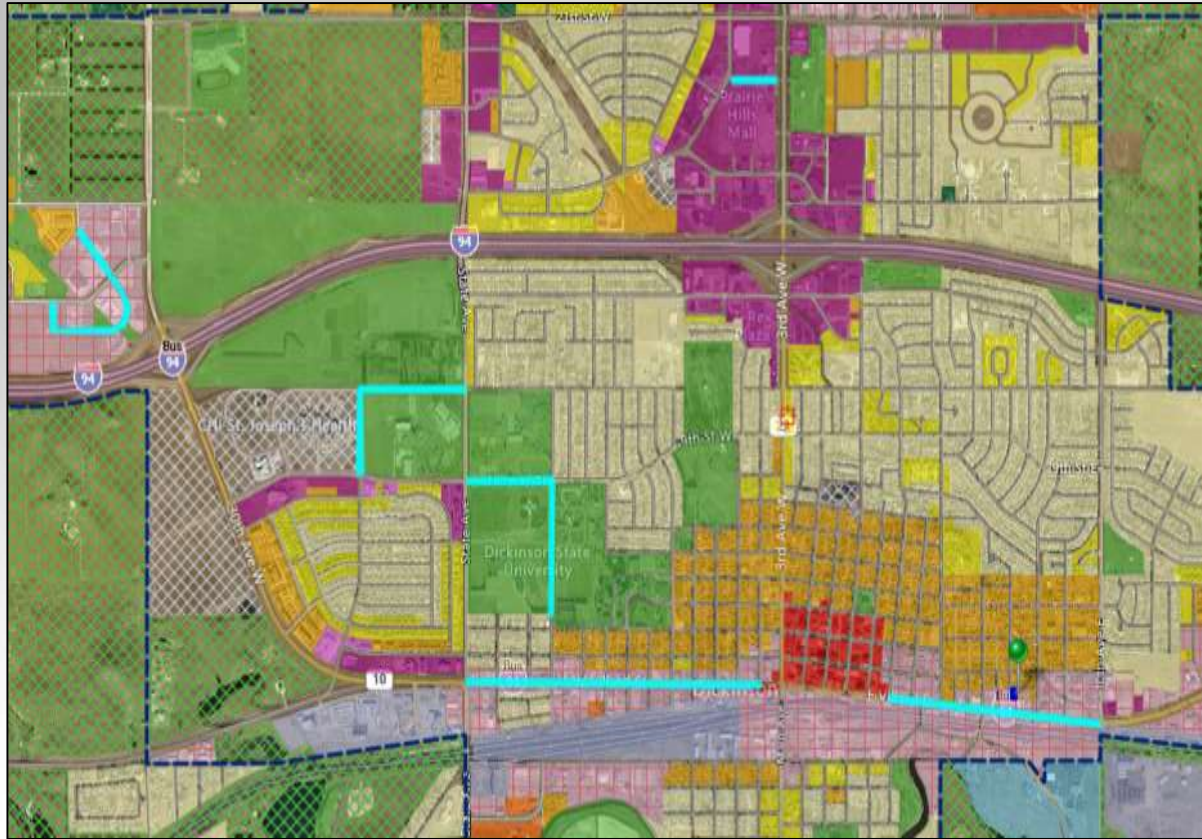
Penalty for ordinance violations. Any license issued pursuant to this section may be suspended or revoked by the Building Official or their designee for violating any of the provisions of this chapter. Any licensee or agent or employee of a licensee who has violated any provisions of this chapter shall be subject to the following penalties:

- First offense: \$250 administrative penalty
- Second Offense: \$500 administrative penalty
- Third Offense: \$750 administrative penalty & license revocation
- If an applicant wishes to contest a revocation, they shall submit a written request to the Building Official or their designee to be brought forward for a public hearing in front of City Commission regarding overturning the revocation or denial. The City Commission may overturn a license denial or revocation with a simple majority vote and resolution.

In the event that a license is revoked due to the applicant violating one of the rules outlined above, the applicant may not apply for a new license until at least six (6) months have passed. An applicant having had multiple license revocations in the past may serve as justification to deny a new license application.

The Police Department may remove or cause to be removed any mobile food unit in violation of this section within the public right-of-way after having notified in writing the owner of the mobile food unit of the intention to do so at least 48 hours prior to such removal.

Food Truck Corridor & Approved Areas Maps:



Food Truck Corridor (highlighted in teal)



Additional Approved Areas

Comments? Questions?



Food Truck License Text Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: March 4, 2026
 Re: ZTA-006-2026 Section 50 – Food Truck License

APPLICANT

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

Public Hearing	March 11, 2026	Planning and Zoning Commission
Public Hearing	March 17, 2026	City Commission
Final Consideration	April 6, 2026	City Commission

Community Development staff is requesting approval of text amendments to Section 50-75 – Commercial use of sidewalks, streets and public grounds restricted, and to Section 50-76 – Permitted uses of sidewalks, streets, or other public grounds, in Chapter 50-Streets, Sidewalks and Other Public Places, of the Dickinson Municipal Code, to update the definitions and licensing procedures relating to mobile vendors and mobile food units.

Staff recommendation: Staff recommends approval of these text amendments.

The proposed ordinance amending Chapter 50 addressing licensing mobile food units is included with this staff report.

STAFF ANALYSIS

BACKGROUND

In March of 2025, at the request of the City Commission, Community Development staff reviewed the existing process for licensing food trucks in Dickinson. Community Development staff established a small task force including representatives from the Code Enforcement, Planning, Public Works, Fire, and Police Departments to review the existing ordinance, research how other communities permit or license food trucks, and address potential changes to the regulations and licensing process.

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compatibility with the Municipal Code

The Dickinson Municipal Code defines a mobile vendor vehicle as *"a trailer which may be moved by towing with a vehicle or a self-contained mobile food truck which is designed and used for displaying, cooking, keeping or storing any food, beverages, merchandise or other articles for sale by a vendor. To the extent a mobile vendor vehicle is used for preparing, displaying, cooking, keeping or storing food or beverages, the mobile vendor vehicle must be inspected and approved by the Public Health Department/Environmental Health Division"*. The North Dakota Department of Health refers to mobile vendor vehicles as 'mobile food units', so City staff is proposing to update the mobile vendor vehicle definition to reflect that change. Additionally, City staff is looking to establish definitions for approved areas, ice cream trucks, and the mobile food truck corridor.

The proposed ordinance establishes approved areas and a mobile food unit corridor that allow for mobile food units to operate. A license will be required for any mobile food units operating in an approved area or within the mobile food unit corridor, but no prior notice to or approval by the City regarding operations will be required. The ordinance also licenses the continued operation of ice cream trucks along rights-of-way with a speed limit of 25mph, and allows for operations of mobile vendors that do not meet the definition of a mobile food unit or ice cream trucks without a license on private property within the Limited Commercial (LC), Community Commercial (CC), General Commercial (GC) and Public (P) zoning districts with the approval of the property owner.

Enforcement of the proposed ordinance would be handled cooperatively by code enforcement and the Dickinson Police Department. Code enforcement handles any infractions taking place on private property while the police department handles any unlicensed operations in the right-of-way.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: Community Development staff held a public engagement meeting on Monday, February 2nd, 2026, and reached out the current food truck operators in town for feedback. During this meeting, there were discussions over whether to allow overnight parking for food trucks involved in special events, and it was decided that a food truck can operate within 50 feet of the entrance to a business provided they have the written permission of the business owner.

Staff Recommendation: The City Development Team staff recommends **approval** of ZTA-006-2026.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **ZTA-006-2026: The Food Truck License Text Amendment** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

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

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend denial of **ZTA-006-2026: The Food Truck License Text Amendment** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

City Limit Rights-of-Way Discrepancies

Presented by: City Planner, Natalie Birchak



Background

- The City was made aware of discrepancies between the existing Dickinson city limits and the rights-of-way borders.
- Urban Area Boundary (UAB) extends beyond right-of-way (ROW) and City limits. Maintenance falls to the City.



Adjustments along Stark County ROW:

- State Avenue S from the Green Acres Subdivision to the Spring Creek Subdivision
- 21st Street W / 35th Street W from 30th Avenue W to the existing west City limits
- Livestock Lane from 10th Avenue SE to Villard Street E



Adjustments along North Dakota DOT ROW:

- The west half of Highway 22 from the north edge of Badland's Storage 2nd Addition to the north of 45th Street W.
- The east half of 10th Avenue East from the north edge of Shinagle's First Addition to the south of Unplatted 34.



Adjustments along Private Property

- The north half of 40th Street E from the east edge of Final Plat SLH Subdivision to the east side of Lyons Second Subdivision.
- 21st Street East from 10th Avenue E to the west edge of the Sundance Coves Subdivision.
- The east half of 10th Avenue E from the south of Unplatted 34 to 21st Street E.
- State Avenue S from the north of Kesting's First Subdivision to Deer Run Drive
- The east half of 30th Avenue W from Villard Street W to I-94
- Selinger First Addition



Findings

- A majority of the discrepancies are located on private property. ROW located on private property must be dedicated to the City through the Major Subdivision process. This can be either requested directly, or required when the property owner submits a permit application.
- ROW currently owned by Stark County or the Department of Transportation will require an agreement to transfer ownership.

Comments? Questions?

Data Center Model Ordinance Review

Presented by: City Planner, Natalie Birchak



Background

- The North Dakota League of Cities established a work group in August of 2025 to discuss and draft a model ordinance that sets standard guidelines for how communities permit data centers
- Drafting a model ordinance encourages cities and counties to adopt more uniform regulations, eliminating confusion over varying regulations in different municipalities.
- Significant discussion focused on the potential noise study requirement, as well as how to define different sizes and kinds of data centers.

Definition Proposal:

Data Center. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, servers, and other equipment, appliances, and components related to digital data storage and operations.

This definition would be included in Section 62-135 – Industrial use types.

Clarification between Major, Minor, & Micro data centers is still being debated. Current proposed definitions:

- *Major* – A data center that utilizes greater than 1 megawatt (MW) of power.
- *Minor* – A data center that utilizes between 100 kilowatts (kW) and 1 MW of power.
- *Micro* – A data center that utilizes less than 100 kW of power.

Permitted Zoning Districts:

Data centers can have different levels of impact on adjacent properties depending on size and intensity. The different sizes of data centers would be permitted in different areas:

- Major – Permitted by right in the General Industrial (GI) zoning district, and allowed in the Agricultural (AG) zoning district with a Special Use Permit.
- Minor – Permitted by right in the Limited Industrial (LI) and GI zoning districts, and allowed in the General Commercial (GC) and AG zoning districts with a Special Use Permit.
- Micro – Either permitted by right or allowed with a Special Use Permit as an accessory use in all zoning districts.

All proposed Major or Minor data centers would require a development agreement with the City prior to construction, regardless of the zoning district.

Additional Requirements:

In addition to standard Development Permit requirements, the following materials or entitlements that shall be required to effectuate a Data Center:

1. Identification of the owner/operator of the Data Center.
2. A narrative describing the proposed project, including cooling method, anticipated design life, estimated daily trips during construction and operation, including heavy trucks and passenger vehicles, general construction phasing plan, description of wastewater the facility will create and approach to managing discharges

Additional Requirements (Continued):

3. Prior to approval, the applicant shall submit an Acoustic Impact Report prepared and signed by a licensed professional engineer with demonstrated acoustical engineering expertise. The report shall:
 - a. Identify all major sound-emitting source points (e.g., chillers, generators, cooling units, substations) and list the predicted sound pressure level produced by each major sound-emitting source type;
 - b. quantify the cumulative predicted sound pressure levels from the project (of the specific project phase under review), accounting for concurrent operation of sources not including operation of backup sources;
 - c. report the existing measured ambient cumulative sound pressure levels at the lease or owned project land boundaries; and
 - d. model and report the existing and predicted cumulative sound pressure levels for each Lot within one-half mile of the source point(s) as measured to the nearest point on a Lot Line ("Receptor Site").

Results shall be expressed in A-weighted decibels (dBA) as sound pressure levels with notation of any prominent tonality or impulsive events, and be supported by a description of operating scenarios, Receptor Sites, terrain/ground absorption, shielding, and meteorological assumptions. The report shall also include a map referencing all project structures, a summary table comparing predicted levels to applicable requirements, and recommended mitigation, if any, needed to achieve compliance. Penalties to the requirements shall be applied per ANSI S12.9 for identified tonal or impulsive sound sources or events.

Additional Requirements (Continued):

4. A site plan conforming with _____.
5. A map of the project area showing all of the following Uses and Receptor Sites within one-half of a mile of the exterior boundaries of the property where the Data Center will be located:
 - a. All existing Buildings currently occupied;
 - b. Campgrounds;
 - c. Manufactured Home or RV Parks; and
 - d. Parks or recreational areas.
6. Applicant to develop, in coordination with local jurisdiction, a list of agencies necessary for project compliance with all applicable State and Federal laws, statutes, rules, and regulatory standards, and an anticipated schedule for necessary approvals.
7. Written verification from the electrical provider that sufficient capacity will be available to meet anticipated needs for electrical power.
8. Written verification from the water utility that sufficient capacity will be available to meet anticipated needs for water.
9. Prior to the issuance of Development Permits, the applicant shall enter into a Development Agreement if required by the local permitting jurisdiction.
10. Any other relevant studies, reports, certifications, or approvals as may be required by local permitting jurisdiction to ensure compliance with this Section and this Ordinance.

Suggested Use Standards

1. Noise perceived from Receptor Site(s), as measured from any source point(s), shall not exceed the sound pressure levels provided in _____ for normal operation. If necessary, noise mitigation shall be required to achieve compliance. Noise mitigation may include, but is not limited to, the use of low-noise fans, earthen berms, sound walls, or enclosures.
2. The sound pressure levels stated above may be temporarily exceeded during emergency operations due to power grid interruptions.
3. Testing and maintenance operations for emergency generators shall only occur between the hours of 7 AM and 9 PM. Only one generator may be tested at a time at the site.
4. A landscaped buffer yard shall be installed in accordance with _____ of this Ordinance.
5. All-weather access will be maintained by the owner/operator unless the access is dedicated and accepted by the local permitting jurisdiction.
6. All data processing and storage is contained within a permanent structure or structures constructed in compliance with the locally-adopted version of the International Building Code and the International Fire Code.

Findings

- Since data centers function as manufacturers, they would be considered an industrial use. Some minor data centers may be compatible with commercial uses, but major data centers would only be allowed in General Industrial
- Due to the potential for excessive noise generation and strain on City sewer-water services, development agreements
- Definitions for Major, Minor, and Micro data centers have not been finalized by the League of Cities' proposed ordinance. City staff recommends delaying proposing a text amendment until those definitions have been finalized.

Comments? Questions?

Data Center Zoning Ordinance

Data Center. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, servers, and other equipment, appliances, and components related to digital data storage and operations.

Permissible District. A Data Center is a permitted use in zoning districts classified as industrial. A Data Center will be permitted only through a [special use permit/conditional use permit] in zoning districts classified as agricultural.

Section _____. Data Centers

A. Purpose

The purpose of this Section is to establish standards and regulations for the development and operation of Data Centers in accordance with the purposes stated in Section ____.

B. Development Permit Requirements

In addition to standard Development Permit requirements, the following materials or entitlements that shall be required to effectuate a Data Center:

1. Identification of the owner/operator of the Data Center.
2. A narrative describing the proposed project, including cooling method, anticipated design life, estimated daily trips during construction and operation, including heavy trucks and passenger vehicles, and general construction phasing plan, description of wastewater the facility will create and approach to managing discharges (if applicable).
3. Prior to approval, the applicant shall submit an Acoustic Impact Report prepared and signed by a licensed professional engineer with demonstrated acoustical engineering expertise. The report shall:
 - a. Identify all major sound-emitting source points (e.g., chillers, generators, cooling units, substations) and list the predicted sound pressure level produced by each major sound-emitting source type;
 - b. quantify the cumulative predicted sound pressure levels from the project (of the specific project phase under review), accounting for concurrent operation of sources not including operation of backup sources;
 - c. report the existing measured ambient cumulative sound pressure levels at the lease or owned project land boundaries; and

TWO OPTIONS FOR REPORTING REQUIRMENTS – JURISDICTIONS

NEED TO PICK ONE PROVISION

Option 1

- d. model and report the existing and predicted cumulative sound pressure levels for each Lot within one-half mile of the source point(s) as measured to the nearest point on a Lot Line ("Receptor Site").

Option 2

- d. model and report the predicted cumulative sound pressure levels based on known components out until equal to, or less than, levels established in _____, for normal operation, as measured to the nearest point on a Lot Line ("Receptor Site").

Results shall be expressed in A-weighted decibels (dBA) as sound pressure levels with notation of any prominent tonality or impulsive events, and be supported by a description of operating scenarios, Receptor Sites, terrain/ground absorption, shielding, and meteorological assumptions. The report shall also include a map referencing all project structures, a summary table comparing predicted levels to applicable requirements, and recommended mitigation, if any, needed to achieve compliance. Penalties to the requirements shall be applied per ANSI S12.9 for identified tonal or impulsive sound sources or events.

4. A site plan conforming with _____.
5. A map of the project area showing all of the following Uses and Receptor Sites within one-half of a mile of the exterior boundaries of the property where the Data Center will be located:
 - a. All existing Buildings currently occupied;
 - b. Campgrounds;
 - c. Manufactured Home or RV Parks; and
 - d. Parks or recreational areas.
6. Applicant to develop, in coordination with local jurisdiction, a list of agencies necessary for project compliance with all applicable State and Federal laws, statutes, rules, and regulatory standards, and an anticipated schedule for necessary approvals.
7. Written verification from the electrical provider that sufficient capacity will be available to meet anticipated needs for electrical power.
8. Written verification from the water utility that sufficient capacity will be available to meet anticipated needs for water.
9. Prior to the issuance of Development Permits, the applicant shall enter into a Development Agreement if required by the local permitting jurisdiction.
10. Any other relevant studies, reports, certifications, or approvals as may be required by local permitting jurisdiction to ensure compliance with this Section and this Ordinance.

C. Use Standards

1. Noise perceived from Receptor Site(s), as measured from any source point(s), shall not exceed the sound pressure levels provided in _____ for normal operation. If necessary, noise mitigation shall be required to achieve compliance. Noise mitigation may include, but is not limited to, the use of low-noise fans, earthen berms, sound walls, or enclosures.
2. The sound pressure levels stated above may be temporarily exceeded during emergency operations due to power grid interruptions.
3. Testing and maintenance operations for emergency generators shall only occur between the hours of 7 AM and 9 PM. Only one generator may be tested at a time at the site.
4. A landscaped buffer yard shall be installed in accordance with _____ of this Ordinance.
5. All-weather access will be maintained by the owner/operator unless the access is dedicated and accepted by the local permitting jurisdiction.
6. All data processing and storage is contained within a permanent structure or structures constructed in compliance with the locally-adopted version of the International Building Code and the International Fire Code.

Appendix

Items jurisdiction might want to include in site plan requirements if it does not have established guidelines:

- a. Scaled exhibit(s) providing property boundary linework;
- b. Existing and proposed topographic data/linework;
- c. Outline of all existing structures;
- d. Location of all major proposed equipment and enclosures (examples may include generators, exterior cooling system components, etc.);
- e. Location and layout of power generation systems;
- f. Location of existing and proposed utility lines and major infrastructure (water lines, electrical lines, oil and gas pipelines, etc.);
- g. Existing easements (should include easement width and recorded document numbers, either as a label or in a notes table);
- h. An erosion control plan, if development disturbs an area of one acre or more;
- i. Existing watercourses and Flood Hazard Zones;
- j. Location of septic system;
- k. Stormwater management components (such as retention areas, channels, etc.);
- l. Wastewater discharge outlets, reservoirs and treatment facilities;
- m. Above ground and below ground tanks;
- n. Location of permanent parking area(s);
- o. Outline of construction staging area(s);
- p. Setback distances, in feet, between project components and the property boundary;
- q. Fence locations with a note as to type and height; swing gate dimensions, if swing gates will be used;
- r. Location of hard surfaces, gravel surfaces, and any otherwise improved surfaces;
- s. Location of contiguous fire break;
- t. Existing and proposed access points;
- u. Location and specifications proposed for fences, walls, or light fixtures/poles;
- v. Landscaping buffers and/or visual screening; and
- w. Any additional information as requested by local permitting jurisdiction necessary for site plan approval.