



Transmittal Letter

To: Matthew Galibert – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND 58601

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

Date: January 26, 2024

Re: FLUM Application – Russell and Mackenzie Woodworth

Message: Enclosed you will find the following FLUM application documents for the above referenced project being submitted for consideration at the March Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Narrative (included, below) of the Project Description
- Written Statement (included, below) per Policy 1.3.3. of the Comprehensive Plan
- Legal Descriptions (included, below) for the Proposed FLUM Designations
- Warranty Deed for the Property
- Map of Proposed FLUM Changes
- Flood Hazard Areas from City's GIS Information
- Aerial Image of Property

FLUM Requested Change

The applicant is requesting a change from Industrial to Agricultural for the area described by this application.

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

Legal Description of Proposed FLUM Changes

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW_{1/4}) OF SECTION ELEVEN (11), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION ELEVEN (11), SAID POINT BEING A REBAR AND CAP LS-2884; THENCE S 00°04'18" W ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW_{1/4}), A DISTANCE OF 558.76 FEET; THENCE N 89°39'28" E, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A REBAR; THENCE CONTINUING N 89°39'28" E, A DISTANCE OF 646.24 FEET TO A REBAR; THENCE S 28°22'03" E, A DISTANCE OF 384.74 FEET TO A REBAR; THENCE N 89°38'49" E, A DISTANCE OF 439.88 FEET TO A REBAR; THENCE N 28°56'24" W, A DISTANCE OF 111.04 FEET TO A REBAR; THENCE N 89°37'47" E, A DISTANCE OF 60.00 FEET TO A REBAR, A POINT WHICH LIES ON THE APPROXIMATE CENTERLINE OF THE HEART RIVER; THENCE S 31°47'04" E ALONG SAID CENTERLINE, A DISTANCE OF 196.80 FEET; THENCE S 20°35'56" E ALONG SAID CENTERLINE, A DISTANCE OF 387.42 FEET; THENCE S 11°25'32" E ALONG SAID CENTERLINE, A DISTANCE OF 111.01 FEET; THENCE S 20°56'41" W ALONG SAID CENTERLINE, A DISTANCE OF 83.98 FEET; THENCE S 42°44'22" W ALONG SAID CENTERLINE, A DISTANCE OF 122.50 FEET; THENCE S 54°11'50" W ALONG SAID CENTERLINE, A DISTANCE OF 129.93 FEET; THENCE S 62°06'30" W ALONG SAID CENTERLINE, A DISTANCE OF 141.10 FEET; THENCE S 63°03'58" W ALONG SAID CENTERLINE, A DISTANCE OF 103.76 FEET; THENCE S 84°05'20" W ALONG SAID CENTERLINE, A DISTANCE OF 276.28 FEET; THENCE S 89°39'57" W ALONG SAID CENTERLINE, A DISTANCE OF 37.39 FEET, A POINT AT WHICH SAID CENTERLINE INTERSECTS WITH THE EAST RIGHT-OF-WAY LINE OF EAST BROADWAY STREET; THENCE N 14°59'18" E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 40.32 FEET, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 132.93 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 70°54'15" AND AN ARC DISTANCE OF 164.50 FEET (CHORD DIRECTION N 20°27'49" W, CHORD DISTANCE 154.20 FEET) TO A REBAR; THENCE N 54°25'00" ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 836.90 FEET TO A REBAR, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 157.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 54°29'18" AND AN ARC DISTANCE OF 149.31 FEET (CHORD DIRECTION N 27°10'21" W, CHORD DISTANCE 143.74 FEET) TO A REBAR; THENCE N 00°04'18" E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 460.98 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 27.83 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

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Project Description

This property was recently purchased by the Applicants and current Owners, Russell and Mackenzie Woodworth, with the intention of building their primary residence within this site and creating a “hobby farm”. The current Future Land Use Map (FLUM) depicts this property as *Industrial* and the current zoning is *General Industrial (GI)* which does not allow for this proposed residential or agricultural use. Therefore, this FLUM Amendment and subsequent zone change to *Agricultural* are being requested.

In reviewing the land uses surrounding this site that are present to date, they are predominantly agricultural and residential, which would make this proposed change a better fit for the current surrounding land uses than the current Industrial zoning. Agricultural land and residences are present around all sides of this site, including a residence to the east that was recently constructed about 10 years ago.

The Heart River creates the eastern boundary of this property, making this an attractive piece of property for residential development due to the natural beauty of this area. However, the special flood hazard area (SFHA) created by this river makes a large portion of this property challenging and costly to develop as much of this site would need to be elevated above the floodplain for construction of structures. This makes this property challenging to develop as industrial development, but ideal for a single low-density residence and agricultural uses as proposed.

Access to this property is provided by a rural, gravel roadway along the west side of this site, 10th Avenue SE. This area is also located outside of the City’s Corporate Limits in the City’s ETZ, and it is outside of the City’s Urban Service Area. The lack of urban infrastructure (i.e. paved urban roadways, water, sanitary sewer, storm sewer) available to this site makes this area even more difficult and costly to develop with Industrial uses. Therefore, the low-density use with limited infrastructure demand that is proposed is the most feasible use of this property for the foreseeable future.

The FLUM amendment and zone change will not create “pocket zoning” as the FLUM map depicts residential zoning south and east of this site, and the zoning map depicts Rural Residential and Agricultural zoning south and east of this site. Therefore, this proposal fits with the surrounding zoning designations.

Written Statement per Policy 1.3.3. of the City's Comprehensive Plan

Impact to the Future Land Use Map (FLUM)

This application would revise the FLUM from Industrial to Agricultural within the area described.

Consistency with the Comprehensive Plan policies and all other City plans

This application is consistent with the current Comprehensive Plan policies. Approving this FLUM amendment will allow for the subsequent zone change and proposed residence and farm to be constructed within this site to be consistent with the City's ordinances if these applications are approved as proposed.

Availability of city infrastructure to serve the property in which the Future Land Use Map amendment is requested

This property is located outside of the City's Urban Service Area boundary, so it would not be served by City infrastructure for the foreseeable future.

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

This property is located outside of the City's Urban Service Area boundary, so it would not be served by City infrastructure for the foreseeable future.

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

The FLUM amendment would create an Agricultural designation within an area that is surrounded by residential designations to the south, east, and west, with an industrial designation to the north. Although this proposal may not be the same as the surrounding land use designations, it is consistent with the current uses of the surrounding property which are largely agricultural and residential. It also fits with the existing zoning that has been established to the south, east, and west. Due to the lack of available infrastructure and the special flood hazard area, higher density or more intensive development of this property is likely not feasible. Therefore, we feel that this FLUM designation is appropriate for this property based on the site constraints.

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

This residence would be located just outside the City's corporate limits in an area that has seen similar residential development in the last several years. Therefore, this proposal fits with the surroundings in the area. Furthermore, due to infrastructure availability and the special flood hazard area within this site, high-density, urban development is likely not feasible within this property for the foreseeable future.

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

This property is located outside of the City's Urban Service Area boundary, so no improvements were proposed by these phases of the Comprehensive Plan.

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

This property is located outside of the City's Urban Service Area boundary, so it would not be served by City infrastructure for the foreseeable future. This property is also located outside of the City's Corporate Limits. Therefore, this change will have no fiscal impact to the City.

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