



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, January 14, 2026 at 7:10 AM MT
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Jason Fridrich

Vice Chairman: Scott Bullinger

Dean Franchuk

Zach Keller

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

Mathew Rothstein

CALL TO ORDER

ROLL CALL

PRESENT

Chairman Jason Fridrich

Vice Chairman Scott Bullinger

Commissioner Dean Franchuk

Commissioner Aaron Johansen

Commissioner Richard Haugen

Commissioner Mike Schwab

Commissioner Val Decker

Commissioner Zach Keller

ABSENT

Commissioner Mathew Rothstein

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve as presented.

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

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

2. MINUTES

A. 12.10.25 MINUTES

Motion to approve as presented.

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

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

2. REGULAR AGENDA

A. PRELIMINARY MAJOR PLAT (PLP-001-2026) - Presented by: City Planner, Natalie Birchak

To consider a Preliminary 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.

Ms. Birchak presents the preliminary major plat request. She explains that the purpose of the plat is to further divide the lots to allow parcels to be sold to future developers and to support the future Public Safety Training Center. This plat was previously brought forward but was never recorded; because a year has passed, a new platting process was required. No public comments have been received, and staff recommends approval subject to approval of the following rezone request and Development Agreement.

Andrew Schrank of Highlands Engineering represents the applicant. He explains that Lots 1, 2, and 7 are City of Dickinson lots and will be conveyed to the City. Part of the plat includes adding access to the northwest portion of the property owned by the City. Through discussions with the City, it was proposed that 50 feet of property be conveyed to the City so the City can construct a private access road to serve the south side of the National Guard Armory and the northwest corner where the Public Safety Training Center is proposed to be located. There would be no new public rights-of-way; all roads would be private access roads. Lot 7 contains an existing City lift station that may require future expansion. The plat also includes land swaps involving the City and Dickinson Energy Park LLC. On the south side of the property, additional right-of-way is being dedicated along East Villard Street for a sanitary sewer between

Lots 4 and 5, through Tract 1, and along the north side of East Villard. Right-of-way is also being dedicated for a possible future roundabout. Tract 1 is designated for a sanitary sewer and detention pond serving Lots 3, 4, and 5. The owner would construct the detention pond and turn it over to the City.

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

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

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

B. REZONING (REZ-001-2026) - Presented by: City Planner, Natalie Birchak

To consider a Zoning Map Amendment from General Industrial (GI) and Public (P) to Public (P) for Lot 1 of Block 1 of the Energy Center 6th Addition Subdivision, a Zoning Map Amendment from General Industrial (GI) to Public (P) for Lot 7 of Block 1 of the Energy Center 6th Addition Subdivision, and a Zoning Map Amendment from Public (P) and General Industrial (GI) to General Industrial (GI) for Lot 5 and Lot 6 of Block 1 of the Energy Center 6th Addition, located in the SE ¼ of Section 1, Township 139 North, Range 96 West, in the City of Dickinson. The site consists of +/- 31.98 acres.

Ms. Birchak presents the rezoning request, which accompanies the previous plat request. The purpose of the rezone is to better align with the prior subdivision and clearly delineate property owned by the City versus the developer. All property being zoned Public would be owned by the City following a land swap conducted through a Development Agreement. This also ensures the lots are within a single zoning district so the proposed plat complies with the Municipal Code. No comments have been received, and staff recommends approval contingent upon approval of the previous plat and Development Agreement.

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

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

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

C. ZONING TEXT AMENDMENT (ZTA-001-2026) - Presented by: City Planner, Natalie Birchak

To consider a zoning text amendment to Section 62-592 “Off-street parking design standards.” of the Zoning chapter of the City of Dickinson Municipal Code regarding industrial off-street parking and traffic circulation area regulations and requirements.

Ms. Birchak presents the zoning text amendment. This is to limit dust generation. to prevent scoria and dirt from being considered finished surfacing within City limits and to add a requirement for a 50-foot minimum paved area from the right-of-way for any unpaved parking areas. The intention of this amendment is to limit dust generation, track out, and erosion from industrial parking areas and to prevent maintenance issues from tracking debris into the rights-of-way or stormwater drains. No comments have been received and staff recommends approval. This will “grandfather” people in for those who are not in compliance now, but if they build in the future they will need to come into compliance. This was heard at previous PZ work sessions.

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

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

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

D. 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”, Section 62-469 “Commercial uses.”, 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 zoning text amendment and explains the proposed code changes. 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, within Section 62-162, Development Regulations; and Section 62-469, Commercial Uses, all within Chapter 62, Zoning, of the Dickinson Municipal Code. The amendments would 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. The proposed amendment also establishes a licensing process for short-term rental uses in resident-owned homes that are residential in appearance. The purpose of the amendment is to permit and license short-term rental uses and establish a licensing process. Staff has not received any comments and recommends approval.

Discussion follows regarding existing short-term rentals. Current short-term rentals would be addressed retroactively, and owners would be notified when staff is aware of them. At this time, there is no fine for failure to obtain a license. If needed, staff would consult with the City Attorney. City Attorney Wenko states that as the program is implemented, additional penalties may need to be considered if issues or violations arise. Enforcement would initially be handled on a case-by-case basis, with the understanding that the process may evolve over time. Wenko notes this would be a trial-and-error approach and that an internal discussion may be needed regarding how far retroactively enforcement should apply. She indicates she would lean toward an infraction-level penalty at this time.

If violations of this section of code occur, such as building or code enforcement issues, those matters could be addressed through existing enforcement mechanisms. If an owner refuses to obtain a license, penalties would need to be added to this section of the code. Chairman Fridrich suggests addressing penalties prior to bringing the amendment to the City Commission. Wenko notes that a graduated penalty structure could be considered. Discussion follows comparing this situation to failure to obtain a Special Use Permit, which is a zoning violation. Wenko clarifies that this is a separate situation, as it involves a license rather than a zoning approval. Additional discussion occurs regarding jurisdiction within the ETZ and whether issues are zoning- or use-related.

Motion to table made by Commissioner Haugen, Seconded by Vice Chairman Bullinger.

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

Public comment notes on the AirBNB website says they have to be following their city code.

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

A. PERSONAL AND COMMERCIAL VEHICLE DEFINITION - Presented by City Planner, Natalie Birchak

Ms. Birchak provides a presentation with an overview of how the City of Dickinson currently defines and regulates personal, commercial, recreational, and heavy vehicles within the zoning ordinance. Existing definitions in Section 62-10 of the City Code were reviewed, along with how those definitions are applied in residential zoning districts, particularly as they relate to parking restrictions and home-based businesses.

The presentation compared the City's vehicle definitions to those found in the North Dakota Century Code and noted that the City's definition of "commercial vehicle" may be overly broad. It was explained that the current definition can prohibit vehicles based on use rather than weight, while existing prohibitions on heavy vehicles already address the primary concern.

The presentation also included a review of how other North Dakota communities address vehicle definitions. Cities such as Bismarck and Watford City largely adopt definitions directly from the North Dakota Century Code, while other communities like Williston distinguish between personal, work, and heavy commercial vehicles using weight thresholds or ownership criteria.

Relevant sections of the zoning ordinance governing home-based businesses and the parking of vehicles in residential districts were reviewed, including provisions that prohibit the parking or storage of heavy commercial vehicles in connection with home occupations. It was noted that clarifying vehicle definitions could improve consistency in enforcement and better align the zoning ordinance with traffic regulations and state law definitions.

As part of the discussion, suggested revisions were presented to definitions for commercial vehicles, heavy vehicles, personal vehicles, and recreational vehicles, including the use of a 10,000-pound weight threshold for heavy vehicles. Additional suggested amendments were presented to clarify language related to home-based businesses and the parking of commercial and heavy vehicles in residential zoning districts.

Discussion:

Discussion addressed the definition of heavy vehicles and the potential impacts of the proposed changes. Concerns were raised that certain Class 5 trucks, including F-450 and F-550 vehicles, could be prohibited under the revised definition. It was noted that many service trucks used in the oil field could be affected. There was agreement that larger Class 6 or Class 7 vehicles should not be parked in residential areas.

RESIDENTIAL STORAGE CONTAINERS - Presented by: City Planner,
Natalie Birchak

Ms. Birchak presents information regarding residential storage containers. The presentation outlined concerns related to the use of intermodal storage containers as accessory structures in residential zoning districts and requested direction from the Commission. Key questions for consideration included whether storage containers should be allowed in residential areas, whether restrictions should apply only within City limits or also within the ETZ, how the International Building Code (IBC) defines storage containers versus accessory structures, and how other communities regulate their use.

Relevant sections of the Dickinson Municipal Code were reviewed, including Section 62-62 and Notes to Tables 62-162-2 and 62-162-3, which regulate the number and total square footage of accessory buildings on residential properties. Accessory buildings were identified as including barns, stables, storage buildings, and detached garages.

The presentation noted that under the 2024 International Building Code, intermodal shipping containers are defined as six-sided steel units originally constructed for the transport of goods and materials and are not considered structures unless they are significantly renovated.

Examples were provided of how other communities address storage containers, including Bismarck, which limits portable storage containers in non-industrial zoning districts to short-term uses such as residential moving, loading and unloading, or temporary events, and Williston, which requires accessory buildings to conform to the style and appearance of the principal structure.

It was reported that numerous complaints have been received regarding storage containers located in residential areas. Concerns were noted that while storage containers may serve commercial purposes, they are not residential in appearance and create compatibility issues within residential neighborhoods.

The presentation included a proposed amendment to Notes 7 of Tables 62-162-2 and 62-162-3 to clarify language by replacing the term “buildings” with “structures” and to explicitly prohibit intermodal storage containers, as defined by the International Building Code, in the RR, R-1, R-2, R-3, MH, and DC zoning districts for periods exceeding 30 days. The presentation concluded with a request for comments and questions from the Commission.

Discussion:

Discussion focused on the inclusion of the ETZ and potential enforcement issues. Concerns were raised that allowing intermodal storage containers in the ETZ could create unintended complications, while it was noted that agricultural uses would still be permitted. It was acknowledged that the draft currently includes the ETZ, though excluding it remains an option for future revisions.

Questions were raised regarding enforcement, and it was explained that enforcement would be complaint-based and handled through Code Enforcement, with the primary goal of bringing properties into compliance. Existing containers in the ETZ were discussed, including the possibility of addressing them on a case-by-case basis through variances or legal nonconforming status.

Additional discussion addressed subdivisions near City limits and the role of restrictive covenants. It was noted that covenants vary by subdivision, are not consistently present, and are not enforced by the City. Clarification was provided that commercial and industrial zoning districts would not be impacted by the proposed changes, with applicability limited to residential districts and Downtown Commercial. Potential expansion to Limited Commercial was mentioned.

Suggestions included prohibiting containers within City limits, limiting the number allowed in Rural Residential districts, requiring permits for certain sizes, and establishing design standards. It was recommended that the feedback be reviewed and incorporated into a revised draft for further consideration at a future meeting.

B. REZONE PROTEST PETITION - Presented by: City Planner, Natalie Birchak

Ms. Birchak presents information regarding zoning map amendment protest petition requirements. The presentation reviewed the minimum noticing and protest petition requirements for zoning map and text amendments as established by North Dakota Century Code and compared those requirements to the City's current process.

Relevant sections of the Dickinson Municipal Code were reviewed, including Section 62-56(d), which outlines the protest process for zoning amendments and the circumstances under which a three-fourths vote of the Board of City Commissioners is required. Applicable provisions of North Dakota Century Code related to public hearings, notice requirements, protest petitions, and required voting thresholds were also summarized.

The presentation included a comparison of notice and protest requirements used by other North Dakota communities, including Bismarck, Watford City, Williston, and Grand Forks, highlighting similarities and differences in protest thresholds, filing timelines, and voting requirements.

It was noted that the City of Dickinson currently meets or exceeds the minimum requirements established by state law for zoning map amendment notices and protest petitions. The City's requirement for notice by petition was identified as an additional requirement beyond state law. An alternative approach was discussed that would require a three-fourths vote for approval of all zoning map amendments, though it was noted this could delay future rezoning projects.

The presentation concluded with proposed amendments intended to clarify notice and protest procedures within the City Code, including eliminating the notice by petition option and clarifying all notice procedures are mandatory.

Discussion:

The commission is in favor of the proposed changes.

7. ADJOURNMENT

Motion made by Commissioner Schwab, Seconded by Commissioner Johansen.

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

Link for viewing Planning and Zoning Commission Meeting:

<https://youtube.com/live/tmYVrJlt5Bk>