



## PRE-APPLICATION RESPONSE

COMMUNITY DEVELOPMENT

**Date:** January 30, 2024

**To:** Mr. Andrew Albrecht

**Attn:** Mr. Dawson Moore  
Highlands Engineering  
319 24<sup>th</sup> St E  
Dickinson, ND 58601  
(701) 793-242/[andrew.albrecht@highlandseng.com](mailto:andrew.albrecht@highlandseng.com)

**RE:** January 9, 2024 Pre-application Meeting Response Letter Regarding: SE1/4SW1/4 Section 6, T139N, R95W

Dear Mr. Dawson Moore,

Thank you for meeting with City staff on January 9 for a discussion regarding your development request. This letter serves as an outline of the request, a summary of the pre-application meeting discussion, and responses from the following City of Dickinson departments: Planning, Building, Engineering, Fire, Assessing, and/or Public Works. Please carefully review all information provided within this letter. Staff will remain available to answer any further questions before, during, and after development applications. Links to resources regarding development application processes are located at the end of this document.

**In Attendance:**

[Andrew Albrecht, Highlands Engineering](#)

[Andrew Schrank, Highlands Engineering](#)

[Dawson Moore](#)

Aaron Praus, Solid Waste Manager & Interim Deputy Public Works Director

Dustin Dassinger, City Administrator

Gary Zuroff, Public Works Director

Joe Hirschfield, City Assessor

Josh Skluzacek, City Engineer and Community Development Director

Leonard Schwindt, City Building Official

Loretta Marshik, Assistant City Engineer

Mark Selle, Deputy Fire Chief





## PLANNING DEPARTMENT

Matthew Galibert, City Planner

Steve Josephson, City/County Planner

Sylvia Miller, Executive Assistant - Community Development

### **Requests/Questions from the applicant:**

"What will be required by the city for this new tract to be created and be able to have a residence constructed there? Would a Certificate of survey with an access easement through the remaining land be acceptable? There are no current platted properties surrounding it. Will a minor plat be required? If so, it has no frontage to a street. Will a private access need to be included resulting in additional land needing to be transferred to create the plat? Or would the entire SE1/4SW1/4 need to be platted to have this proposed parcel as lot 1 and the remaining land as lot 2 with the plat having a private access easement to lot 1? The future land use of this area shows industrial. It is currently agricultural. This lot would be residential. A few surrounding tracts are also residential. Would this tract be allowed in this area or would a FLUM amendment be needed? If we could get an opinion back on this on how we will need to proceed with this that would be great so we can let Dawson know what will be expected to get this underway. Thanks!"

### **Project Description:**

"A client, Dawson Moore, is seeking to purchase roughly 2 acres of land from Donald Gerber and build a residence. The attached sketch shows the location of the Parcel that Dawson would like to purchase. The parcel desired is just north of a 1210' x 213' unplatted tract. The access to the parcel is an existing road that parallels the east side of said tract. This tract is not in the city limits but is in the ETZ"

### **Documents provided to the City of Dickinson at the time of the development meeting:**

- Pre-Application Request Form
- Site Survey

### **LISTED BELOW ARE THE CITY OF DICKINSON'S COMMENTS RELATED TO YOUR PRE-SUBMITTAL REQUEST:**

#### **Planning:**

*Summary: FLUM amendment to residential and Zoning Map amendment to R-1 would be required for the minor plat to be accepted. All three applications may be submitted concurrently.*

*FLUM Amendment Industrial to Residential*

- *1 Planning & Zoning Commission (P&Z) public hearing*

- *City Commission (CC) public hearing*
- *CC 2<sup>nd</sup> reading for final approval*
- *Required to establish any current zoning district other than Limited Industrial or General Industrial.*

*Zoning Map Amendment (Rezone) from Agricultural to R-1*

- *1 P&Z public hearing*
- *CC public hearing*
- *CC 2<sup>nd</sup> reading for final approval*
- *Required due to 5-acre minimum in Ag district*

*Minor Plat Application*

- *1 P&Z public hearing*
- *1 CC meeting for final approval*

The proposal received by City staff is for a 2.14-acre legal lot to be recorded in the ETZ. This lot is zoned agriculture (AG). A minor plat application may only be considered following approval of a rezone petition and Future Land Use Map (FLUM) amendment application by the City Commission for the following reasons:

- AG zoning district requires a 5-acre lot size minimum.
- The FLUM must be amended to residential in order to approve of a rezone.

You may apply for all associated applications concurrently. The minor plat would be contingent upon approval of a rezone petition to rural residential (RR) or low-density residential (R-1). Each of these two zoning districts permits certain residential development regulations, with RR providing additional permissions for keeping animals on site. Please reference the definitions provided within Chapter 39 ZONING of the municipal code if you would like to compare those difference. Table 4-2, additionally, will provide guidance regarding lot line, setback, maximum height, and other considerations which vary by base zoning district.

Regarding the FLUM amendment, staff recommends approaching neighboring residences to foster support in order to gain City Commission approval to change the general neighborhood/area from Industrial to Residential. This is necessary because the FLUM should not be spot-zoned to allow a small piece of Residential designation within the overarching Industrial designation area and depends on general community support, if seeking to amend the directionality of a substantial area's development pattern. If such a FLUM amendment were to be approved, staff feels confident that a rezone would also be approved because they would share a common reasoning.

A minor plat application would be the final consideration before City Commission for which you must solicit approval

Applications:

These applications can be submitted concurrently, with approval for each to be conditioned upon approval of all associated applications. The fees for these applications are additive: zoning change + FLUM amendment + minor plat. A link to the 2024 fee schedule is provided below.

Minor Plat Application: A minor plat application is required for minor subdivisions of 4 or fewer lots. This application requires one Planning & Zoning Commission hearing and one reading for final approval by the City Commission. Access to the property via easement is required. If public right-of-way is deemed necessary by either the Planning & Zoning or City Commission, a major plat application would be required. An access easement which would serve any otherwise land-locked lot must be included on the plat.

Future Land Use Map Amendment: This property is designated as Industrial and would need to be amended to Residential. This ordinance amendment petition requires one public hearing at Planning & Zoning, a public hearing at City Commission, and a 2<sup>nd</sup> reading at another City Commission meeting for final approval.

City Staff recommends approaching neighboring residences to foster support in order to gain City Commission approval to change the general neighborhood/area from Industrial to Residential. This is necessary because the FLUM cannot be spot-zoned to allow a small piece of Residential designation within the overarching Industrial designation area. Re-designating the general area for future residential or agricultural use will require general community support. If such a FLUM amendment were to be approved, staff feels confident that a rezone would also be approved because they would share a common reasoning. The City is also in the process of updating the City of Dickinson Comprehensive Plan and your feedback may be applied to that update, as the City re-evaluates the Future Land Use Map.

Zoning Map Amendment (Rezone): This ordinance amendment petition requires one public hearing at Planning & Zoning, a public hearing at City Commission, and a 2<sup>nd</sup> reading at a later/subsequent City Commission meeting for final approval. The reason for a rezone approval is because the subject property is currently zoned agricultural (despite the FLUM reading Industrial). Agricultural zoning requires a 5-acre minimum lot size.

Application Preparation: All required documentation is listed within each application at the online portal. A completed application should be submitted by the first Friday of the month

prior to the desired Planning & Zoning meeting. Planning & Zoning meets on the 2<sup>nd</sup> Wednesday of each month. City Commission meets on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month.

Fee schedule:

<https://library.municode.com/ND/dickinson/munidocs/munidocs?nodeId=65439ee80a4fa>

Application portal:

<https://www.dickinsongov.com/government/page/application-portal>

Application requirements:

*Within each online application and found below in the appendix.*

City of Dickinson Municipal Code:

**Engineering:**

- Platting
  - Minor plat to include the adjacent Tract A in the SE1/4 of Section 6, T139N, R95W. If at all possible, we'd like to see the new 2+ acre lot include a 30-foot flag to the section line. If a flag is not possible, we will require a ingress/egress easement to be included on the face of the plat connecting the new lot to the section line.
- Floodplain
  - See appendix for the flood map image
- Streets
  - No comment
- Traffic
  - No comment
- Water
  - Plans to utilize a well, no comment
- Sanitary Sewer
  - Plans to utilize a private septic system, no comment
- Storm Sewer
  - Outside of City Limits, no comments

**Buildings:** Building fire suppression requirements by the City of Dickinson are no more stringent than the International Building Code. A building permit application will be required to follow the City of Dickinson Municipal Code. Plumbing inspections will be provided by the City of Dickinson. Electric inspections will be provided by the State of North Dakota.



## PLANNING DEPARTMENT

Thank you once again for discussing this development concept with City of Dickinson staff and please do not hesitate to contact staff further:

Planning: 701.456.7812 / [matthew.galibert@dickinsongov.com](mailto:matthew.galibert@dickinsongov.com).

Community Development Administration: 701.456.7020 / [sylvia.miller@dickinsongov.com](mailto:sylvia.miller@dickinsongov.com)

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Upon submission to the City of Dickinson, it is assumed that the application is specific to only property owned and operated by Dawson Moore, or represented by Dawson Moore, and the individuals listed and underlined above. By submitting this application, the applicant is acknowledging that no significant changes have occurred since the application and background information has been submitted to the City of Dickinson. If significant changes have occurred since the date of this letter, the City of Dickinson recommendations and requirements will likely change. The City of Dickinson assumes no liability regarding financial loss if denial or withdrawal of any development applications results in negative impacts to capital investments or third-party financial agreements entered into by the applicant.

City GIS maps:

<https://cityofdickinson.maps.arcgis.com/home/index.html>

Municipal codes directory:

<https://www.dickinsongov.com/government/page/municipal-code>

Upcoming Planning & Zoning / City Commission meetings:

<https://www.dickinsongov.com/meetings>

Applications Portal:

<https://www.dickinsongov.com/government/page/application-portal>

**Appendices:**

**A) Completed Application Requirements and Associated Fees. All applications must be complete and submitted by the first Friday of the month prior to the desired public hearing date.**

**Rezone Petition:**

Public/Agricultural: \$250.00 fee per application

Residential: \$350.00 fee per application

Commercial/Industrial: \$750.00 fee per application

Required Documentation:

- Pre-Application Date / Response Letter
- Transmittal letter / narrative describing proposed operations/activities and reasons for the application.
- Title Opinion reflecting ownership by Applicant(s)
  - If applicant does not own the subject property, also include affidavit of interests / agent of owner statement indicating legal interest by the property owner.
- Map of area to be rezoned
- Legal description of area to be rezoned, including lots and blocks by district if multiple zoning district are requested
- Signed development agreement
- A list of property owners, addresses, and legal descriptions within 400-feet of the property (Right-of-Way Included)

**Future Land Use Map Amendment:** \$750 fee per application

Required Documentation:

- Pre-Application Date / Response Letter
- Transmittal letter / narrative describing proposed operations/activities and reasons for the application.
- Title Opinion reflecting ownership by Applicant(s)
  - If applicant does not own the subject property, also include affidavit of interests / agent of owner statement indicating legal interest by the property owner.

- Map of proposed amendment to Future Land Use Plan, drawn to scale, in digital form (.pdf)

**Plat (check for additional major plat requirements): \$350.00**

Required Documentation:

- Pre-Application Date / Response Letter
- Transmittal letter / narrative describing reason for the application.
- Title Opinion reflecting ownership by Applicant(s)
  - If applicant does not own the subject property, also include affidavit of interests / agent of owner statement indicating legal interest by the property owner.
- Proposed plat map satisfying the following criteria:
  - Name of the subdivision plat (if in City use "addition", if in ETZ use "subdivision").
  - Location of subdivision plat by section, township and range (to the quarter section).
  - Names and addresses of property owner(s) and registered land surveyor. d. Scale of 1" = 100' or less, shown graphically. e. Date.
  - North point indication (arrow or compass rose).
  - Basis of bearings, as derived from State Plane Coordinates.
  - Indication of both vertical datum and horizontal datum used for the plat.
  - Boundary line of subdivision plat based on an accurate traverse, with angular and linear dimensions.
  - Legal description of property being platted, including any section line right-of-way not previously deeded for subdivision plats within the ETZ.
  - Accurate locations of all monuments. One monument shall be placed at each corner and at each change of direction in the boundary line of the subdivision plat. In addition, one monument shall be noted/ placed at each block corner; at each point of deflection in the interior lot lines; and at the point of curvature and point of tangency of each curve in a street line on both sides of the street. Whether monuments are to be



noted or placed prior to recording the plat is based on the location of the subdivision plat.

- True angles and distances to the nearest official monuments. For subdivision plats adjacent to or within the current corporate limits, a tie to at least one official monument is required. For subdivision plats within the ETZ, ties to two official monuments are required. For purposes of this requirement, an official monument is an official government monument, such as a section corner or quarter section corner.
- Ties to a minimum of two accepted State Plane Coordinate monuments based on NAD 83 horizontal datum (adjusted 86), units of measurement international feet, ND south zone 3302.
- Elevations referenced to a durable benchmark described on the plat within its location to the nearest hundredth of a foot, with indication of datum used (NAVD88 required for areas with current floodplain information in that datum).
- Exact location, width and name of all rights-of-way within and adjoining the subdivision plat, and the exact location of all alleys and multi-use trails within the subdivision plat.
- Accurate outlines and legal descriptions of any areas (not including streets, alleys or public utility easements) to be dedicated or reserved for public use, with the purposes indicated; and of any areas to be reserved by deed covenant for common use of all property owners within the subdivision plat.
- All easements for rights-of-way provided for public services and public utilities.
- All lot numbers and block numbers and lot lines, with accurate dimensions in feet and hundredths.
- Square footage or acreage of land within the subdivision plat, each individual lot, each subplot created by ghost platting, and the total area in streets. If the subdivision plat crosses a quarter-section line, the acreage within each quarter section must also be noted.
- Radii, deltas and lengths of all curves based on arc definitions.

- Location and dimensions of non-access lines and access points within a continuous non-access line.
- 100-year floodplain and floodway elevations and topographic contours with a minimum contour interval of 2 feet for any portion of the subdivision plat within a designated floodplain, with indication of datum used (NAVD88 required for areas with current floodplain information in that datum).
- For any waterways or bodies of water within or adjacent to the subdivision plat, the present shoreline locations (relative to the meander line).
- Certification by the registered surveyor that the subdivision plat represents a survey made by him/her, or under the surveyor's direct supervision, and that the monuments shown thereon are accurate, all required monuments have been set, and that all dimensional and geodetic details are correct.
- Notarized certification by all owner(s) of the land of adoption of the subdivision plat and dedication of sewers, water distribution lines, streets, public areas and other improvements. If there are multiple owners, the specific lot(s) owned by each must be specified.
- All easements for stormwater management facilities shall be shown and dedicated.