

Natalie Birchak

From: Andrew Schrank <schrank@highlandseng.com>
Sent: Friday, October 3, 2025 2:32 PM
To: Natalie Birchak
Cc: Joshua Skluzacek; Andrew Albrecht; KC Homiston
Subject: RE: Administrative Lot Modification Text Amendment
Attachments: ZTA-003-2025 - Chapter 52 - Lot Modification Requirements.pdf

Natalie,

Thanks for reaching out regarding this proposed code amendment. I appreciate that you are working to amend the code to correct issues and irregularities as they arise. I have included some comments, below, on the current irregular plat process in general as well as this code amendment. I would be happy to discuss these comments further if desired. We will support whatever is decided with this code, but I wanted to provide some additional feedback for Staff's consideration for this and potential future amendments to this code.

Lot Combinations:

1. I don't know if I agree with the change that lot combinations cannot be completed for lots rezoned in the last year.
 - a. I am not sure the one-year timeframe makes sense. If you are okay combining lots after one year, why wouldn't the City be okay with it for the first year? The end product would be the same, and this just makes applications timelier for the first year.
 - b. For new subdivisions that require zone changes, this will make changes to platted lots take longer for the purchasers of property. When a developer creates a subdivision, they do not know the exact size of every lot that future purchasers would like. Therefore, we end up adjusting lot lines in new developments quite frequently to meet the purchasers' desires. For example, a developer may plat residential lots at 8,000 sf but the market is greater for 16,000 sf, so future buyers end up combining these lots. This change will allow the developer to sell two lots the purchaser, but it will take about 4 months for the purchaser to combine these lots under the minor plat process. This really ends up delaying the future purchaser, not the developer in this case.
 - c. I am not sure this meets the goal you are after. If you are attempting to prevent developers from platting lots then combining them right away to decrease density, I am not sure if this one-year zoning requirement addition is achieving this goal. It just makes it take a bit longer.
2. I have never understood why easement vacations are tied to the requirements for allowing irregular plats. Easement vacations are a separate process from platting and vacations can be done at any time. In theory, we can vacate the easement then come back to the City for the irregular plat, or we can complete the irregular plat and vacate the easement after. In my opinion, this requirement should be removed. If easement vacations are required, Staff can make that a condition before approving the irregular plat.
3. The *Common Development Lot* definition in the zoning code contradicts the City's current policy that multiple lots developed as a single property with the same owner need to be combined thru the platting process. According to City Zoning Code, "Common development *lot* means when two or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for the purposes of this chapter." To me, this code indicates that these "Common Development Lots" do not need to be combined through the platting process. At one point in time, prior City Staff did not require adjacent lots owned by the same owner developer as a single lot to be combined. I am assuming this was because of this code. One example would be the Sullivan Apartments on 23rd Street that we had a pre-application meeting for recently. This site lies within multiple lots that were not combined when the apartments were built because it met the "Common Development Lot" definition. However, under current

policy, Staff is now requiring these lots to be combined. I would recommend striking this definition if you are going to proceed with your current policy or changing your current policy to match this code.

Lot Line Adjustments

1. I would recommend further defining “a series of lot line adjustments proposed for contiguous lots as a way to circumvent the proper subdivision plat process”, or removing this requirement altogether. We have seen this interpreted differently which each change in planning staff which creates confusion for us and developers. In theory, a lot line adjustment should not change the density of the development, so I am not sure why it matters if a series of them are completed. Again, we do not always know the size of lots that will be desired by purchasers, so we are making assumptions at the time of platting. Lot sizes need to be adjusted to meet the market requirements.
2. I am not sure why “the resulting parcels can be legally described with no more than two directional descriptors” is necessary. We have been required by the Recorder to provide a metes and bounds description for every lot on irregular plats even if they can be described with directional descriptors (which we also do not agree with but that is another issue). In my opinion, this requirement should be removed as Staff has allowed lot line adjustments for irregular shaped parcels as long as they meet the zoning requirements, and we are not allowed to use these directional descriptors for the lot description on the plat anyways.
3. Will lots amended by a lot line adjustment need to meet the same maximum area requirement limitations you are proposing for Lot Combinations? If so, I would recommend adding that verbiage to this section of the code as well.

Lot Splits

1. I have never understood why the creation of easements is tied to irregular plats. These easements can be created at any time through a separate easement document. I actually recommend to owners that private easements be created through separate documents as this allows them to further define the terms and maintenance requirements for the improvements in the easement. Therefore, we can create the easement, record it, then apply for the irregular plat. I would recommend removing this requirement. If easements are needed to serve the property, Staff could require these easements to be created prior to approving the irregular plat, but I do not see why this should trigger a different platting process.
2. For the section requiring that “The lot split does not require the dedication of public rights-of-way for the purpose of gaining access to the property; minor dedications maybe allowed by the City Engineer;”, I would recommend removing the last portion of this statement so this states “The lot split does not require the dedication of public rights-of-way”. In my opinion, any creation of public right-of-way should go to a public hearing and be approved by the Commission. Right-of-way may be needed for reasons other than access, so I am not sure why this limits the purpose of the right-of-way to gaining access. Finally, “minor dedications” are ambiguous and allows for different interpretations by different Staff members which creates confusion for when the irregular plat process is allowed.
3. I do not agree with the one-year zoning requirement for this same reasons previously provided.
4. I do not agree with the two directional descriptor requirement for the same reasons previously provided.
5. To me this is the most controversial of the irregular plat processes. Lot combinations decrease density which is usually not controversial, and lot line adjustments do not change the density. Allowing each lot to be split into four lots means that you could change the density of a subdivision by 1/4th with no opportunity for public input. I don’t think the one-year zoning requirement does anything to solve this issue; it just makes applications take longer the first year after zoning. I think lot splits may have a place; for example, splitting a duplex or townhome along a common wall which does not increase density. However, I think other options should be pursued in this code to prevent increases in density without the opportunity for public comment. To me, being able to split a lot into four lots should not be allowed without a public hearing as this is something landowners should be informed of.

Andrew Schrank, PE, CFM

Highlands Engineering & Surveying, PLLC

319 24th Street East
Dickinson, ND 58601
701-483-2444 (o)
701-260-4618 (c)
701-483-2610 (f)
schrank@highlandseng.com



From: Natalie Birchak <Natalie.Birchak@dickinsongov.com>
Sent: Tuesday, September 30, 2025 3:10 PM
To: Andrew Schrank <schrank@highlandseng.com>; Andrew Albrecht <andrew.albrecht@highlandseng.com>; 'Nick Jensen' <nick.jensen@westernedgesurveying.com>; 'Robert Procive' <Robert.Procive@interstateeng.com>; 'jwood@nplainseng.com' <jwood@nplainseng.com>; 'Curtis Freeman' <Curtis.Freeman@kljeng.com>; KC Homiston <homiston@highlandseng.com>; 'Aaron Grinstein' <venturehomesnd.aaron@gmail.com>; Chad Glasser <chadglasser1@gmail.com>
Subject: Administrative Lot Modification Text Amendment

Hi all!

Next Tuesday, the Dickinson City Commission will be holding a public hearing for a zoning text amendment regarding changes to the administrative lot modification requirements. I have included a copy of the proposed ordinance that implements these changes. In summary, we are looking to add the requirements that administrative lot modifications cannot be performed on a lot that was previously rezoned within the last one (1) year, and we are adding new maximum lot sizes that can be created through the lot combination process. These maximums correlate to the minimum lot size of the next lowest-density zoning district of the same classification (for example: a lot combination in the R-1 or R-2 zoning district may not create a lot larger than one (1) acre (the minimum lot size for the RR zoning district)). Last, all future lot modifications will require signatures from both the City Planner and the City Engineer, so please include signature lines for both of these titles on future irregular plats.

Feel free to reach out to me if you have any comments or questions regarding this proposed text amendment. We would appreciate if you could get any potential feedback to the City prior to next Tuesday so we can properly present it to the commission. Additionally, you are more than welcome to attend the public hearing, which will take place at the City Commission meeting at 5pm on Tuesday, October 7th.

Thanks!
Natalie Birchak

NATALIE BIRCHAK
PLANNER
PLANNING

Natalie.Birchak@dickinsongov.com
O: 701.456.7812

