



## PLANNING DEPARTMENT

**Date:** December 12, 2023

**Attn:** Russel Woodworth  
2212 3rd St W  
Dickinson, ND, 58601  
(701) 713-0713/ [russwoodworth@hotmail.com](mailto:russwoodworth@hotmail.com)

**CC:** Cindy Fetch

**RE:** November 28, 2023 Pre-application Meeting Response Letter Regarding "700 Block 10<sup>th</sup> Ave SE" (exhibited by Appendix A)

Dear Mr. Woodworth,

Thank you for meeting with City staff on November 28, 2023 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 individualized responses from Planning, Building, Engineering, Fire Department, Assessing, and/or Public Works Departments. Links to information regarding development application processes are located at the end of this document.

**In Attendance:**

Russel Woodworth, Applicant  
Mark Selle, Deputy Fire Chief  
Josh Skluzacek, City Engineer and Community Development Director  
Dustin Dassinger, City Administrator  
Steve Josephson, City/County Planner  
Sylvia Miller, Executive Assistant to the Community Development Director  
Loretta Marshik, Assistant City Engineer

**Executive Summary:**

Russel Woodworth initiated contact with City staff over the phone with Matthew Galibert, City Planner, to ask for clarity regarding the feasibility to rezone and develop the subject property such that a "hobby farm" and single-family residence may be established. Prior to the pre-application meeting, Mr. Galibert had visited the property and reviewed floodplain considerations with Loretta Marshik, Assistant City Engineer. Staff concurs with the applicant's primary complaint: the subject property is not suitable for industrial development. Planning



staff is in support of the applicant's possible petition to rezone the property from GI to AG. This position may change upon further review.

The applications required will include a rezone petition and a Future Land Use Map Amendment. More specific guidance is provided below, and staff will remain available to answer any further questions before, during, and after development applications.

**Project Description:** "Changing zoning from industrial to residential agriculture."

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

- Aerial view of property

**Requests/Questions from the applicant:**

- What paperwork can we provided to assist with the process?
- What timeframe are we looking at to complete the process?
- How likely are we to get this parcel's zoning changed?

**Listed below are the City of Dickinson's comments related to your pre-submittal request:**

**Planning:**

The 27-acre property is located outside of City limits in the City's Extra Territorial Zone (ETZ). This property is currently zoned General Industrial (GI). According to Article 39.04 Zoning District Regulations of the Zoning Ordinances, residential uses, as well as most agricultural uses, are not permitted in the GI zoning district.

To permit construction of a single-family residence and agricultural uses other than horticulture, the property would need to be rezoned from the GI district to the Agricultural (AG) zoning district. This property is designated on Future Land Use Map (FLUM) in the City Comprehensive Plan as INDUSTRIAL. To allow for a rezoning from GI to AG the Future Land Use Map designation would require amending for AGRICULTURE.

Amending the FLUM to AGRICULTURE, as well as rezoning the property from GI at AG, would each require a public hearing before the City's Planning and Zoning Commission as well as two City Commission readings. Applications for a FLUM amendment and rezone can be applied for and considered concurrently.

Based on current knowledge and information, Planning Department staff can provide preliminary support to such applications. Key reasoning to present to commissioners would be that due to floodplain constraints, buildings cannot be constructed on most of this property, rendering industrial development improbable. By contrast, a single residence outside of the floodplain and permitted (non-structural / no-foundation) agricultural appurtenances may yield a more suitable land use compatibility outcome.

During the pre-application meeting, staff suggested a possible requirement to also plat this property. Upon further scrutiny, we have determined that due to the acreage of the lot, a subdivision plat will not be required to either rezone or develop this property according to the development plans as communicated within this letter.

Should you wish to submit an application to rezone, Planning staff will represent your application at the next available Planning & Zoning Commission meeting. Please contact [matthew.galibert@dickinsongov.com](mailto:matthew.galibert@dickinsongov.com) at any time with any further questions or concerns.

**Engineering:**

- Floodplain
  - The property is located in FIRM Panel 38089C0432E with a large portion of the property located in Zone AE
  - Building within the floodplain is not allowed.
  - Many funding sources will require flood insurance for any structure, especially residential, in which a portion of the property to be developed lies in the floodplain.
  - An elevation certificate will be required at the completion of the construction of any residence.
  - The current & proposed Flood Insurance Rate Map (FIRM) information can be viewed at the following location:  
<https://www.arcgis.com/apps/webappviewer/index.html?id=e7a7dc3ebd7f4ad39bb8e485bb64ce44>
- Streets
  - Al Heiser  
[AHeiser@starkcountynd.gov](mailto:AHeiser@starkcountynd.gov)  
Stark County Road and Bridge Superintendent
- Traffic
  - None
- Water
  - Work with either Southwest Water or the Southwest Health District for a water well
- Sanitary Sewer
  - Work with Southwest Health District for a septic system permit
- Storm Sewer
  - None

**Assessing:** No comments.

**Fire Department:** No comments.

**Parks & Recreation:** No comments.

**Public Works:** No comments.

**Buildings Official:**

- 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.

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This letter assumes to be specific to only property owned and operated by, or represented by, the individuals listed and underlined above, and no other significant changes from what is included in the background information and request to the City of Dickinson. If significant changes from what is included in this letter occur, the City of Dickinson recommendations and requirements will likely change. All development inquiries and applications contain differing degrees of unique attributes; therefore, if findings of fact necessitate withdrawal of prior staff support, application fees will be refunded. The City of Dickinson assumes no liability regarding financial loss if denial or withdrawal results in negative impacts to 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>

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)

Sincerely,



Matthew P. Galibert  
City Planner



Joshua M. Skluzacek  
Engineering and Community Development  
Director

**Appendices:**



Future Land Use Map Amendment (\$750.00):

- 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)