



Bismarck Planning and Zoning Commission

MEETING AGENDA August 27, 2025

Tom Baker Meeting Room	City-County Office Building	5:00 PM
-------------------------------	------------------------------------	----------------

The City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Planning & Zoning Commission agenda via email to planning@bismarcknd.gov. The comments will be sent to the Planning and Zoning Commissioners prior to the meeting and included in the minutes of the meeting. To ensure that comments are compiled and forwarded to the Planning and Zoning Commissioners with enough time to review all comments, please submit your comments no later than 8am the day of the meeting. Comments received after 8am the day of the meeting will not be included for consideration by the Planning and Zoning Commission. Comments should also include which agenda item number your comment references and your name (anonymous comments will not be forwarded to the Planning & Zoning Commissioners or included in the minutes of the meeting). If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM, FreeTV.org, RadioAccess.org, ROKU, Apple TV and Fire TV.

1. **APPROVAL OF MEETING MINUTES**

- A. Guide to Public Participation
- B. Map of all items on the agenda
- C. Consider approval of minutes

2. **PUBLIC COMMENT**

Limited to items on this meeting agenda, other than public hearing items, or the previous Planning and Zoning Commission meeting.

3. **CONSENT AGENDA**

A. **Olive Tree Second Subdivision (JW)**

Preliminary Plat | PPLT2025-009 | Consideration
Staff recommends: Call for Public Hearing

B. Silver Ranch Third Addition Third Replat (IJ)

Zoning Map Amendment | ZC2025-016 | Consideration
Staff recommends: Call for Public Hearing

Minor Subdivision Final Plat | MPLT2025-007 | Consideration
Staff recommends: Call for Public Hearing

C. Short-Term Rentals (LO)

Zoning Ordinance Text Amendment | ZOTA2025-004 | Consideration
Staff recommends: Call for Public Hearing

4. REGULAR AGENDA

A. Elk Ridge Fourth Addition (JW)

Annexation | ANNX2025-006 | Final Consideration
Staff recommends: Approve

B. Part of East Century Avenue and 52nd Street NE (IJ)

Annexation | ANNX2025-005 | Final Consideration
Staff recommends: Approve

C. Northern Pacific Addition, Block 10, Lots 1-4 (IJ)

Future Land Use Plan Amendment | FLUP2025-005 | Public Hearing
Staff recommends: Approve

Zoning Map Amendment | ZC2025-013 | Public Hearing
Staff recommends: Approve

D. South Meadows Addition Third Replat, Block 1, Lots 1-10 (LO)

Future Land Use Plan Amendment | FLUP2025-004 | Public Hearing
Staff recommends: Approve w/Conditions

Zoning Map Amendment | ZC2025-014 | Public Hearing
Staff recommends: Approve w/Conditions

E. Lunde Addition (IJ)

Major Subdivision Final Plat | FPLT2025-007 | Public Hearing
Staff recommends: Approve

F. Boulder Ridge Commercial Addition (LO)

Zoning Map Amendment | ZC2025-015 | Public Hearing
Staff recommends: Approve

Major Subdivision Final Plat | FPLT2025-006 | Public Hearing
Staff recommends: Approve

G. William Blackstone Addition (JW)

Annexation| ANNX2023-004 | Public Hearing
Staff recommends: Approve

Zoning Map Amendment | ZC2023-009 | Public Hearing
Staff recommends: Approve

Major Subdivision Final Plat | FPLT2024-004 | Public Hearing
Staff recommends: Approve

H. Hightop Acres Third Subdivision, Block 1, Lot 7 (LO)

Special Use Permit | SUP2025-012 | Public Hearing
Staff recommends: Approve

I. Silver Ranch Fourth Addition, Block 1, Lot 3 (IJ)

Special Use Permit | SUP2025-014 | Public Hearing
Staff recommends: Approve

J. Keeping of Chickens (JW)

Zoning Ordinance Text Amendment | ZOTA2025-002 | Public Hearing
Staff recommends: Approve

5. OTHER BUSINESS

6. ADJOURN

A. The next meeting of the Planning and Zoning Commission is scheduled for September 24, 2025.

B. Building Permit Data: [Month to Date](#) or [Year to Date](#)

BISMARCK PLANNING AND ZONING COMMISSION

GUIDE TO PUBLIC PARTICIPATION

The Planning and Zoning Commission welcomes and values public input during its meetings. The following procedures for public comment are to ensure that all individuals have a fair opportunity to be heard while maintaining an orderly, transparent, and efficient meeting environment. There are two opportunities available:

Public Hearings

All public hearing items are shown on the regular agenda, which is when comments should be given.

1. **Introduction.** The Chair of the Planning and Zoning Commission introduces the item on the agenda and asks staff to present a report.
2. **Staff Report:** A planner presents the staff report. The presentation will be an overview of the written staff report included in the agenda packet with a visual presentation of materials.
3. **Commission Questions.** Commissioners may ask staff questions, but they will not discuss the request or share an opinion prior to obtaining input from the public.
4. **Open Public Hearing.** The Chair will then open the public hearing on the request and ask if anyone would like to speak to the commission.
5. **Applicant Statement.** The applicant is traditionally given the courtesy to present their proposal or any additional information first.
6. **Public Statements.** The hearing is then opened to the public to voice their support, opposition, or give any comments regarding the item. This is the opportunity to approach the podium.
7. **Close Hearing.** The Chair closes the hearing for the item once all interested people have spoken, and no more public comments are allowed.
8. **Commission Discussion.** Commissioners discuss the proposal. They may ask staff or the applicant questions or for clarification of items stated during the public hearing.
9. **Commission Action.** The Planning and Zoning Commission makes its decision on that item.

Other Public Comments

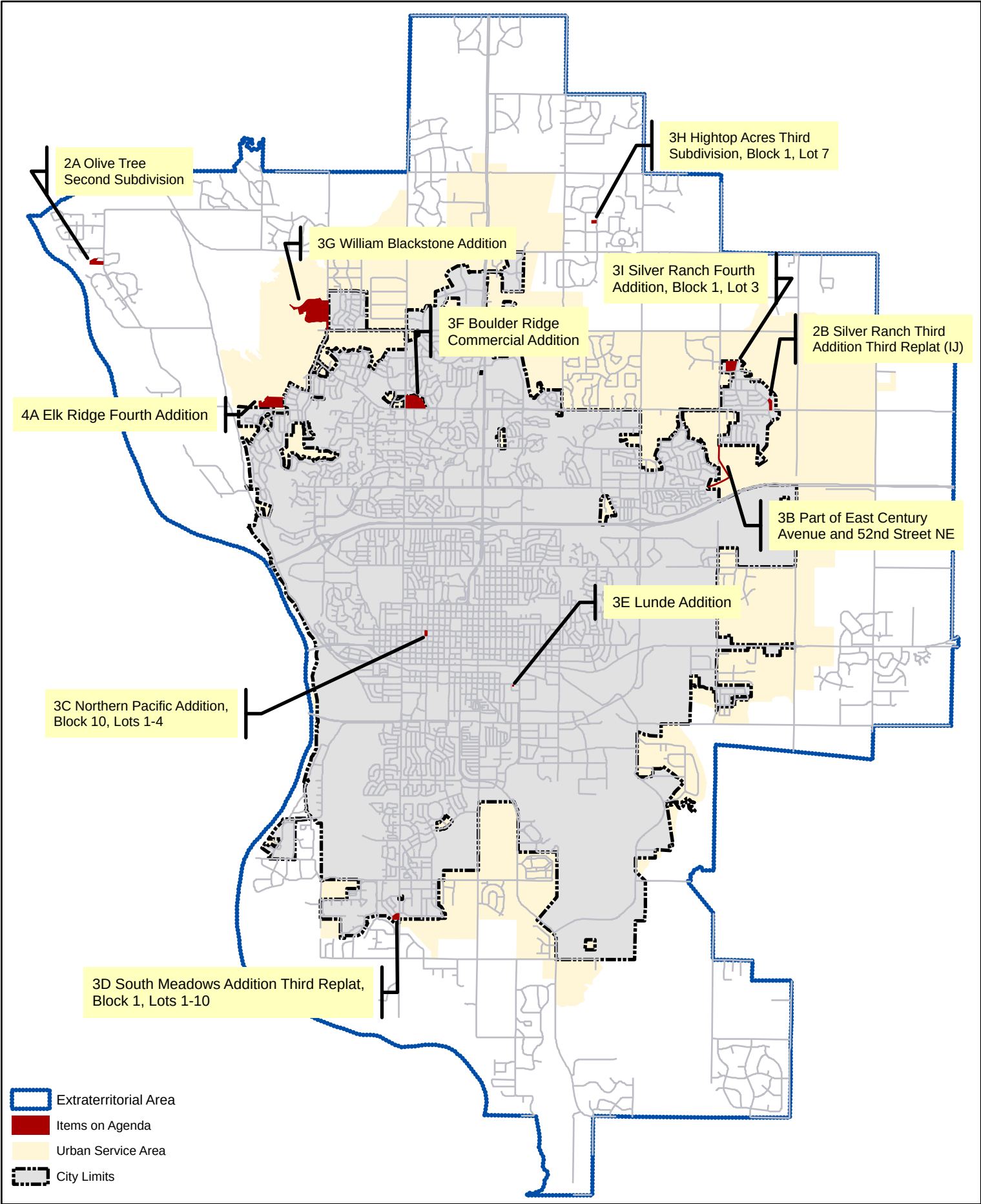
Any comments addressing an item on the current agenda, other than a public hearing, or an agenda item from the preceding meeting.

1. **Public Comment.** General public comments are received toward the beginning of the meeting.
2. **Time Limits.** Each person may comment for five minutes, unless extended by the Chair. An individual may not yield their time to another. The total comment period is limited to 30 minutes, unless extended by the Chair.

General Instructions

The following guidance applies to both public hearings and other public comments:

- Write your first and last name and address on the sign-in sheet at the podium.
- Adjust the microphone, if necessary, state your name, then provide comments. Traditionally, comments are addressed to the Chair and Planning and Zoning Commission.
- Comments may not be defamatory, abusive, harassing, or unlawful; include information that is exempt or confidential under North Dakota open records law; or interfere with the orderly conduct of the meeting.
- Commenters may only address the Commission, not staff, applicants, or other meeting attendees. Commissioners may question any person. The Chair may ask speakers to limit their time, not repeat previous testimony, and speak only once.
- Written materials may be distributed to the Commissioners or displayed visually on screens. Staff are available to assist.
- Reasonable accommodations will be made upon request, pursuant to the City's Title VI policy.



This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
July 23, 2025**

The Bismarck Planning & Zoning Commission met on July 23, 2025, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Dakota Media Access was present to record the meeting and archive on freetv.org for public viewing. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Brian Bitner (via Zoom), Robert Field, Cole Johnson, Amber Larson, Daniel Lukens (via Zoom), Gabe Schell, Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

Commissioner Schmitz was absent.

Staff members present were Ben Ehreth – Community Development Director, Sarah Fricke – Senior Administrative Assistant, Isak Johnson – Planner, Daniel Nairn – Planning Manager, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

MINUTES

Chair Schwartz called for consideration of the minutes of the June 25, 2025 meeting.

MOTION: Commissioner Larson made a motion to approve the minutes of the June 25, 2025 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

**2A. LUNDE ADDITION
PRELIMINARY PLAT**

**2B. BOUDLER RIDGE COMMERCIAL ADDITION
PRELIMINARY PLAT AND ZONING MAP AMENDMENT**

**2C. NORTHERN PACIFIC ADDITION, BLOCK 10, LOTS 1-4
ZONING MAP AMENDMENT AND FUTURE LAND USE PLAN AMENDMENT**

**2D. WILLIAM BLACKSTONE ADDITION
ZONING MAP AMENDMENT**

**2E. SOUTH MEADOWS ADDITION THIRD REPLAT, BLOCK 1, LOTS 1-10
ZONING MAP AMENDMENT AND FUTURE LAND USE PLAN AMENDMENT**

**2F. KEEPING OF CHICKENS WITHIN CITY LIMITS
ZONING ORDINANCE TEXT AMENDMENT**

Staff recommended item 2C be pulled from the initial motion in order to explain the reason for the project.

MOTION: Based on the findings contained in the staff reports, Commissioner Wangen made a motion to approve consent agenda items 2A, 2B, 2D, 2E, and 2F, calling for public hearings as recommended by staff. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

Mr. Johnson explained that item 2C is a staff-initiated zoning map amendment based on a development inquiry on one of the parcels there that would not be permitted within the existing zoning. Staff mailed letters explaining the proposed amendment to the eight property owners who would be included in the proposed zoning map amendment should the Planning and Zoning Commission choose to initiate the zoning change from Staff's recommendation.

Staff set up an informational meeting for the property owners to attend in addition to providing staff contact information regarding any questions or concerns they may have. Staff did not receive any inquiries from the property owners prior to this meeting of the Commission.

MOTION: Based on the findings contained in the staff reports, Commissioner Larson made a motion to approve consent agenda item 2C, calling for a public hearing as recommended by staff. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – ELK RIDGE FOURTH ADDITION ZONING MAP AMENDMENT MAJOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential zoning district and major subdivision final plat titled Elk Ridge Fourth Addition. The property is located northwest of Bismarck, between North Washington Street and River Road, east of Tyler Parkway and north of Frisco Way.

Ms. Wollmuth provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the zoning map amendment and major subdivision final plat would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the zoning map amendment from the A – Agricultural zoning district to the R10 – Residential zoning district and major subdivision final plat titled Elk Ridge Fourth Addition.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. explained that this is one of the next phases of the property owner's plans and will be similar to the previous projects.

Commissioner Schell advised that a temporary turnaround easement should be approved by City Commission in conjunction with the plat.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the zoning map amendment from the A – Agricultural zoning district to the R10 – Residential zoning district and major subdivision final plat titled Elk Ridge Fourth Addition. Commissioner Zent seconded the motion, and the motion was approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

FINAL CONSIDERATION – BOULDER RIDGE COMMERCIAL ADDITION ANNEXATION

Chair Schwartz called for final consideration on an annexation on Lots 1-3, Block 1 and Lot 1, Block 2, Boulder Ridge Commercial Addition. The property is located in northwest Bismarck, in the northeast quadrant of the intersection of North Washington Street and 43rd Avenue Northeast.

Ms. Oster provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the annexation would not adversely impact the public health, safety, and general welfare.

Ms. Oster said, based on the findings contained in the staff report, staff recommends approval of the annexation of Lots 1-3, Block 1 and Lot 1, Block 2, Boulder Ridge Commercial Addition.

Commissioner Schell questioned why the annexation is being brought to the Commission before the Final Plat and Zoning Map Amendment. Ms. Oster said the applicant wishes to not have to delay the annexation due to state requirements of notification to the county and township 15 days prior to the public hearing before the City Commission.

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the annexation of Lots 1-3, Block 1 and Lot 1, Block 2, Boulder Ridge Commercial Addition. Commissioner Sivak seconded the motion, and the motion was unanimously approved with Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – OAKLAND SUBDIVISION, BLOCK 1, LOT 4 SPECIAL USE PERMIT – ACCESSORY BUILDING

Chair Schwartz called for the public hearing on a special use permit to increase the allowable area of accessory buildings to 3,200 square feet. The property is located north of Bismarck, east of US Highway 83, between 71st Avenue NE and 84th Avenue NE, along the north side of Grey Fox Lane.

Ms. Wollmuth provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the special use would not adversely impact public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the special use permit to increase the allowable area of accessory buildings to 3,200 square feet.

Chair Schwartz opened the public hearing.

Tanner Broderick, property owner, stated that we was available for questions.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Commissioner Wangen made a motion to approve the special use permit to increase the allowable area of accessory buildings to 3,200 square feet. Commissioner Bitner seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – MCKENZIE & COFFIN'S ADDITION
BLOCK 91, LOTS 1-16 & LOTS 24-29
SPECIAL USE PERMIT – ELECTRONIC MESSAGE CENTER SIGN**

Chair Schwartz called for the public hearing on a special use permit for an electronic message center (EMC) sign on Lots 1-16 & Lots 24-29, Block 91, McKenzie and Coffin's Addition, and vacated alley adjacent to said lots. The property is located in central Bismarck, along the west side of North 6th Street, between East Avenue F and East Boulevard Avenue

Mr. Johnson provided an overview of the request and stated that as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the special use would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the special use permit to allow an electronic message center (EMC) sign on Lots 1-16 & Lots 24-29, Block 91, McKenzie and Coffin's Addition, and vacated alley adjacent to said lots.

Chair Schwartz opened the public hearing.

Shannon Schlinger, the applicant, stated she was available for questions. Chair Schwartz asked if the proposed sign would be replacing the existing sign. Mr. Schlinger confirmed that the old sign would be removed if the proposal was approved.

There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Larson asked staff to outline special design requirements because the proposed EMC is close to residential areas.

Mr. Johnson explained that the sign will have limits to brightness, minimum time limit to display and types of transitions. Between 9 p.m. and 7 a.m. the sign will either be off or have a static image displayed.

Commissioner Schell asked if part of the sign will be static. Mr. Johnson said the top part of the sign will be static.

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the special use permit to allow an electronic message center (EMC) sign on Lots 1-16 & Lots 24-29, Block 91, McKenzie and Coffin's Addition, and vacated alley adjacent to said lots. Commissioner Sivak seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

Mr. Ehreth explained that, starting next month, the Commission will be required to offer a public comment period for items on the current or immediately previous meeting. The Chair will be able to assign a maximum of 5 minutes to each speaker with a total time limit of 30 minutes.

Commissioner Schell asked if the Procedure and Policy document will be updated to reflect this new requirement. Mr. Ehreth said staff will be updating the document.

Commissioner Zent asked if the public comments will be verbal only or also written comments. Mr. Ehreth said the new policy is written to only include verbal comments.

Chair Schwartz asked if the policy applies to any agenda item, current or previous. Mr. Ehreth said it applies to all items, other than public hearings, on the current agenda and any items from the previous agenda.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:37 p.m. to meet again on August 27, 2025.

Respectfully submitted,

Sarah Fricke
Recording Secretary

Mike Schwartz
Chair

STAFF REPORT

Agenda Item # 3A

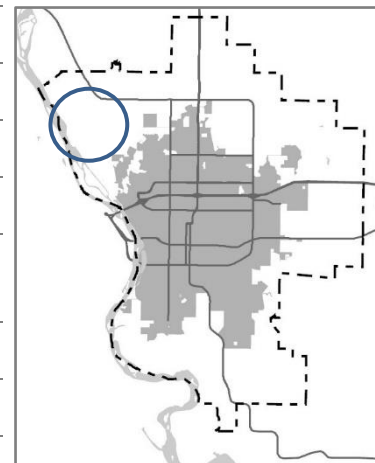
August 27, 2025

Application for: **Preliminary Plat**

Project ID: **PPLT2025-009**

Project Summary

<i>Title:</i>	Olive Tree Second Subdivision
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Property Owner(s):</i>	Derik Hoerner
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	Northwest of Bismarck, along the west side of Burnt Creek Loop and south side of Dietrich Place
<i>Project Size:</i>	7.05 acres
<i>Applicant Request:</i>	Plat property for future development
<i>Staff Recommendation:</i>	Tentatively approve / call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	Part of 3 Parcels	<i>Lots/Blocks:</i>	1 Lot in 1 Block
<i>Land Use:</i>	Single-family rural residential	<i>Land Use:</i>	No change
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density:</i>	No change

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	Hay Creek (organized)
<i>Neighborhood:</i>	Undefined

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	Part 2002 (Olive Tree Subdivision)
<i>Annexed:</i>	N/A

(continued)

Project Narrative

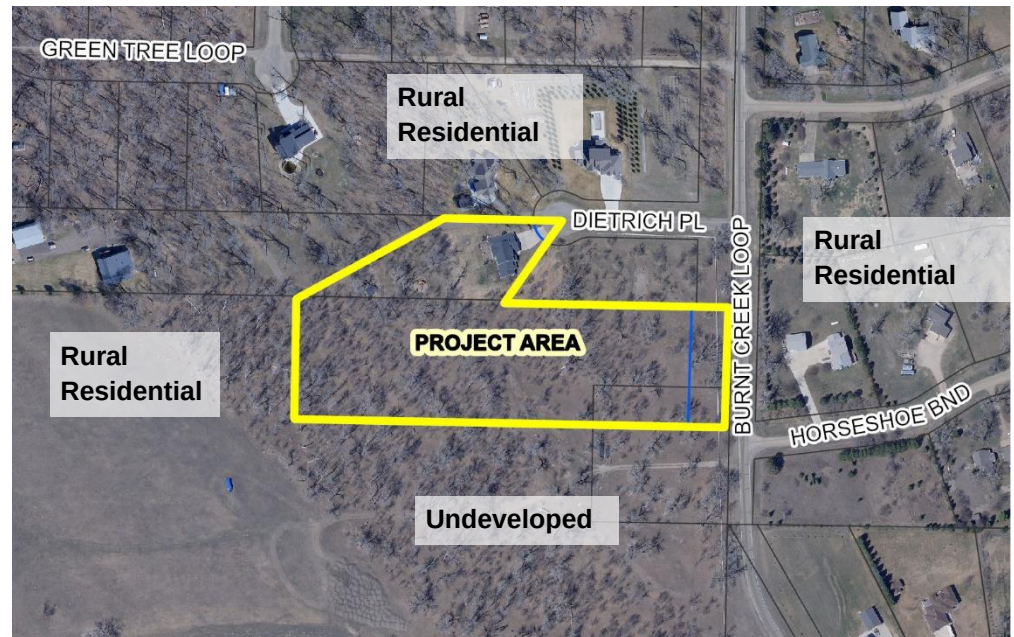
Derik Hoerner is requesting approval of a major subdivision preliminary plat titled Olive Tree Second Addition.

The proposed plat includes a previously platted lot and adjacent unplatted property. Both properties are zoned RR – Residential.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Rural Residential (RR) in the Future Land Use Plan. The RR areas are places for country living with convenient proximity to city life. Goals and objectives of this plan as they relate to major subdivision preliminary plats and zoning map amendments are referenced in review standards below.

Adjacent land uses include rural residential to the north, and west and east across Burnt Creek Loop, undeveloped RR – Residential zoned property to the south and west.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Hay Creek Township was notified of this request on August 4, 2025, and have not provided a comment.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings

(continued)

of fact, related to land use, are presented in response to each standard.

Major Subdivision Preliminary Plat

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. Burnt Creek Loop is an existing collector roadway which has right-of-way included in the preliminary plat.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. There is an existing pedestrian trail within the Burnt Creek Loop right-of-way. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity has been met, and there are no cul-

de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control. In particular, a non-access line is shown along the east side of the proposed plat adjacent to Burnt Creek Loop.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer, with concurrence from the County Engineering, and the PCSMP will be approved prior to submittal of a final plat.

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal I6-a](#))

(continued)

Yes, with restrictions on development. A portion of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision is beyond two miles of the city limits and does not require an agreement with the South-Central Regional Water District.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

Yes. The proposed subdivision is outside of Bismarck city limits and will not be served by municipal services at this time.

Technical specifications required of the preliminary plat have been met (Section 14-09-07)

Yes. The proposed preliminary plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the major subdivision preliminary plat of Olive Tree Second Subdivision.

Attachments

1. Zoning and Plan Reference Map
2. Preliminary Plat

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

UN	Urban
	Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/URB	Mid/Long-Term

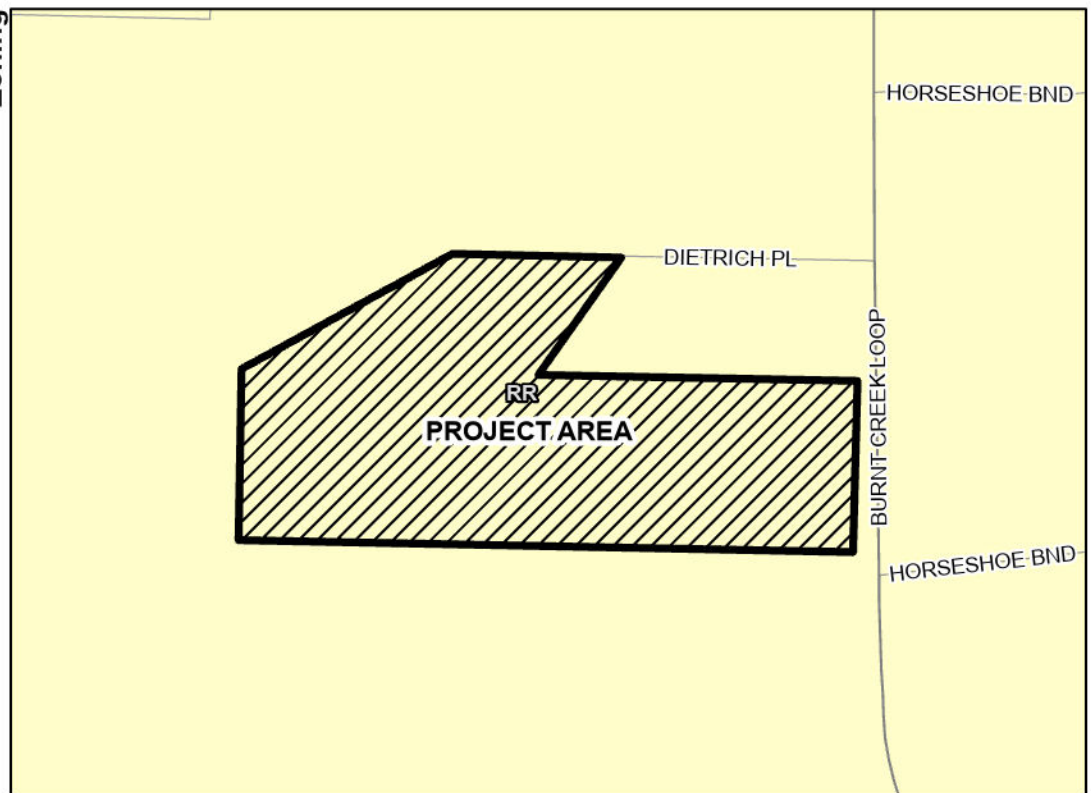
Active Mobility Plan

— Future Shared Trail

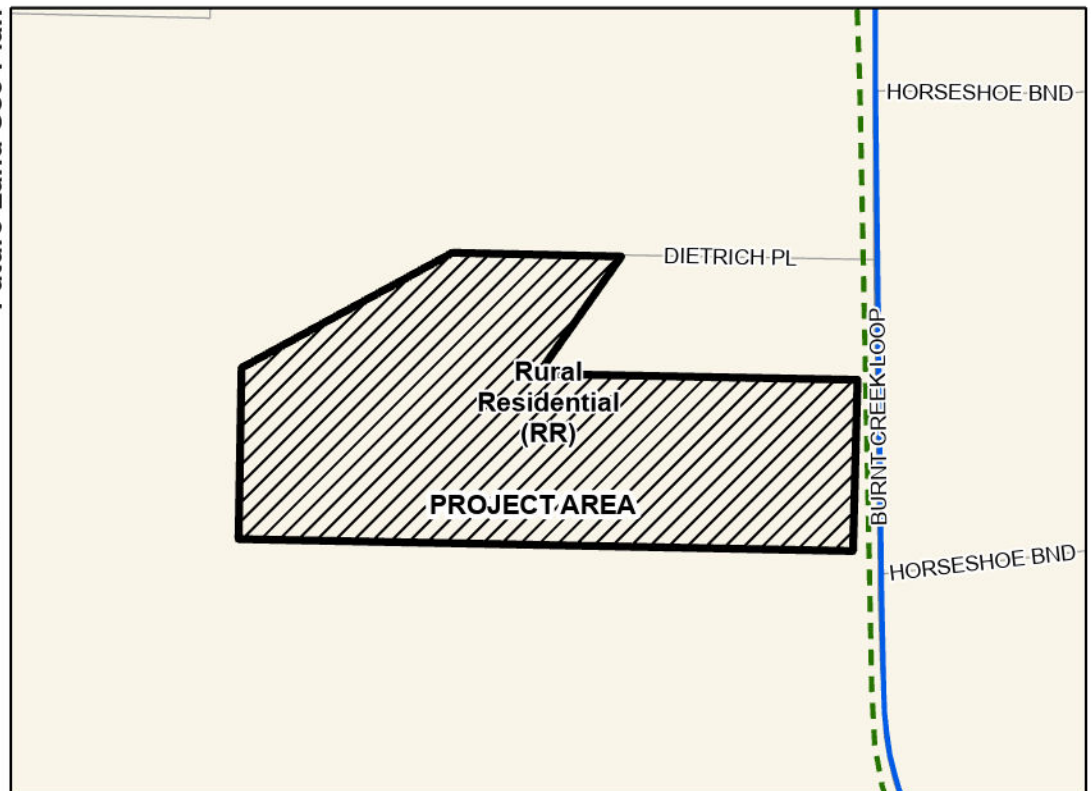
Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits

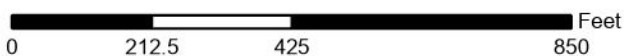
Zoning



Future Land Use Plan



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development
Planning Division
August 22, 2025

OLIVE TREE SECOND SUBDIVISION

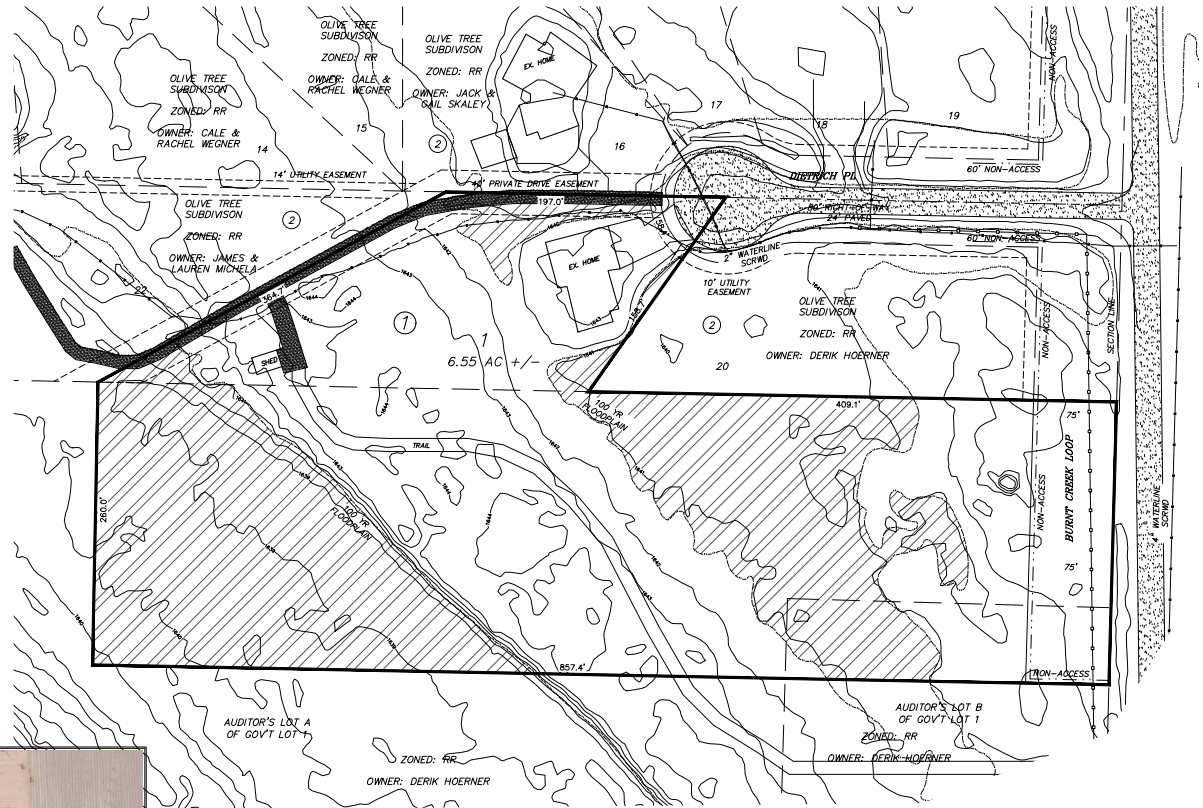
ALL OF LOT 21 BLOCK 2 OLIVE TREE SUBDIVISION & PART
OF AUDITOR'S LOTS A & B OF GOVERNMENT LOT 1 OF THE NORTH
1/2 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST
BURLEIGH COUNTY, NORTH DAKOTA

7.05 ACRES
EXISTING ZONING: RR
1 LOT 1 BLOCK

OWNER: DERIK HOERNER
ADDRESS: 5501 DIETRICH PL
BISMARCK, ND 58503

SURVEYOR: SWENSON HAGEN & CO
3002 AIRWAY AVE
BISMARCK, ND 58504

FLOODPLAIN INFORMATION
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER: 581050502E
DATED: JUNE 6, 2024
FLOOD PLAN ELEVATION: 1640.9 (NAVD 88)



LOCATION MAP



0 50' 100'
SCALE - 1" = 50'

VERTICAL DATUM: NAVD 88

JULY 24, 2025



SWENSON, HAGEN & COMPANY P.C.
3002 Airway Avenue
Bismarck, North Dakota 58504
dsh@swensonhagen.com
Phone: (701) 221-2000
Fax: (701) 221-2000
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

STAFF REPORT

Agenda Item # 3B

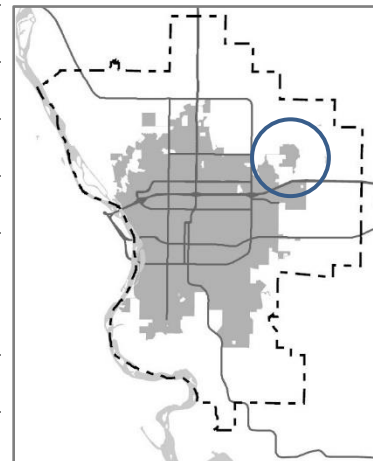
August 27, 2025

Application for: **Zoning Map Amendment**
Minor Plat

Project ID: **ZC2025-016**
MPLT2025-007

Project Summary

<i>Title:</i>	Silver Ranch Third Addition Third Replat
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Property Owner(s):</i>	Stoneshire Builders, LLC
<i>Project Contact:</i>	Tom Weigel, PLS, PE, Moore Engineering
<i>Project Location:</i>	In northeast Bismarck, in the northeast quadrant of the intersection of 43rd Avenue NE and Silbernagel Drive
<i>Project Size:</i>	3.65 acres
<i>Applicant Request:</i>	Replat and rezone to facilitate two- and three-family residential development
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	13 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Two- and three-family residential
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	No Change
<i>Zoning:</i>	RM20 – Residential	<i>Zoning:</i>	RM20 – Residential R10 – Residential
<i>Uses Allowed:</i>	RM20 – Multi-family residential	<i>Uses Allowed:</i>	RM20 – Multi-family residential R10 – Single and two-family residential
<i>Max Density:</i>	RM20 – 20 units / acre	<i>Max Density:</i>	RM20 – 20 units / acre R10 – 10 units / acre

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	10/2020
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	11/2020
<i>Neighborhood:</i>	Silver Ranch	<i>Annexed:</i>	10/2020

(continued)

Project Narrative

Stoneshire Builders, LLC requests approval of a zoning map amendment from the RM20 – Residential zoning district to the RM20 – Residential and R10 – Residential zoning districts and the minor subdivision final plat of Silver Ranch Third Addition Third Replat.

The minor subdivision final plat would change the property from the existing one lot in one block to 13 lots in one block, with Lots 1-3 on the north side maintaining their existing RM20 – Residential zoning district. The remaining Lots 4-13 are

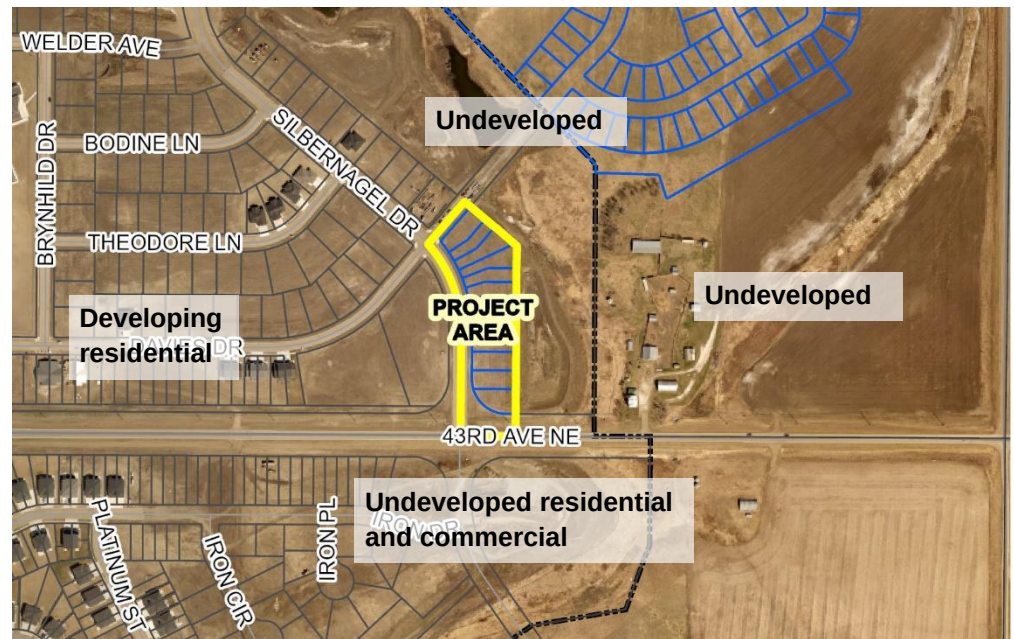
requested to change from the RM20 – Residential zoning district to the R10 – Residential zoning district. The applicant intends to use the plat and rezoning request to facilitate rowhouse-style residential development with two and three units.

The properties would be accessed via a private, named access easement which would connect to Davies Drive to the north and Silbernagel Drive approximately halfway along the north-south direction of the plat.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. Goals and objectives of this plan as they relate to zoning map amendments and minor subdivision final plats are referenced in review standards below.

The project area is located within the larger series of Silver Ranch developments. As such it is primarily bordered by other residential land that is

in the process of developing. There is some undeveloped, commercially zoned land to the south across 43rd Avenue NE, and to the east and north there is undeveloped land that serves as stormwater easements and open space.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

(continued)

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Neighborhood Mixed Use (NMU) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning districts would allow rowhouse-style residential units in two or three-unit buildings. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of RM20 – Residential was established in November of 2020, when the area was originally platted and annexed. Conditions have changed since this time. The City adopted its comprehensive plan, Together 2045, and Future Land Use Plan in December of 2022. The Future Land Use Plan continues to identify this area broadly as residential but offers a range of anticipated building types. The change in zoning districts would still fall within the current Future Land Use Plan designation.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance map amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

S6: Encourage a diversity of housing types to meet the variety of household needs in the community.

T3: Ensure that the variety and quality of housing is aligned with the needs of the community.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

(continued)

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Minor Subdivision Final Plat

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

The land that is requested to change from the RM20 – Residential zoning district to the R10 – Residential zoning district is to accommodate a minimum side yard setback of 6ft as compared to 10ft in the RM20 – Residential zoning district.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15](#), Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit

(PCSMP) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing will be scheduled for this request, and all requirements for notice of this hearing will be met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. The existing parcel is vested at a 2" meter capacity. Any additional utility capital charges as a result of the new lots, each with a ¾" capacity, would be factored into the new vesting and will be due prior to recordation of the plat.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

(continued)

Based on the above findings, staff recommends calling for a public hearing on the zoning map amendment from the RM30 – Residential zoning district to the RM30 – Residential and R10 – Residential zoning districts and the minor subdivision final plat of Silver Ranch Third Addition Third Replat.

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Final Plat
5. Original Plat with Replatted Area Highlighted

Attachments

Staff report prepared by: Isak Johnson, AICP, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM20 – Residential zoning district and included in the RM20 – Residential zoning district:

Lots 1-3, Block 1, Silver Ranch Third Addition Third Replat

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM20 – Residential zoning district and included in the R10 – Residential zoning district:

Lot 4-13, Block 1, Silver Ranch Third Addition Third Replat

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

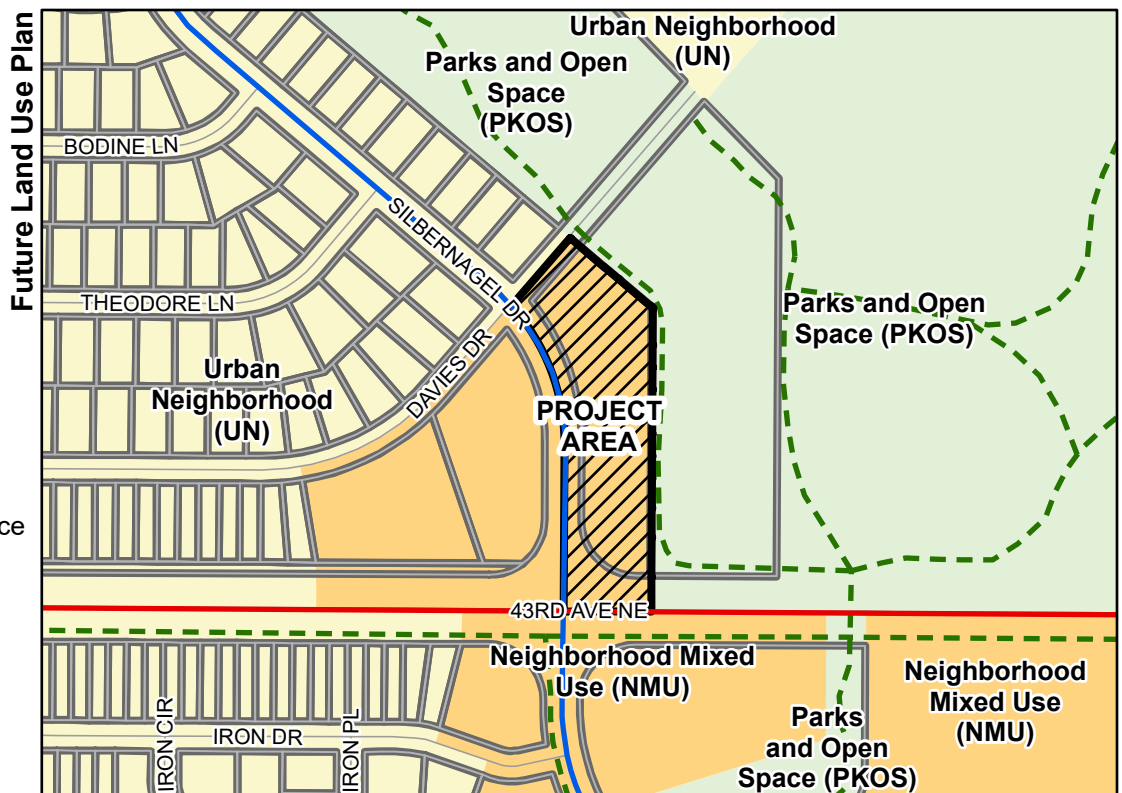
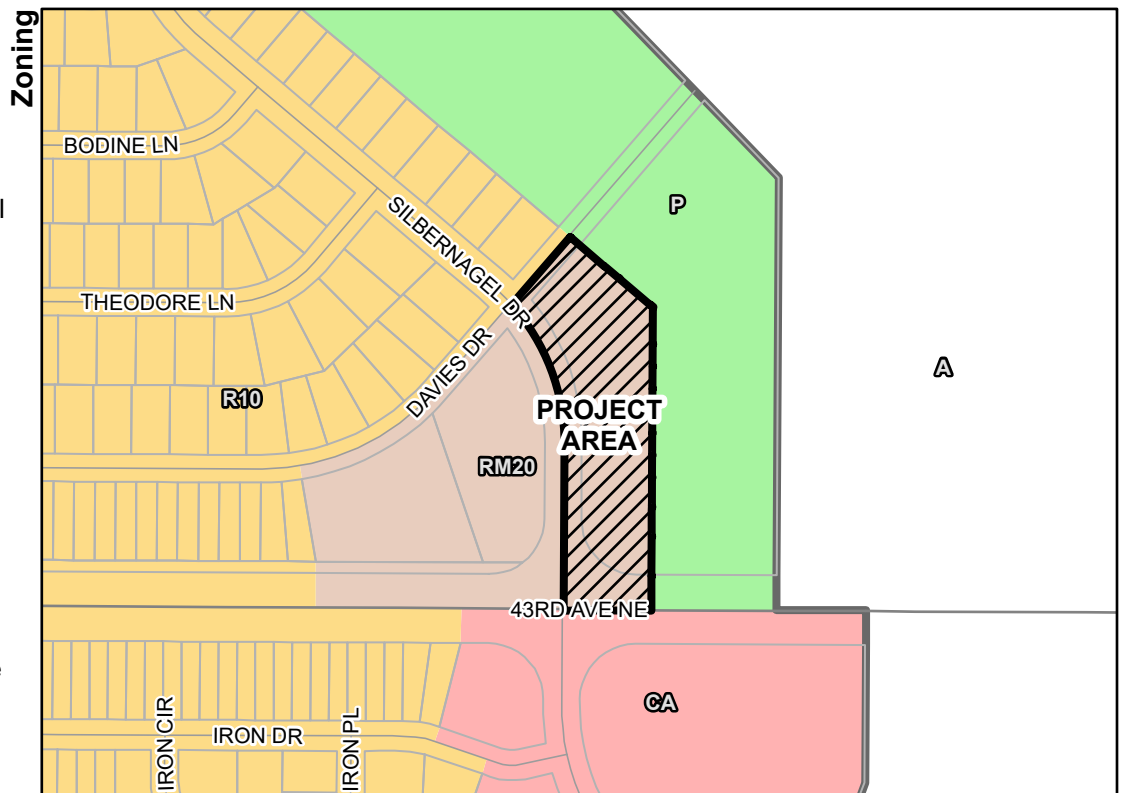
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate
—	City Limits



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 305 610 1,220 Feet



City of Bismarck
Community Development
Planning Division
July 31, 2025

Proposed New Zoning Map

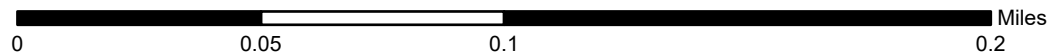
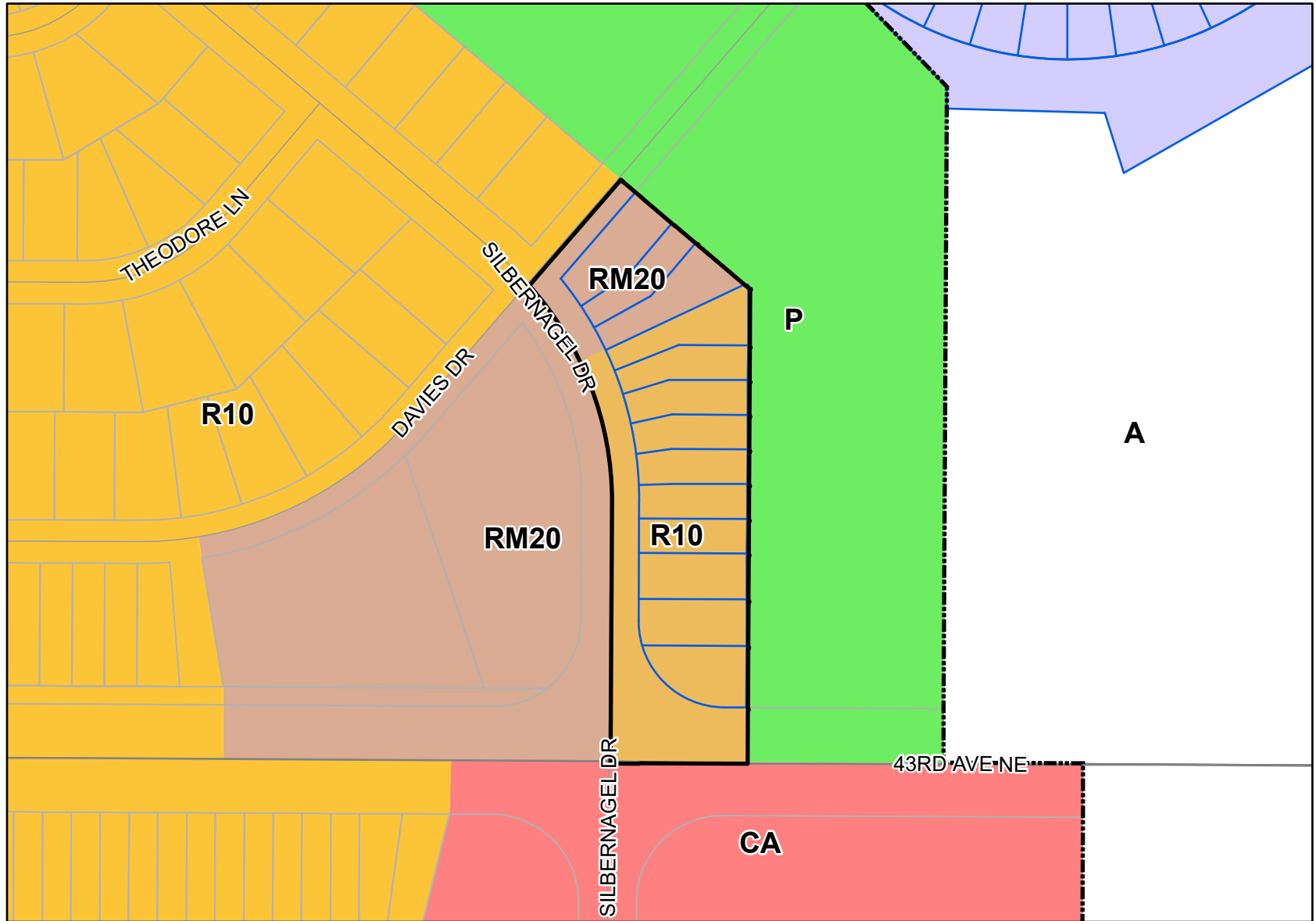
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

*A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district*



*This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.*



City of Bismarck
Community Development
Planning Division
August 19, 2025

PLAT OF
SILVER RANCH THIRD ADDITION THIRD REPLAT
A REPLAT OF ALL OF LOT 1, BLOCK 15 OF SILVER RANCH THIRD
ADDITION, THE SOUTHEASTERLY HALF OF DAVIES DRIVE, THE NORTHERLY HALF OF 43RD
AVENUE NE AND THE EASTERLY HALF OF SILBERNAGEL DRIVE, ALL ADJOINING SAID LOT 1
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18,
TOWNSHIP 139 NORTH, RANGE 79 WEST,
BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

A REPLAT OF ALL OF LOT 1, BLOCK 15 OF SILVER RANCH THIRD ADDITION, THE SOUTHEASTERLY HALF OF DAVIES DRIVE, THE NORTHERLY HALF OF 43RD AVENUE NE AND THE EASTERLY HALF OF SILBERNAGEL DRIVE, ALL ADJOINING SAID LOT 1, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF SAID SILBERNAGEL DRIVE AND 43RD AVENUE NE; THENCE NORTH 00 DEGREES 18 MINUTES 10 SECONDS EAST ON THE CENTERLINE OF SAID SILBERNAGEL DRIVE FOR A DISTANCE OF 360.25 FEET; THENCE NORTHWESTERLY 831.27 FEET ON SAID CENTERLINE ON THE ARC OF THE CURVE CONCAVE TO THE SOUTHWEST; SAID CURVE HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 42 DEGREES 30 MINUTES 44 SECONDS AND A CHORD LENGTH OF 323.84 FEET WHICH BEARS NORTH 20 DEGREES 47 MINUTES 12 SECONDS WEST TO THE CENTERLINE OF SAID DAVIES DRIVE; THENCE NORTH 40 DEGREES 52 MINUTES 29 SECONDS EAST ON SAID CENTERLINE OF SAID DAVIES DRIVE FOR A DISTANCE OF 184.89 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 1; THENCE NORTH 49 DEGREES 41 MINUTES 50 SECONDS EAST ON SAID NORTHEASTERLY LINE AND THE EXTENSION THEREOF FOR A DISTANCE OF 235.26 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 10 SECONDS WEST ON THE EAST LINE OF SAID LOT 1 FOR A DISTANCE OF 658.49 FEET TO THE CENTERLINE OF SAID 43RD AVENUE NE AND THE SOUTH LINE OF SAID SECTION 18; THENCE NORTH 89 DEGREES 41 MINUTES 42 SECONDS WEST ON SAID CENTERLINE AND SAID SOUTH LINE FOR A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 159.182 SQUARE FEET OR 3.65 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD, IF ANY.

AREA	SQUARE FEET	ACRES
LOTS	111,807	2.57
STREETS	47,375	1.09
TOTAL	159,182	3.65

CURVE	DELTA	RADIUS	LENGTH	CHORD	CH. BRG.
C1	42°10'44"	490.00	360.25	352.83	S19°18'36"E
C2	05°34'54"	490.00	47.69	47.67	S36°08'09"E
C3	04°05'37"	490.00	35.01	35.00	S31°18'03"E
C4	04°05'35"	490.00	35.00	35.00	S29°12'23"E
C5	03°37'55"	490.00	31.01	31.01	S23°20'55"E
C6	04°05'43"	490.00	35.02	35.02	S19°29'14"E
C7	04°58'41"	490.00	42.29	42.27	S14°58'02"E
C8	04°59'25"	490.00	42.68	42.66	S09°59'59"E
C9	05°08'42"	490.00	43.79	43.70	S04°58'58"E
C10	10°41'44"	490.00	23.05	23.05	S01°09'42"E
C11	89°59'52"	120.00	188.49	169.70	S44°41'46"E
C12	16°34'14"	120.00	14.71	14.58	S07°58'01"E
C13	73°25'58"	120.00	153.79	143.48	S52°28'53"E
C14	50°00'00"	280.00	244.35	236.67	S24°41'50"E
C15	50°00'00"	280.00	223.40	216.38	S24°41'50"E
C16	90°00'00"	28.00	43.98	39.60	S44°41'50"E
C17	90°00'00"	28.00	43.98	39.60	N45°18'10"E

SURVEYORS CERTIFICATE

I, JAMES ALBER, HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY MY KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

JAMES ALBER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 4730

DATE



PRELIMINARY

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF THE LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE ____ DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIR

ATTEST: BEN TRENTH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THIS PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE REDEVELOPMENT OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE ____ DAY OF _____, 20____.

MICHAEL J. SCHWARTZ - PRESIDENT

ATTEST: JASON TOMANER - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE AND DEDICATION

WE, STONESHIRE BUILDERS, LLC, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED SILVER RANCH THIRD ADDITION SECOND REPLAT, AND DEDICATE ALL RIGHTS OF WAY AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENT" TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATIONS AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER & DRAINAGE EASEMENT" TO RUN WITH THE LAND FOR THE FREE AND UNRESTRICTED FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

WE ALSO DEDICATE TO ALL LANDOWNING PARTIES ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENT" TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, AND FOR THE USE OF ANY GOVERNMENTAL, SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USE, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY OF BISMARCK SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY SERVICES AS SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE PROPERTY OWNERS IN THE SUBDIVISION.

WE ALSO DEDICATE TO ALL LANDOWNING PARTIES ALL PRIVATE EASEMENTS AS SHOWN ON THIS PLAT AS "PRIVATE SANITARY SEWER EASEMENT" TO RUN WITH THE LAND FOR THE USE BY ALL LAND-OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR SANITARY SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

BRIAN EISEMAN
PRESIDENT
STONESHIRE BUILDERS, LLC

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ON THIS ____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED BRIAN EISEMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THAT HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA

OWNER
STONESHIRE BUILDERS
BRIAN EISEMAN
PO BOX 746
BISMARCK, ND 58502
701-471-6935

SURVEYOR
JIM ALBER
4503 COLMAN STREET
BISMARCK, ND 58501
701-663-0718

SHEET 1 OF 1
PROJ. NO. 30254

PRELIMINARY

SILVER RANCH THIRD ADDITION
 BEING AUDITOR'S LOTS A, B, C, D, E, & F OF THE SOUTH 1/2
 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
 BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOVEMBER 4, 2020

AREA DATA	
LOTS 1-22	138.99 ACRES
STREETS 122ND ST NE, 43RD AVE NE	36.41 ACRES
TOTAL	175.40 ACRES

AREA DATA	
SW 1/4 18	175.40 ACRES
SW 1/4 18	175.40 ACRES
SW 1/4 18	175.40 ACRES

NOTES

BASIS OF BEARING:
 NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
 CITY ORDINANCE

COORDINATE DATUM:
 NORTH DAKOTA STATE PLANE COORDINATE
 SYSTEM
 NAD 83 SOUTH ZONE
 ADJUSTMENT OF 1986
 UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
 PREVIOUS PLATS DUE TO DIFFERENT METHODS
 OF MEASUREMENTS.

VERTICAL BENCHMARK:
 HYD 2230, ELEV. 1864.85 (NOV. 29)
 ROOSEVELT DRIVE & 43RD AVE

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	TANGENT
C1	146.81'	350.00'	24°00'00"	74.39'
C2	173.56'	600.00'	16°34'25"	87.39'
C3	69.81'	400.00'	10°00'00"	35.00'
C4	52.36'	300.00'	10°00'00"	26.25'
C5	153.17'	80.00'	109°41'50"	113.61'
C6	50.77'	300.00'	9°41'50"	25.45'
C7	243.61'	500.00'	27°54'58"	124.21'
C8	84.52'	800.00'	6°03'11"	42.30'
C9	544.54'	1300.00'	24°00'00"	276.32'
C10	68.84'	600.00'	6°34'25"	34.46'
C11	431.34'	500.00'	49°25'41"	230.12'
C12	392.70'	450.00'	50°00'00"	209.84'
C13	218.17'	250.00'	50°00'00"	116.58'
C14	174.53'	200.00'	50°00'00"	93.28'
C15	419.32'	400.00'	60°03'45"	231.23'
C16	202.38'	400.00'	28°59'18"	103.40'
C17	101.04'	400.00'	14°28'22"	50.79'
C18	105.37'	600.00'	10°03'45"	52.82'

DESCRIPTION

BEING AUDITOR'S LOTS A, B, C, D, E, & F OF THE SOUTH 1/2 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTH 00 DEGREES 36 MINUTES 32 SECONDS EAST, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 18, A DISTANCE OF 1553.50 FEET TO THE BOUNDARY OF CW ACRES; THENCE SOUTH 89 DEGREES 51 MINUTES 57 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 864.37 FEET; THENCE NORTH 00 DEGREES 39 MINUTES 17 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 535.80 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 18, A DISTANCE OF 2008.52 FEET; THENCE SOUTH 44 DEGREES 09 MINUTES 30 SECONDS EAST, A DISTANCE OF 1602.97 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 10 SECONDS WEST, A DISTANCE OF 938.57 FEET TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 18; THENCE NORTH 89 DEGREES 41 MINUTES 42 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1224.12 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 18, A DISTANCE OF 2580.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 138.99 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON OCTOBER 16, 2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.



SWENSON, HAGEN & CO. P.C.
 909 BASH AVENUE
 BISMARCK, NORTH DAKOTA
 58504

Terry Balzer
 TERRY BALZER
 PROFESSIONAL LAND SURVEYOR
 N.D. REGISTRATION NO. 55804

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 13th DAY OF September, 2020, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF, ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

Michael J. Schwartz
 MICHAEL J. SCHWARTZ CHAIRMAN

ATTEST
 BEN EHRHART - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN IMPROVEMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 21st DAY OF October, 2020.

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHILL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SILVER RANCH THIRD ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

Gabriel J. Schill
 GABRIEL J. SCHILL
 CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT INVESTOR, INC., AND SILVER RANCH 18, L.L.P., BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SILVER RANCH THIRD ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREOF FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)

Chad Wacker
 CHAD WACKER
 INVESTOR, INC.

CHAD WACKER, ALL LOTS EXCEPT LOT 26, BLOCK 8, LOT 26, BLOCK 14, LOT 26, BLOCK 15

ON THIS 5th DAY OF November, 2020, BEFORE ME PERSONALLY APPEARED CHAD WACKER OF INVESTOR, INC., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)

LANDON NIEMILLER
 Landon Niemiller
 Notary Public
 My Commission Expires Mar 23, 2025

NOTARY PUBLIC
 LANDON NIEMILLER
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES 3-23-25

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)

Donna Fuchs
 DONNA FUCHS
 SILVER RANCH 18, L.L.P.
 CHAD WACKER, LOT 26, BLOCK 8, LOT 26, BLOCK 14, LOT 26, BLOCK 15

ON THIS 5th DAY OF November, 2020, BEFORE ME PERSONALLY APPEARED CHAD WACKER OF INVESTOR, INC., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

LANDON NIEMILLER
 Landon Niemiller
 Notary Public
 My Commission Expires Mar 23, 2025

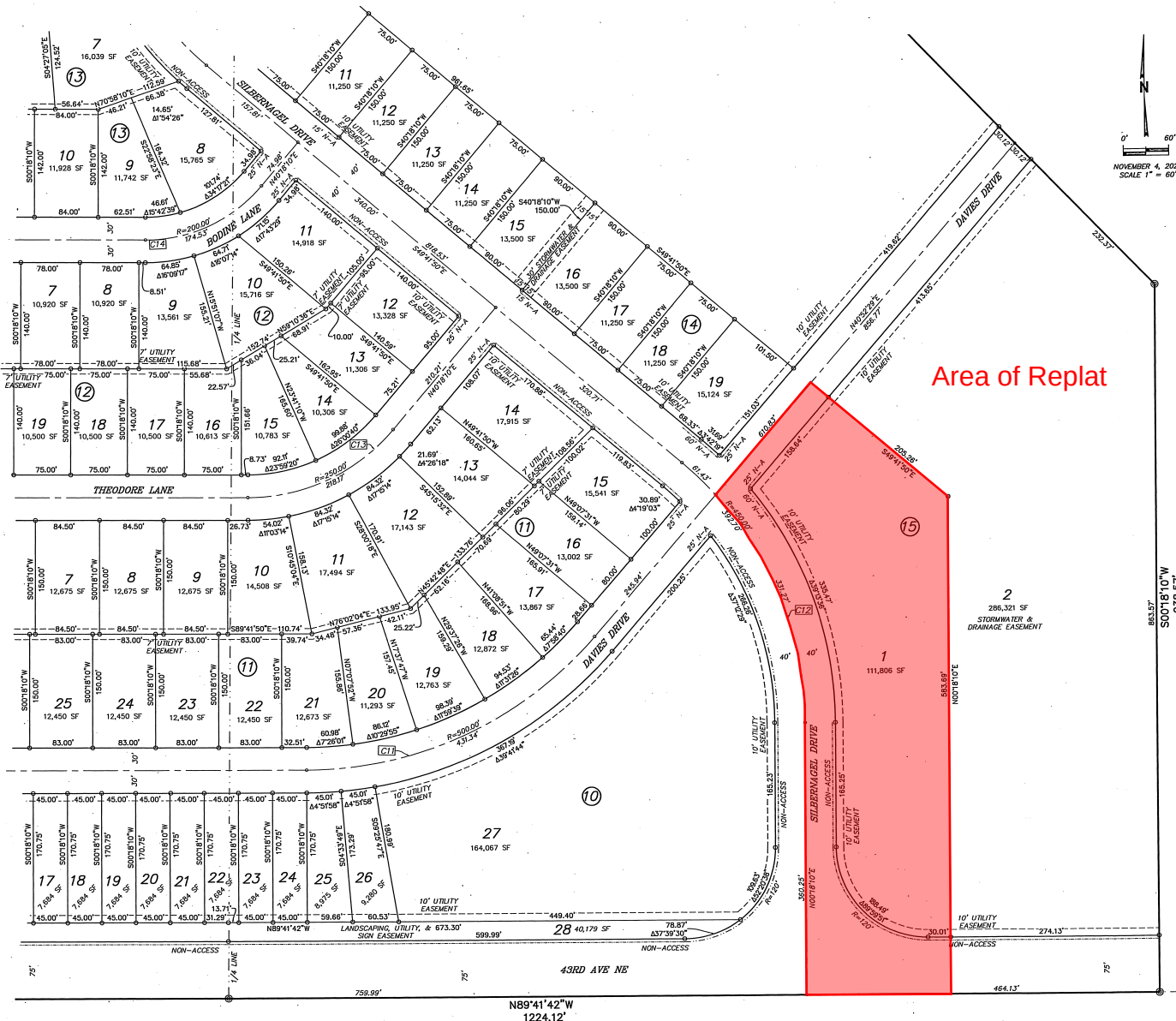
NOTARY PUBLIC
 LANDON NIEMILLER
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES 3-23-25

SWENSON, HAGEN & COMPANY P.C.
 909 Bash Avenue
 Bismarck, North Dakota 58504
 701.223-2900
 701.223-2900
 701.223-2900



SWENSON, HAGEN & COMPANY P.C.
 909 Bash Avenue
 Bismarck, North Dakota 58504
 701.223-2900
 701.223-2900
 701.223-2900

SILVER RANCH THIRD ADDITION BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/2 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN **BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA**



N
 0' 60'
 NOVEMBER 4, 2020
 SCALE 1" = 60'

SE 1/4
 139-79-18

Area of Replat

SILVER RANCH
 FIRST ADDITION
 FIRST REPLAT

UNPLATTED
 SECTION 19
 TOWNSHIP 139 N.
 RANGE 80 W.



SWENSON, HAGEN & COMPANY P.C.

500 Bodo Avenue
 Bismarck, North Dakota 58504
shc@swensonhagen.com
 Phone (701) 223-2600
 Fax (701) 223-2605

STAFF REPORT

Agenda Item # 3C

August 27, 2025

Application for: **Zoning Ordinance Text
Amendment**

Project ID: **ZOTA2025-004**

Project Summary

<i>Title:</i>	Short-Term Rentals
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Project Contact:</i>	Lauren Oster, Planner
<i>Request:</i>	Amend Sections 14-02-03 and 14-03-06 to allow short-term rentals as a use on residential property
<i>Staff Recommendation:</i>	Call for public hearing

Project Narrative

The Community Development Department requests approval of a zoning ordinance text amendment to Sections 14-02-03 and 14-03-06 of the City Code of Ordinances to allow short-term rentals as a use on residential properties within the city limits and the extraterritorial area.

Background

The topic of short-term rentals was brought up through the current Land Development Code process by members of the steering committee and was identified as a specific area of interest from members within the community. Due to this interest, staff thought it best to have a separate zoning ordinance text amendment for this self-contained topic rather than combining it with the full Land Development Code.

Staff brought this to the Bismarck Planning and Zoning Commission on April 23, 2025, and asked for direction. The Bismarck Planning and Zoning Commission directed Community Development staff to prepare a zoning ordinance text amendment for short-term rentals.

Sources of Information

Planning staff reviewed short-term regulations from peer communities and zoning practice publications from the American Planning Association and the National League of Cities. Additionally, host information from common short-term rental platforms that operate within North Dakota was reviewed by staff.

Tax requirements for short-term rentals were also reviewed as part of this process; however, no requirements for this were included in the draft ordinance as that does not fall within the purview of zoning. The rental of accommodation at lodging facilities, like short-term rentals, for less than 30 days are subject to sales and use tax. Short-term rental platforms operating in North Dakota that meet certain criteria may be considered marketplace facilitators and would be required to collect and remit sales and use tax. However, if a short-term rental platform is not considered a marketplace facilitator and does not collect and remit sales and use tax on behalf of the host, the host would be required to collect and remit those taxes themselves.

Staff reviewed short-term rental postings on two of the more common short-term rental platforms, Vrbo and Airbnb. Staff did not include any specific

(continued)

dates when looking at how many short-term rental postings were available on each of these platforms, but did include the same number of occupants (2 adults). Vrbo had identified 38 property postings and Airbnb had identified 123. However, some of these may be duplicates, posting by hotels/motels, or even located in Mandan due to the close geographical proximity of the two cities. The identified numbers above are provided only as a reference and are not meant to be representative of the actual number of short-term rentals in the community.

A stakeholder group, including representatives from the Bismarck Planning and Zoning Commission, Bismarck-Mandan Convention and Visitors Bureau, Bismarck Mandan Chamber EDC, the Downtowners, short-term rental owners, and City staff from the Public Health Department, Assessing Division, and Building Inspections Division, was created to help draft the ordinance. The group met twice between May and July to review requirements from peer communities and identify how short-term rentals function within the Bismarck.

The group focused on drafting an ordinance to allow short-term rentals as a use on residential properties within residential, commercial, health-medical, and downtown districts.

Proposed Changes

The proposed amendments include the following:

- Definition of short-term rental.
- Residential appearance must be maintained.
- Only structures classified as permanent residential units can be used as a short-term rental.
- Noise and parking requirements for residential units apply.

- International Building Code requirements would be met.

Staff noted that short-term rentals would be classified under the R-3 occupancy classification of the International Building Code.

Public Engagement

An online survey promoted through the City's website and social media accounts was held between July 15 and August 7, 2025, and 74 responses were received. Survey results related to short-term rental use and awareness are summarized in the attached survey report. Of the 70 responses, residents felt more in favor of short-term rentals in their neighborhoods than not. However, additional survey comments identified polarized sentiments for either extensive regulations or no regulations at all.

Standard public engagement for the proposed zoning ordinance text amendment will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

(continued)

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

Objective S9(c) states:

“Review and develop reasonable policies to guide informal or temporary activities, such as food trucks, short-term rentals, and home occupations to encourage entrepreneurship while protecting the public interest.”

The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance ([Goal S9-e](#), [G10-g](#))

Yes. Portions of this section of the zoning ordinance were previously adopted in 2024 related to home occupations. Conditions have changed since this time period, which justify the proposed revision. The development of Bismarck's Land Development Code is currently underway. The Bismarck Planning and Zoning Commission, at their meeting on April 23, 2025, directed staff to pursue short-term rentals as a separate zoning ordinance text amendment rather than grouping it into the overall Land Development Code process.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning text amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

The proposed text amendment will preserve the overall integrity and coherence of the zoning ordinance ([Goal G10](#))

Yes. All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected, as needed.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The zoning ordinance text amendment has been initiated by staff from the Community Development Department, on behalf of the Planning and Zoning Commission. A preliminary draft is attached to this report for consideration by the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning text amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning text amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing on a zoning ordinance text amendment to Sections 14-02-03 and 14-03-06 to allow short-term rentals as a use on residential properties.

Attachments

1. Draft Zoning Ordinance Text Amendment
2. Survey Report

(continued)

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____
Second Reading _____
Final Passage and Adoption _____
Publication Date _____

AN ORDINANCE TO AMEND 14-02-03 AND 14-03-06 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING SHORT TERM RENTALS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Amend. 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions, is hereby enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Short-Term Rental: A residential dwelling unit or any portion thereof which is rented by or on behalf of the owner to the public for compensation for temporary occupancy for a period of less than thirty (30) consecutive days. Short-term rentals do not constitute a long term residence for a guest(s).

* * * * *

(Ord. 4165, 07-21-87; Ord. 4424, 03-31-92; Ord. 4486, 04-27-93; Ord. 4529, 07-06-93; Ord. 4564, 11-23-93; Ord. 4631, 08-30-94; Ord. 4735, 11-14-95; Ord. 4756, 05-14-96; Ord. 4828, 03-25-97; Ord. 4880, 12-30-97; Ord. 4912, 07-14-98; Ord. 4936, 09-08-98; Ord. 5122, 07-10-01; Ord. 5139, 11-13-01; Ord. 5163, 04-09-02; Ord. 5228, 01-28-03; Ord. 5278, 09-23-03; Ord. 5287, 12-16-03; Ord. 5365, 10-26-04; Ord. 5468, 10-25-05; Ord. 5527, 06-27-06; Ord. 5528, 06-27-06; Ord. 5540, 08-22-06; Ord. 5584, 03-27-07; Ord. 5599, 04-24-07; Ord. 5678, 07-22-08; Ord. 5689, 08-26-08; Ord. 5719, 05-12-09; Ord. 5728, 05-26-09; Ord. 5764, 01-12-10; Ord. 5811, 03-22-11; Ord. 5859, 01-24-12; Ord. 5887, 05-22-12; Ord. 5958, 03-26-13; Ord. 6020, 11-26-13; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6050, 05-27-14; Ord. 6118, 05-12-15; Ord. 6172, 10-27-15; Ord. 6190, 03-08-16; Ord. 6203, 05-24-16; Ord. 6218, 07-26-16; Ord. 6310, 02-27-18; Ord. 6311, 02-27-18; Ord. 6424, 06-12-20; Ord. 6423, 07-25-20; Ord. 6456, 03-29-21;

Ord. 6505, 06-01-22, Ord. 6513, 08-03-22; Ord. 6570, 02-05-24; Ord. 6579, 06-29-24;
Ord. 6583, 10-30-24; Ord XXXX, [DATE]]

Section 2. Amend. 14-03-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Incidental Uses, is hereby enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

* * * * *

7. Short-Term Rental. A short-term rental is permitted as an accessory use on any residential property in any district, subject to the following provisions:
- a. Residential units utilized for a short-term rental shall not be altered in a way that changes their general residential appearance.
 - b. A short-term rental may be allowed in an accessory dwelling unit.
 - c. A recreational vehicle or other vehicle or structure not classified as a permanent residential dwelling unit may not be used as a short-term rental.
 - d. Short-term rentals are subject to parking requirements in accordance with Section 14-03-10 (Off-Street Parking and Loading) of the City Code of Ordinances.
 - e. No noise, odor, vibration, or electrical interference associated with the short-term rental beyond what is typically permitted for residential uses is restricted in accordance with Chapter 8-10 (Noises) of the City Code of Ordinances.
 - f. Requirements of the International Building Code (IBC) would be met, as applicable.

* * * * *

(Ord. 4235, 1-17-89; Ord. 4327, 4-24-90 & 5-01-90; Ord. 4341, 9-11&18-90; Ord. 4529, 07-06-93; Ord. 4634, 09-27-94; Ord. 4772, 06-25-96; Ord. 4880, 12-30-97; Ord. 5237, 02-25-03; Ord. 5372, 11-23-04; Ord. 5447, 07-26-05; Ord. 5468, 10-25-05; Ord. 5528, 06-27-06; Ord. 5728, 05-26-09; Ord. 5902, 06-26-12; Ord. 6028, 01-28-14; Ord. 6109, 03-24-15; Ord. 6203, 05-24-16; Ord. 6234, 10-25-16; Ord. 6235, 10-25-16; Ord. 6278,

08-22-17; Ord. 6283, 09-26-17; Ord. 6423, 07-25-20; Ord. 6570, 02-05-24; Ord. 6579, 06-29-24; Ord. 6583, 10-30-24; Ord XXXX, [DATE])

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

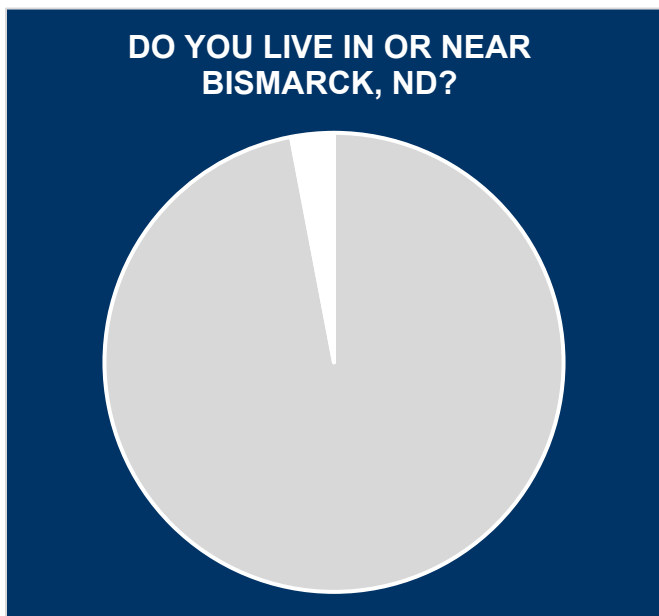
Short-term Rentals

Public Survey Results

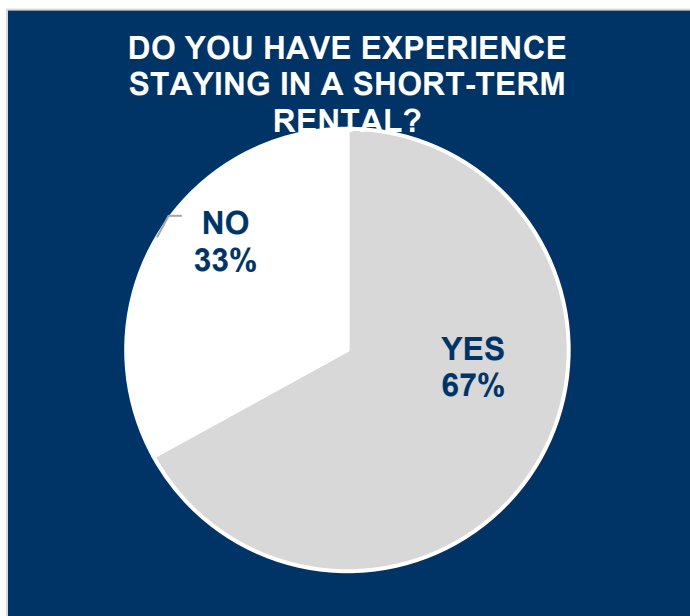
August 8, 2025

An online survey was held between July 15, 2025, and August 7, 2025, to inform a zoning ordinance text amendment on short-term rentals. The survey was promoted through the official Bismarck website and social media accounts with no direct solicitation to any individuals. A total of 74 responses were received. The following is a summary of responses and complete text of suggestions from the public.

Questions posed to all:



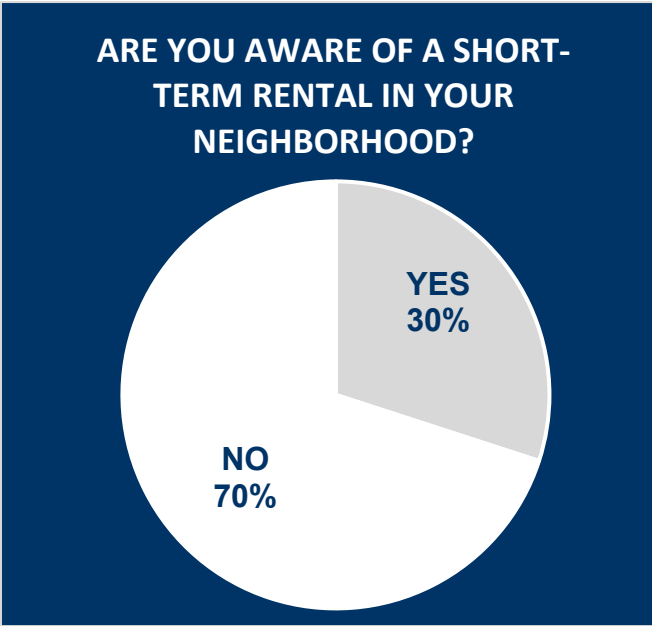
Responses: 74



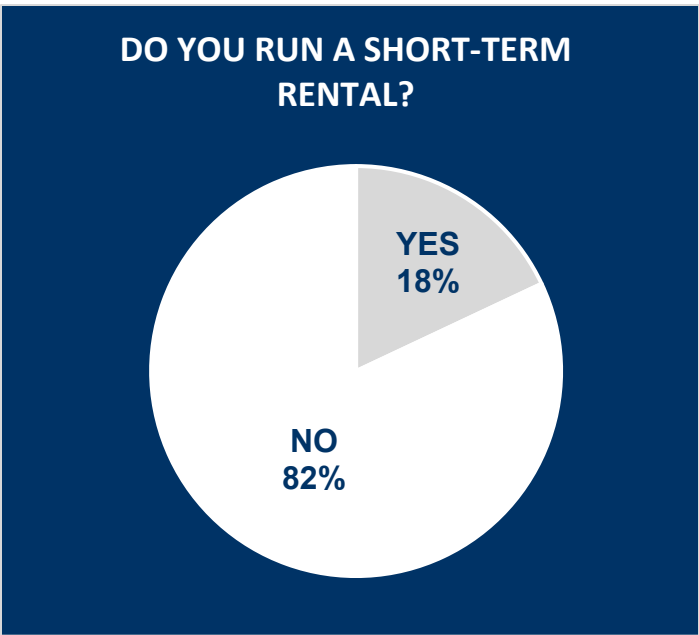
Responses: 73

Additional questions were posed to the 72 respondents (97%) who answered 'yes' to the question "Do you live in or near Bismarck, ND?". These responses are summarized on the next page.

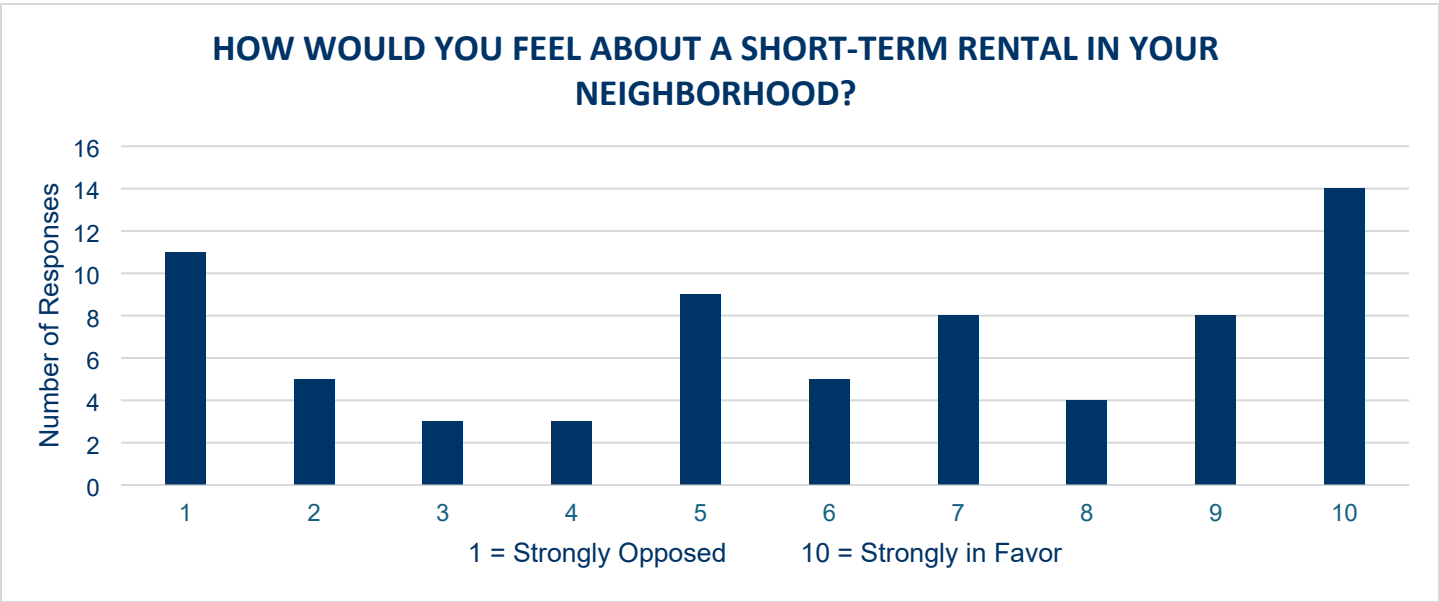
Additional questions posed:



Responses: 71



Responses: 72



Responses: 70

The remainder of this report contains the full text of all comments left on the survey for two separate questions. These questions were posed to all respondents. Comments are lightly edited for legibility, including removal of profanity and changing caps to sentence case. Comments are ordered by time of submittal.

WHAT IS YOUR EXPERIENCE WITH SHORT-TERM RENTALS?

Responses: 54

It's operating a business out of your home, like a daycare or any other business that has people coming and going. I'd hope that guests would be expected to be respectful and responsible, the same as we want from other neighbors. The owners should pay business taxes, too. Nothing "under the table."

I have not utilized one as I was not aware Bismarck even had them. It would be nice to have access to something like that when selling/buying a home if there is a long window before moving into a new home.

I think they are great! I use them when on vacation!! People should be allowed to rent their property, short term or long term, to whomever they want. I don't understand why an ordinance would be needed!!

Many people have been evicted for change to medical short term. Interrupts relationship of neighbors. Tendency to become trashy.

Those that I've stayed in are clean, well maintained, and well managed. If they were not, they would likely not be as successful as short term rentals due to the rating systems in place. There are horror stories and "bad eggs". However, the same can be said for any

tenant/landlord/neighbor/human being.

They are convenient, private, and affordable.

We own a cabin in SD that we use as a VRBO/Airbnb through an established property management company. Our HOA here in Bismarck (Southport) doesn't allow renting but if it did, I wouldn't be opposed to it.

Great experiences - felt part of the community and connected rather than hotels, which I also use often.

We've always had a good experiences, staying in term rentals and living near one.

All have been positive experiences. We run a short term rental in our neighborhood and have had no issues but also live near multiple and have had never had an issue with tenants. Everyone in our neighborhood who run theirs are very respectful.

They're nice to have access to when visiting a community. Generally, they offer a level of convenience and amenities that a hotel typically doesn't. It's also typically much easier to communicate with Hosts than with hotels, expressing needs and other things. But when

using the apps to book, there seems to always be hidden fees that take the price well beyond the advertised price. Cleaning fees and other kinds of fees that go to the Host. This is frustrating. I also don't like when a company owns several SFH's in a community. I fear this hurts the housing market.

I think it would be ok as long as it didn't cause a disruption to the neighborhood and the people were vetted so it didn't bring crime to a part of town that doesn't have a lot of crime. I'd rather not have 47 vehicles for one house parked all over the place but maybe that can also be worked out.

I have rented them on vacation. I like handover that alternative.

Short term rentals fill a huge need in our communities. Especially when dying hotels aren't able or willing to make the necessary changes to make their properties appealing to workers and travelers coming to our community.

None.

Good lodging option. Can increase prices in housing markets.

They can be very beneficial for when large events come to Bismarck.

Very good experience.

Awful

We own one in another city. And we've stayed in many in different cities. We like having our own kitchen. And more space for the family to spread out at the end of the day. You can take a better vacation when you're not spending all your money on a hotel and restaurant food, instead spending it on a short term rental, where you can cook your own breakfast and lunch and then go out for dinner.

1. brings down the value of the neighborhood
2. undermines the sense of community in a neighborhood
3. removes affordable housing (in short supply already) from the market. I know people/families who have been evicted because their rental home was changed to medical Airbnb.

I've not lived in one, but there are four that I know of on my street. The yards are not kept, snow isn't shoveled. They have cars that they've tried to park in front of neighboring homes. They've been stopped by the neighbors, because the cars stay longer than the city allows (over 48 hours or more). It's not something anyone should have to ask them to do, and asking police to do it means the complainer will be known to the renter. So, then the cars are parked on the lawns of renters.

very positive

I have had great experiences staying at short term rentals during travel for 10+ years.

Only short term rentals I'm aware of are incredibly expensive & in deplorable condition. There's also a lot of crime in those areas & it feels like the landlords/owners just allow it.

Not noticeable. Nothing bad.

I've owned one in a previous city, and I occasionally stay in them when I travel.

Short term rentals have been great for our family traveling. Allows a more affordable option and everyone can stay under one roof.

I have had great experience with short-term rentals. They provide a great option for housing when buying or renting long term isn't possible or warranted.

I enjoy the flexibility, appreciate having more space as a family of 5 who often travel with our extended family.

I like the idea of having more options in our area. We haven't rented a hotel room in years and always stay at homes that are short term rentals when traveling or visiting friends or family.

Wonderful! I have had a great experience with them and never heard of any issues with short-term rentals in Bismarck.

Ben a decent alternative to a hotel.

Very good family vacations in short term rentals.

I think if they are owned by local residents that it's not an issue. The problem is how our city keeps letting private equity firms and large out of state companies buy up our housing market and let it sit empty or don't take care of them.

Sometimes you get nice in them and other times you get drug dealers. It's kind of Russian roulette who is your neighbor.

Great. Love the space for my family of 6. Most hotels are unable to accommodate more than 4 to a room. This can be costly for us and limit travel options.

We have stayed in Airbnb or VRBO homes many times, as this is a great option for a larger family traveling. We have never had any negative interactions with neighbors or received any indication that the short-term rental was a detriment to the community. Although I have never stayed in one in Bismarck, since we have our own home here, long-term.

I personally haven't really used them. If I wanted to do laundry and scrub counters on vacation while paying a fee, I don't think I'd feel quite like it was a vacation.

I love the opportunity to stay in them as I travel.

Needed and well run.

N/A

Short term rentals have been a great experience so far. When I'm out of town I've used them, and I know that people from out of town working here love to utilize these facilities as it is more of a home away from home instead of being cooped up in an expensive hotel.

On average quite good.

I manage 4 short-term rentals in town including half of my duplex. I usually stay in STR's because I can cook, be closer to transportation, and save some money depending on where and when. We manage STRs near the hospital and refinery to provide lodging for traveling nurses and contractors.

Mainly used while traveling. If it's not a hotel, we usually use short rentals in big groups.

Frequent user of SRT

Pretty bad experience. This is what's wrong with our housing market. Kill short term renting

Very nice for people doing construction that are from out of town

We stay at them when we travel. I would rather stay there than hotels.

I think they are a great solution to people staying in the area to

visit for a short period of time or as an option for family's that have sold a home and are waiting to move into a new one.

I've always have had a good experience staying at short term rentals.

I lived in many short term rentals when traveling for work & am thankful platforms like Airbnb & VRBO regulate hosts well to be a more secure booking site vs the old newspaper classifieds, Craigslist, or Bismar online/ local sites which I had to rely on in the early days. Short-term rentals have always been around these companies just opened up more opportunities for everyday people (not just the wealthy) to access some extra cash flow from people needing a place to stay. While I feel lucky to have them, I also wouldn't want them all around my neighborhood. That is also why I bought in the neighborhood I did though, to help keep that to a minimum. I also manage my father's duplex in an older part of town through Airbnb & that (already taxed) income is what has allowed us to hire help to keep him in his home. It's also an area full of renters & has no impact on home values or safety being short vs. long term. At the end of the day, it's the landlord/ management that matters most.

Stayed at one for vacation.

IS THERE ANYTHING YOU'D LIKE TO TELL US ABOUT REGULATING SHORT-TERM RENTALS IN BISMARCK?

Responses: 48

No regulations on short term rentals please.

I think this would be a good thing.

People who own property can rent to whomever they want to. Be at short-term or long-term. I'm not sure why there needs to be a city ordinance for that. Seems like government overreached to me.

Tougher regulation of businesses (i.e., Sanford) and landlords
City leadership for affordable housing

Please don't. This seems like an over-reach. Is this a reaction to something specific?
Regulations need enforcement, which is easier said than done. This is going to open the door to NIMBYism, enforcement issues, and inconsistency. Please don't fix an issue that doesn't exist. Thanks for the opportunity to comment.

What's worked well for us is having a higher deposit that's refundable if there's no damage/issues, neighborhood quiet times and minimum stay requirements (this prevents the one time parties) ...we do a 3 night minimum and so doesn't everyone else in our SD neighborhood.

I think they should be open and available. They are great for

attracting talent and letting them stay here - then deciding to live long term.

They should have the lodging tax imposed and follow the rules of hotels for any stay less than a month.

One or two str in my neighborhood probably wouldn't bother me, but if there were more than that I would worry that the neighborhood would lose that community feel. Other thing that worries me is are these replacing affordable housing? I think we need a way to ensure we aren't giving up affordable housing in place of str. Do we have a need for additional hotel accommodations?

Absolutely do not make it harder for these short term rental people to run their operations they are filling a huge need in Bismarck and don't need to deal with any additional issues

Keep them clean, inside & out. Are the renters upstanding citizens.

Needs to be regulated-we have a parade of people coming and going loud parties, underage drinking no adequate parking so they street park

I do believe short term rentals need to be permitted. And I believe they need to follow

certain rules, such as quiet hours, noise, detecting equipment, occupancy restrictions, according to fire code, using on-site parking only, not filling up the street. With our short term rental, we had to send out notices to homeowners within our area And they had a certain amount of time to protest our request.

Personally, I live in Horizon Heights and there are so many children within this neighborhood who have a reasonable expectation of playing safely outside. Allowing VRBOs dilutes that expectation of safety for families with children. Otherwise, I have no problem with VRBOs.

Impact on already short supply of affordable housing, the rapidity with which this is happening 'before any regulations get put in'

The people are not going to spend the time or money to keep a rented space looking nice. They haven't the means nor do they care.

Ensure that there are safeguards in place to prevent short term rentals from degrading the neighborhood quality and property values.

I think it would be a great option for people in transition. As long as the rental rates

weren't high, it was regulated & there was a police presence.

I don't think they need regulation. They are like long term rentals with better tenants. It's good for our economy to allow it without regulation so investors compete, and the travelers get fair prices and want to come here. I launched my short-term rental business in Fort Collins, Colorado, where STR properties are highly regulated and require both licensing and regular inspections. As the owner of several short-term rentals, I fully understand and appreciate the value they bring to our communities. At the same time, I recognize the importance of having thoughtful regulations in place to ensure responsible operation and a balanced impact on the local housing market and neighborhoods.

My only complaint is that the neighbor will often have construction workers stay and they park their commercial work trailers in front of my house every night and over the weekend. They might stay for 1-2 weeks. It is a duplex, so they already have multiple vehicles parked on the street. Perhaps each short term rental should be required to have at least one off street parking spot designated for guests although that would not solve the problem of large trailers in front of my house. I do think short term rentals are good for Bismarck residents as a whole

as they provide additional income for residents. It is a great way to become a first time landlord and build wealth. However, they are a nuisance to nearby neighbors in this case.

Hotels are not always the best or most affordable option for all travelers. Short-term rentals offer a more budget-friendly and diverse range of accommodations, especially for families, medical travelers, or those relocating to Bismarck and needing temporary housing. With the rise in remote work and flexible travel, people are looking for spaces that feel more like home—and short-term rentals meet that need. Concerns about noise, parking, or disruptive guests are not unique to short-term rentals. These are behavioral issues that can and should be addressed through existing nuisance ordinances that apply equally to all property types. A better approach is to enforce existing standards consistently and hold all residents—long-term or short-term—to the same expectations of community respect. Cities across the country are learning that overregulating short-term rentals leads to unintended consequences: black market operations, legal challenges, and a loss of valuable tourism dollars.

I strongly support short-term rentals in our area. They provide homeowners with

extra income, support local businesses, and boost tourism. Guests staying in these rentals spend money at restaurants, shops, and attractions, helping our local economy thrive. Short-term rentals also offer flexible lodging options that hotels often can't, making our community more accessible and appealing. With fair regulations like noise limits and licensing, we can protect neighborhood integrity while still allowing residents to benefit. This is a smart way to grow responsibly.

Let them! The majority of people coming to our area seem to be for work, shopping, visit family, weekend getaway, etc. There aren't that many concerts and very minimal sporting events where people might be partying and being disruptive to neighbors. Rental contracts have deposits and other rules already worked in, if people damage the property, it costs them money. People are generally respectful.

I don't think anyone should restrict the option of a short term rental through City policy. The City of Bismarck should never add new restrictions to its citizens. If there are any restrictions, it should be by the agreed covenants in their development only.

I don't feel there is an issue for the need of regulation.

Make them illegal. They are inflating home prices because

the homes are not a primary residence, thus limiting the amount of available and affordable single-family housing.

Allow them and tax them the same as the hospitality tax. Make sure the rental has adequate parking

Please stop allowing large companies and private equity buy up our market. We need something on the books to regulate out of state companies from purchasing our homes to sit on them or not upkeep them and price our residents out of the market.

No. Basic rental guidelines should apply.

Short term rentals are only a problem in communities with too many of them. I don't think any neighborhoods in Bismarck are close to being overwhelmed by them, so there's no real reason to regulate them much here.

I think they should have a max occupancy rate. Like, they can only be rented out X amount of days a month, they should have a much higher property tax as well vs an owner occupied home. I think they take away from the pool of affordable housing options for actual residents.

The less regulation the better.

Just that - what are the regulations, and who or what agency is in charge of

maintenance, upkeep and overall authority?

I don't think much regulation is needed. The people that have them tend to police themselves, and if there are any bad actors in the market, they quickly become noticed and are weeded out of the market due to their inefficiency at delivering a quality product.

Background and credit checks are essential.

You need to keep them out of family residential area. Not all but some of them are pigs

Please don't. These rentals provide affordable, non-corporate (hotel) housing for travelers while providing income for locals. The more hoops, the more reporting, the more expenses means the less options to stay and the less likely contracts will be taken due to the shortage. If someone wants to rent out a room in their home or the whole home, they should be able to. All rentals keep houses that 'could be sold' off the market but home ownership isn't the priority it once was. Some covenants already don't allow them. I don't want to see the drop off in nurses if we restrict or eliminate these places.

I strongly believe there should be limits on how many short-term rentals like Airbnb entities should buy. I am a first time home buyer looking for a house

and it's disheartening to see many houses bought by big entities for Airbnbs.

This is an overreach on property owners' rights to use their property as they'd like. Short term rentals already pay property tax, in fact STRs often fix up the property contributing to local sales tax and subsequently generate more sales tax. Nuisance issues are already covered by existing rules with enforcement. What's the financial burden for existing taxpayers for the enforcement mechanism attached to this ordinance? Overly restrictive ordinances will be challenged in court due to infringing upon the property rights of the owner.

Outlaw that stuff.

I feel the property owner should have the right to use their home/property for short term rentals if they desire to. I also feel HOA/covenants have the right to restrict it if they do desire to. I don't feel the government needs to be involved in this. I have owned properties that the HOA/Covenants restrict and places they don't.

I think you should allow people to invest their money and rent out the properties they own however they desire. If renters cause problems the landlord needs to handle that on their own and if they can't then they should be punished.

Keep it downtown.

Maybe require owners to live in Burleigh or Morton County if they operate a rental in Bismarck. There is a market for them and 90% are good it's the 10% that we need to figure out how to regulate.

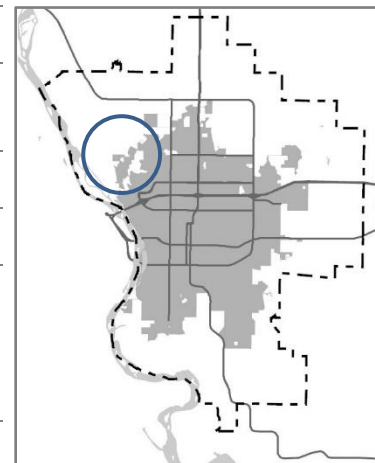
There should be a limit on the number of people allowed based on the property size and quite times established.

Regulation for public safety is important, but I don't feel like it's the city's right to place further restrictions on property owners. If I own a property & choose to rent it out that's my choice. As long as it's not hurting anyone else (including property values) it's no one else's business. There are already plenty of laws for the safety scenarios. Many neighborhood covenants & HOAs already place restrictions on renting. City could focus support on enhancing older areas (not allowing junk, construction materials, overgrown weeds in yards, etc.) that don't have covenants. Whether short or long term the landlords are the ones that have influence in promoting good property vs bad. People are finding ways for passive income (such as short term rentals) due to Bismarck's ridiculous housing market, property taxes, and zoning/ flood plain changes which have all been negatives for homeowners over the recent years. The city has bigger tasks to work on vs worrying about short term rentals.

You also need to regulate Sober living homes. They are destroying our neighborhoods.

Project Summary

<i>Title:</i>	Elk Ridge Fourth Addition
<i>Status:</i>	Planning and Zoning Commission – Final Consideration
<i>Property Owner(s):</i>	Section 18 Land LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	Northwest of Bismarck, between North Washington Street and River Road, west of Tyler Parkway and north of Frisco Way (Part of the SW¼ of Section 18, T139N-R80W/Hay Creek Township)
<i>Project Size:</i>	23.65 acres
<i>Applicant Request:</i>	Annex property for future single-family development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	Parts of 2 parcels	<i>Lots/Blocks:</i>	46 lots in 5 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	R10 – 10 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	Hay Creek (organized)
<i>Neighborhood:</i>	Elk Ridge

Property History

<i>Zoned:</i>	N/A
<i>Platted:</i>	N/A
<i>Annexed:</i>	N/A

(continued)

Project Narrative

Section 18 Land LLC is requesting approval of an annexation for all of Elk Ridge Fourth Addition.

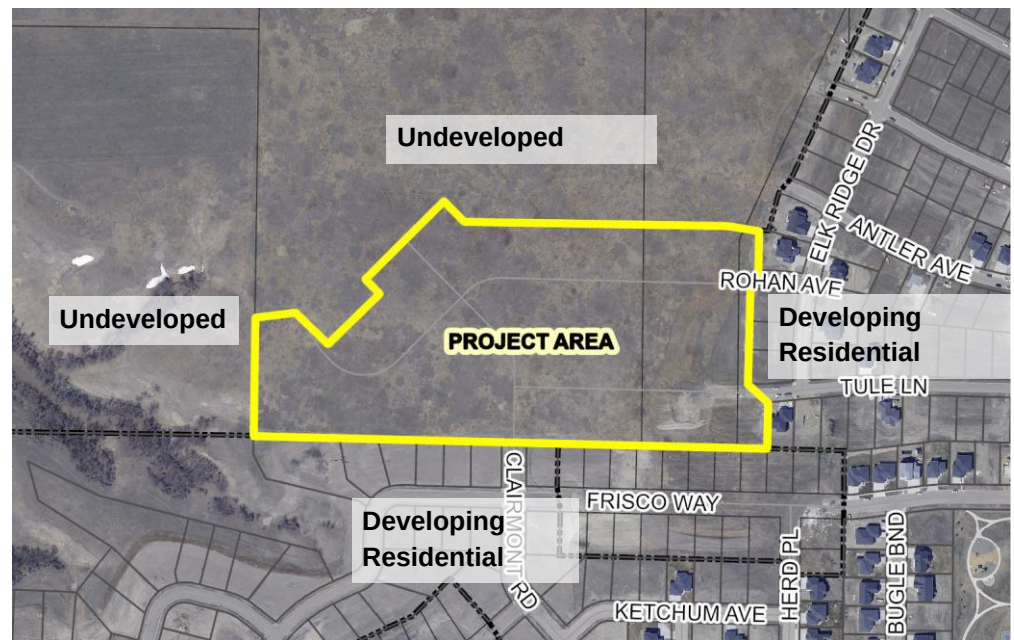
A zoning map amendment from the A – Agriculture zoning district to the R10 – Residential zoning district and major subdivision final plat for

Elk Ridge Fourth Addition was approved by the Planning and Zoning Commission on July 23, 2025, both have been forwarded to the City Commission for action. A public hearing on these requests are scheduled for the August 26, 2025, Bismarck City Commission meeting.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are a place for quiet enjoyment of home life. Goals and objectives of this plan as they relate to the proposed zoning map amendment and plat are referenced in review standards below.

Public Engagement

Annexations do not have a public hearing before the Planning and Zoning Commission. The public will be duly notified of this request before it is heard by the City Commission, as will Burleigh County and Hay Creek Township in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The Growth Phasing Plan is adhered to with the proposed annexation ([Growth Phasing Plan](#))

(continued)

Yes. The proposed annexation incorporates land that is within the Urban Service Area Boundary and has been designated as Expansion Priority 3.

Adequate public facilities are or will be available to serve the annexed properties completely and equitably ([Goal G3-b](#), [Goal G3-c](#))

Yes. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.

The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck ([Goal G2-b](#), [NDCC 40-51.2-03](#))

Yes. The area of proposed annexation is clearly contiguous to the existing corporate boundaries. 36% more or less of the proposed annexation's perimeter adjoins corporate limits. Generally, any proportion greater than 20% is considered unambiguously contiguous.

Proper administrative procedures related to the request are being followed ([NDCC 40-51.2](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. A written petition for the proposed annexation was submitted to the Community Development Department, which has been deemed valid by City staff. A public hearing, subject to all notice

requirements, would be held with the City Commission.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Utility capital charges will be due at the later of three points: platting and annexation, establishing a water and sewer escrow, or receipt of a street petition. UCCs for this request will be due when street petitions are received.

The public health, safety and general welfare will not be adversely impacted by the proposed annexation ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed annexation would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of all of Elk Ridge Fourth Addition.

Attachments

1. Draft Annexation Ordinance
2. Zoning and Plan Reference Map
3. Growth Phasing Plan Map

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota, as follows:

All of Elk Ridge Fourth Addition, including Lots 1-8, Block 1; Lots 1-4, Block 2; Lots 1-11, Block 3; Lots 1-15, Block 4; Lots 1-8, Block 5; and adjoining Rohan Avenue, Tule Lane, Clairmont Road, and Clairmont Loop rights-of-way.

The above described tract of land contains 23.65 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

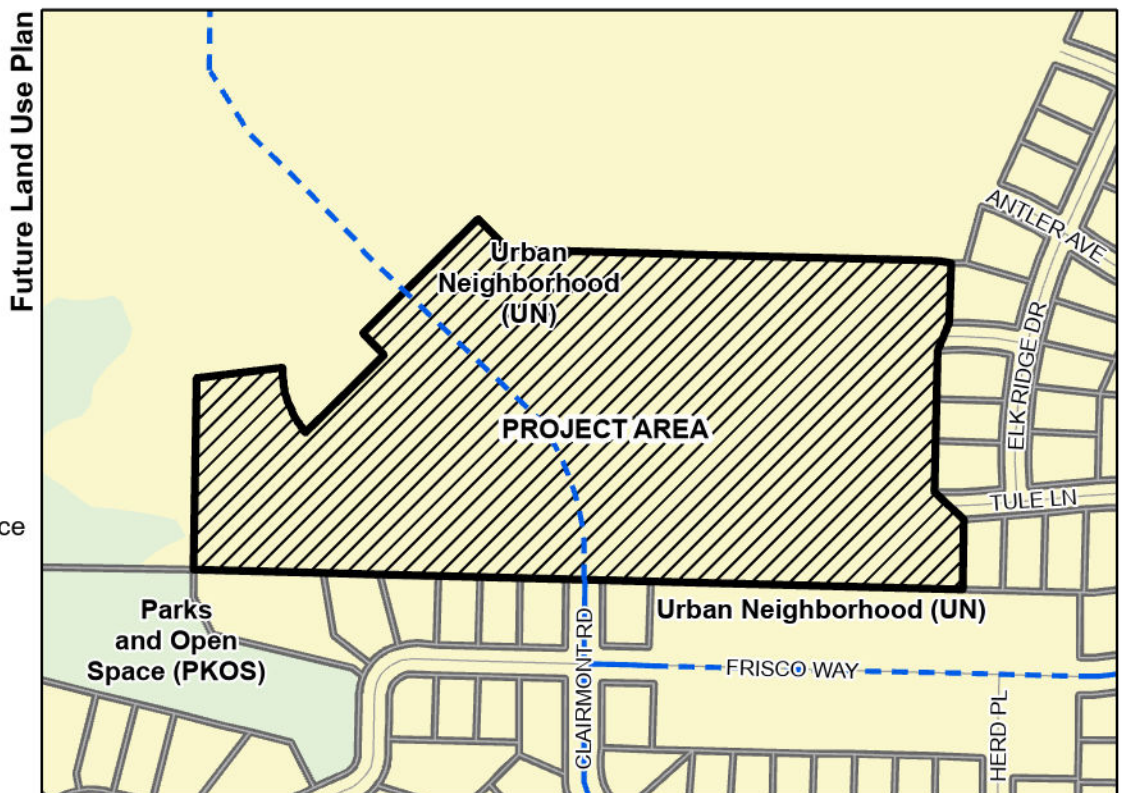
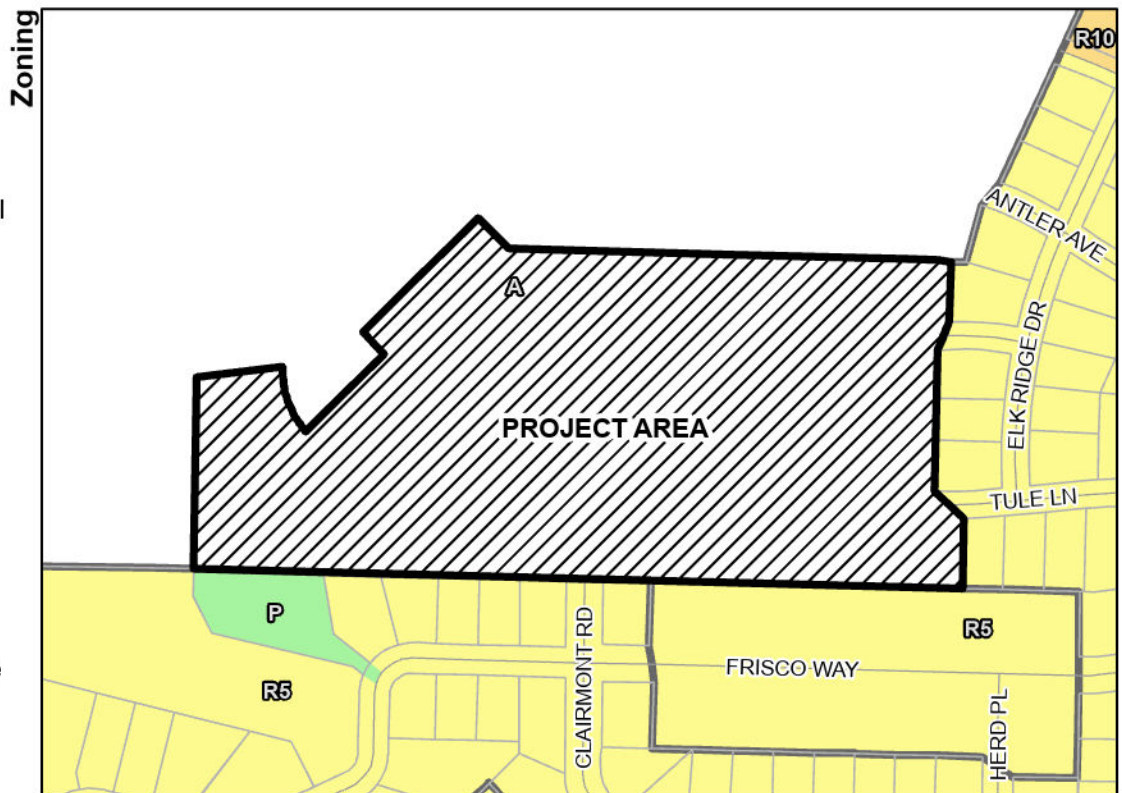
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

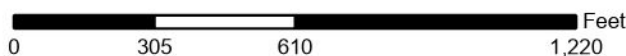
— Future Shared Trail

Major Street Plan

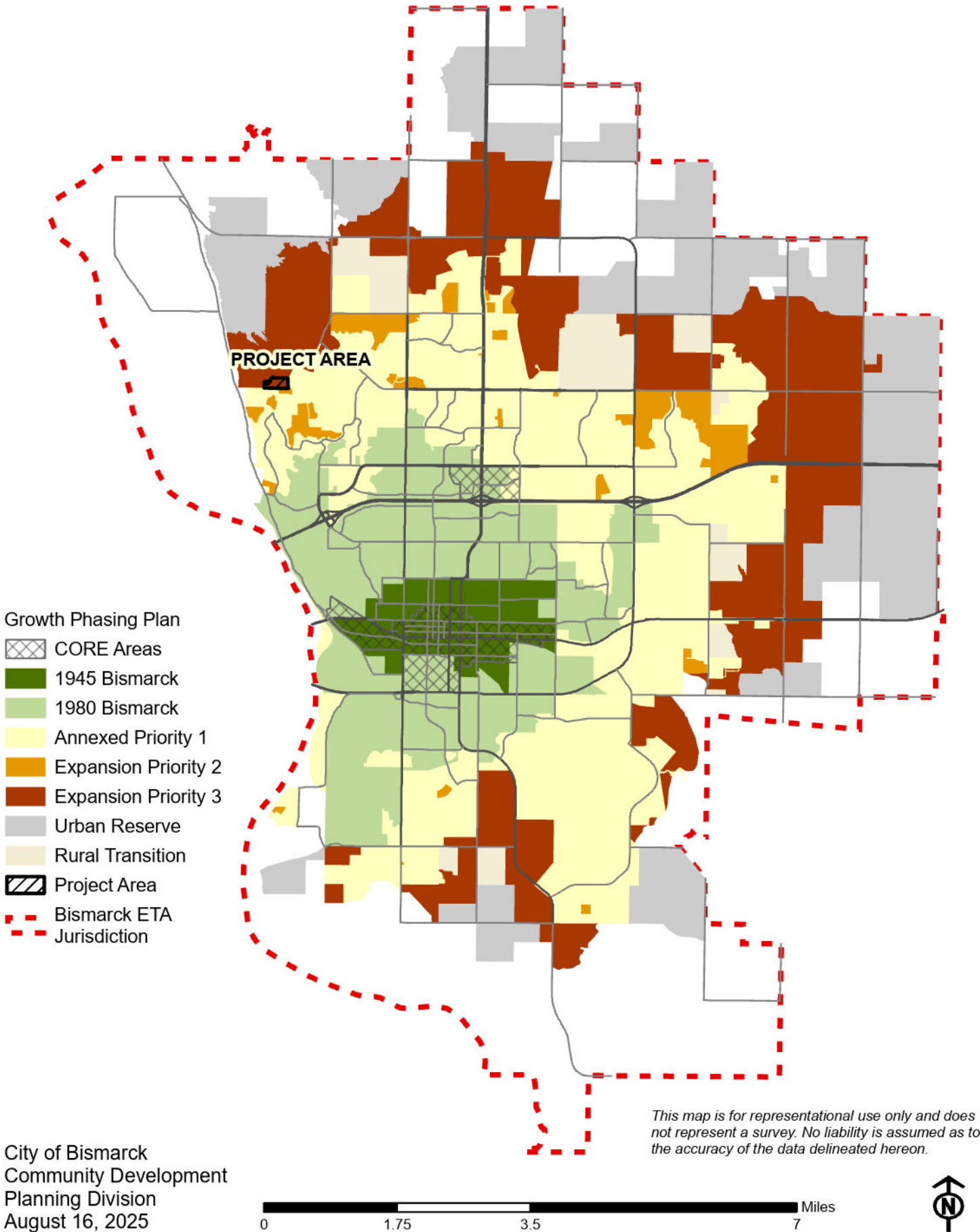
—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate
—	City Limits



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

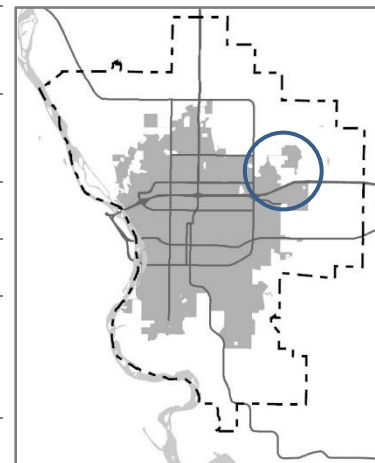


City of Bismarck
Community Development
Planning Division
August 16, 2025



Project Summary

<i>Title:</i>	Part of east Century Avenue and 52nd Street Northeast
<i>Status:</i>	Planning and Zoning Commission – Final Consideration
<i>Property Owner(s):</i>	City of Bismarck
<i>Project Contact:</i>	Gabe Schell, City Engineer, PE
<i>Project Location:</i>	East of Bismarck, north of Interstate-94, south of Gold Drive, along future extensions of East Century Avenue and 52nd Street NE
<i>Project Size:</i>	10.26 acres, more or less
<i>Applicant Request:</i>	Annex right-of-way associated with East Century Avenue and 52nd Street NE 2025 road construction project
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	N/A	<i>Lots/Blocks:</i>	N/A
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Roadways
<i>Future Land Use:</i>	Urban Neighborhood (UN) Neighborhood Mixed Use (NMU) Parks and Open Space (PKOS)	<i>Future Land Use:</i>	No Change
<i>Zoning:</i>	A – Agricultural RM15 – Residential P – Public Use CA – Commercial	<i>Zoning:</i>	No Change
<i>Uses Allowed:</i>	A – Agriculture RM15 – Multi-family residential P – Parks, open space, stormwater facilities, and other public uses CA – Neighborhood commercial	<i>Uses Allowed:</i>	No Change
<i>Max Density:</i>	A – 1 unit / 40 acres RM15 – 15 units / acre CA – 30 units / acre	<i>Max Density:</i>	No Change

(continued)

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	Gibbs (organized)
<i>Neighborhood:</i>	Undefined

Property History

<i>Zoned:</i>	07/2008; P – Public, RM15 - Residential 09/2019; CA – Commercial
<i>Platted:</i>	04/2011 01/2025
<i>Annexed:</i>	N/A

Project Narrative

The City of Bismarck is requesting approval of an annexation of the portion of the dedicated East Century Avenue right-of-way adjacent to Lot 24, Block 7, and Lot 1, Block 8, Sattler's Sunrise Sixth Addition, as well as the dedicated rights-of-way of East Century Avenue and 52nd Street NE as

described on the right-of-way plat recorded as Document #974737.

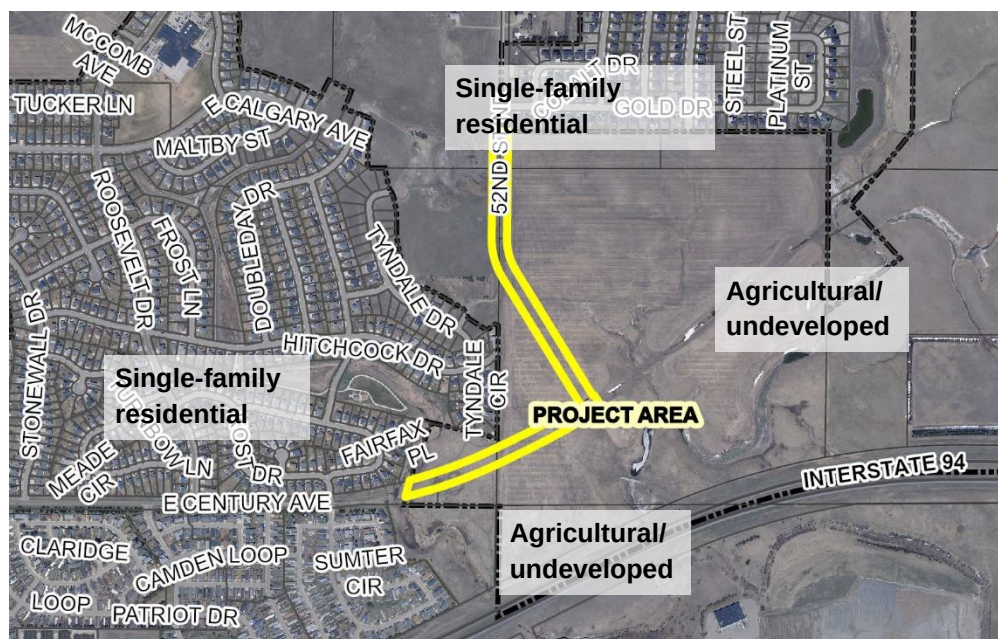
The City of Bismarck wishes to annex the referenced land due to their association with a 2025 road construction project.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

A Growth Phasing Plan Map is also attached to this staff report, showing prioritization for extension of the Bismarck city limits.



The right-of-way is adjacent to lands that have been identified as Urban Neighborhood (UN), Neighborhood Mixed Use (NMU) and Parks and Open Space (PKOS) in the Future Land Use Plan. The UN and NMU areas are places for quiet enjoyment of home life and social and commercial gathering spaces for the immediate surrounding residential areas, respectively. The PKOS areas are places that are largely kept in a natural state, providing many important functions for the

community and ecosystem. Goals and objectives of this plan as they relate to annexations are referenced in review standards below.

The project area is a largely undeveloped location between the Sattler Sunrise and Silver Ranch neighborhoods. The developed areas are largely residential in nature, and the Future Land Use Plan anticipates the majority of the undeveloped area to become residential in the future, with

(continued)

some commercial opportunities to the southeast as well.

Public Engagement

Annexations do not have a public hearing before the Planning and Zoning Commission. Gibbs Township was initially notified of this request on August 7, 2025. The public will be duly notified of this request before it is heard by the City Commission, as will Burleigh County and Gibbs Township in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The Growth Phasing Plan is adhered to with the proposed annexation ([Growth Phasing Plan](#))

Yes. The proposed annexation incorporates land that is within the Urban Service Area Boundary and has been designated as Expansion Priority 2.

Adequate public facilities are or will be available to serve the annexed properties completely and equitably ([Goal G3-b](#), [Goal G3-c](#))

Yes. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any

development allowed by the annexation at the time the property is developed.

The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck ([Goal G2-b](#), [NDCC 40-51.2-03](#))

Yes. While this annexation does not meet the normally preferred amount of land contiguous to the current corporate limits of the City of Bismarck, this annexation of rights-of-way would facilitate an additional connection between the Silver Ranch neighborhood and the rest of the city. This would allow increased options for travel for individuals, businesses, and emergency services.

Proper administrative procedures related to the request are being followed ([NDCC 40-51.2](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. A written petition for the proposed annexation was submitted to the Community Development Department, which has been deemed valid by City staff. A public hearing, subject to all notice requirements, would be held with the City Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed annexation ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed annexation would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of the previously described, unannexed portions of rights-of-way of East Century Avenue and 52nd Street NE.

(continued)

Attachments

1. Draft Annexation Ordinance
2. Zoning and Plan Reference Map
3. Growth Phasing Plan Map
4. Annexation Exhibit
5. Right-of-way Plat, Document #974737

Staff report prepared by: Isak Johnson, AICP, Planner
701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota, as follows:

The dedicated East Century Avenue right-of-way adjacent to Lot 24, Block 7, and Lot 1, Block 8, Sattler's Sunrise Sixth Addition, and all of the dedicated rights-of-way of East Century Avenue and 52nd Street as described on the right-of-way plat recorded as Document #974737

The above described tract of land contains 10.26 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.



Zoning and Plan Reference Map

ANNX2025-005

PART OF EAST CENTURY AVENUE AND 52ND STREET NORTHEAST

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

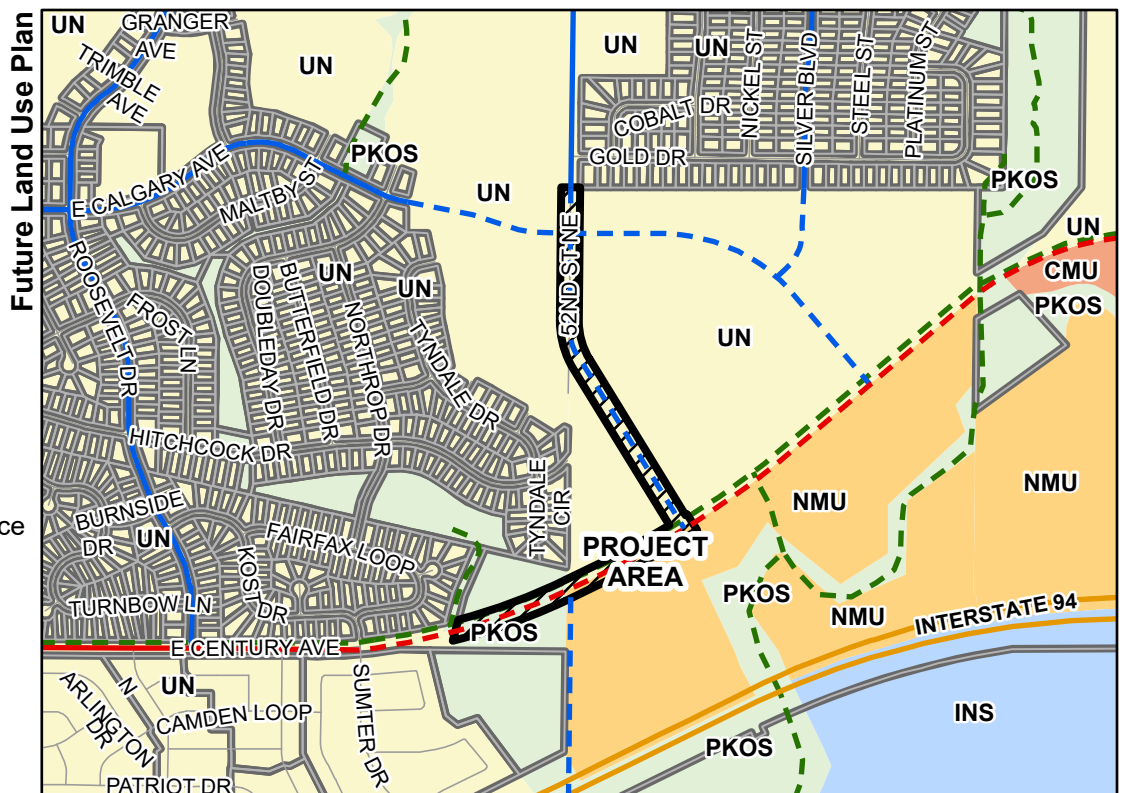
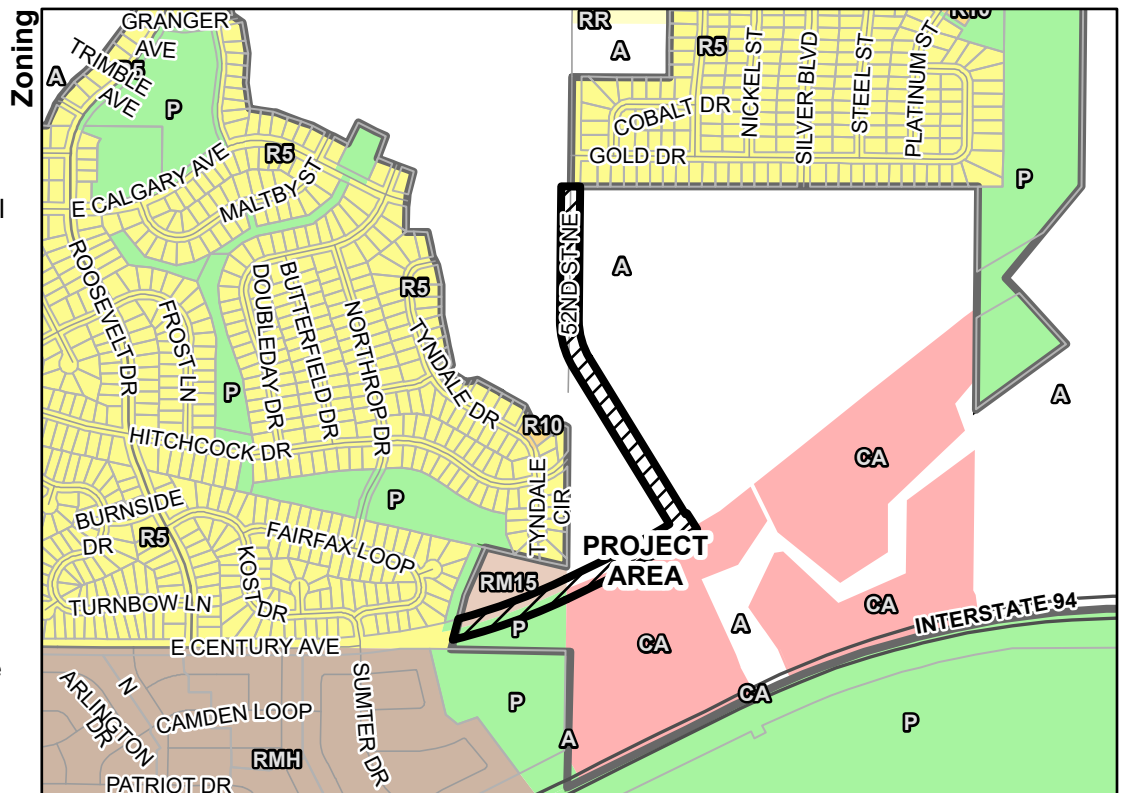
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate
- City Limits

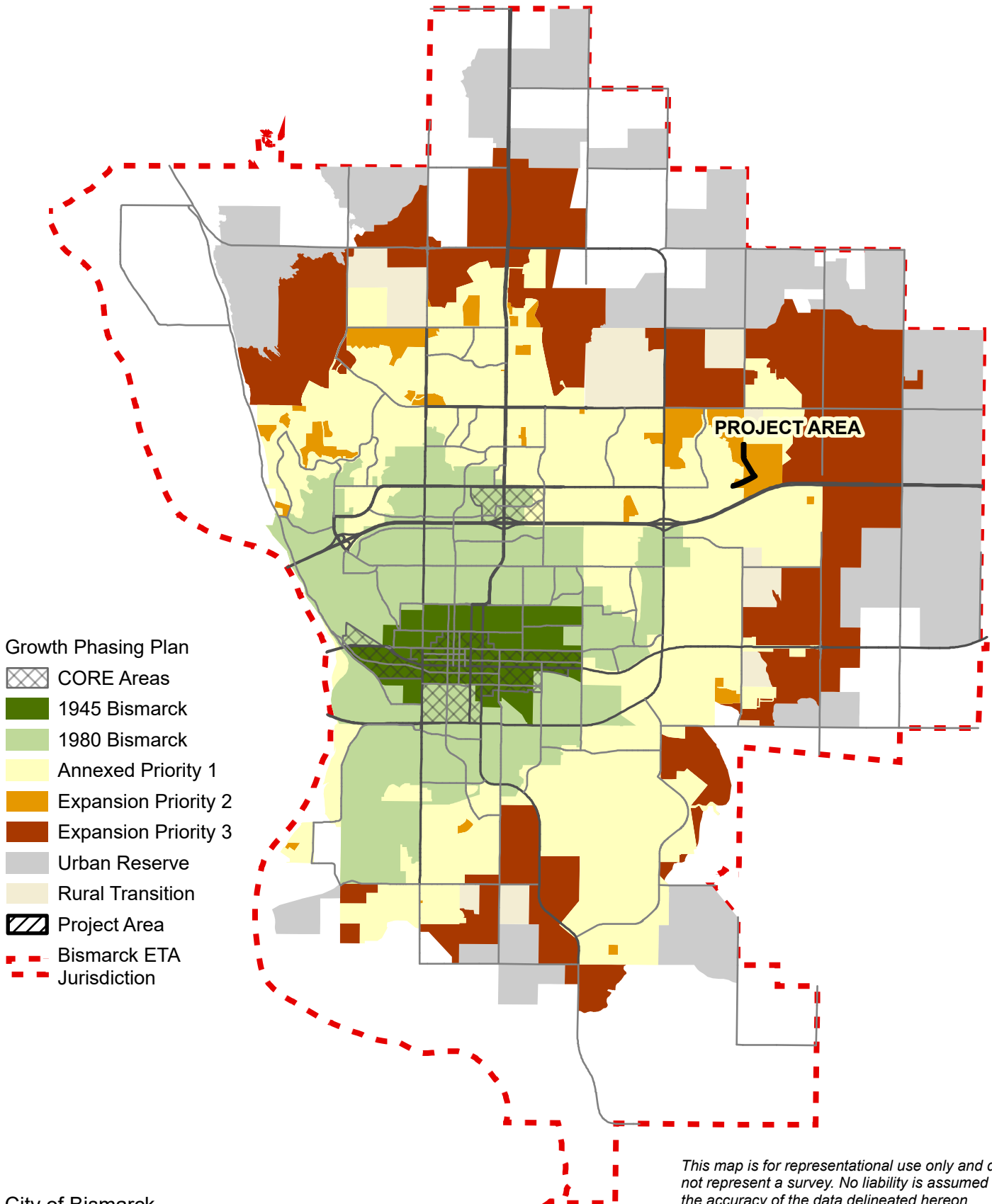


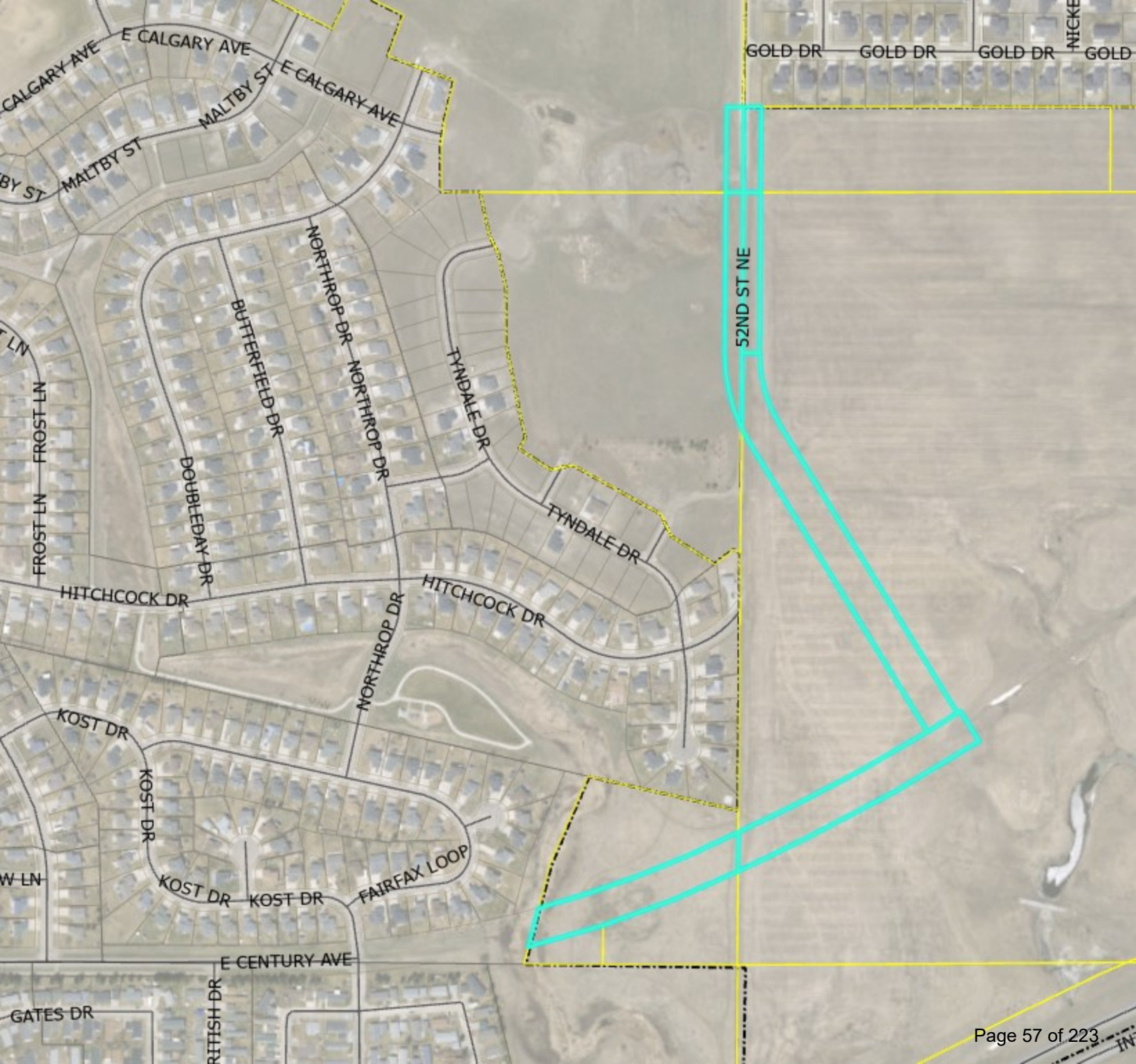
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

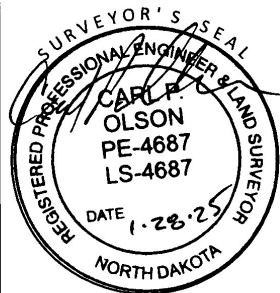
0 500 1,000 2,000 Feet



City of Bismarck
Community Development
Planning Division
July 31, 2025







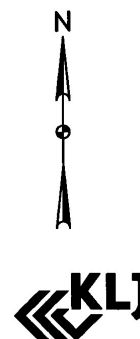
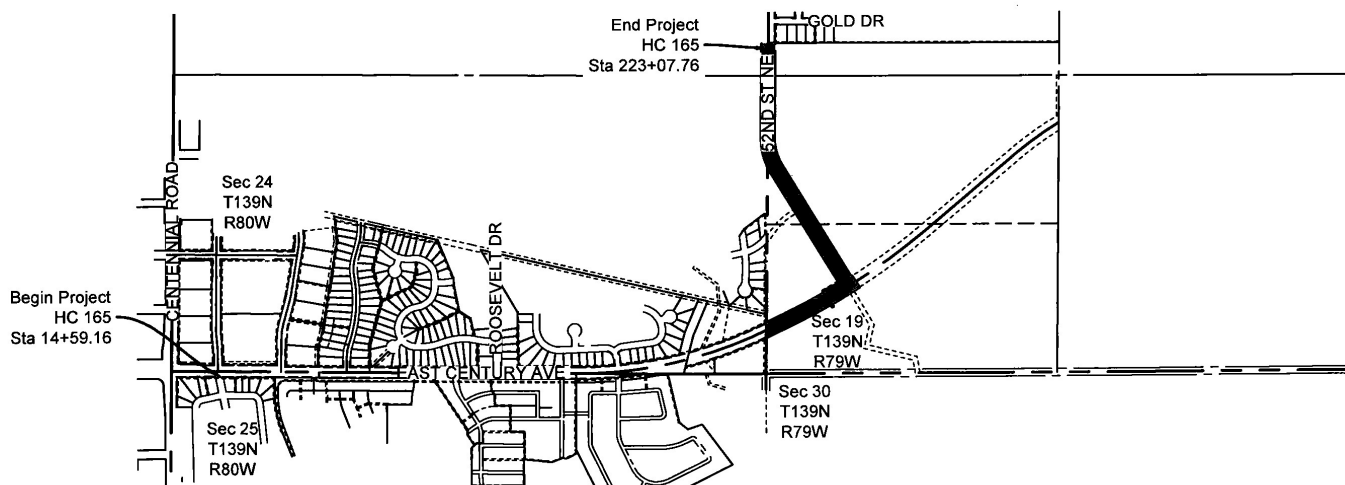
Carl Olson
 CARL OLSON, ND LS-4687
 REGISTERED LAND SURVEYOR

1-28-2025
 DATE

CITY OF BISMARCK EAST CENTURY AVE RIGHT OF WAY PLAT HC 165

**East Century Ave from Centennial
 Road to 52nd Street NE
 52nd Street NE from East Century
 Avenue to Gold Drive**

PLAT NO.	PARCELS
1 of 3	P-1, D-1, D-2
2 of 3	P-2
3 of 3	P-3, P-4, P-5, P-6



PROJECT NO. HC 165 East Century Avenue
1st SUPPLEMENT TO PLAT NO. 1 OF 3

PARCEL NO. P-1

32-139-79-00-19-600

A tract of land lying in E 1/2 of the SW 1/4 and Government lots 3 & 4, Less R/W (AKA SW 1/4), of Section 19, Township 139 North, Range 79 West, Burleigh County, North Dakota, described more particularly as follows:

A strip of land 120 feet wide with 60 feet lying on each side of the described survey centerline.

Commencing at the SW corner of said Section 19, thence northerly along the west line of section 19 N 00 deg. 36 min. 47 sec. E a distance of 387.02 feet to a point on the survey centerline of East Century Avenue, which is the point of beginning of the 120 foot strip, which is also a point on a non-tangent curve, concave to the left (northwesterly), the radius point of which bears N 25 deg. 35 min. 30 sec. W a distance of 3820 feet, thence northeasterly along said centerline and curve 19.16 feet through a central angle of 00 deg. 17 min. 14 sec. to the end of the curve, thence along said centerline N 64 deg. 07 min. 16 sec. E a distance of 218.06 feet to the beginning of a curve, having a radius of 5753.12 feet, thence along said centerline and curve 668.73 feet through a central angle of 06 deg. 39 min. 36 sec. to the end of the 120 foot strip.

Said tract is shown on the plat as Parcel No P-1 and contains 108,711 SF more or less.

The legal description was prepared by Jarrod Kassian and reviewed by Carl Olson, KLI Engineering LLC, 300 23rd Ave E, Ste 100, West Fargo, ND 58078.

PARCEL NO. D-1

32-139-79-00-19-600

A tract of land lying in E 1/2 of the SW 1/4 and Government lots 3 & 4, Less R/W (AKA SW 1/4), of Section 19, Township 139 North, Range 79 West, Burleigh County, North Dakota, described more particularly as follows:

A strip of land 25 feet wide, the northerly and southerly lines of which are parallel. The southerly line of said strip being 60 feet northerly of the described survey centerline.

Commencing at the SW corner of said Section 19, thence northerly along the west line of section 19 N 00 deg. 36 min. 47 sec. E a distance of 387.02 feet to a point on the survey centerline of East Century Avenue, which is also a point on a non-tangent curve, concave to the left (northwesterly), the radius point of which bears N 25 deg. 35 min. 30 sec. W a distance of 3820 feet, thence northeasterly along said centerline and curve 19.16 feet through a central angle of 00 deg. 17 min. 14 sec. to the end of the curve, thence along said centerline N 64 deg. 07 min. 16 sec. E a distance of 218.06 feet to the beginning of a curve, having a radius of 5753.12 feet, thence along said centerline and curve 370.44 feet through a central angle of 03 deg. 41 min. 21 sec. to the beginning of the 25 foot strip. Thence continue along said centerline and curve 165.41 feet through a central angle of 01 deg. 38 min. 50 sec. to the end of the 25 foot strip.

Said tract is shown on the plat as Parcel No D-1 and contains 4,079 SF more or less.

The legal description was prepared by Jarrod Kassian and reviewed by Carl Olson, KLI Engineering LLC, 300 23rd Ave E, Ste 100, West Fargo, ND 58078.

CITY ENGINEERING



ROWPL

974737

\$65.00
Page 3 of 10
1/29/2025 12:58 PM
Burleigh County

PARCEL NO. D-2 32-139-79-00-19-600

A tract of land lying in E 1/2 of the SW 1/4 and Government lots 3 & 4, Less R/W (AKA SW 1/4), of Section 19, Township 139 North, Range 79 West, Burleigh County, North Dakota, described more particularly as follows:

A strip of land 30 feet wide, the southerly and northerly lines of which are parallel. The northerly line of said strip being 60 feet southerly of the described survey centerline.

Commencing at the SW corner of said Section 19, thence northerly along the west line of section 19 N 00 deg. 36 min. 47 sec. E a distance of 387.02 feet to a point on the survey centerline of East Century Avenue, which is also a point on a non-tangent curve, concave to the left (northwesterly), the radius point of which bears N 25 deg. 35 min. 30 sec. W a distance of 3820 feet, thence northeasterly along said centerline and curve 19.16 feet through a central angle of 00 deg. 17 min. 14 sec. to the end of the curve, thence along said centerline N 64 deg. 07 min. 16 sec. E a distance of 218.06 feet to the beginning of a curve, having a radius of 5753.12 feet, thence along said centerline and curve 370.44 feet through a central angle of 03 deg. 41 min. 21 sec. to the beginning of the 30 foot strip. Thence continue along said centerline and curve 20.00 feet through a central angle of 00 deg. 11 min. 57 sec. to the end of the 30 foot strip.

Said tract is shown on the plat as Parcel No D-2 and contains 608 SF more or less.

The legal description was prepared by Jarrod Kassian and reviewed by Carl Olson, KLJ Engineering LLC, 300 23rd Ave E, Ste 100, West Fargo, ND 58078.

TRANSFER accepted this 27th day of
January 2025
Mark Splonskowski
Burleigh County Auditor
By [Signature]
Deputy, Burleigh County Auditor

CITY ENGINEERING

ROWPL

974737
\$65.00
Page: 4 of 10
1/29/2025 12:58 PM
Burleigh County

PARCEL NO. P-2 32-139-79-00-19-600

A tract of land lying in E 1/2 of the SW 1/4 and Government lots 3 & 4, Less R/W (AKA SW 1/4), of Section 19, Township 139 North, Range 79 West, Burleigh County, North Dakota, described more particularly as follows:

Commencing at the SW corner of said Section 19, thence northerly along the west line of section 19 N 00 deg. 36 min. 47 sec. E a distance of 1840.48 feet to the point of beginning. Thence continue northerly along said west line N 00 deg. 36 min. 47 sec. E a distance of 258.07 feet, Thence S 89 deg. 23 min. 13 sec. E a distance of 60.00 feet to a point on a non-tangent curve, concave to the left (southeasterly), the radius point of which bears S 89 deg. 23 min. 13 sec. E a distance of 465.00 feet, thence southeasterly along said curve 261.35 feet through a central angle of 32 deg. 12 min. 10 sec. to the end of the curve. Thence S 31 deg. 35 min. 18 sec. E a distance of 1160.06 feet to a point on the northerly line of the 120 foot wide East Century Avenue right of way, said point is on a non-tangent curve, concave to the right (northwesterly), the radius point of which bears N 32 deg. 25 min. 23 sec. W a distance of 5693.12 feet, thence southeasterly along said northerly right of way line and said curve 120.00 feet through a central angle of 01 deg. 12 min. 28 sec. to the end of the curve, Thence N 31 deg. 35 min. 18 sec. W a distance of 1160.55 feet to a point on a tangent curve, having a radius of 585.00 feet, thence along said curve 61.51 feet through a central angle of 06 deg. 01 min. 29 sec. to the point of beginning.

Said tract is shown on the plat as Parcel No P-2 and contains 164,236 SF more or less.

The legal description was prepared by Jarrod Kassian and reviewed by Carl Olson, KLI Engineering LLC, 300 23rd Ave E, Ste 100, West Fargo, ND 58078.

TRANSFER accepted this 27th day of
January 2025
Mark Splonskowski
Burleigh County Auditor
By _____
Deputy, Burleigh County Auditor

CITY ENGINEERING

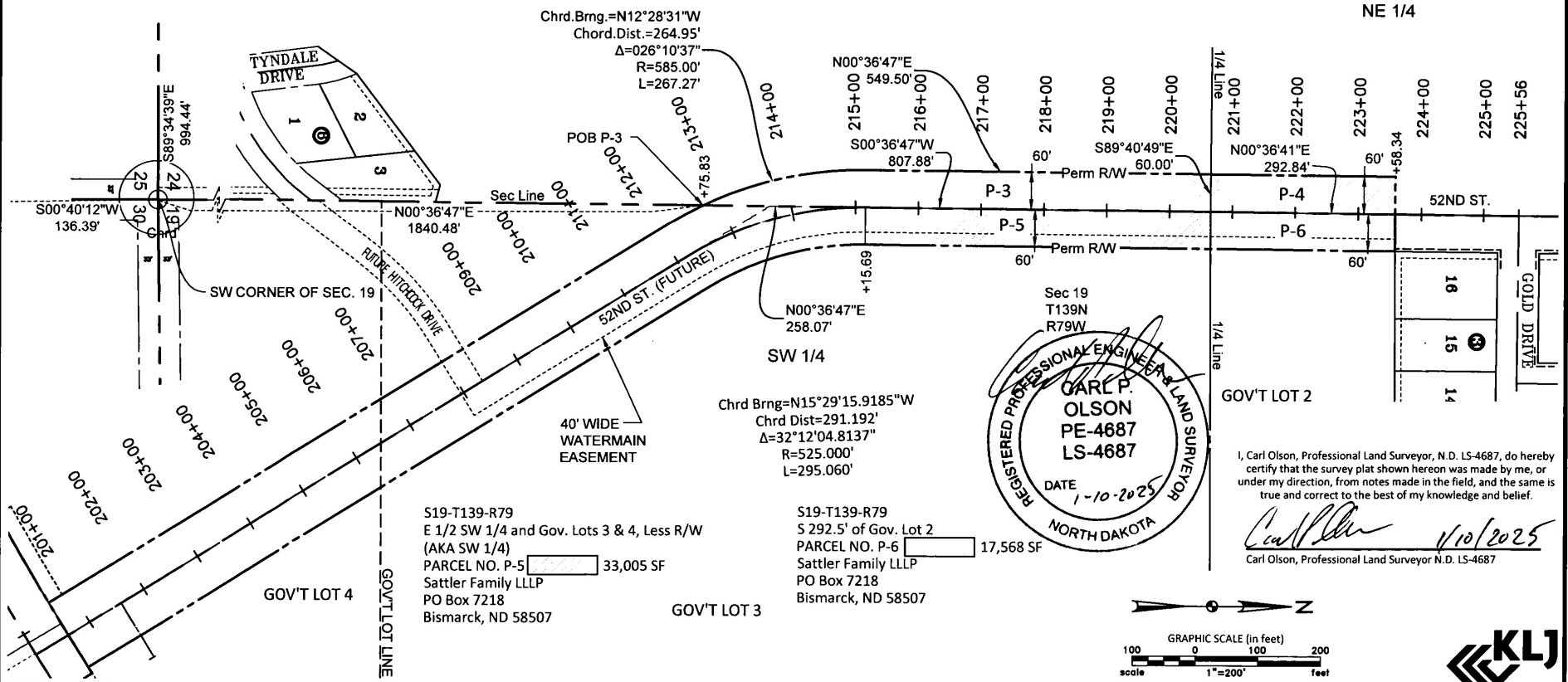
NOV 11

974737
\$65.00
Page: 6 of 10
1/29/2025 12:58 PM
Burleigh County

PROJECT	PARCELS
#HC 165 - East Century Avenue	P-3, P-4 P-5, P-6

S24-T139-R80
NE 1/4 SE 1/4, Less Sattler Sunrise 6th,
9th and 10th
PARCEL NO. P-3 43,416 SF
Sattler Family LLLP
PO Box 7218
Bismarck, ND 58507

S24-T139-R80
SE 1/4 NE 1/4, Less Sattler Sunrise 10th,
PARCEL NO. P-4 [REDACTED] 17,580 SF
Sattler Family LLLP
PO Box 7218
Bismarck, ND 58507



PARCEL NO. P-3 31-139-80-00-24-211

A tract of land lying in NE 1/4 of the SE 1/4 of Section 24, Township 139 North, Range 80 West, Less Sattler Sunrise 6th, 9th AND 10th, Burleigh County, North Dakota, described more particularly as follows:

Commencing at the southeast corner of section 24, thence northerly along the east line of section 24 N 00 deg. 36 min. 47 sec. E a distance of 1840.48 feet to the point of beginning, said point is on a non-tangent curve, concave to the right (northeasterly), the radius point of which bears N 64 deg. 26 min. 10 sec. E a distance of 585.00 feet, thence northwesterly along said curve 267.27 feet through a central angle of 26 deg. 10 min. 37 sec. to the end of the curve. Thence N 00 deg. 36 min. 47 sec. E a distance of 549.50 feet, to a point on the north line said SE 1/4; Thence easterly along said north line S 89 deg. 40 min. 49 sec. E a distance of 60.00 feet to a point on the east line of said SE 1/4; Thence southerly along said east line S 00 deg. 36 min. 47 sec. W a distance of 807.88 feet to the point of beginning.

Said tract is shown on the plat as Parcel No P-3 and contains 43,416 SF more or less.

The legal description was prepared by Jarrod Kassian and reviewed by Carl Olson, KLI Engineering LLC, 300 23rd Ave E, Ste 100, West Fargo, ND 58078.

PARCEL NO. P-4 31-139-80-00-24-212

A tract of land lying in SE 1/4 of the NE 1/4, Section 24, Township 139 North, Range 80 West, Less Sattler Sunrise 10th, Burleigh County, North Dakota, described more particularly as follows:

A strip of land 60 feet wide lying westerly of the described survey centerline.

Beginning at the E 1/4 corner of said Section 24, thence northerly along said east line N 00 deg. 36 min. 47 sec. E a distance of 292.84 feet to the end of the 60 foot strip.

Said tract is shown on the plat as Parcel No P-4 and contains 17,580 SF more or less.

The legal description was prepared by Jarrod Kassian and reviewed by Carl Olson, KLI Engineering LLC, 300 23rd Ave E, Ste 100, West Fargo, ND 58078.

CITY ENGINEERING



ROWPL

974737

\$65.00

Page: 8 of 10
1/29/2023 12:08 PM
Burleigh County

PARCEL NO. P-5

32-139-79-00-19-600

A tract of land lying in E 1/2 of the SW 1/4 and Government lots 3 & 4, Less R/W (AKA SW 1/4), of Section 19, Township 139 North, Range 79 West, Burleigh County, North Dakota, described more particularly as follows:

A strip of land 60 feet wide lying easterly of the described survey centerline.

Commencing at the SW corner of said Section 19, thence northerly along the west line of section 19 N 00 deg. 36 min. 47 sec. E a distance of 2098.55 feet to a point on the survey centerline of 52nd Street, which is also the beginning of the 60 foot strip, thence continue northerly along said west line and centerline N 00 deg. 36 min. 47 sec. E a distance of 549.82 feet to the end of the 60 foot strip.

Said tract is shown on the plat as Parcel No P-5 and contains 33,005 SF more or less.

The legal description was prepared by Jarrod Kassian and reviewed by Carl Olson, KLI Engineering LLC, 300 23rd Ave E, Ste 100, West Fargo, ND 58078.

PARCEL NO. P-6

32-139-79-00-19-430

A tract of land lying in south 292.5 feet of Government Lot 2, Section 19, Township 139 North, Range 79 West, Burleigh County, North Dakota, described more particularly as follows:

A strip of land 60 feet wide lying easterly of the described survey centerline.

Beginning at the E 1/4 corner of said Section 19, thence northerly along the west line of section 19 N 00 deg. 36 min. 47 sec. E a distance of 292.84 feet to the end of the 60 foot strip.

Said tract is shown on the plat as Parcel No P-6 and contains 17,568 SF more or less.

The legal description was prepared by Jarrod Kassian and reviewed by Carl Olson, KLI Engineering LLC, 300 23rd Ave E, Ste 100, West Fargo, ND 58078

TRANSFER accepted this 27th day of
January 2025
Mark Spinski
Burleigh County Auditor
By [Signature]
Deputy, Burleigh County Auditor

CITY ENGINEERING

ROW PL

974737
\$65.00
Page: 9 of 10
1/29/2025 12:58 PM
Burleigh County

974737

CITY ENGINEERING

ROYAL

\$65.00

Page: 10 of 10

1/29/2025 12:58 PM
Burleigh County

Barbara Chapman Deputy



STAFF REPORT

Agenda Item # 4C

August 27, 2025

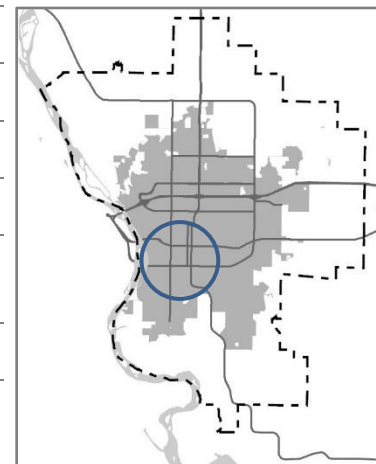
Application for: **Zoning Map Amendment**
Future Land Use Plan
Amendment

Project ID: **ZC2025-013**

FLUP2025-005

Project Summary

<i>Title:</i>	Northern Pacific Addition, Block 10, Lots 1-4
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Multiple (see Attachment #3)
<i>Project Contact:</i>	Isak Johnson, Planner, AICP
<i>Project Location:</i>	In central Bismarck, on the west side of North 3rd Street, between East Avenue B and East Avenue C
<i>Project Size:</i>	45,000 SF
<i>Applicant Request:</i>	Rezone the area to permit greater flexibility of uses for possible future development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	8 parcels in 1 block	<i>Lots/Blocks:</i>	No change
<i>Land Use:</i>	Various residential uses	<i>Land Use:</i>	Various residential uses and possible office or commercial uses
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Downtown (DT)
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	DF – Downtown Fringe
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	DF – Mixed-use development including retail, multi-family residential, single-family residential, and office uses
<i>Max Density:</i>	RM30 – 30 units / acre	<i>Max Density:</i>	DF – 42 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	McKenzie

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	08/1924
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

The Community Development Department is requesting approval of a zoning map amendment from the RM30 – Residential zoning district to the DF – Downtown Fringe zoning district, as well as a Future Land Use Plan (FLUP) amendment from the Urban Neighborhood (UN) designation to the Downtown (DT) designation on Lots 1-4, Block 10, Northern Pacific Addition.

Planning staff received an inquiry for development in this area that would not be permitted within the existing RM30 – Residential zoning district. Upon further discussion with the property owner, Planning staff were open to a zoning map amendment in this area to the DF – Downtown Fringe zoning district due to the adjacency of

property already zoned DF – Downtown Fringe, and the proximity to the rest of downtown.

To remain in line with past precedent, staff typically rezones either half-blocks or whole blocks to downtown zoning districts. Therefore, staff conducted initial public outreach to the other property owners for their initial feedback, as described in the *Public Engagement* section below.

Staff presented this project to the Planning and Zoning Commission at their July 23, 2025, asking for their direction as to whether to proceed with the zoning change request. The Commission moved to call for a public hearing at that meeting.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan, but is being proposed to change to Downtown (DT). The UN areas are places for quiet enjoyment of home life, while DT is the heart of the community in the historic center of Bismarck. Goals and objectives of this plan as they relate to

zoning map amendments and Future Land Use Plan Amendments are referenced in review standards below.

The project area is in an older part of Bismarck's core, just north and west of what is currently zoned DF – Downtown Fringe. It is surrounded

(continued)

primarily by residential uses, ranging from houses to small apartment buildings. There are non-residential uses such as offices and a church in the vicinity as well.

Public Engagement

As a staff initiated zoning map amendment involving multiple property owners, staff began public engagement by sending a letter to each property owner whose property would potentially have its zoning changed on June 20, 2025.

This letter informed them about the differences between the zoning districts, offered contact information for Planning staff, and informed them of an informational meeting on July 9, 2025, for any interested property owners to attend. One letter was returned as undeliverable. No property owners attended the meeting.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 15 and 22, and 85 postcards were mailed to the owners of nearby properties on August 15, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes, with a formal amendment to the Future Land Use Plan (FLUP). In conjunction with this request, the applicant requests approval of an amendment to the FLUP to change the project area to Downtown (DT). The existing UN designation envisions a variety of residential housing types but generally would not include commercial or office uses. The DT designation would include all the housing types seen in UN, and more, while also providing flexibility for commercial and office uses. The proposed zoning district would generally conform to the character of this district. The project area is currently in a block that is directly adjacent to blocks to the east and south that are identified as DT in the FLUP. A plan reference map is attached to this staff report.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow all of the residential uses that are currently present, as well as commercial and office uses. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of RM30 - Residential was established prior to 1980. Conditions have changed since this time. The City adopted its comprehensive plan, Together 2045, in December 2022, which notes goals of increasing housing variety, affordability, and commercial opportunities at various scales. Since then, there have been inquiries for potential new development in the core of Bismarck, including this area. This zoning map amendment would

(continued)

increase the number of options for smaller scale commercial and/or office uses without reducing opportunities for housing choices.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance map amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

- S1(a): Support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.
- S4: Promote urban neighborhoods and districts that are livable and compact in scale.
- S7: Embrace the unique role of downtown in the social and economic life of the community.
- G1: Encourage infill and redevelopment of land already connected to municipal services.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Future Land Use Plan Amendment

The proposed amendment is compatible with adjacent land uses, both existing and proposed in the Future Land Use Plan ([FLUP standards](#))

Yes. The adjacent uses are described in the Project Context section above. The adjacent Future Land Use Plan designations are Urban Neighborhood (UN) and Downtown (DT). A change in the project area's FLUP designation to DT would simply extend the boundary of the existing DT in the area.

The proposed amendment is suitable for the natural conditions of the site, including topography, drainage, wetlands, and other natural conditions ([FLUP standards](#))

(continued)

Yes. The area proposed for amendment does not contain any natural conditions that would substantially impede development in the character of the proposed district. Stormwater management, grading, and other land alternation activities that occur with site development would not be out of the ordinary for this land use.

The proposed amendment is aligned with the Major Street Plan or accompanied by an amendment to the Major Street Plan that would render it in alignment ([FLUP standards](#))

Yes. The boundaries of the proposes Future Land Use Plan amendment are reasonably aligned with the future roadway corridors shown on the Major Street Plan. East Avenue C, on the north side of the project area, is an existing (constructed) collector roadway in the Major Street Plan.

The proposed amendment does not adversely affect the City's ability to provide municipal utilities in the future to or beyond the district(s) proposed for amendment ([FLUP standards](#))

Yes. The proposed amendment is within an area already serviced by municipal services and would not negatively impact these services.

The current Future Land Use Plan designation is not adequate to meet the needs of the community or suitable for this tract of land, as justified by the applicant, and the proposed land use designation would, to some degree, alleviate this condition ([FLUP standards](#))

Yes. The applicant has provided the following justification for the need to change the plan. Following the adoption of the City's comprehensive plan, Together 2045, in December 2022, there has been an increased focus on providing more housing variety, affordability, and flexibility for commercial uses in the core of Bismarck.

Staff have received inquiries regarding redevelopment in the older neighborhoods of Bismarck for both residential and commercial

opportunities. This amendment would continue to support all residential uses currently present while also supporting more commercial or office uses on a more compact scale. City of Bismarck staff find this justification to be valid.

The proposed amendment is consistent with the goals and objectives of Together 2045 Bismarck's Comprehensive Plan and other adopted plans and policies ([FLUP standards](#))

Yes, the following objectives of the plan would be advanced through the proposed amendment.

- S1(a): Support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.
- S4: Promote urban neighborhoods and districts that are livable and compact in scale.
- S7: Embrace the unique role of downtown in the social and economic life of the community.
- G1: Encourage infill and redevelopment of land already connected to municipal services.

The proposed amendment would not adversely affect the public health, safety, and general welfare ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed amendment to the Future Land Use Plan would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning map amendment from the RM30 – Residential zoning district to the DF – Downtown Fringe zoning district as well as for the Future Land Use Plan (FLUP) amendment from the Urban Neighborhood (UN) designation to the Downtown (DT) designation for Lots 1-4, Block 10, Northern Pacific Addition.

(continued)

Attachments

1. Draft Zoning Ordinance
2. Draft Future Land Use Plan Resolution
3. List of Property Owners
4. Zoning and Plan Reference Map
5. Plan Amendment Map
6. Proposed Zoning Map
7. Letter to Owners
8. Comparison of RM30 and DF Zoning Districts

Staff report prepared by: Isak Johnson, AICP, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM30 – Residential zoning district and included in the DF – Downtown Fringe zoning district:

Lots 1-4, Block 10, Northern Pacific Addition

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

**RESOLUTION OF
THE BISMARCK BOARD OF CITY COMMISSIONERS
AMENDMENT TO THE FUTURE LAND USE PLAN (FLUP2025-005)**

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota, wishes to formally amend the City of Bismarck's Future Land Use Plan, which establishes districts in the City of Bismarck and its extraterritorial area that are planned to take shape by the year 2045; and

WHEREAS, said Future Land Use Plan was adopted as part of Together 2045 Bismarck's Comprehensive Plan by the Bismarck Planning and Zoning Commission on November 16 and by the Bismarck Board of City Commissioners on December 27, 2022; and

WHEREAS, the Future Land Use Plan may, from time to time, be amended according to standards and procedures established in the comprehensive plan; and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 27, 2025 and, after consideration of the matter, recommended the amendment to the Board of City Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, to amend the Future Land Use Plan from the Urban Neighborhood (UN) designation to the Downtown (DT) designation for the area shown on the attached exhibit and described, more or less, as:

Lots 1-4, Block 10, Northern Pacific Addition in the City of Bismarck, Burleigh County, North Dakota

is in all things allowed and granted.

BE IT FURTHER RESOLVED that the Community Development Director of the City of Bismarck is directed to revise all subsequent publications of the Future Land Use Plan to reflect the amendments hereby resolved.

Adopted this 9th Day of September, 2025.

CERTIFICATE

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on this September 9th, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota.

Jason Tomanek
City Administrator
Bismarck, North Dakota

Date

DRAFT

Property Owners within Proposed DF - Downtown Fringe Rezoning Area

Property Owner Name	Owner Mailing Address	Owner City State	Owner ZIP Code
NEUSTEL, YUJING	906 4TH ST NE APT 5	FESSENDEN ND	58438-7313
HLS PROPERTIES LLC	7400 MILKY WAY RD	BISMARCK ND	58503-6786
BB40 LLC	7160 62ND AVE SE	BISMARCK ND	58504-9285
PLATINUM DEVELOPERS, INC	2020 3RD ST SE STE F2	MANDAN ND	58554-6455
LEUWER, TRACY E & LEUWER, LORE	1814 E BOULEVARD AVE	BISMARCK ND	58501-2834
CLOOSKI PROPERTIES LLP	612 W TURNPIKE AVE	BISMARCK ND	58501-1579
A TO Z RENTALS LLC	2454 TIMBERLANE PL	BISMARCK ND	58504-8918
DILLER, ANNA R	610 N 3RD ST	BISMARCK ND	58501-3664

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

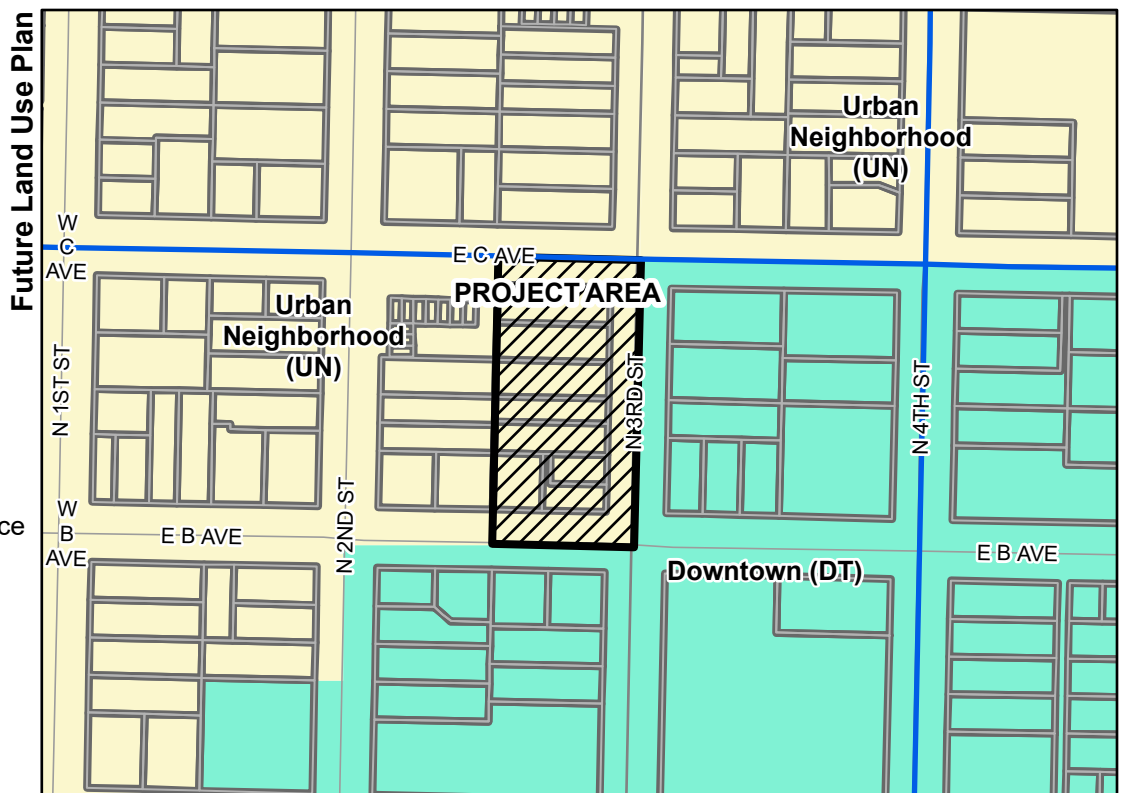
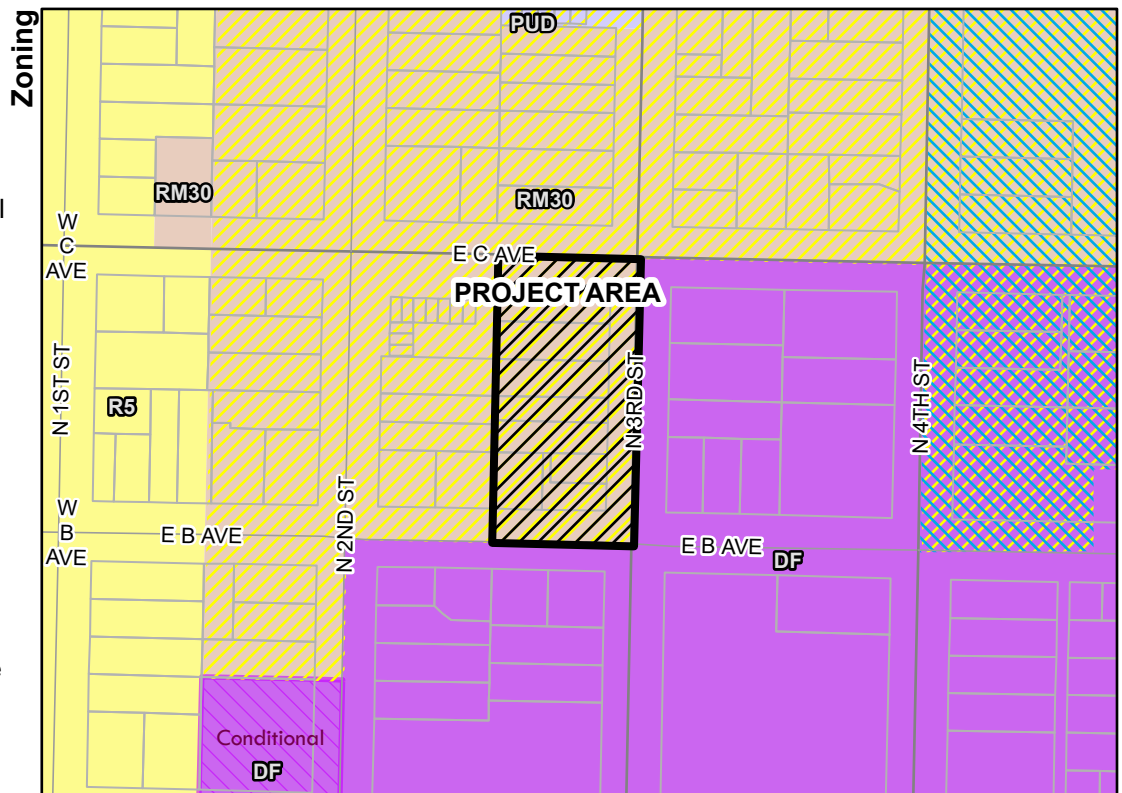
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits

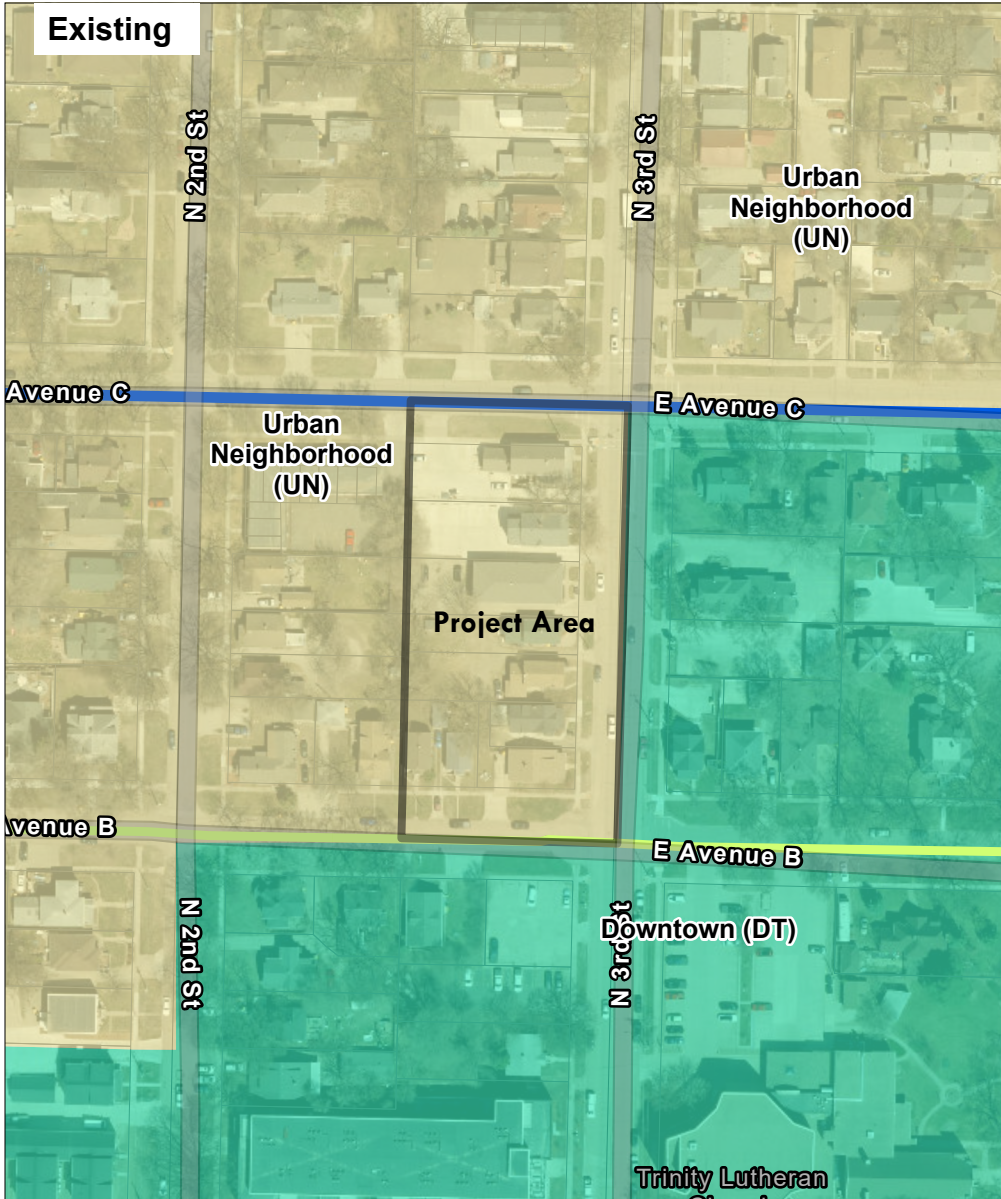


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

0 185 370 740 Feet



City of Bismarck
Community Development
Planning Division
July 9, 2025



Proposed New Zoning Map

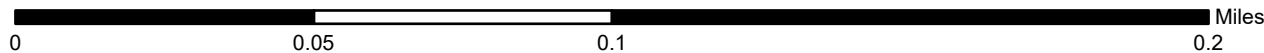
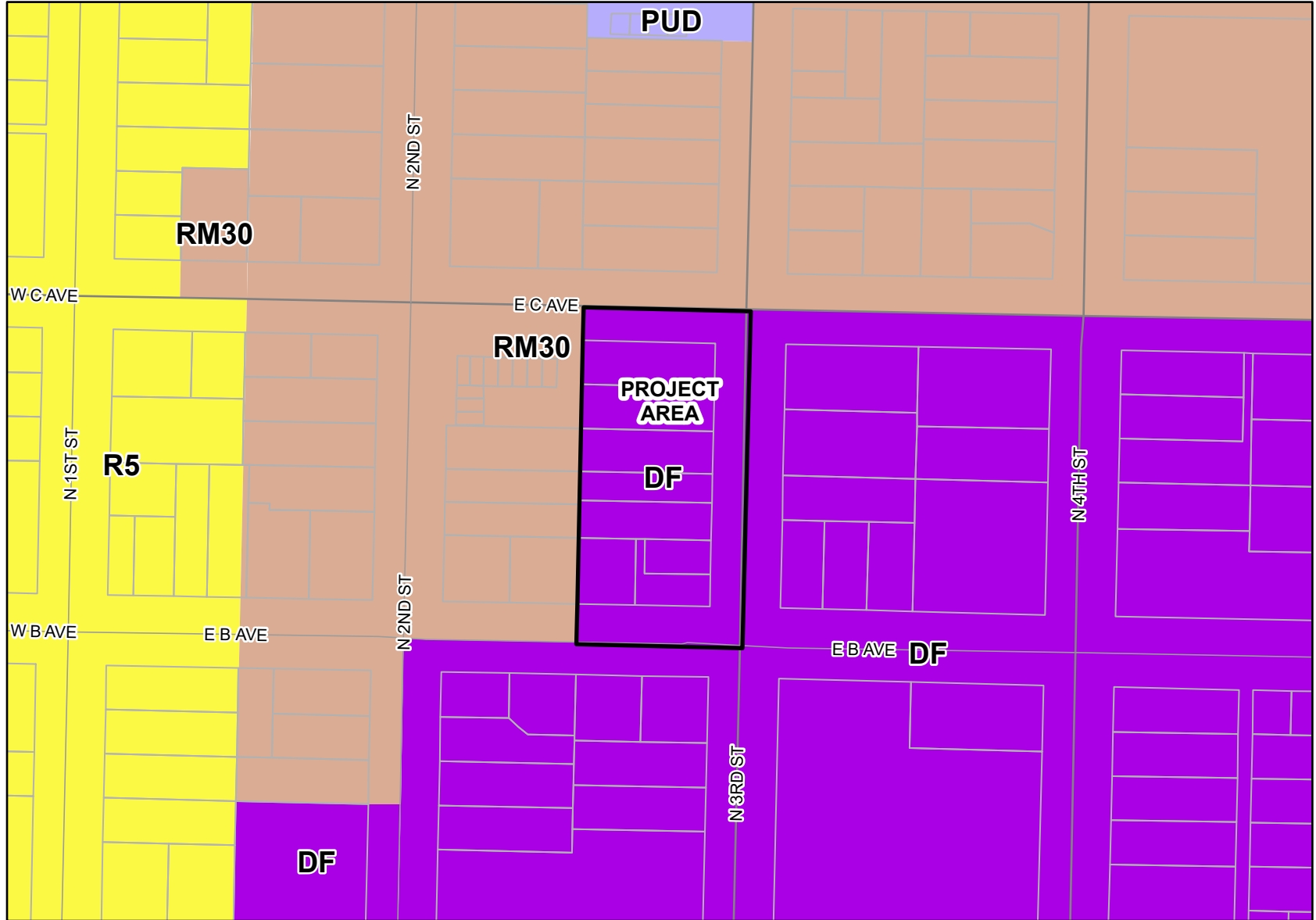
 Project Area (zoning within is proposed)

 City Limits

Zoning Districts

- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
- DC** Downtown Core
- DF** Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district



*This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.*





June 20, 2025

Re: Potential Expansion of DF – Downtown Fringe Zoning District

Dear Owner,

The City of Bismarck's Community Development Department – Planning Division is considering a zoning change to the DF – Downtown Fringe zoning district for an area in which you own property. The area is currently within the RM30 – Residential zoning districts. The proposed area is depicted on the attached map in black outline. A chart of some differences between these districts is also included.

Properties in the Downtown Fringe (DF) zoning district are subject to downtown design review approval from the Downtown Design Review Committee for all new construction, building alterations, and streetscape improvements. This process protects property values by encouraging higher-quality and consistent design standards for the area.

Planning staff have been approached about a redevelopment project in this area and believe a rezoning to the DF – Downtown Fringe zoning district would provide greater opportunities for new redevelopment or increased flexibility for improvement of existing buildings in this area.

The City intends to initiate this zoning change with the Planning and Zoning Commission at their July 23, 2025, meeting. There are no application fees for this zoning change, and a change in zoning would not directly result in any change to assessed property values or special assessments.

If you have any questions or concerns about this proposal, please feel free to call Isak Johnson at 701-355-1850 or email at ijohnson@bismarcknd.gov. We will hold an information session for property owners on this zoning change at 4:00 PM, on July 9, 2025, in the David J. Blackstead Meeting Room located on the 2nd floor of the City/County Office Building. You are welcomed to attend this in person or by phone call upon request.

If this proceeds, there will also be a public hearing held with the Planning and Zoning Commission, and you will receive further notification of this hearing.

Sincerely,



Daniel Nairn, AICP

Planning Manager, Community Development Department
City of Bismarck

The following table describes some of the differences between the existing and proposed zoning districts:

	Existing	Proposed
	RM30 – Residential	DF – Downtown Fringe
<i>Typical Uses Allowed</i>	Multifamily residential; medical, single and two-family residential also allowed	Commercial, office, multifamily residential, mixed use, single and two-family residential
<i>Front Setbacks (distance of structures from street)</i>	Minimum of 25 feet, or aligned with nearby buildings	No minimum setback; maximum of 25 feet
<i>Side Setbacks (distance of structures from side property line)</i>	10 feet setback	No setback (unless building code requires for fire protection)
<i>Rear Setbacks (distance of structures from rear property line)</i>	20 feet setback	No setback
<i>Building Height</i>	60 feet maximum	75 feet maximum
<i>Lot Coverage (amount of lot that can be filled with buildings/parking)</i>	50% of lot	100% of lot
<i>Signs</i>	Follow stricter residential sign standards. Digital require special permit.	Follow stricter downtown standards. No digital or off-premise signs, etc.
<i>Design Review</i>	Not applicable	Projects reviewed for compliance with Downtown Design Guidelines

STAFF REPORT

Agenda Item # 4D

August 27, 2025

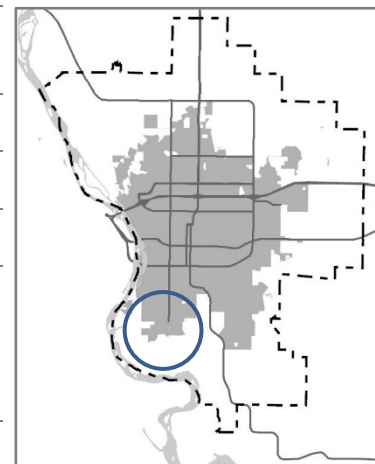
Application for: **Future Land Use Plan
Amendment
Zoning Map Amendment**

Project ID: **FLUP2025-004**

ZC2025-014

Project Summary

<i>Title:</i>	South Meadows Addition Third Replat, Block 1, Lots 1-10
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Investcore, Inc.
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	In southwest Bismarck, south of West Burleigh Avenue, in the southwest quadrant of the intersection of South Washington Street and Meridian Drive
<i>Project Size:</i>	4.01 acres, more or less
<i>Applicant Request:</i>	Rezone and amend the Future Land Use Plan for multi-family development
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	10 Lots in 1 Block	<i>Lots/Blocks:</i>	1 Parcel in 1 Block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Multi-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	RM20 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	RM20 – Multi-family residential
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	RM20 – 20 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	South Bay/South Meadows

Property History

<i>Zoned:</i>	09/2017
<i>Platted:</i>	06/2022
<i>Annexed:</i>	10/2014

(continued)

Project Narrative

Investcore, Inc. is requesting approval of a zoning map amendment from the R10 – Residential zoning district to the RM20 – Residential zoning district and a Future Land Use Plan amendment from the Urban Neighborhood designation to the Neighborhood Mixed Use designation on Lots 1-

10, Block 1, South Meadows Addition Third Replat.

A lot modification has been requested in conjunction with this request and is currently under review by staff. It would combine the 10 lots into 1 parcel for multi-family development.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan, although the applicant has requested an amendment that would render the entire project area as Neighborhood Mixed Use (NMU) if approved. The UN areas are places for quiet enjoyment of home life, and NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. Goals and objectives of this plan as they relate to zoning map amendments and Future Land Use Plan amendments are referenced in review standards below.

Adjacent uses include single- and two-family residential to the west and north across Meridian Drive, a public utility facility and single-family

residential to the south, and undeveloped single- and two-family residential to the east across South Washington Street.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 15 and 22, and 68 postcards were mailed to the owners of nearby properties on August 15, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

(continued)

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Future Land Use Plan Amendment

The proposed amendment is compatible with adjacent land uses, both existing and proposed in the Future Land Use Plan ([FLUP standards](#))

Yes. The adjacent uses are described in the Project Context section above. The adjacent Future Land Use Plan designations are Urban Neighborhood to the north, west, and east, and a mix of Urban Neighborhood and Rural Residential designations to the south.

The proposed amendment is suitable for the natural conditions of the site, including topography, drainage, wetlands, and other natural conditions ([FLUP standards](#))

Yes. The area proposed for amendment does not contain any natural conditions that would substantially impede development in the character of the proposed district. Stormwater management, grading, and other land alternation activities that occur with site development would not be out of the ordinary for this land use.

The proposed amendment is aligned with the Major Street Plan or accompanied by an amendment to the Major Street Plan that would render it in alignment ([FLUP standards](#))

Yes. The boundaries of the proposed Future Land Use Plan amendment are reasonably aligned with the future roadway corridors shown on the Major Street Plan.

The proposed amendment does not adversely affect the City's ability to provide municipal utilities in the future to or beyond the district(s) proposed for amendment ([FLUP standards](#))

Yes. The proposed amendment is within an area already serviced by municipal services and would not negatively impact these services.

The current Future Land Use Plan designation is not adequate to meet the needs of the community or suitable for this tract of land, as justified by the applicant, and the proposed land use designation would, to some degree, alleviate this condition ([FLUP standards](#))

Yes. The applicant has provided the following justification for the need to change the plan. The applicant is proposing to amend the zoning in this area from R10 – Residential zoning district which allows single- and two-family residential uses to the RM20 – Residential zoning district which would allow multi-family residential uses. Multi-family residential uses would align with the Neighborhood Mixed Use designation in the Future Land Use Plan rather than the Urban Neighborhood designation. City of Bismarck Staff find this justification to be valid.

The proposed amendment is consistent with the goals and objectives of Together 2045 Bismarck's Comprehensive Plan and other adopted plans and policies ([FLUP standards](#))

Yes, the following objectives of the plan would be advanced through the proposed amendment.

- T1(c): Examine existing land use regulations to identify opportunities to support and increase in the development of housing choice across the spectrum of affordability.

The proposed amendment would not adversely affect the public health, safety, and general welfare ([Goal S10-a](#))

(continued)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed amendment to the Future Land Use Plan would not adversely impact the public health, safety, and general welfare.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes, with a formal amendment to the Future Land Use Plan. In conjunction with this request, the applicant requests approval of an amendment to the Future Land Use Plan. If the amendment is approved as presented in this staff report, the proposed zoning map amendment is within the area currently designated as Urban Neighborhood in the Future Land Use Plan, and if the amendment is approved as presented in this staff report, this would change to Neighborhood Mixed Use (NMU) in the Future Land Use Plan. UN areas are places for quiet enjoyment of home life and NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. The proposed zoning district would generally conform to the character of this district. A plan reference map is attached to this staff report.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow multi-family residential uses. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

The proposed zoning district has a minimum lot width of 60 feet for all development except for rowhouses and townhouses. The lot modification associated with this request would bring these lots into conformity with this dimensional requirement.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of R10 - Residential was established on September 26, 2017. Conditions have changed since this time including the adoption of a new comprehensive plan, Together 2045. This area of Bismarck has seen an increase in diverse housing types within the past several years. The applicant would like to develop this area into multi-family residential.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance map amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

- S9: Provide the means for adaptation of the built environment to meet complex and changing economic and social demands.
- S6: Encourage a diversity of housing types to meet the variety of household needs in the community.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning

(continued)

ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval on a zoning map amendment from the R10 – Residential zoning district to the RM20 – Residential zoning district and a Future Land Use Plan amendment from the Urban Neighborhood designation to the Neighborhood Mixed Use designation on Lots 1-10, Block 1, South Meadows Addition Third Replat with the following condition:

1. The associated lot modification is approved prior to recordation of this zoning map amendment.

Attachments

1. Draft Zoning Ordinance
2. Draft Future Land Use Plan Resolution
3. Zoning and Plan Reference Map
4. Plan Amendment Map
5. Proposed Zoning Map

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R10 – Residential zoning district and included in the RM20 – Residential zoning district:

Lots 1-10, Block 1, South Meadows Addition Third Replat

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

**RESOLUTION OF
THE BISMARCK BOARD OF CITY COMMISSIONERS
AMENDMENT TO THE FUTURE LAND USE PLAN (FLUP2025-004)**

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota, wishes to formally amend the City of Bismarck's Future Land Use Plan, which establishes districts in the City of Bismarck and its extraterritorial area that are planned to take shape by the year 2045; and

WHEREAS, said Future Land Use Plan was adopted as part of Together 2045 Bismarck's Comprehensive Plan by the Bismarck Planning and Zoning Commission on November 16 and by the Bismarck Board of City Commissioners on December 27, 2022; and

WHEREAS, the Future Land Use Plan may, from time to time, be amended according to standards and procedures established in the comprehensive plan; and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 27, 2025 and, after consideration of the matter, recommended the amendment to the Board of City Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, to amend the Future Land Use Plan from the Urban Neighborhood (UN) designation to the Neighborhood Mixed Use (NMU) designation for the area shown on the attached exhibit and described, more or less, as:

Lots 1-10, Block 1, South Meadows Addition Third Replat in the City of Bismarck, Burleigh County, North Dakota

is in all things allowed and granted.

BE IT FURTHER RESOLVED that the Community Development Director of the City of Bismarck is directed to revise all subsequent publications of the Future Land Use Plan to reflect the amendments hereby resolved.

Adopted this 9th Day of September, 2025.

CERTIFICATE

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on this September 9, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota.

Jason Tomanek
City Administrator
Bismarck, North Dakota

Date

DRAFT

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

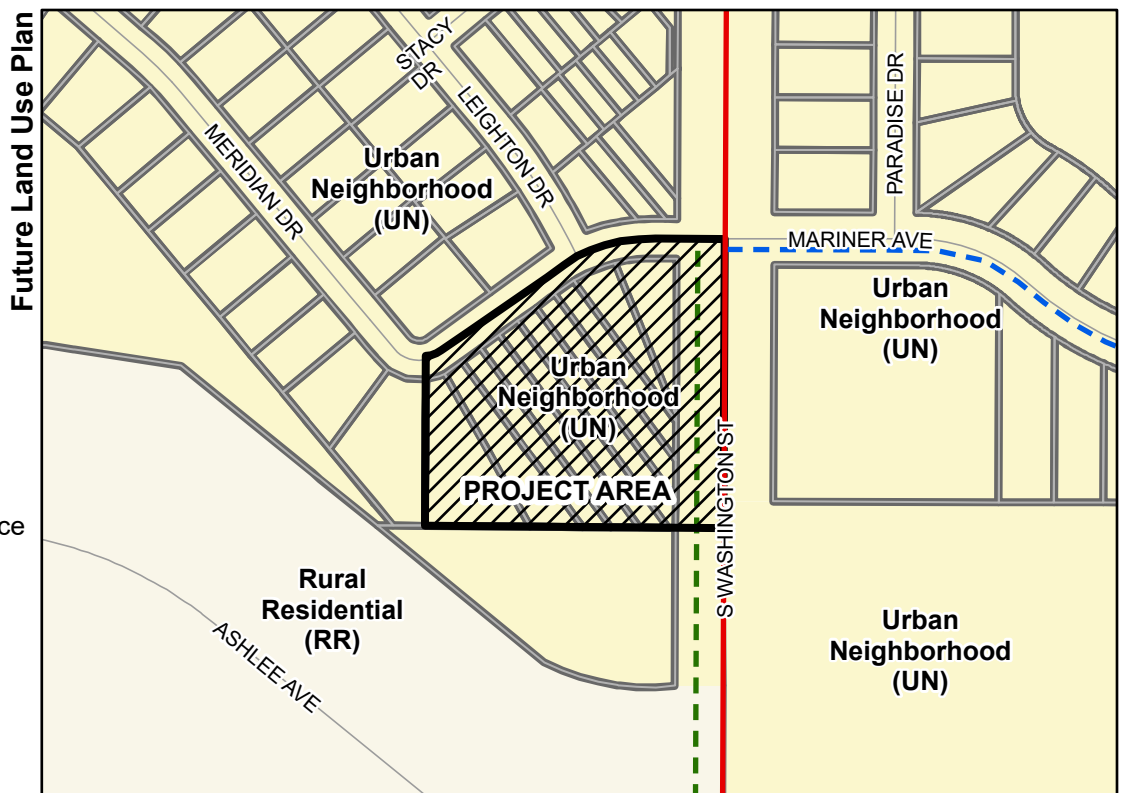
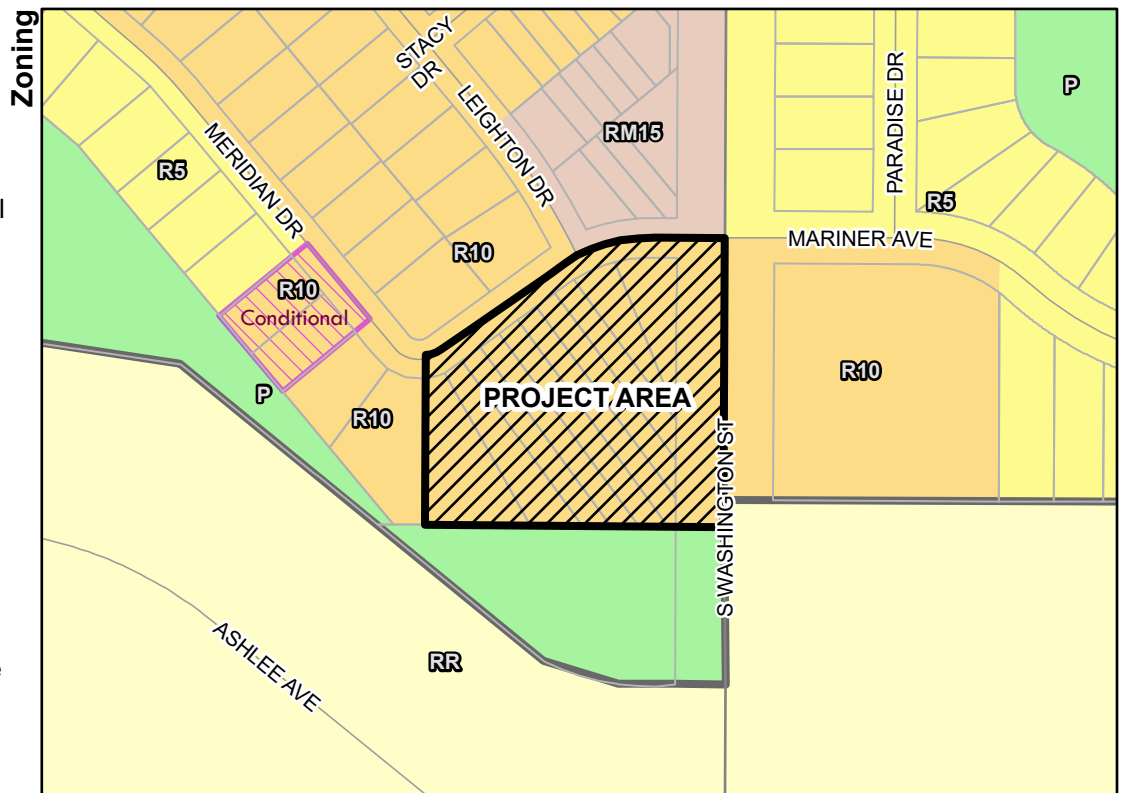
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

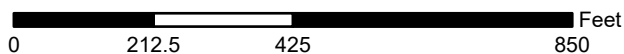
— Future Shared Trail

Major Street Plan

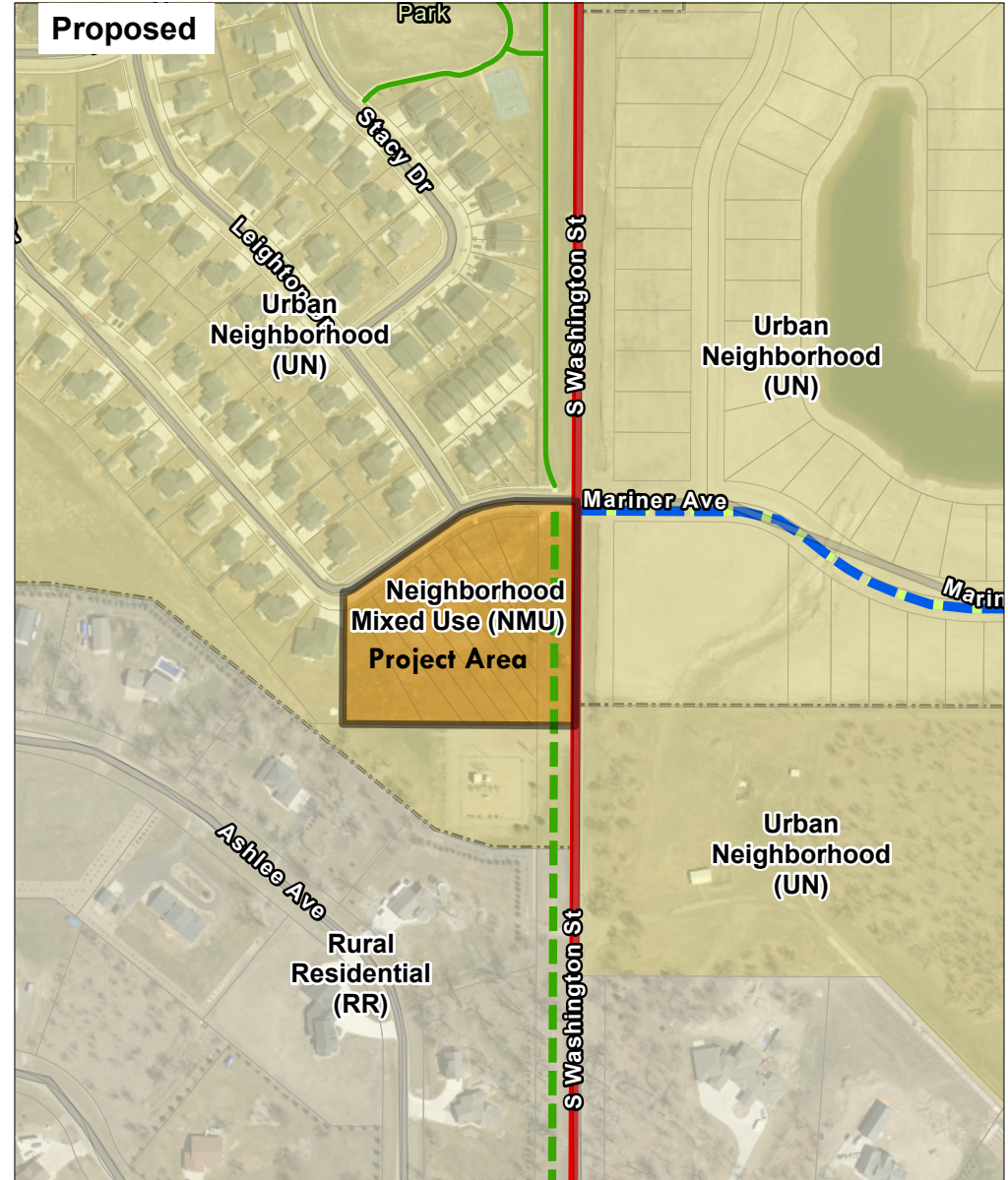
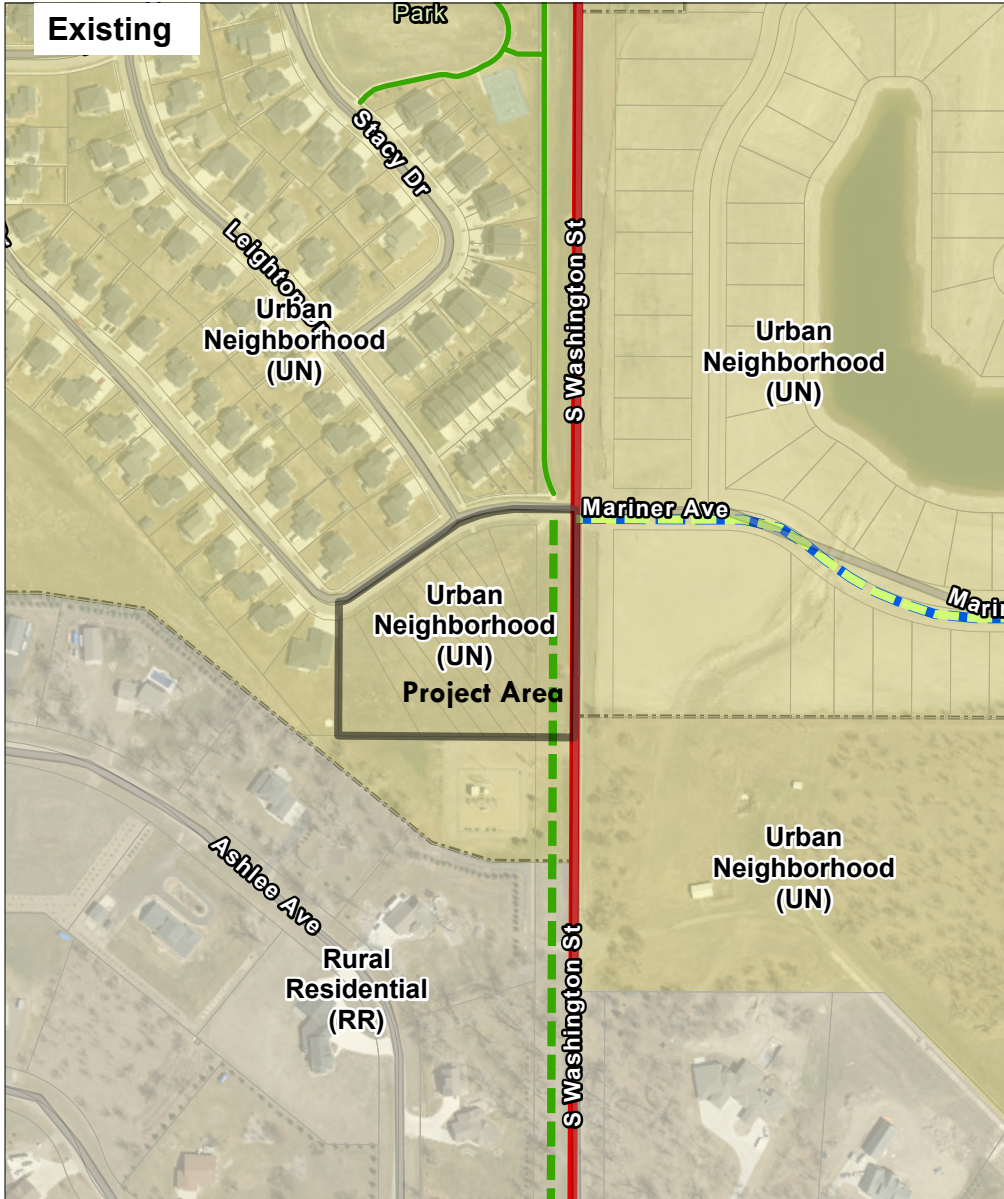
—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate
—	City Limits



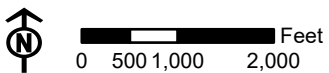
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development
Planning Division
July 14, 2025



City of Bismarck
Community Development
Planning Division
July 16, 2025



- City Limits
- Bismarck ETA
- Future Land Use Plan**
- Urban Neighborhood (UN)

- Neighborhood Mixed Use (NMU)
- Rural Residential (RR)
- Major Street Plan**
- Future Collector

- Existing Arterial
- Active Mobility Plan**
- Future Shared Use Trail
- Future Street Bike Connection

- Existing Shared Use Path

*This map is for
representational
use only and does
not represent a
survey. No liability
is assumed as to the
accuracy of the data
delivered herein.*

Page 93 of 229

Proposed New Zoning Map

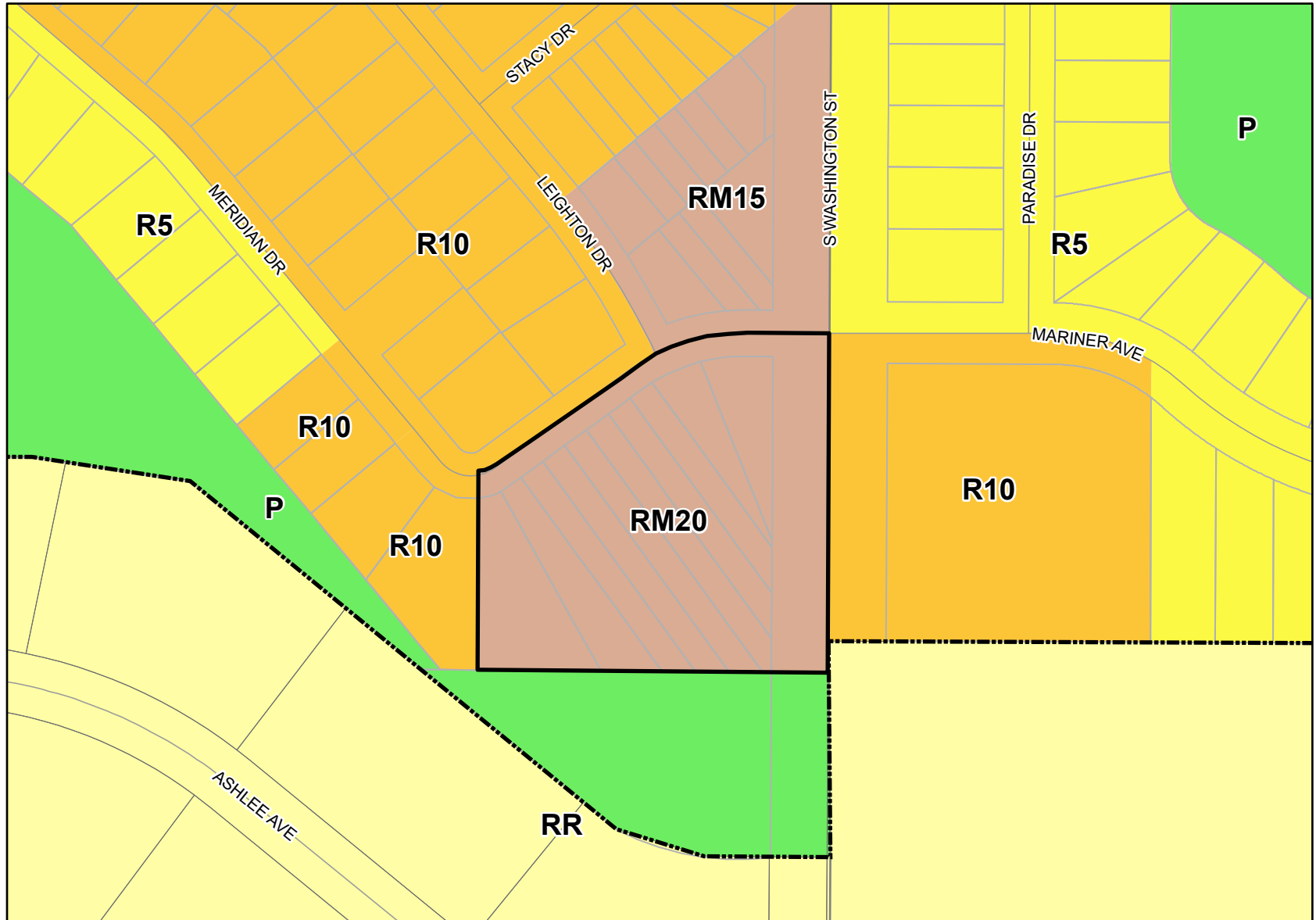
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

*A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district*



0 0.05 0.1 0.2 Miles

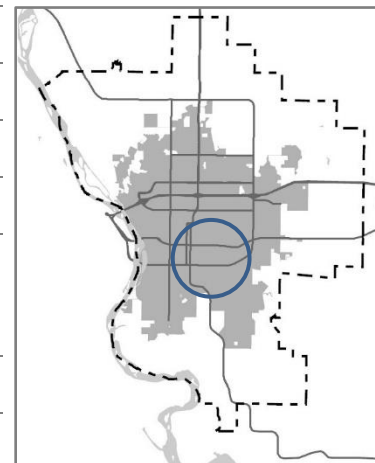
*This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.*



City of Bismarck
Community Development
Planning Division
July 14, 2025

Project Summary

<i>Title:</i>	Lunde Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Viking Builders, Inc.
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	In central Bismarck, in the southeast quadrant of the intersection of East Bowen Avenue and South 18th Street
<i>Project Size:</i>	0.47 acres
<i>Applicant Request:</i>	Plat the property to facilitate twin home development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 parcel	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Vacant	<i>Land Use:</i>	Twin home residential
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	No Change
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	No Change
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	No Change
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	No Change

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	East Bowen

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	N/A
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Viking Builders, Inc. is requesting approval of a major subdivision final plat for Lunde Addition. The property is located in an older part of central Bismarck that, despite being within city limits for much of Bismarck's history, has never been platted. The request is to take the existing single

parcel of land and plat two lots in one block to facilitate a twin home development.

Municipal infrastructure such as streets, water, and sewer services are already in place. The property is zoned R10 – Residential and that is not being proposed to change.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. Goals and objectives of this plan as they relate to major subdivision preliminary plats are referenced in review standards below.

The proposed subdivision is surrounded on all sides by single- and two-family residences with some industrial uses further to the north and east. One block to the south is Tatley-Eagles Park.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 15 and 22, and 28 postcards were mailed to the owners of nearby properties on August 15, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning

(continued)

and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion

Yes. No conditions were placed on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. The easements include utility and sanitary sewer easements along the north side of the plat.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the

proposed subdivision. East Bowen Avenue is identified as an existing collector roadway. This roadway is already constructed and impacts to the roadway as a result of the proposed subdivision are expected to be minimal. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. There are no corridors identified in the Active Mobility Plan within or adjacent to the proposed subdivision. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. Adequate parks and open space already exist to serve anticipated residents of this subdivision. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District. The proposed subdivision is within a quarter mile of Tatley-Eagles Park (located to the south). As such, the residents would be served by the existing park infrastructure. A waiver letter from the Bismarck Parks and Recreation District is attached at the end of this report.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore, no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street

(continued)

connectivity have been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal I6-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would

adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

Yes. The proposed subdivision involves infill and redevelopment of an area already served by municipal infrastructure. The additional up-front and ongoing costs to the City are expected to be minimal, relative to the benefits provided by the subdivision.

Technical specifications required of the preliminary plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the final plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

(continued)

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. A utility capital charge for the one additional lot will be due at the time of recordation of the plat.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision
(Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major subdivision final plat of Lunde Addition.

Attachments

1. Zoning and Plan Reference Map
2. Final Plat
3. Preliminary Plat
4. Neighborhood Park and Open Space Policy Waiver Letter

Staff report prepared by: Isak Johnson, AICP, Planner

701-355-1850 | ijohnson@bismarcknd.gov



Zoning and Plan Reference Map

LUNDE ADDITION

PPLT2025-007

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured
	Home Residential
R10	Residential
RM	Residential
	Multifamily
RT	Residential
	(Offices)
HM	Health and
	Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit
	Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

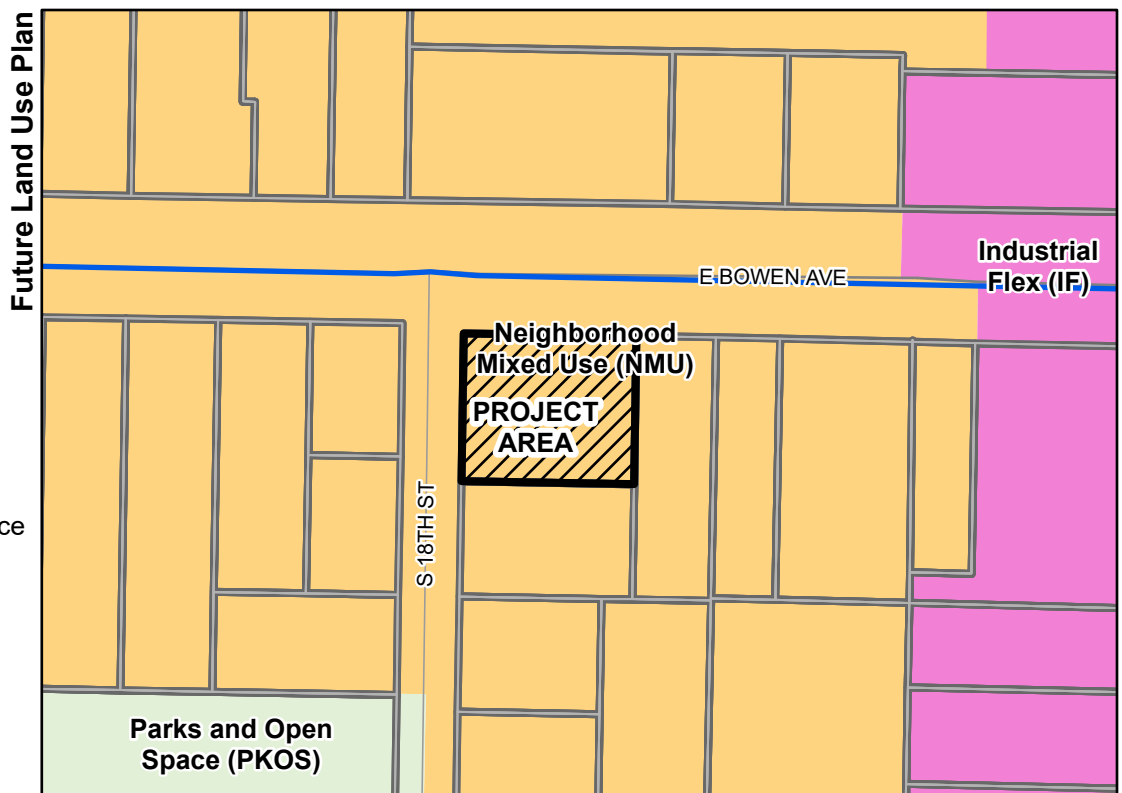
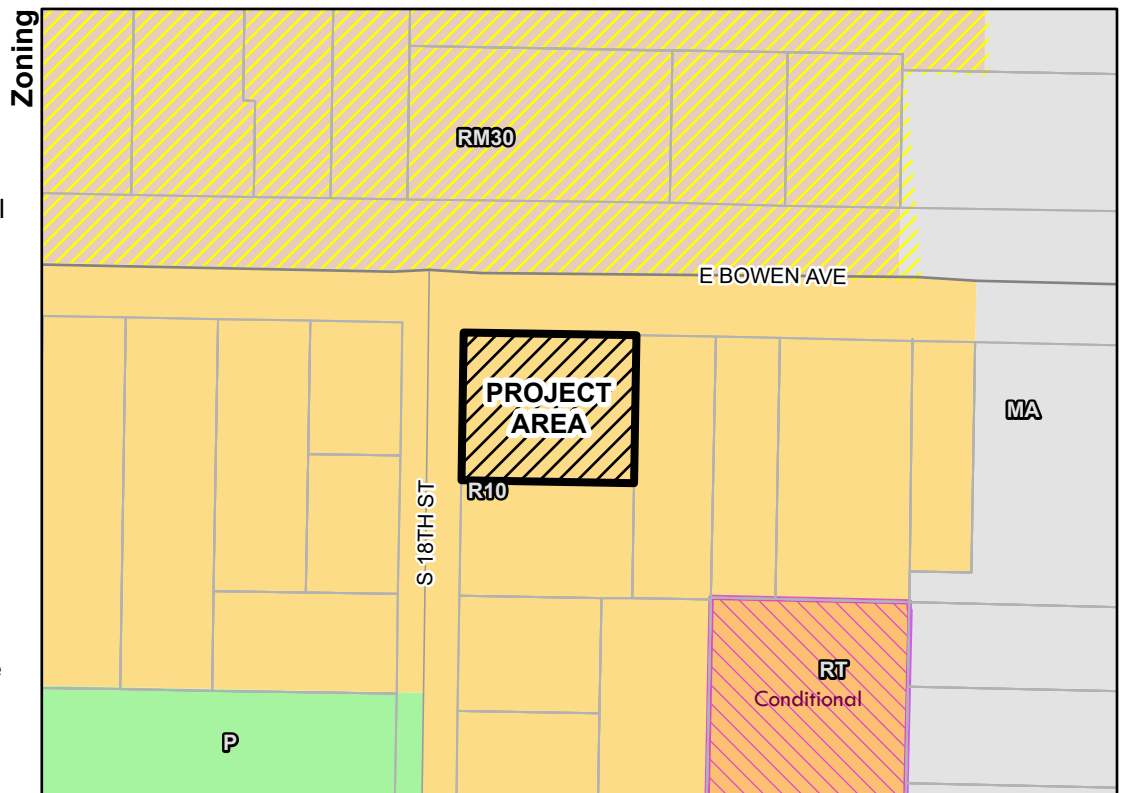
UN	Urban
	Neighborhood
NMU	Neighborhood
	Mixed Use
CMU	Community
	Mixed Use
DMU	Destination
	Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial
	Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.

0 90 180 360 Feet



City of Bismarck
Community Development
Planning Division
July 8, 2025

PART OF AUDITOR'S LOT 5, PART OF THE SOUTH 1/2 OF EAST BOWEN
AVENUE AND PART OF SOUTH 18TH ST RIGHTS-OF-WAY OF
SECTION 3 TOWNSHIP 138 NORTH RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

[illegible]

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

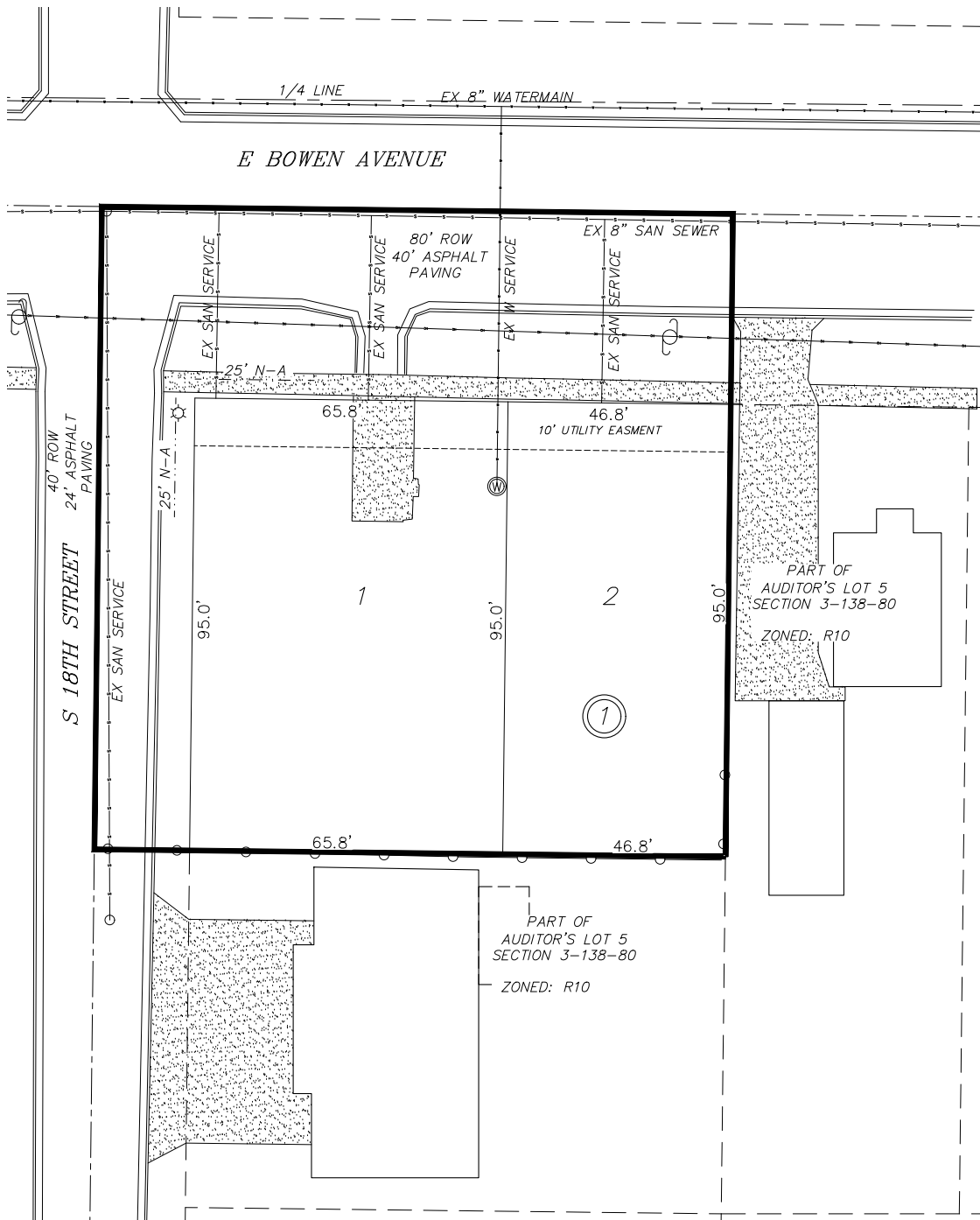
COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHOD
OF MEASUREMENTS.

VERTICAL BENCHMARK:
HYDRANT #3075
BOWEN AVE BETWEEN 18TH ST & AIRPORT
ELEV. 1679.1 (NAD 88)

AREA DATA		
LOTS	10,669 S.F.	0.24 ACRES
STREETS	9,898 S.F.	0.23 ACRES
TOTAL	20,567 S.F.	0.47 ACRES

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



LUNDE ADDITION

PART OF THE SW 1/4 OF SECTION 3
TOWNSHIP 138 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SCALE -- 1" = 10'
VERTICAL DATUM: NAVD 88
JULY 9, 2025

0.41 ACRES
EXISTING ZONING: R10
2 LOTS 1 BLOCK

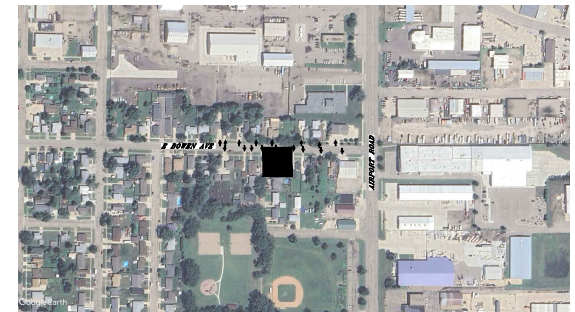
OWNER: VIKING BUILDERS, INC.

CENTERLINE LENGTHS:

BOWEN AVE---133 LF (COLLECTOR)
18TH ST---135 LF (LOCAL)

MAXIMUM ALLOWABLE HOUSING UNITS:

R10 --2 UNITS



LOCATION MAP



SWENSON, HAGEN & COMPANY P.C.

3002 Arroyo Avenue
Bismarck, North Dakota 58504
shc@swensonhagen.com
Phone (701) 223-2000
Fax (701) 223-2006

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

June 26, 2025

City of Bismarck Community Development
Isak Johnson, Planner
221 N. 5th Street
Bismarck, ND 58501

Re: Waiver Letter for Lunde Addition (PPLT2025-007)

Dear Isak:

Lunde Addition is a major subdivision currently in the preliminary plat process and any major plat that is zoned residential would be included in the Neighborhood Park and Open Space policy. We appreciate your continued partnership with the policy and your notice of this project moving forward.

Since the plat is just two lots in one block and is only 0.4 acres in close proximity to Tatley Eagles Park, Bismarck Parks and Recreation District is providing a waiver of the Neighborhood Park and Open Space Policy for the Lunde Addition plat.

Please let me know if you have any questions.



Kevin Klipfel
Executive Director

STAFF REPORT

Agenda Item # 4F

August 27, 2025

Application for: **Final Plat**

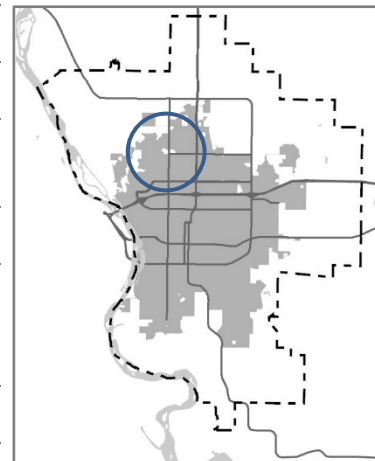
Zoning Map Amendment

Project ID: **FPLT2025-006**

ZC2025-015

Project Summary

<i>Title:</i>	Boulder Ridge Commercial Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Wilment Properties LLC Wilment Development LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	Northwest Bismarck, in the northeast quadrant of the intersection of North Washington Street and 43rd Avenue Northeast
<i>Project Size:</i>	23.63 acres, more or less
<i>Applicant Request:</i>	Plat and rezone for future commercial development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	5 parcels in 1 Block	<i>Lots/Blocks:</i>	4 Lots in 2 Blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Commercial uses
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	CA – Commercial CG – Commercial	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	CA – Neighborhood commercial CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	CA – 30 units / acre CG – 42 units / acre	<i>Max Density:</i>	No change

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	04/2005 & 01/2025
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	06/2005
<i>Neighborhood:</i>	Boulder Ridge	<i>Annexed:</i>	Portions in 2005, 2006, & 2007

(continued)

Project Narrative

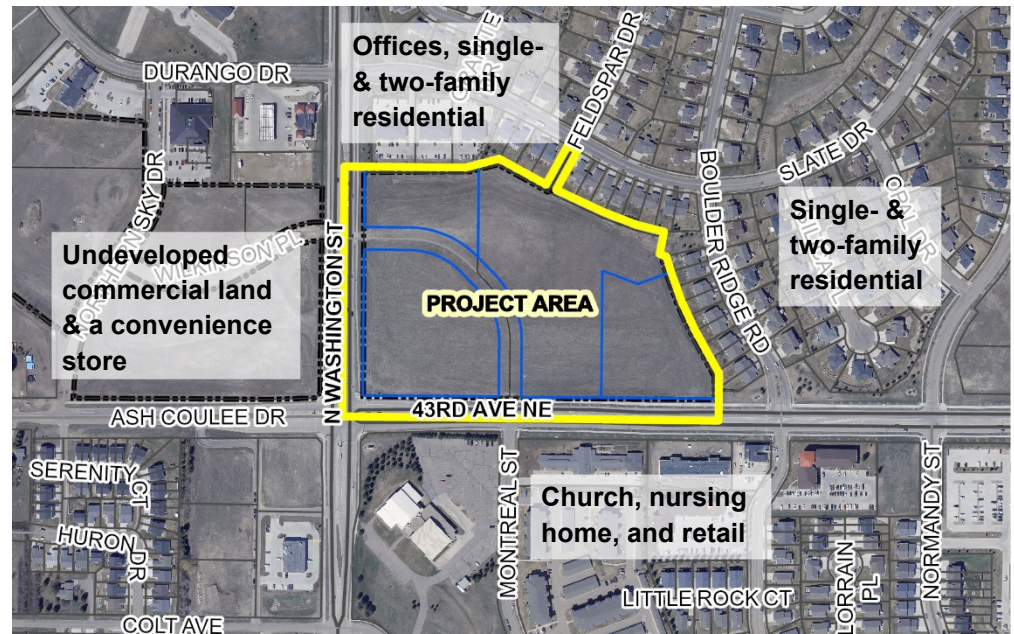
Wilment Properties LLC and Wilment Development LLC are requesting approval of a major subdivision final plat titled Boulder Ridge Commercial Addition and a zoning map amendment from the CA – Commercial and CG – Commercial zoning districts to the CG – Commercial zoning district for Lot 1, Block 1, Boulder Ridge Commercial Addition. The proposed plat would create 4 lots in 2 blocks.

The applicant has also submitted an annexation for the whole area within the proposed plat. Typically, associated requests are reviewed together. However, due to the notification timeline for annexations, the applicant asked that this annexation request be submitted separately to the Planning and Zoning Commission. The hearings for all these requests will coincide and will be heard together by the City Commission.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce, employment, and residence for the Bismarck community. Goals and objectives of this plan as they relate to annexations are referenced in review standards below.

Adjacent uses include offices and single- and two-family residential to the north; single- and two-family residential to the east; a church, nursing home, multi-family residential, and retail uses to the south across 43rd Avenue Northeast; and a

convenience store and undeveloped commercial land to the west across North Washington Street.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 15 and 22, and 66 postcards were mailed to the owners of nearby properties on August 15, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development

(continued)

Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion

Yes. No specific conditions were placed on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Rights-of-way and easements are included for stormwater and drainage, municipal water and sanitary sewer, access, and other utilities.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely

review by staff, the Planning and Zoning Commission, and the general public.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. North Washington Street and 43rd Avenue Northeast are included in the proposed plat and are existing arterial roadways. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. An existing shared use trail is incorporated into the right-of-way for 43rd Avenue Northeast and an existing street bike connection is available along the right-of-way for Slate Drive. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

(continued)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity has been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Access via North Washington Street and 43rd Avenue Northeast will be limited to right in, right out access points to avoid traffic conflicts. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15, Section 14.1-04-03](#));

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal 16-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f, Section 14-09-04\(2\)d](#))

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary. An annexation request has been submitted alongside this subdivision request.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

Yes. The future revenue and other public goods generated by the proposed subdivision are expected to be proportional to the public costs of development. Public costs associated with provision of municipal water and sewer service to new development will be adequately compensated for through payment of utility capital charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Upon tentative approval of the preliminary plat, the applicant has

(continued)

submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Utility capital charges will be due at the later of three points: platting and annexation, establishing a water and sewer escrow, or receipt of a street petition.

The associated annexation request also triggers the held in abeyance costs for previous regional stormwater improvements and the previous construction improvements to North Washington Street. The costs associated with the annexed portion will be attached to that property after annexation occurs. The special assessments would then start the year following the annexation completion.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment (Future Land Use Plan)

Yes. The proposed zoning map amendment is within the area designated as Community Mixed Use in the Future Land Use Plan, as described in the Project Context section above. The proposed

zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning (Goal S10-a, S5-a)

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow multi-family residential and general commercial uses. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

Lot 1, Block 1, Boulder Ridge Commercial Addition includes a stormwater and drainage easement directly adjacent to the office uses to the north. The previous platted landscape buffer that was included with the plat of Boulder Ridge First Addition is not included on the plat as buffering requirements are included in Section 14-03-11.10. This section notes that the location of the buffer yards be located “along the entire length of any lot line where two land uses of differing intensity abut.” However, landscaping installed in this manner within the stormwater and drainage easement would be difficult to maintain and keep alive and would not meet the intent of the ordinance. As such, staff has noted that the placement of the required landscaping be located on the interior portion of the stormwater and drainage easement for Lots 1-3, Block 1, Boulder Ridge Commercial Addition.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established (Goal S9-e)

Yes. The current zoning districts of CA – Commercial and CG - Commercial were established in 2007 and 2024, respectively. Conditions have changed since this time. Lot 1, Block 1, Boulder Ridge Commercial Addition would have two different zoning designations (CA – Commercial and CG – Commercial) which would create issues in administering and

(continued)

interpreting zoning requirements for this lot. The applicant has requested that the CA – Commercial zoning district portion be rezoned to align with the lot's majority zoning of CG – Commercial.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment (Goal S1-a, Goal T1-c)

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance map amendment (Comprehensive Plan)

Yes. The following objectives of the plan would be advanced through the proposed amendment.

- S1: Encourage the formation and growth of complete neighborhoods.
- S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.
- C3(b): Improve safety by reducing potential points of conflict, including pedestrian/vehicular conflict, by consolidating and/or limiting direct access to major roadways.
- G2(b) Prioritize annexation of tracts that are contiguous to city limits and easily provided municipal services, as identified as Expansion Priority 2 in the Growth Phasing Plan.

This request, including the associated subdivision plat and annexation requests, would potentially encourage development within this area and provide potential amenities to the surrounding area.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; NDCC 40-27-03)

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, NDCC Chapter 40-47)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of a major subdivision final plat titled Boulder Ridge Commercial Addition and a zoning map amendment from the CA – Commercial and CG – Commercial zoning districts to the CG –

(continued)

Commercial zoning district for Lot 1, Block 1,
Boulder Ridge Commercial Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Final Plat
5. Preliminary Plat

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the CA – Commercial and CG - Commercial zoning districts and included in the CG – Commercial zoning district:

Lot 1, Block 1, Boulder Ridge Commercial Addition

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

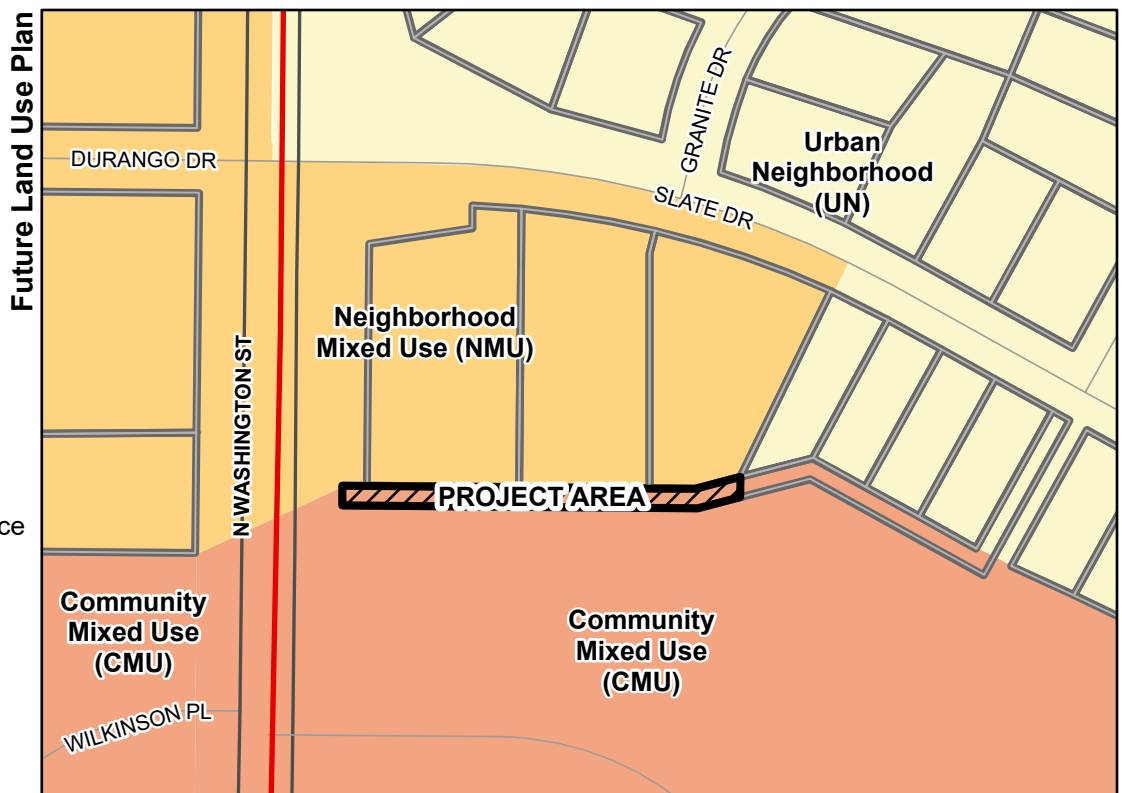
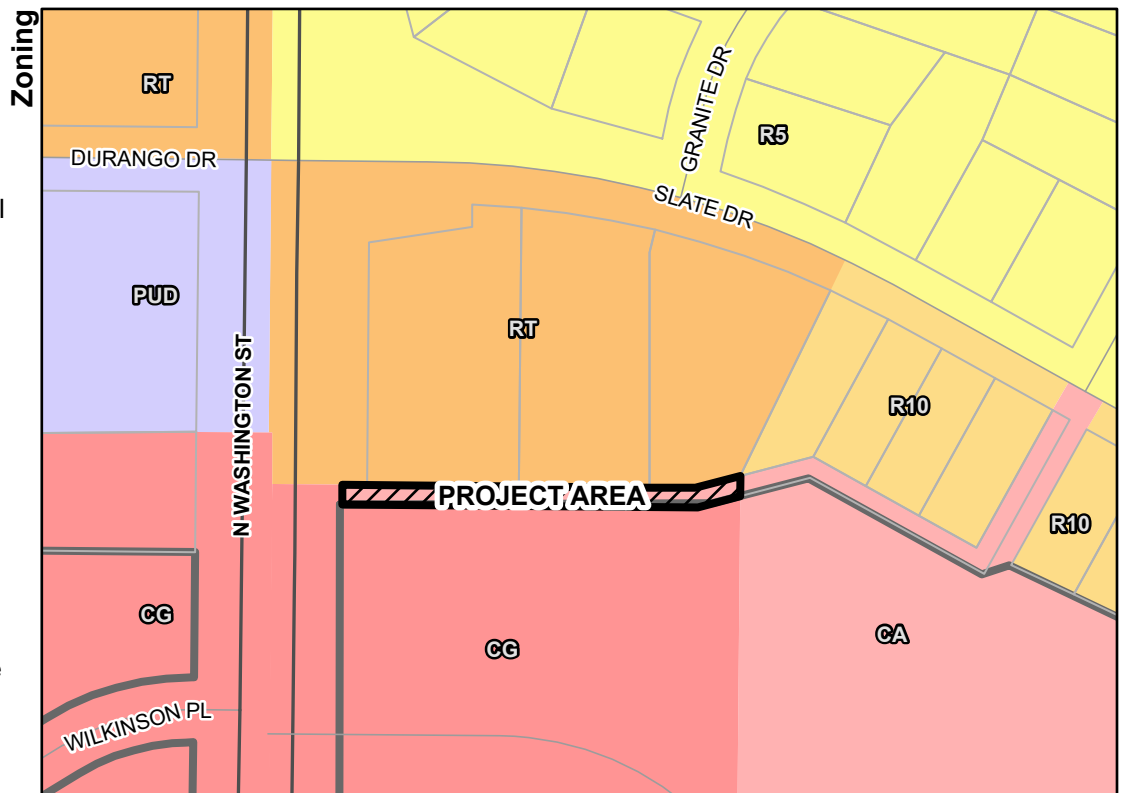
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

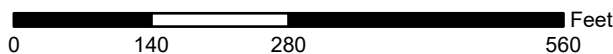
— Future Shared Trail

Major Street Plan

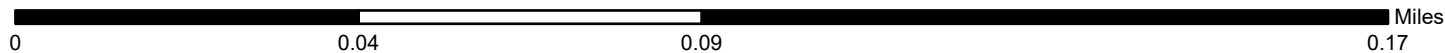
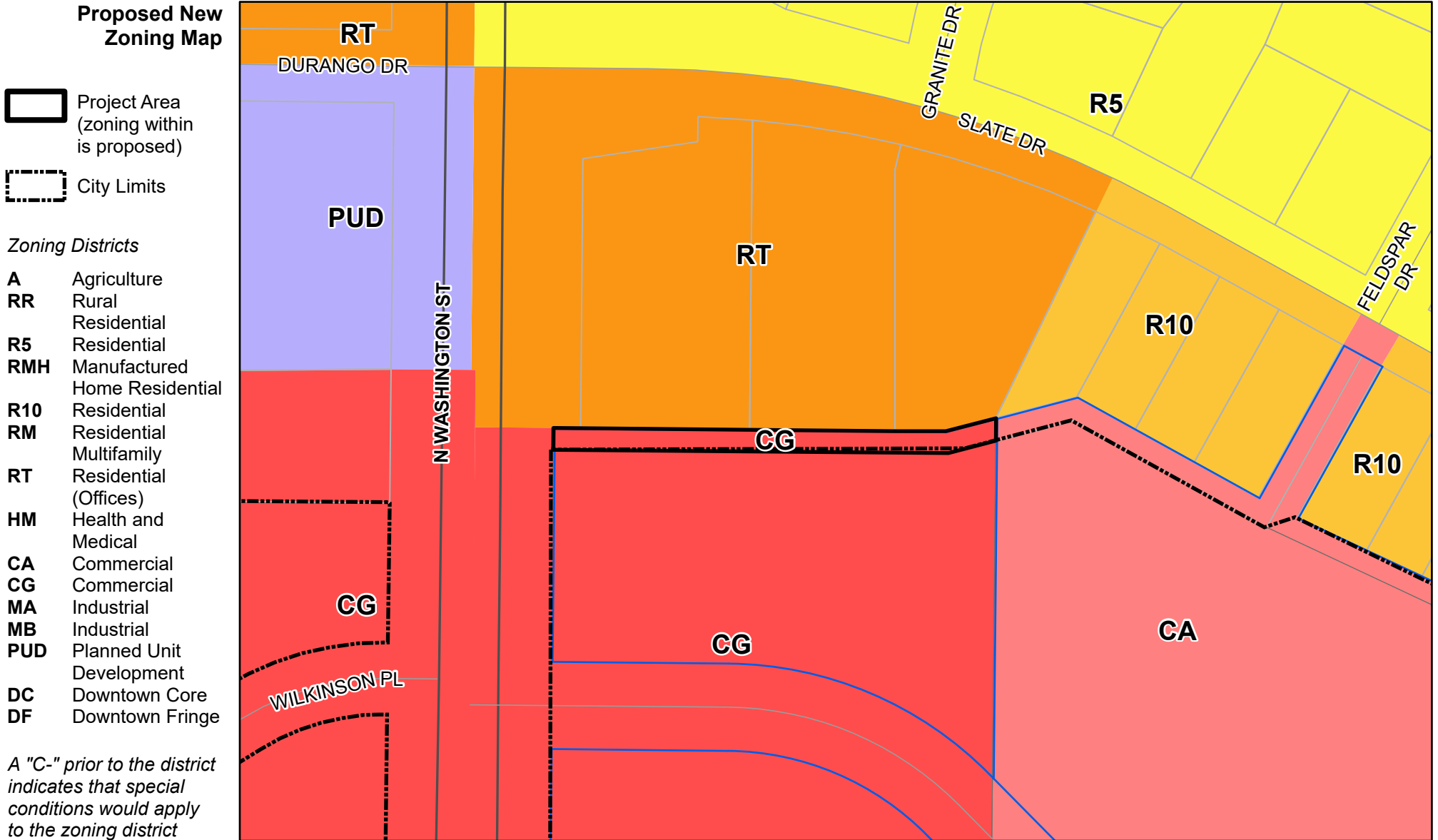
- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate
- ▬ City Limits



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.



City of Bismarck
Community Development
Planning Division
July 14, 2025



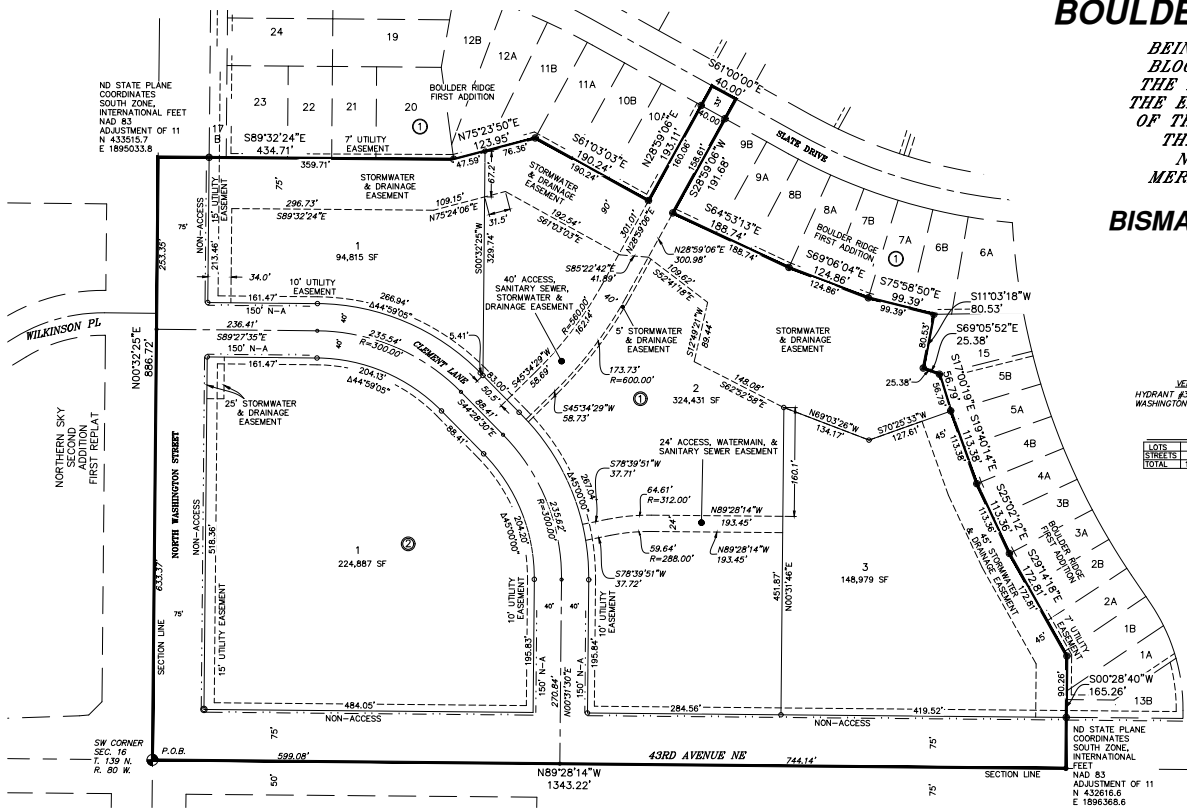
*This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.*



BOULDER RIDGE COMMERCIAL ADDITION

BEING A REPLAT OF LOTS 13A, 14, 16, 17A, 26, AND 27
BLOCK 1 BOULDER RIDGE FIRST ADDITION AND PART OF
THE NORTH HALF OF 43RD AVENUE NORTHEAST, PART OF
THE EAST HALF OF NORTH WASHINGTON STREET, AND PART
OF THE SOUTH HALF OF SLATE DRIVE RIGHTS-OF-WAY OF
THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 139
NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL
MERIDIAN BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.



VERTICAL BENCHMARK:
HYDRANT #3072, ELEV. 1918.84 (NAVD 88)
WASHINGTON ST., 15' NORTH OF 43RD AVE.

AREA DATA	
LOTS	723.112 S.F. (16.21 ACRES)
DRIVE	23.000 S.F. (0.52 ACRES)
TOTAL	1,025.407 S.F. (23.63 ACRES)

DESCRIPTION

BEING A REPLAT OF LOTS 13A, 14, 16, 17A, 26, AND 27 BLOCK 1 BOULDER RIDGE FIRST ADDITION AND PART OF THE NORTH HALF OF 43RD AVENUE NORTHEAST, PART OF THE EAST HALF OF NORTH WASHINGTON STREET, AND PART OF THE SOUTH HALF OF SLATE DRIVE RIGHTS-OF-WAY OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS, ALL LOTS AND BLOCKS ARE REFERENCES TO SAID BOULDER RIDGE FIRST ADDITION:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4, THENCE NORTH 00 DEGREES 32 MINUTES 25 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 886.72 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 17B, THENCE SOUTH 89 DEGREES 32 MINUTES 24 SECONDS EAST, ALONG SAID WESTERLY EXTENSION AND THE SOUTH LINE OF LOTS 17B, 23, 22, 21, AND 20 BLOCK 1, A DISTANCE OF 434.71 FEET TO THE SOUTH LINE OF LOT 12A, THENCE NORTH 75 DEGREES 23 MINUTES 50 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOT 11B, A DISTANCE OF 123.55 FEET TO THE SOUTH LINE OF LOT 11A, THENCE SOUTH 61 DEGREES 03 MINUTES 03 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOTS 10B AND 10A, A DISTANCE OF 180.24 FEET TO THE EAST LINE OF SAID LOT 10A, THENCE NORTH 28 DEGREES 59 MINUTES 06 SECONDS EAST, ALONG SAID EAST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 193.11 FEET TO THE CENTERLINE OF SLATE DRIVE RIGHTS-OF-WAY, THENCE SOUTH 61 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 40.00 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 9B, THENCE SOUTH 28 DEGREES 59 MINUTES 06 SECONDS WEST, ALONG SAID NORTHERLY EXTENSION AND WEST LINE, A DISTANCE OF 101.64 FEET TO THE SOUTH LINE OF SAID LOT 9B, THENCE SOUTH 64 DEGREES 53 MINUTES 13 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOTS 9A AND 9B, A DISTANCE OF 188.74 FEET TO THE SOUTH LINE OF LOT 8A, THENCE SOUTH 69 DEGREES 06 MINUTES 04 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOT 7B, A DISTANCE OF 124.86 FEET TO THE SOUTH LINE OF LOT 75 DEGREES 25 DEGREES 02 MINUTES 12 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOT 6B, A DISTANCE OF 99.39 FEET TO THE WEST LINE OF LOT 15, THENCE SOUTH 11 DEGREES 03 MINUTES 18 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 25.38 FEET TO THE WEST LINE OF LOT 5B, THENCE SOUTH 17 DEGREES 00 MINUTES 19 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 56.79 FEET TO THE WEST LINE OF LOT 5A, THENCE SOUTH 19 DEGREES 40 MINUTES 14 SECONDS EAST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 4B, A DISTANCE OF 113.39 FEET TO THE WEST LINE OF LOT 4A, THENCE SOUTH 25 DEGREES 02 MINUTES 12 SECONDS EAST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 3B, A DISTANCE OF 113.39 FEET TO THE WEST LINE OF LOT 3A, THENCE SOUTH 28 DEGREES 59 MINUTES 06 SECONDS EAST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 2A, AND 16A, A DISTANCE OF 172.81 FEET, THENCE SOUTH 00 DEGREES 28 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF LOT 1B AND THE WEST LINE OF LOTS 1A AND 1B AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 165.26 FEET TO THE SOUTH LINE OF SAID SW 1/4, THENCE NORTH 89 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1343.22 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 23.63 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 02-22-2025. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
809 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3599

APPROVAL OF CITY PLANNING & ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BISMARCK, ON 02-22-2025, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING & ZONING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN HEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF ____ 2025.

MICHAEL J. SCHWITZ - PRESIDENT

ATTEST
JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WILMONT DEVELOPMENT, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BOULDER RIDGE COMMERCIAL ADDITION" BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DOES SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE GRANT A 40' SANITARY SEWER EASEMENT ON LOT 2 BLOCK 1 TO THE PUBLIC, TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY HEREINAFTER DESCRIBED.

THEY FURTHERMORE GRANT A 24' ACCESS, WATERMAIN, AND SANITARY SEWER EASEMENTS ON LOT 2 BLOCK 1 TO THE OWNERS OF LOT 3 BLOCK 1, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY HEREINAFTER DESCRIBED. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

THEY FURTHERMORE GRANT A 40' ACCESS EASEMENT ON LOT 2 BLOCK 1 TO THE PUBLIC, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

DON CLEMENT
WILMONT DEVELOPMENT, LLC
3250 ROCK ISLAND PLACE
BISMARCK, ND 58504

ON THIS ____ DAY OF ____, 2025, BEFORE ME PERSONALLY APPEARED DON CLEMENT OF WILMONT DEVELOPMENT, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

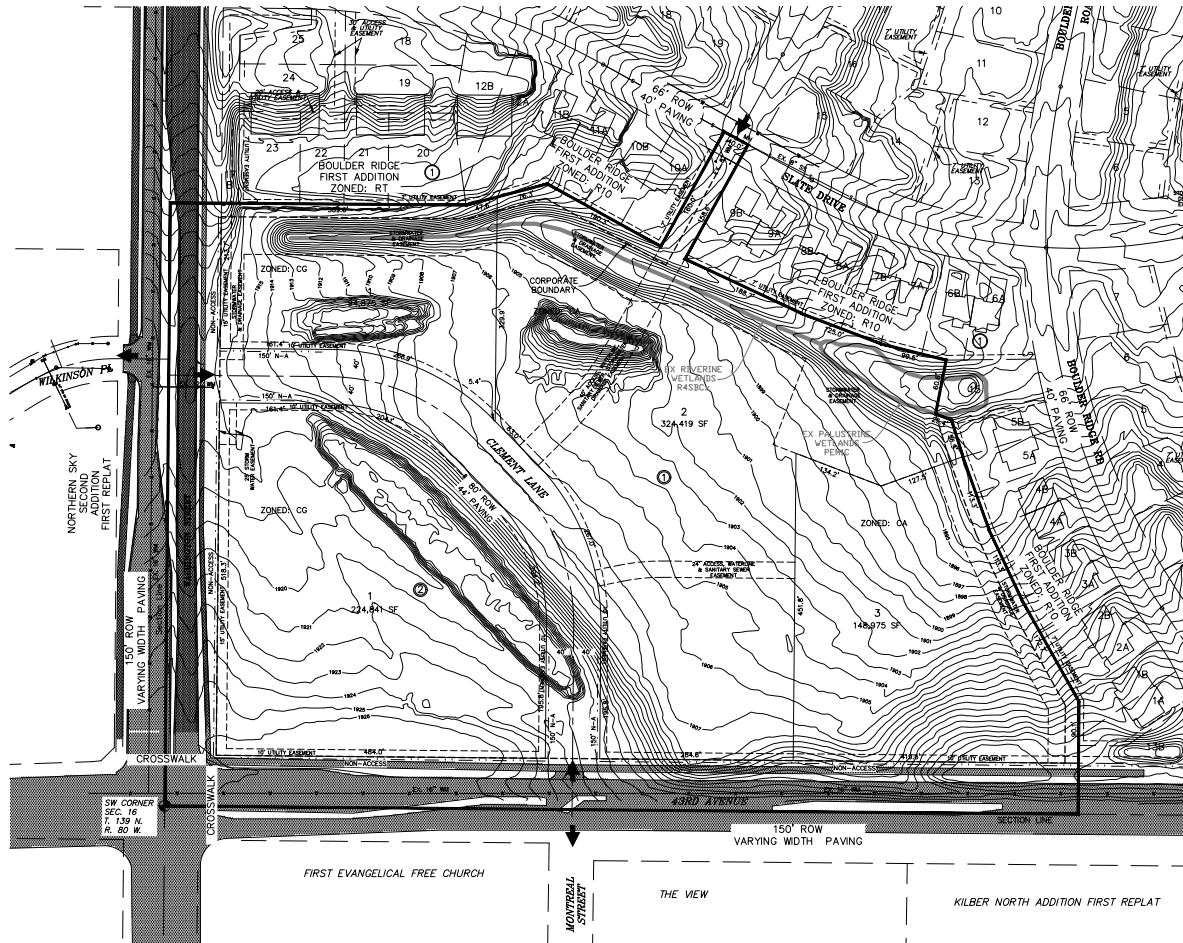
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES ____



BOULDER RIDGE COMMERCIAL ADDITION

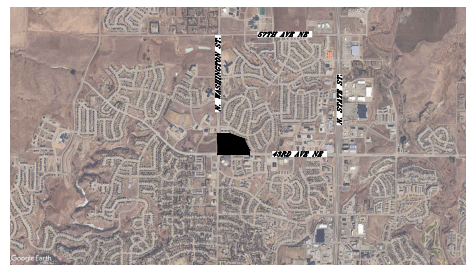
PART OF THE SW 1/4 OF SECTION 16 TOWNSHIP 139 NORTH,
RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



0 80'
SCALE - 1" = 80'
VERTICAL DATUM: NAVD 88
JULY 10, 2025

TERRY BALZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595
SWENSON, HAGEN & CO. P.C.
3022 ARWAY AVENUE
BISMARCK, NORTH DAKOTA
58504



LOCATION MAP

CENTERLINE LENGTHS:
CLEMENT LN---1,078 LF (LOCAL)
WASHINGTON ST---887 LF (ARTERIAL)
43RD AVE---1349 LF (ARTERIAL)

ZONE "X" FEMA 38015C078SE
EFFECTIVE 6-6-24

23.6 ACRES
EXISTING ZONING: CA/CG
4 LOTS 2 BLOCKS

OWNER: WILMENT PROPERTIES, LLC
3250 ROCK ISLAND PL #4
BISMARCK, ND 58504



STAFF REPORT

Agenda Item # 4G

August 27, 2025

Application for: **Annexation**

Zoning Map Amendment

Final Plat

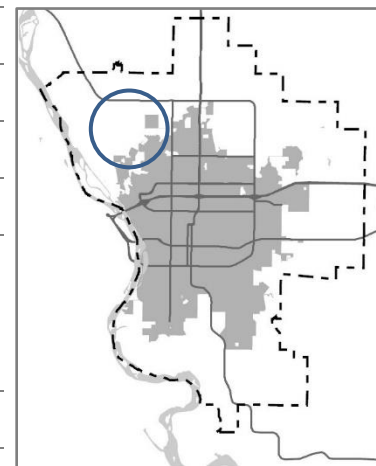
Project ID: **ANNX2023-004**

ZC2023-009

FPLT2024-004

Project Summary

<i>Title:</i>	William Blackstone Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Michael Ward
<i>Project Contact:</i>	Nic Cullen, PE, Houston Engineering
<i>Project Location:</i>	Northwest of Bismarck, west of North Washington Street and north of 57th Avenue NW, along the west side of Tyler Parkway (Part of the SE $\frac{1}{4}$ of Section 7, T139N-R80W/ Hay Creek Township)
<i>Project Size:</i>	Plat 59.24 acres +/-, Annexation 63.03 acres +/-
<i>Applicant Request:</i>	Plat, rezone and annex for future residential development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	Par of 1 parcel	<i>Lots/Blocks:</i>	118 Lots in 9 Blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single and multi-family residential, public park and stormwater facilities
<i>Future Land Use:</i>	Urban Neighborhood (UN) Parks and Open Space (PKOS)	<i>Future Land Use:</i>	Urban Neighborhood (UN) Parks and Open Space (PKOS)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	RM30 – Residential R10 – Residential R5 – Residential P – Public Use
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	RM30 – Multi-family residential R10 - Residential R5 – Single-family residential P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	RM30 – 30 units / acre R10 – Residential R5 – 5 units / acre P – N/A

(continued)

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	N/A
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Lincoln's Inn	<i>Annexed:</i>	N/A

Project Narrative

Michael Ward is requesting approval of a zoning map amendment from the A – Agriculture zoning district to the RM30 – Residential, R10 – Residential, R5 – Residential and P – Public zoning districts, major subdivision final plat titled William Blackstone Addition, and annexation of all of the proposed plat and all of Tyler Parkway from 57th Avenue NW to the northern boundary of the plat.

The proposed zoning map amendment, final plat, and annexation are being proposed for future residential development. The proposed plat includes a neighborhood park, additional open space and stormwater facilities.

The proposed plat, zoning map amendment, and annexation have been in process and been reviewed by staff to ensure that the proposed development aligns with existing plans and policies pertaining to development within the City of Bismarck for the past 24 months.

Application Submittal & Review Timeline

Pre-application meeting. A pre-application meeting for the proposed development was held on April 5, 2023. Topics discussed during the meeting included annexation, municipal services including water, sanitary sewer, and stormwater, temporary secondary access to the development, and parks and open space.

Application submittal. An application for a preliminary plat, zoning map amendment and annexation were submitted for review in August 2023. The application included a utility servicing

plan, stormwater management scoping sheet and a statement of intent to provide a neighborhood park. A utility servicing plan identifies the overall location of municipal water and sewer within the development and proposed connections to city infrastructure. A stormwater scoping sheet specifies how increased stormwater due to the proposed development is proposed to be managed.

Development review. The proposed preliminary plat was forwarded to City and County staff, including staff from Rural Fire and the County Highway Department, in August 2023 for review. The first development review meeting was held on September 12, 2023. A development review meeting is a staff level meeting with the applicant and/or their consultant to provide both staff and the applicant an opportunity to identify and solve potential issues, discuss impacts of the development pertaining to municipal infrastructure, and ensure that the proposed development aligns with existing plans and policies.

These meetings occur every month and are attended by City and County staff as well as the applicant and/or their consultant. After potential issues and concerns are addressed, the proposed development project is forwarded to the Planning and Zoning Commission for consideration.

At the January 8, 2024, development review meeting, it was determined that the zoning map amendment and preliminary plat be forwarded to

(continued)

the Planning and Zoning Commission for consideration.

Planning and Zoning Commission. The Planning and Zoning Commission at their January 24, 2024, meeting considered and voted unanimously to call for a public hearing on the proposed zoning map amendment and tentatively approved the preliminary plat for William Blackstone Addition.

Application submittal. An application for a final plat was submitted for review in August 2024.

Development review. The final plat was forwarded to City and County staff, including staff from Rural Fire and the County Highway Department, in August 2024 for review. The proposed development was included and discussed at every monthly development review meeting for the past year.

During these meetings staff worked with the owner and consulting engineer to address concerns regarding the proposed temporary access, off-site turnaround easements, and stormwater management. In an effort to address concerns regarding stormwater management, the overall request for approval of the plat was delayed allowing the applicant's consultant the opportunity to work with the US Army Corps of Engineers (USAC) concerning impacts to wetlands within the platted area and mitigation requirements.

The USAC recently approved a permit for the proposed wetland mitigation, and the corresponding stormwater management plan has been approved by City Engineering. Concurrence with the County Engineer was not required as the plat is and future phases of this development, are proposed to be annexed into City limits.

At the August 11, 2025, development review meeting it was determined by staff that the final plat, zoning map amendment and annexation be forwarded to the Planning and Zoning

Commission for final consideration and public hearing as the stormwater management plan was approved and all other concerns raised during the review of the final plat were addressed.

Additional information

Neighborhood park and greenspace. A draft Neighborhood Park Development Agreement was reviewed by City and Bismarck Parks and Recreation District staff. The agreement is acceptable to staff and is proposed to be finalized at the September 11, 2025, Bismarck Park Board meeting. The signed Park Development Agreement will be forwarded to the Bismarck City Commission for final consideration of the plat, zoning map amendment and annexation. The neighborhood park would be located on Lot 1, Block 6 of the proposed plat, is 2.53 acres in size and is proposed to be zoned P – Public. The proposed plat also includes walking trails and non-buildable lots for green space and stormwater detention.

Waiver request. The applicant submitted a waiver request to modify the lot width at the property boundary adjacent to the street and the lot width at the building setback line for some lots within the proposed plat. The City Zoning Ordinance requires a lot width of no less than 60 feet at the property boundary and no less than 40 feet at the building setback line. Staff is supportive of this request as these lots are either identified as non-buildable green space or adjacent to lots identified as non-buildable green space.

Temporary access. The proposed plat includes a temporary access to the development to meet the City's secondary access requirements. The proposed access is located on Lot 12, Block 9, adjacent to Tyler Parkway. The City will be entering into a development agreement with the developer that lists installation and maintenance responsibilities, timeframes and triggers for removal of the temporary intersection and road, and restoration of Lot 12 to a buildable lot.

(continued)

Turnaround easement. The City Engineer has requested temporary turnaround easements outside of the proposed plat at the terminus of Hoberg Drive, Berning Lane, and James Wright Avenue. These easements must be provided prior to recordation of the plat.

Sanitary sewer easement. The City Engineer has requested a separate easement be dedicated to the City of Bismarck for sanitary sewer from 57th Street NW to the plat. This easement is proposed to be located within the Tyler Parkway right-of-way and would be required prior to plat recordation.

Zoning map amendment. A zoning map amendment from the A – Agriculture zoning district to the R5 – Residential zoning district for all of the proposed plat except for Lot 1, Block 2, which is proposed to be zoned RM30 – Residential and Lot 1, Block 6, which is proposed

to be zoned P – Public, and a major subdivision preliminary plat were considered by the Planning and Zoning Commission at their meeting on January 24, 2024.

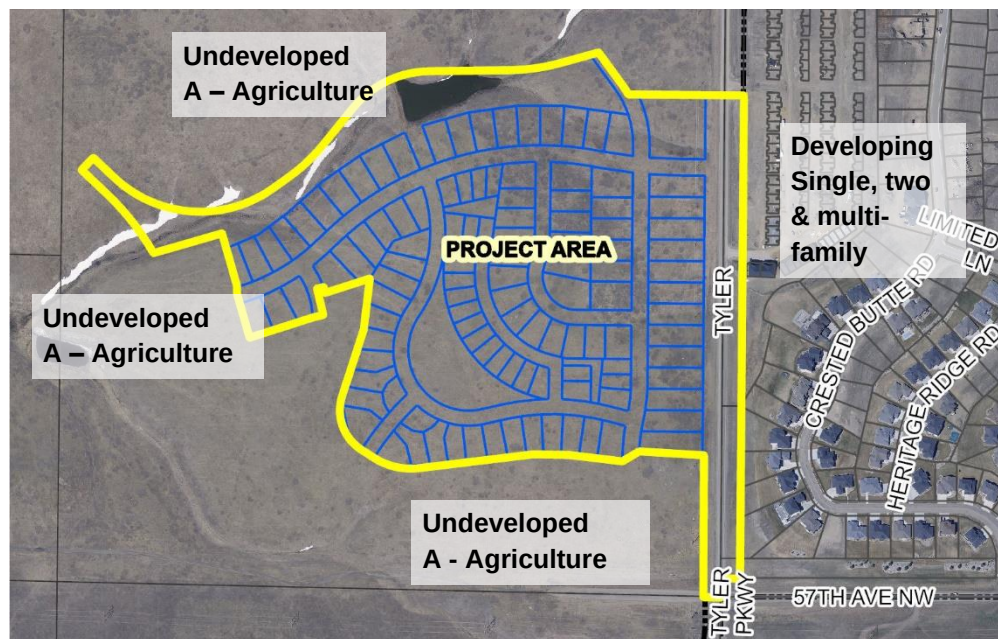
During review of proposed building designs for Lots 2-12, Block 6 and Lots 1-8 and Lots 22-27, Block 7 of the proposed plat, the applicant and their consultant determined that a zoning of R10 – Residential would be needed as the buildings proposed would not meet lot coverage requirements for the R5 – Residential zoning district. The R10 – Residential zoning district provides for more flexibility and allows for both single- and two-family dwellings with a lot coverage limit of 40% of the lot size. The R5 – Residential zoning district allows 30% lot coverage. Staff was comfortable with this change and the Planning and Zoning Commission considered the request at their July 23, 2025 meeting and called for a public hearing.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

A Growth Phasing Plan Map is also attached to this staff report, showing prioritization for extension of the Bismarck city limits.



The property has been identified as Urban Neighborhood (UN) and Parks and Open Space

(PKOS) in the Future Land Use Plan. The UN areas are areas for quiet enjoyment of home life

(continued)

and are predominantly residential with a mix of housing types. The PKOS areas are spaces kept in a largely natural state, providing many important functions for the community and ecosystem. Goals and objectives of this plan as they relate to the zoning map amendment and preliminary plat are referenced in review standards below.

The area is surrounded by undeveloped A – Agriculture zoned property to the north, west and south, and developing single-, two- and multi-family residential to the east, across Tyler Parkway.

The majority of the plat is proposed to be developed as single-family residential with one lot in the northeast portion of the plat being multi-family. Future subdivisions within this area may require a greater mix of housing types and density to adhere to the Future Land Use Plan.

Public Engagement

The Planning and Zoning Commission considered this request at their meeting of January 24, 2024, and called for a public hearing on the zoning map amendment and tentatively approved the preliminary plat.

The Planning and Zoning Commission considered a revised zoning map amendment at their meeting of July 23, 2025, and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 15 and 22, and 29 postcards were mailed to the owners of nearby properties on August 15, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Annexation

The Growth Phasing Plan is adhered to with the proposed annexation ([Growth Phasing Plan](#))

Yes, with funding commitments related to expansion of municipal infrastructure. The proposed annexation incorporates land that is within the Urban Service Area Boundary and has been designated as Expansion Future.

All costs associated with extending municipal infrastructure will be the responsibility of the developer.

Adequate public facilities are or will be available to serve the annexed properties completely and equitably ([Goal G3-b](#), [Goal G3-c](#))

Yes. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.

The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck ([Goal G2-b](#), [NDCC 40-51.2-03](#))

Yes. The area proposed for annexation is clearly contiguous to the existing corporate boundaries. 22% of the proposed annexation's perimeter adjoins corporate limits. Generally, any proportion greater than 20% is considered unambiguously contiguous.

Proper administrative procedures related to the request are being followed ([NDCC 40-51.2](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century

(continued)

Code have been followed to date. A written petition for the proposed annexation was submitted to the Community Development Department, which has been deemed valid by City staff. A public hearing, subject to all notice requirements, would be held with the City Commission.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Capital utility charges will be due upon creation of a street improvement district, annexation, or recordation of the plat, whichever is the latter.

The public health, safety and general welfare will not be adversely impacted by the proposed annexation (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed annexation would not adversely impact the public health, safety, and general welfare.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment (Future Land Use Plan)

Yes. The proposed zoning map amendment is within the area designated as Parks and Open Space (PKOS) and Urban Neighborhood (UN) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning districts would generally conform to the character of this district. However, future subdivisions within this area may require a greater mix of housing types and density to adhere to the Future Land Use Plan.

The proposed amendment is compatible with adjacent land uses and zoning (Goal S10-a, S5-a)

Yes. Adjacent uses are described in the project context section above. The proposed zoning

district would allow urban residential development with green spaces and a neighborhood park. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established (Goal S9-e)

Yes. The current zoning district of A – Agriculture was established prior to 1980. Conditions have changed since this time. In particular, Bismarck adopted a Comprehensive Plan which acts as a guiding document for further development in the near- and long-term future.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment (Goal S1-a, Goal T1-c)

Yes. The proposed zoning map amendment would enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning map amendment (Comprehensive Plan)

Yes. The following objectives of the plan would be advanced through the proposed amendment.

I1: Provide access to parks and outdoor places for all residents.

I1a) Ensure neighborhood parks are included within newly developed residential subdivisions so that all residents have a small park within a half-mile walk from home.

I2: Preserve connected greenway corridors throughout the community.

(continued)

2a) Preserve the natural landscape within coulees, steep slopes, and low-lying areas identified as Parks and Open Space in this plan during the process of development review through either dedication of separate unbuildable lots or easements.

2c) Coordinate stormwater management with passive recreational use in the design and management of greenway corridors and ponds.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment

would not adversely impact the public health, safety, and general welfare.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion

Yes. No conditions were placed on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Lot 20, Block 1 of the proposed plat includes easements for a multi-use trail, green space and stormwater detention.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. Tyler Parkway is included in the proposed plat and is an existing arterial roadway. This right-of-way would also includes a

(continued)

future multi-use trail. A plan reference map is attached to this staff report.

Planning and Engineering staff are reviewing the master street plan for the arterial and collector roadway network for this area and future phases of development are likely to include arterial and collector roadways.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. A multi-use trail easement is incorporated within the northern portion of the plat. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. A statement of intent for the provision of neighborhood parks and open space has been submitted. A neighborhood park will be located within Lot 1, Block 6 of the proposed plat. The statement of intent is attached for review.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity has been met, and there are no cul-de-sacs or dead-end streets within the proposed subdivision. The City Engineer has requested temporary turnaround easements outside of the

proposed plat at the terminus of Hoberg Drive, Berning Lane, and James Wright Avenue. These easements must be provided prior to recordation of the plat. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision. In particular, Lot 12, Block 9 which is adjacent to Tyler Parkway would be utilized as temporary access to meet secondary access requirements for the plat.

The City will be entering into a development agreement with the developer that lists installation and maintenance responsibilities, timeframes and triggers for removal of the temporary intersection and road, and restoration of Lot 12 to a buildable lot.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer. A stormwater detention area is located on Lot 20, Block 1 of the proposed plat.

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for

(continued)

anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision (Goal I6-a)

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District (Goal G3-f, Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision (Goal G3-a)

Yes. The future revenue and other public goods generated by the proposed subdivision are expected to be proportional to the public costs of development. Public costs associated with provision of municipal water and sewer service to new development will be adequately compensated for through payment of utility capital charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

Technical specifications required of the preliminary plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Capital utility charges will be due upon creation of a street improvement district, annexation, or recordation of the plat, whichever is the latter.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning map amendment from the A – Agriculture zoning district to the RM30 – Residential, R10 – Residential, R5 – Residential and P – Public zoning districts, the major

(continued)

subdivision final plat titled William Blackstone Addition, and the annexation of all of the proposed plat and all of Tyler Parkway from 57th Avenue NW to the northern boundary of the plat, including granting a waiver for reduce lot widths at building lines outlined in the attached waiver request, with the following conditions:

1. Temporary turnaround easements at the terminus of Hoberg Drive, Berning Lane, and James Wright Avenue are provided prior to recordation of the final plat.
2. Separate easement to the City of Bismarck for sanitary sewer from 57th Street NW to the plat is required prior to plat recordation

Attachments

1. Draft Annexation Ordinance
2. Zoning Ordinance
3. Zoning and Plan Reference Map
4. Annexation Map
5. Growth Phasing Plan Map
6. Proposed Zoning Map
7. Neighborhood Park Agreement
8. Final Plat
9. Preliminary Plat
10. Subdivision Waiver Request
11. County Highway Department Letter (8/14/25)
12. City Response Letter

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1854 | jwollmuth@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota, as follows:

Lots 1-20, Block 1; Lot 1, Block 2; Lots 1-3, Block 3; Lots 1-17, Block 4, Lots 1-13, Block 5; Lots 1-12, Block 6, Lots 1-27, Block 7, Lots 1-12, Block 8, Lots 1-13, Block 9, William Blackstone Addition and all adjoining rights-of-way of James Wright Avenue, Hoberg Drive, Berning Lane, Chief Jerry Drive, Themis Loop, Strand Drive, and Tyler Parkway.

All of Tyler Parkway (previously dedicated as 15th Street Northwest) adjacent to Heritage Ridge Addition

All of Tyler Parkway (previously dedicated as 15th Street Northwest) adjacent to Lot 15, Block 1 Heritage Ridge Second Addition

All of Tyler Parkway commencing at the Southeast corner of the Southeast Quarter of Section 7, Township 139 North, Range 80 West, Burleigh County North Dakota; thence North 00°29'57" East, on and along the East line of said Southeast Quarter of Section 7, a distance of 75.00 feet to the Point of Beginning of the parcel to be described; thence North 88°30'20" West, on and along the North ROW line of 57th Avenue (Hwy ROW Document #831315), a distance of 75.00 feet; thence North 00°29'57" East, a distance of 1921.38 feet; thence South 89°32'19" East, a distance of 75.00 feet to East line of said Southeast Quarter; thence South 00°29'57" West, on and along the East line of said Southeast Quarter of Section 7, a distance of 1922.73 feet to the Point of Beginning.

The above described tract of land contains 63.03 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the P – Public zoning district:

Lot 1, Block 6, William Blackstone Addition

The following described property shall be excluded from the A – Agricultural zoning district and included in the R5 – Residential zoning district:

Lots 1-20, Block 1; Lots 1-3, Block 3; Lots 1-17, Block 4; Lots 1-13, Block 5; Lots 9-21, Block 7; Lots 1-12, Block 8; and Lots 1-13, Block 9, William Blackstone Addition

The following described property shall be excluded from the A – Agricultural zoning district and included in the R10 – Residential zoning district:

Lots 2-12, Block 6; Lots 1-8 and Lots 22-27, Block 7, William Blackstone Addition

The following described property shall be excluded from the A – Agricultural zoning district and included in the RM30 – Residential zoning district:

Lot 1, Block 2, William Blackstone Addition

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

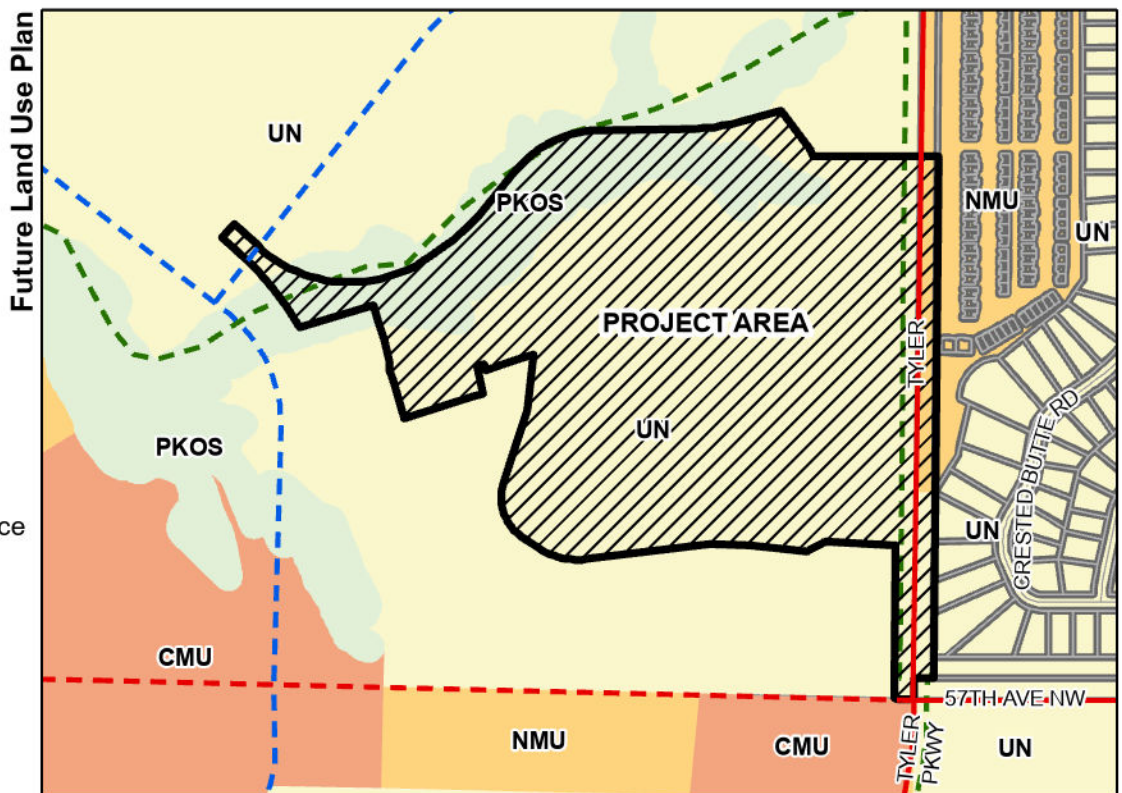
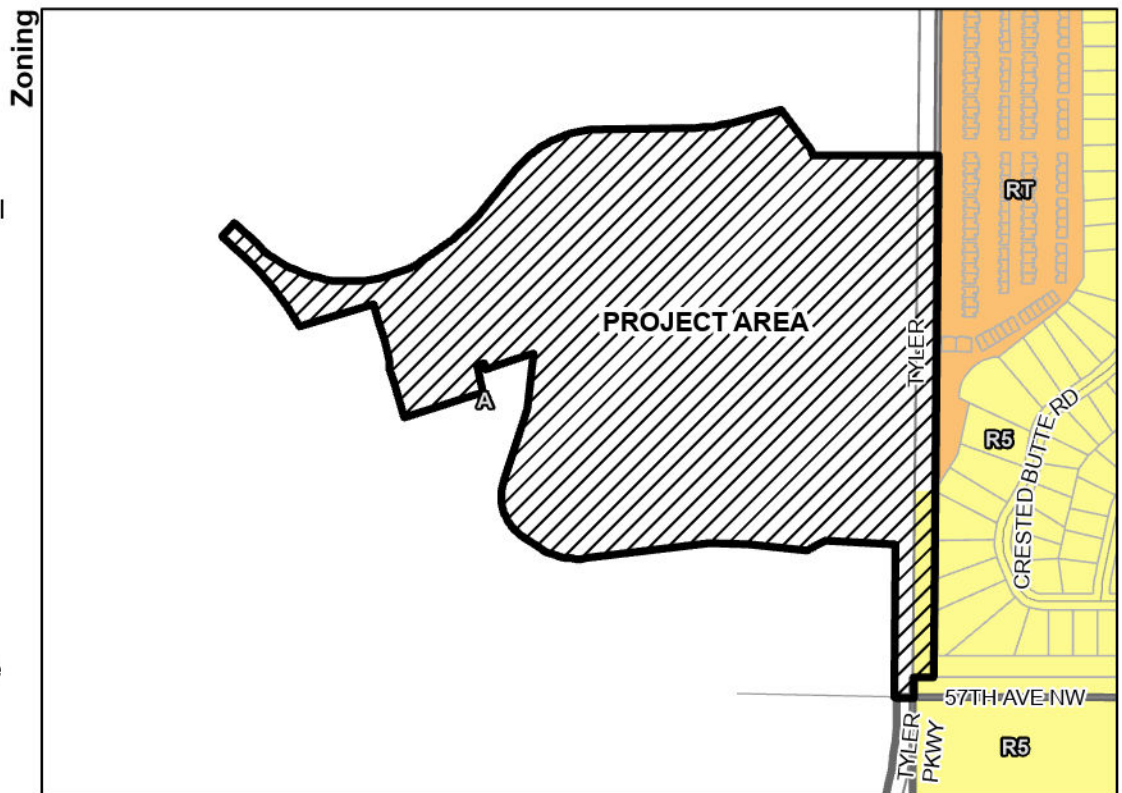
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

—	Existing Arterial
- - -	Future Arterial
—	Existing Collector
- - -	Future Collector
—	Existing Interstate
- - -	Future Interstate
▬	City Limits

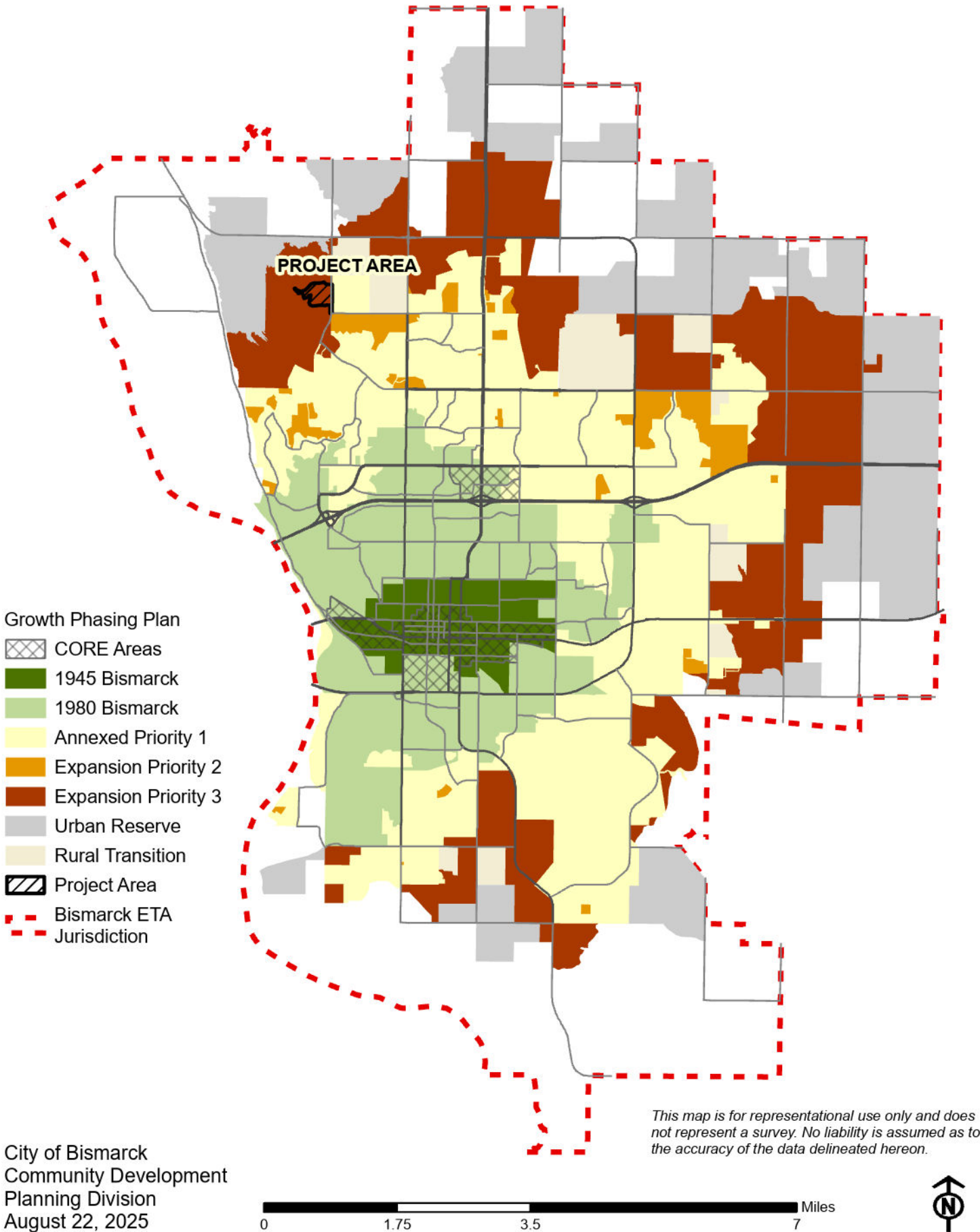


This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.

0 500 1,000 2,000 Feet



City of Bismarck
Community Development
Planning Division
August 21, 2025



Proposed New Zoning Map

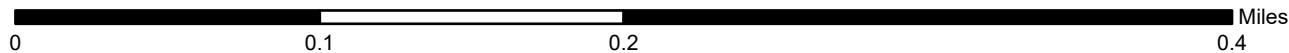
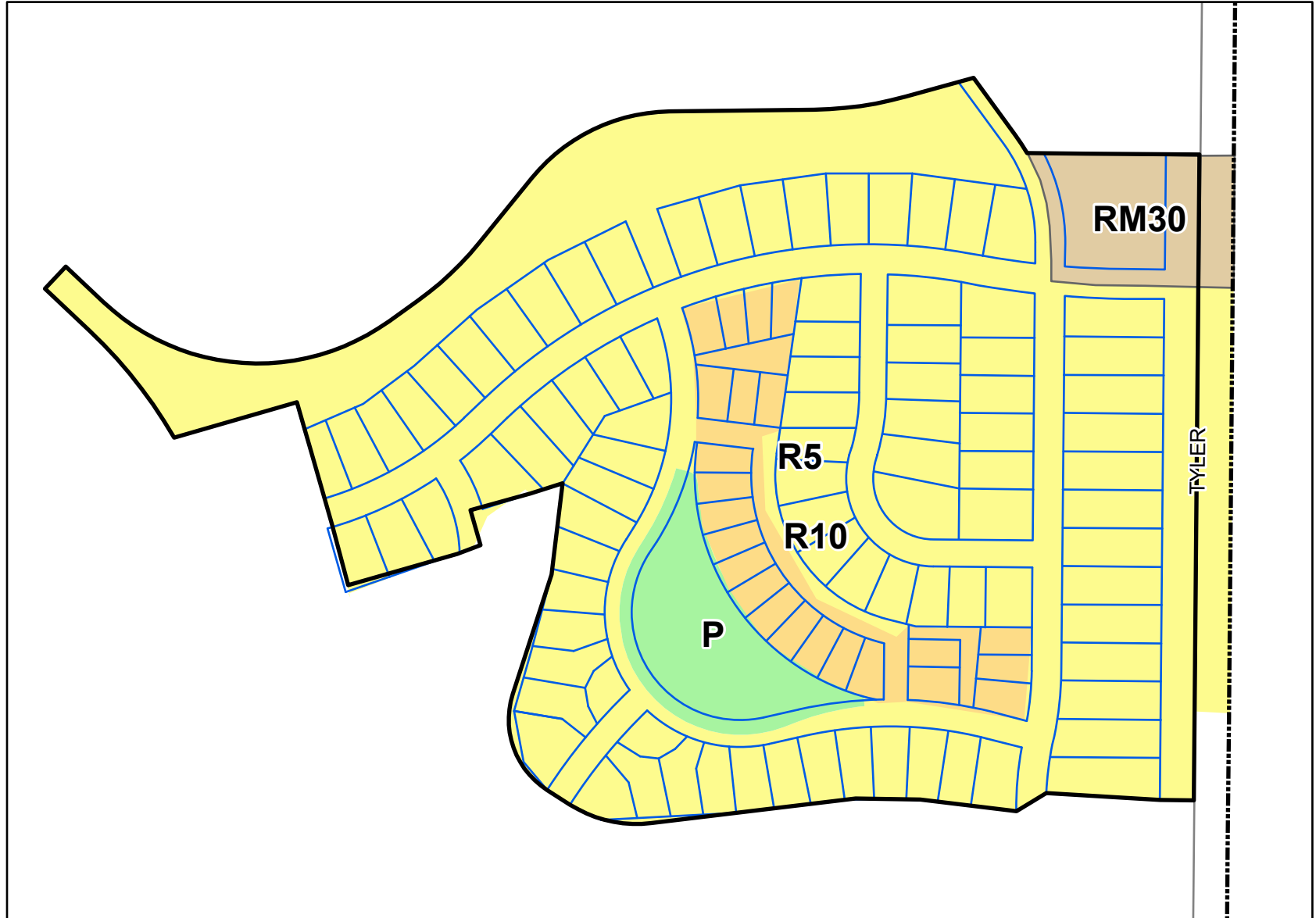
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

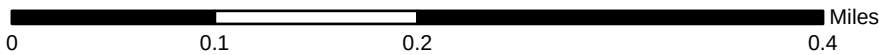
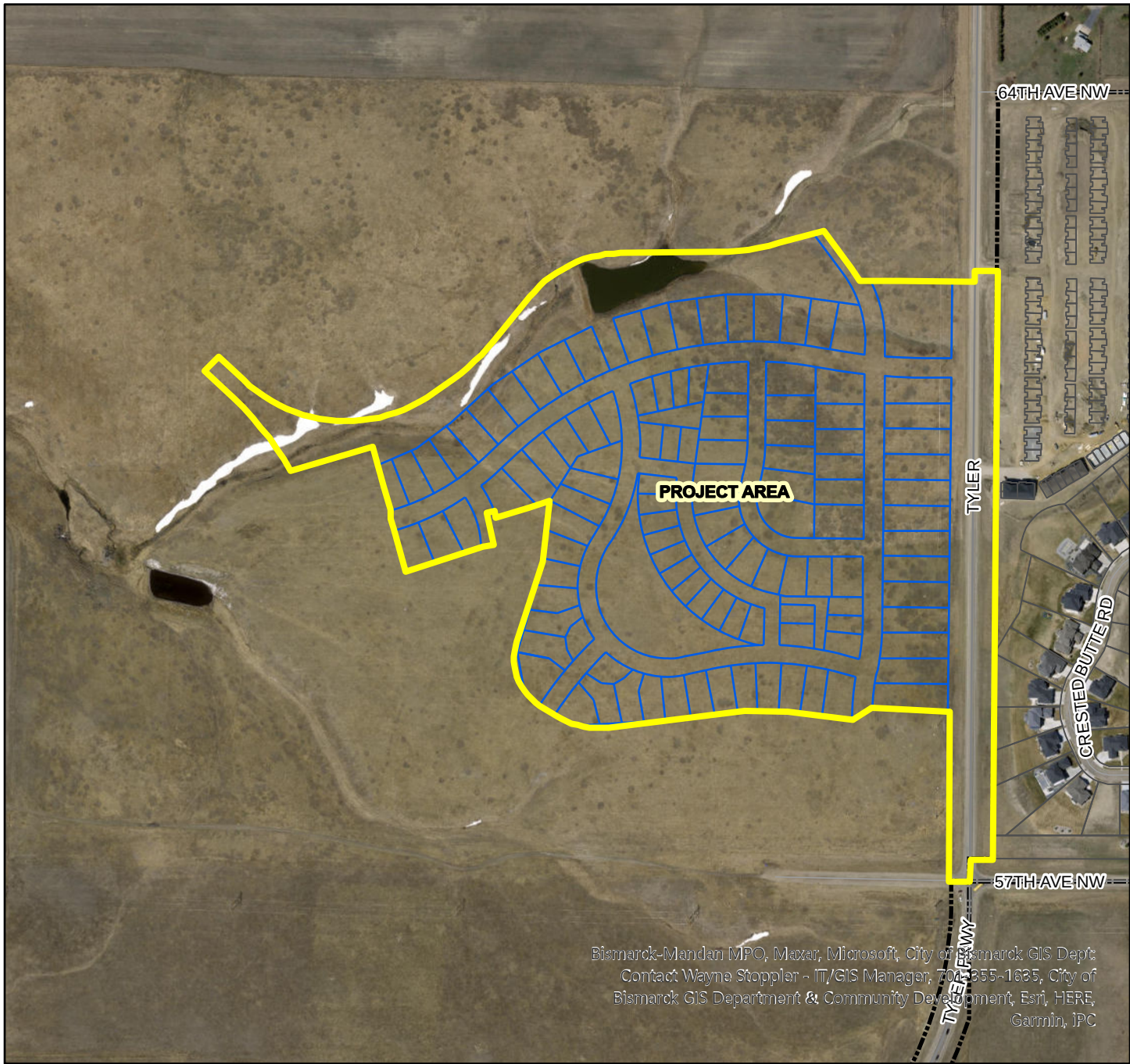
*A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district*



*This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.*



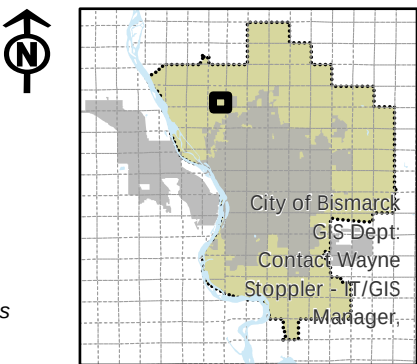
City of Bismarck
Community Development
Planning Division
July 16, 2025



City of Bismarck
 Community Development
 Planning Division
 August 22, 2025

Aerial Imagery from April 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



PARK DEVELOPMENT AGREEMENT
Neighborhood Park in William Blackstone Addition

This Park Development Agreement (the "Agreement") is made and entered into this _ day of August 2024, by and between **Michael Ward**, whose post office address is 201 South Main Street, Suite 200, Minot, ND 58701 ("Landowner") and the **PARK DISTRICT OF THE CITY OF BISMARCK**, a park district under the laws of the State of North Dakota, 400 East Front Avenue, Bismarck, North Dakota 58504 ("Park District").

Preliminary Statement

The purpose of the neighborhood parks and Greenway policy is to maintain and enhance the high-quality visual aesthetic of the community and to ensure that adequate usable neighborhood parks, Greenway and recreational facilities are provided for the existing and future residents of the City of Bismarck. Because new development within the City, or intended to be in the City, increases population and the demand for public services, it shall be the policy of the City of Bismarck that the owner and/or Landowner of major urban residential subdivision plats provide for neighborhood parks, playgrounds, Greenway and natural areas, and trails. The provision of such facilities in newly developed areas maintains the high quality of the life enjoyed by the citizens of the community by permitting the City to identify, obtain, continue, maintain and enhance its recreation and Greenway system.

Landowner is the owner of a 2.5 acre, more or less, tract of real property (Park Area) and an 8.1 acre, more or less, tract of real property (Greenway Area) located in, or planned to be annexed to, the City of Bismarck, Burleigh County, North Dakota (the "Landowner Property"), specifically described below and delineated on the plat/survey as attached Exhibit A:

Greenway Area - Lot 20, Block 1 (8.1 acres) and
Park Area - Lot 1, Block 6 (2.5 acres) in William Blackstone Addition

Landowner is in the process of planning a residential development on the Landowner Property in which the Landowner desires to include a neighborhood park of approximately 2.5 acres and a greenway of approximately 8.1 acres on the Landowner Property, the location being generally shown on Exhibit A. Landowner/Assign's focus is to create a community with its own character and to provide residential development and recreational amenities for the support of the community and to promote ease of access in and around the community.

Park District desires to establish an additional neighborhood park in Bismarck and will design the 2.5-acre tract (the "Park Area") and a trail in the 8.1-acre tract (the "Greenway Area"). The Park District will affect the construction of the park amenities and manage the Park Area and the trail in the Greenway Area, all pursuant to the terms and conditions of this Agreement and the rules and regulations established by the Board of Park Commissioners from time to time.

The Park Area and Greenway Area will play a vital role in this development by not only providing recreational amenities for this community and the surrounding area but also to provide the necessary connections throughout the development to other areas in Bismarck. To the extent appropriate and possible, all trails will ultimately connect to current and future Park District parks.

Agreement

NOW, THEREFORE, in consideration of the above preliminary statements, the terms and conditions of this Agreement, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Scope of Agreement.** This Agreement shall not constitute a partnership or a joint venture by and between the Landowner and the Park District. Neither party has a right or obligation to bind the other party to any course of action or commitment as it relates to the development of the Landowner Property, including the Park Area that is described herein. Each of the parties is an independent contractor and, although they will coordinate their

efforts to develop the Park Area, possibly to include elements of design, access and amenities, neither party is assuming any obligation of the other party.

2. Conveyances. On the date of closing, as herein described, Landowner shall cause to be transferred and conveyed to the Park District the approximately 2.5 +/- acres that constitutes this portion of the Park Area, as is in the general location as shown on the site plan attached as Exhibit A and further delineated on Exhibit A-1. The terms of the conveyance are described in the attached Exhibit C, Real Estate Conveyance Agreement. The parties acknowledge that the approved plat shall dedicate the Park Area to public use and include a trail easement in the Greenway.

Landowner will provide the Park District with an abstract of title to the Park Area no later than ten (10) days prior to closing. In lieu of an abstract of title, the Landowner at its option may provide to the Park District an owner's policy of title insurance in an amount equal to the sales price of the Park Area as stated in the Real Estate Purchase Agreement. *OR ATTORNEY'S TITLE OPINION QUA M/W*

3. Landowner and Park District Obligations. Landowner and Park District acknowledge that they will be responsible for the following amenities to be located on the Landowner Property and the Park Area and Greenway Area:

- a. Specific Neighborhood Park Amenities are described on Exhibit B and will be installed by the Park District and financed through a City of Bismarck special assessment improvement district with the costs for the Specific Park Amenities assessed against the benefitted Lot Owners property as described in Exhibit A-2.
- b. Park District District-wide Amenities are described on Exhibit B and will be installed by the Park District and financed through a City of Bismarck special assessment improvement district with the costs for the Park District District-wide Amenities assessed against the benefitted Park District Property. The Landowner, at its sole cost and expense, will cause to be performed the rough grading and stormwater crossing for the trail in the Greenway.
- c. The Landowner shall provide the necessary easements for utilities for the Park Area.
- d. The Landowner, at its sole cost and expense, shall provide the following with regard to the Park Area:
 - i. Prepare a complete boundary survey of the Park Area showing all rights-of-way, easements and any other physical burdens that may encumber the Park Area. The Landowner shall cause the Park Area to be staked so that it can be later identified by the Park District.
 - ii. The Landowner will provide the Park District with copies of such tests, investigations and reports which may have been completed by the Landowner including, but not limited to, any soil boring tests and results of environmental testing. Should such test disclose that the Park Area cannot support the intended park development or if there are environmentally hazardous conditions on the Landowner Property and/or Park Area, the Park District will not be required to close and accept the portion of the Landowner Property to be included in the Park Area.
 - iii. To the best of its ability, the Landowner shall provide the Park District with safe access to the Park Area and such areas leading to the Park Area.

4. Park Area Design. The Park District shall develop a design for the Park Area that provides park activities, such as walking trails, shelters and playgrounds. Attached on Exhibit A-1 is the parties' initial concept of the park design. As the Park District designs and plans the Park Amenities for the Park Area, it will provide the Landowner with periodic reports.

5. Maintenance. In entering into this Agreement, the Park District contemplates it will maintain the Park Area within its normal park maintenance program and consistent with other parks within the Bismarck area. The Park District will be generally responsible for future maintenance of the Park Area, the trails leading to the Park Area and the equipment and the other Park Amenities in the Park Area. If the Landowner and the Park District agree to coordinate access to other trails or parks or provide other amenities, any such other amenities agreed to by and between the Park District and the Landowner may require a joint maintenance agreement.

6. Construction. The construction of the Park Amenities described in Section 3 and as shown on Exhibit B are intended to be completed after the infrastructure of the surrounding development is complete and are dependent on the approval of a City of Bismarck special assessment improvement district.

7. Naming Rights. The Landowner requests to name the Park Area, Vande Walle Park.

8. General Provisions.

- a. This Agreement, together with the other surveys, plans and specifications that have been reviewed by the parties or will later be provided pursuant to this Agreement and the attachments hereto, contain the entire agreement among the parties respecting the matters herein set forth and supersede all prior discussions with respect to such matters. Notwithstanding the above, the parties acknowledge that this is a work in progress and development of the final design for the Park Area will be part of this Agreement.
- b. This Agreement shall be binding upon and inure to the benefit of all the parties and their respective successors and assigns.
- c. This Agreement shall be construed and enforced in accordance with the laws of the State of North Dakota.
- d. This Agreement may be modified only by a written document signed by all parties. A purported oral modification shall not be effective.
- e. The Landowner shall hold the Park District harmless for any claim or injury to a person or property arising out of, or in the course of, its construction, design, and plan of the Park Area. In like manner, the Park District, once it acquires the Park Area and assumes maintenance responsibility, will hold the Landowner harmless for claims arising out of its negligence in maintaining the Park Area.

LANDOWNER:

Michael Ward

By: _____

Michael Ward

PARK DISTRICT:

THE PARK DISTRICT OF THE
CITY OF BISMARCK

By: _____

Its: President

By: _____

Its: Clerk

EXHIBIT A-2
Map of Benefitted Property

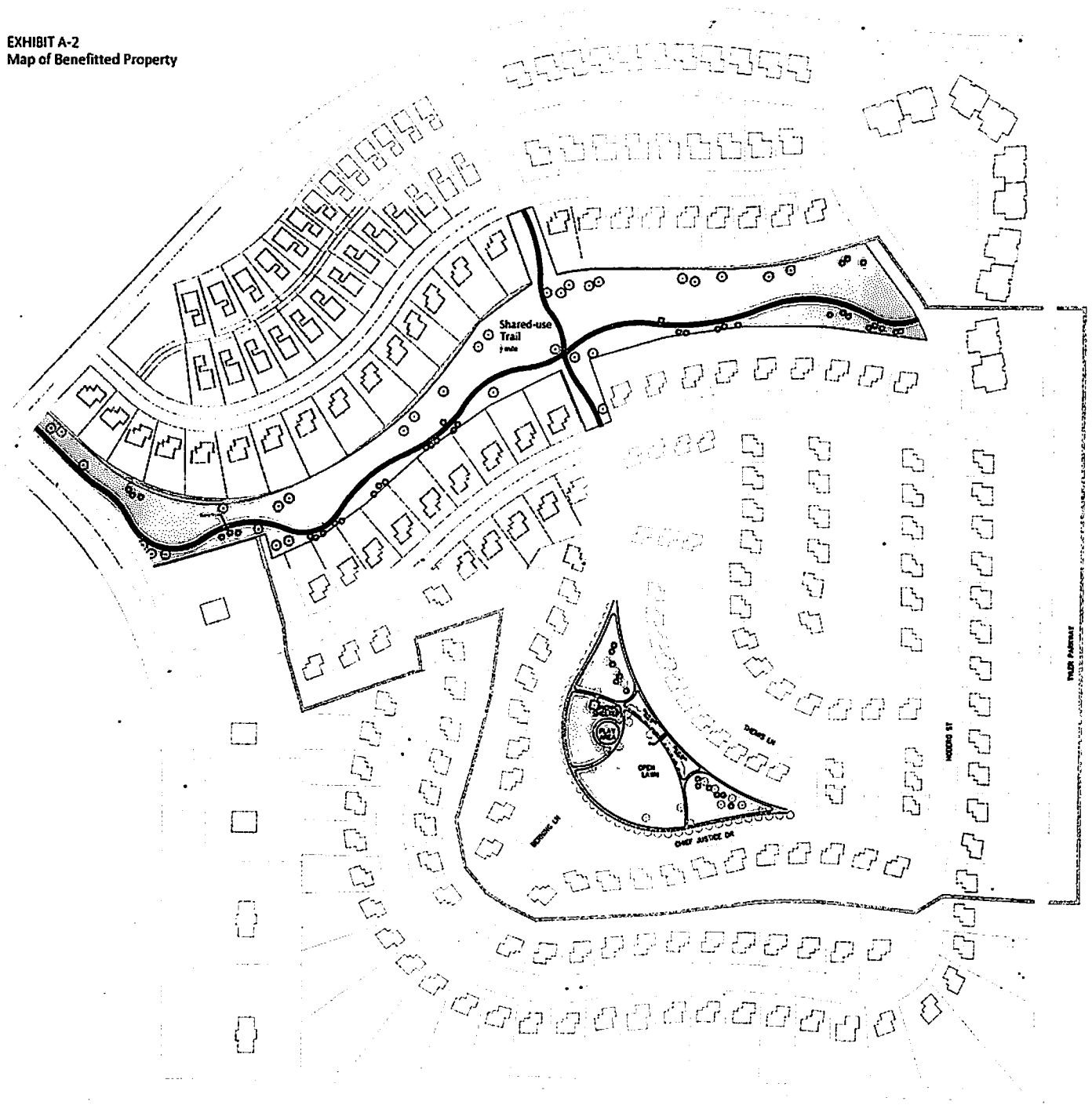


EXHIBIT C – Real Estate Contribution Agreement

REAL ESTATE PURCHASE CONTRIBUTION AGREEMENT

THIS REAL ESTATE CONTRIBUTION AGREEMENT is entered into as of the _____ day of August, 2024, by and between Michael Ward, whose post office address is 201 South Main Street, Suite 200, Minot, ND 58701 (as "Contributor"), and the **PARK DISTRICT OF THE CITY OF BISMARCK**, a park district under the laws of the State of North Dakota, 400 East Front Avenue, Bismarck, North Dakota 58504 (as "Recipient").

In consideration of the mutual terms, covenants, conditions and agreements herein contained, it is hereby agreed by and between the parties as follows:

1. **Contribution of Real Property.** Contributor agrees to contribute, convey, assign, transfer and deliver to Recipient, and Recipient agrees to accept, acquire and take from Contributor, all of Contributor's right, title and interest, in and to that certain real property located at Lot 1, Block 6 of William Blackstone Addition, in the City of Bismarck, in the County of Burleigh, State of North Dakota.

2. **Purchase Price, Payment and Contribution.** The agreed value of the real property is XXX (\$XXX). The agreed price to be paid by the Buyer to Seller for the real property shall be XX (XX) which shall be paid by wire transfer upon the date of closing. The remaining XX (\$XX) shall be contributed by the Seller to the Buyer so the property can be used as a public park. *NO DONATION, NO NEED FOR TAX REDUCTION*
RM MW

3. **Closing.** The Closing Date shall be determined after a Park Improvement Special Assessment District for this Property is created by the City of Bismarck. Contributor shall deliver at the time of closing a Warranty Deed conveying title to the Recipient free and clear of all liens and encumbrances and subject to easements, zoning and restrictions of record. Real estate taxes and special assessments shall be prorated to the time of Closing with the Recipient responsible for all taxes accrued after the Date of Closing. The Contributor is responsible for all taxes accrued before the date of closing. Contributor will provide the Recipient with an abstract of title to the real property no later than ten (10) days prior to closing. In lieu of an abstract of title, the Contributor at its option may provide to the Recipient an owner's policy of title insurance in an amount equal to the sales price.
MW OR ATTORNEY'S TITLE OPTION RM

4. **Possession of the Property.** Recipient shall be given possession of the property on the date of closing.

5. **Risk of Loss.** The risk of loss by destruction or damage to the property by fire or otherwise prior to the closing of the sale is that of the Contributor.

6. **Survival.** All of the terms, covenants, conditions, representations, warranties and agreements of this Real Estate Contribution Agreement shall survive and continue in force and effect and shall be enforceable after the Date of Closing and delivery of the Warranty Deed.

7. **Effective Real Estate Contribution Agreement.** This Real Estate Contribution Agreement shall become effective and shall be binding upon the parties only after it has been executed by all of the parties.

8. **Entire Agreement: Modification.** This Real Estate Contribution Agreement constitutes the entire and complete agreement between the parties and supersedes any prior oral or written agreements between the parties with respect to the Property. It is expressly agreed that there are no verbal understandings or agreements which in any way change the terms, covenants and conditions set forth herein, and that no modification of this Real Estate Contribution Agreement and no wavier of any of its terms and conditions shall be effective unless in writing and duly executed by the parties.

9. **Binding Effect.** All covenants, agreements, warranties and provisions of this Real Estate Contribution Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, representatives, successors and assigns. When used herein, the singular shall include the plural, the plural shall include the singular, and the use of one gender shall include all other genders, as and when the context so requires.

10. **Controlling Law.** This Real Estate Contribution Agreement has been made and entered into under the laws of the state of North Dakota, and said laws shall control its interpretation.

11. **Time of Essence.** Time is of the essence as to all dates and time periods set forth in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Real Estate Contribution Agreement to be executed as of the date first above written.

CONTRIBUTORS:


By: Michael Ward

RECIPIENT:

Bismarck Parks and Recreation District

By: Mark Zimmerman, Board President

By: Kevin Klipfel, Clerk

WILLIAM BLACKSTONE ADDITION

PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 139 NORTH,
RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN
CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

LEGEND
IRON MONUMENT FOUND
IRON MONUMENT SET
PLAT BOUNDARY
LOT LINE
NA (NON-ACCESS)
UTILITY EASEMENT
CORPORATE BOUNDARY
EXISTING UTILITY EASEMENT
RIGHT OF WAY LINE
POINT OF COMMENCEMENT
POINT OF BEGINNING

NOTES

BASE OF BEARING:
NORTH DAKOTA STATE PLAT, SOUTH ZONE BY
CITY ORDINANCE

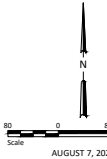
COORDINATE DATUM:
NORTH DAKOTA STATE PLAT COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 2011
UNITS ARE INTERNATIONAL FEET
WITH MEASURED GROUND DISTANCE
COORDINATE CONVERSION FACTOR TO GRID: 0.99989315

AREA DATA

LOT ACREAGE: 46.022 ACRES
RIGHT OF WAY ACREAGE: 13.224 ACRES
TOTAL ACREAGE: 59.244 ACRES

Line Table

Line #	Length	Direction
L1	79.71	S70°31'52"W
L2	52.28	N61°21'35"E
L3	42.19	N27°55'07"E
L4	42.19	S9°03'53"E
L5	43.29	S28°32'40"E
L6	65.77	N51°40'31"W
L7	78.04	S40°25'19"E
L8	59.57	N57°29'58"W
L9	42.19	N89°02'03"W
L10	42.19	N69°58'56"E
L11	38.70	N49°25'29"E
L12	51.04	S77°32'12"W
L13	125.00	N88°57'42"E
L14	125.00	N81°29'08"E
L15	125.00	N70°04'00"E
L16	125.00	N66°31'59"E
L17	125.00	N69°03'25"E
L18	125.00	N61°34'50"E
L19	125.00	N44°06'16"E
L20	125.00	N36°37'42"E
L21	125.00	N29°09'07"E
L22	125.00	N21°40'33"E
L23	17.21	S75°46'16"E



Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	85.00	767.00	4°35'20"	S71°06'29"W	64.98
C2	90.00	767.00	4°47'32"	S69°19'03"W	69.98
C3	90.00	767.00	4°47'32"	S68°10'32"W	69.98
C4	90.00	767.00	4°47'32"	S67°12'00"W	69.98
C5	26.48	767.00	1°49'41"	S47°30'54"W	26.48
C6	39.29	1233.00	3°50'01"	S48°29'03"W	34.27
C7	90.00	1233.00	4°11'01"	S52°32'04"W	90.01
C8	90.00	1233.00	4°11'01"	S56°43'05"W	90.01
C9	90.00	1233.00	4°11'01"	S60°54'06"W	90.01
C10	90.00	1233.00	4°11'01"	S65°05'07"W	90.01
C11	66.46	1233.00	3°05'18"	N68°43'17"E	66.45
C12	85.00	1233.00	3°57'02"	S72°14'27"W	85.00

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C13	85.00	1233.00	3°57'02"	S76°11'29"W	85.00
C14	85.00	1233.00	3°57'02"	S80°08'31"W	85.00
C15	85.00	1233.00	3°57'02"	S84°05'34"W	85.00
C16	85.00	1233.00	3°57'02"	S88°02'36"W	85.00
C17	85.00	1233.00	3°57'02"	N88°02'22"W	85.00
C18	85.00	1233.00	3°57'02"	N84°03'20"W	85.00
C19	47.54	1233.00	2°12'34"	N88°58'32"E	47.54
C20	134.87	1867.00	3°31'30"	N81°38'00"E	114.85
C21	121.99	367.00	19°02'42"	S9°00'48"E	121.43
C22	113.01	367.00	17°38'34"	S27°21'25"E	112.56
C23	207.54	433.00	27°27'46"	S13°13'20"E	205.56
C24	132.34	1867.00	4°03'40"	S87°27'36"E	132.31

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C25	88.92	833.00	6°56'30"	N71°20'36"E	88.88
C26	88.92	833.00	6°56'30"	N69°13'17"E	88.88
C27	88.92	833.00	6°56'30"	N66°06'38"E	88.88
C28	175.89	833.00	31°47'27"	S17°39'46"E	173.64
C29	118.62	883.00	17°44'43"	N25°08'47"W	118.15
C30	73.20	383.00	4°58'34"	N49°05'50"E	72.37
C31	39.40	1167.00	1°56'04"	N47°29'35"E	39.40
C32	90.53	1167.00	4°26'40"	N50°40'37"E	90.50
C33	90.53	1167.00	4°26'40"	N55°07'37"E	90.50
C34	90.53	1167.00	4°26'40"	N59°34'38"E	90.50
C35	90.53	1167.00	4°26'40"	N64°00'58"E	90.50
C36	167.87	530.00	18°08'52"	S10°43'18"E	167.17

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C37	231.12	530.00	14°10'39"	S5°26'28"W	130.82
C38	88.92	530.00	9°36'45"	S17°20'09"W	88.81
C39	82.60	530.00	8°56'04"	S26°30'34"W	82.56
C40	13.24	530.00	1°25'52"	S31°47'32"E	13.24
C41	29.52	300.00	3°38'15"	S29°41'21"W	29.51
C42	73.00	300.00	8°56'34"	S19°53'56"W	72.82
C43	73.34	300.00	14°00'24"	S9°55'28"W	73.30
C44	54.83	300.00	10°28'22"	S6°18'55"E	54.76
C45	39.94	300.00	7°37'44"	S15°21'58"E	39.92
C46	84.60	300.00	16°09'30"	S27°19'35"E	84.32
C47	103.67	1199.16	4°57'12"	S43°54'56"W	103.64
C48	40.01	1199.16	1°54'42"	S40°28'59"W	40.01

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C49	144.84	1199.16	6°55'34"	S26°04'02"W	144.70
C50	134.90	1199.16	6°47'08"	N25°59'58"E	134.82
C51	40.00	1199.16	2°30'43"	N40°23'15"E	40.00
C52	96.53	1199.16	6°52'59"	N43°49'54"E	96.50
C53	106.04	300.00	20°15'50"	S56°57'38"E	105.49
C54	40.00	300.00	7°38'42"	S50°54'38"E	40.00
C55	56.14	300.00	10°49'12"	S80°05'15"E	56.06
C56	76.49	300.00	14°36'30"	N87°14'51"E	76.28
C57	13.72	300.00	2°37'15"	N78°38'01"E	13.72
C58	68.00	870.00	4°28'42"	N79°33'46"E	67.98
C59	81.27	870.00	5°21'08"	N84°28'41"E	81.24
C60	86.34	870.00	5°41'10"	N89°59'50"E	86.30

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C61	86.62	870.00	5°42'13"	S84°18'26"E	86.59
C62	72.96	870.00	4°48'18"	S79°03'09"E	72.94
C63	12.61	870.00	0°49'48"	S76°14'06"E	12.61
C64	142.62	733.00	11°08'51"	S4°42'32"E	142.39
C65	238.69	290.00	23°10'48"	N20°55'15"E	237.07
C66	566.26	150.00	135°11'03"	N39°05'03"E	443.66
C67	174.32	930.00	10°44'23"	S82°41'37"W	174.07
C68	16.29	930.00	1°00'13"	S79°53'55"W	16.29
C69	80.55	512.00	9°00'52"	S72°28'08"W	80.47
C70	66.81	512.00	7°28'34"	S44°46'35"E	66.76
C71	66.81	512.00	7°28'34"	S12°15'09"E	66.76
C72	66.81	512.00	7°28'34"	S19°43'44"E	66.76

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C73	66.81	512.00	7°28'34"	S27°12'18"E	66.76
C74	66.81	512.00	7°28'34"	S34°40'52"E	66.76
C75	66.81	512.00	7°28'34"	S42°09'22"E	66.76
C76	66.81	512.00	7°28'34"	S49°38'01"E	66.76
C77	66.81	512.00	7°28'34"	S57°06'35"E	66.76
C78	66.81	512.00	7°28'34"	S64°35'10"E	66.76
C79	66.55	512.00	7°26'49"	S72°02'52"E	66.50
C80	50.30	387.00	5°20'49"	S72°02'52"E	50.26
C81	50.30	387.00	7°28'35"	S64°35'10"E	50.40
C82	50.30	387.00	7°28'34"	S57°06'35"E	50.40
C83	50.30	387.00	7°28'34"	S49°38'01"E	50.40
C84	50.30	387.00	7°28'34"	S42°09'22"E	50.40

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C85	50.50	387.00	7°28'34"	S34°40'52"E	50.40
C86	50.50	387.00	7°28'34"	S27°12'18"E	50.40
C87	50.50	387.00	7°28'34"	S19°43'44"E	50.40
C88	50.50	387.00	7°28'34"	S12°15'09"E	50.40
C89	50.50	387.00	7°28'34"	S4°46'35"E	50.40
C90	61.00	387.00	9°01'52"	S3°28'38"W	60.94
C91	78.51	1167.00	3°51'17"	N71°06'52"E	78.50
C92	65.50	387.00	5°13'05"	N74°39'53"E	65.54
C93	64.46	1167.00	3°09'53"	N74°39'53"E	64.45
C94	65.83	1167.00	3°13'56"	N81°02'27"E	65.83
C95	131.92	1167.00	6°28'37"	N85°52'43"E	131.85
C96	80.63	470.00	9°45'21"	S5°29'05"W	79.93

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C97	44.47	470.00	5°25'17"	S13°04'34"W	44.40
C98	17.30	180.00	5°05'00"	S13°14'37"W	17.29
C99	64.49	155.00	18°56'54"	S51°13'37"W	64.20
C100	60.77	155.00	17°51'16"	S17°10'29"E	60.52
C101	54.74	155.00	16°05'03"	S4°08'38"E	54.56
C102	59.95	155.00	17°37'39"	N9°07'05"E	59.76
C103	68.85	155.00	20°13'49"	S69°55'45"E	68.49
C104	32.15	155.00	9°26'49"	S84°46'02"E	32.12
C105	27.59	667.00	2°22'11"	S1°41'30"W	27.58
C106	81.74	667.00	7°11'37"	S6°28'30"W	81.69
C107	45.04	930.00	2°46'30"	N77°12'26"W	45.04
C108	30.71	930.00	1°53'30"	N79°32'26"W	30.70

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C109	115.50	930.00	7°07'09"	N84°02'46"W	115.48
C110	16.24	333.00	3°40'33"	N70°55'58"W	16.18
C111	103.72	333.00	17°40'48"	N67°10'18"W	103.30
C112	97.80	333.00	16°59'49"	N59°05'03"W	97.45
C113	111.92	333.00	19°15'28"	N21°47'30"W	111.40
C114	105.15	333.00	18°05'30"	N9°07'05"E	104.73
C115	12.00	333.00	2°03'59"	N6°57'39"E	12.00
C116	118.89	590.00	12°12'42"	N1°41'26"W	118.68
C117	20.23	590.00	1°18'06"	N6°26'50"W	20.27
C118	109.19	590.00	10°37'04"	N14°44'25"W	109.18
C119	163.95	1167.00	8°02'57"	S81°53'44"E	163.81
C120	125.97	1933.00	3°44'02"	S81°44'16"E	125.95

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C121	226.95	135.00	16°19'10"	N41°19'51"W	201.15
C122	21.10	135.00	8°57'19"	N11°18'23"E	21.08
C123	48.29	530.00	5°13'15"	N17°10'25"E	48.28
C124	74.80	530.00	8°28'29"	N6°19'33"E	74.32
C125	13.71	530.00	1°28'54"	N2°20'52"E	13.71
C126	133.23	1933.00	3°55'20"	S87°31'46"E	132.30
C127	21.14	733.00	1°39'08"	N1°20'07"E	21.14
C128	85.37	733.00	6°40'23"	N5°29'53"E	85.32
C129	39.29	733.00	3°04'17"	N10°22'17"E	39.29
C130	29.13	667.00	2°30'09"	N10°39'17"E	29.13
C131	80.57	667.00	6°15'04"	N5°54'07"E	80.48

WILLIAM BLACKSTONE ADDITION

PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 139 NORTH,
RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN
CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 80 WEST, BURLEIGH COUNTY NORTH DAKOTA, THENCE NORTH 07°29'57" EAST, ON AND ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 7, A DISTANCE OF 562.41 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE NORTH 07°29'57" EAST, CONTINUING ON AND ALONG SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, A DISTANCE OF 1435.34 FEET; THENCE NORTH 89°32'19" WEST, A DISTANCE OF 303.04 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, A DISTANCE OF 47.09 FEET ON A 400.00 FOOT RADIUS, NON-TANGENTIAL CURVE WITH A CENTRAL ANGLE OF 6°44'40", SAID CURVE HAVING A CHORD WHICH BEARS NORTH 32°48'22" WEST, 47.08 FEET; THENCE NORTH 38°10'42" WEST, A DISTANCE OF 158.20 FEET; THENCE SOUTH 74°31'18" WEST, A DISTANCE OF 156.30 FEET; THENCE WESTERLY AND TO THE RIGHT, A DISTANCE OF 208.00 FEET ON A 800.00 FOOT RADIUS CURVE WITH A CENTRAL ANGLE OF 14°45'21", SAID CURVE HAVING A CHORD WHICH BEARS NORTH 81°53'57" EAST, 205.46 FEET; THENCE SOUTH 89°10'37" WEST, A DISTANCE OF 321.62 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, A DISTANCE OF 350.22 FEET ON A 400.00 FOOT RADIUS CURVE WITH A CENTRAL ANGLE OF 50°59'55", SAID CURVE HAVING A CHORD WHICH BEARS SOUTH 84°11'09" WEST, 339.14 FEET; THENCE SOUTH 89°08'42" WEST, A DISTANCE OF 187.04 FEET; THENCE SOUTHWESTERLY AND TO THE RIGHT, A DISTANCE OF 186.26 FEET ON A 700.00 FOOT RADIUS CURVE WITH A CENTRAL ANGLE OF 15°14'43", SAID CURVE HAVING A CHORD WHICH BEARS SOUTH 48°44'04" WEST, 185.71 FEET; THENCE SOUTH 54°21'25" WEST, A DISTANCE OF 79.39 FEET; THENCE WESTERLY AND TO THE RIGHT, A DISTANCE OF 889.40 FEET ON A 500.00 FOOT RADIUS CURVE WITH A CENTRAL ANGLE OF 78°59'59", SAID CURVE HAVING A CHORD WHICH BEARS NORTH 88°08'35" WEST, 636.08 FEET; THENCE NORTH 48°38'38" WEST, A DISTANCE OF 114.94 FEET; THENCE SOUTH 43°21'24" WEST, A DISTANCE OF 67.49 FEET; THENCE SOUTH 48°38'38" EAST, A DISTANCE OF 136.33 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, A DISTANCE OF 303.82 FEET ON A 1050.00 FOOT RADIUS CURVE WITH A CENTRAL ANGLE OF 16°34'44", SAID CURVE HAVING A CHORD WHICH BEARS SOUTH 38°21'14" EAST, 302.77 FEET; THENCE NORTH 73°59'27" EAST, A DISTANCE OF 282.40 FEET; THENCE SOUTH 16°27'51" EAST, A DISTANCE OF 221.98 FEET; THENCE SOUTH 05°43'18" EAST, A DISTANCE OF 67.10 FEET; THENCE SOUTH 16°00'33" EAST, A DISTANCE OF 146.78 FEET; THENCE NORTH 71°03'11" EAST, A DISTANCE OF 302.28 FEET; THENCE NORTHERLY AND TO THE LEFT, A DISTANCE OF 77.63 FEET ON A 360.00 FOOT NON-TANGENTIAL CURVE WITH A CENTRAL ANGLE OF 12°42'31", SAID CURVE HAVING A CHORD WHICH BEARS NORTH 09°47'05" WEST, 77.47 FEET; THENCE NORTH 72°18'20" EAST, A DISTANCE OF 219.39 FEET; THENCE SOUTH 06°50'30" WEST, A DISTANCE OF 204.23 FEET; THENCE SOUTH 14°49'30" WEST, A DISTANCE OF 164.32 FEET; THENCE SOUTH 16°12'07" WEST, A DISTANCE OF 149.63 FEET; THENCE SOUTH 10°49'32" EAST, A DISTANCE OF 115.28 FEET; THENCE SOUTH 39°30'54" EAST, A DISTANCE OF 81.89 FEET; THENCE SOUTH 67°22'35" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 64°01'10" EAST, A DISTANCE OF 76.94 FEET; THENCE NORTH 87°05'03" EAST, A DISTANCE OF 300.23 FEET; THENCE NORTH 83°07'16" EAST, A DISTANCE OF 242.68 FEET; THENCE NORTH 87°59'08" EAST, A DISTANCE OF 86.61 FEET; THENCE SOUTH 89°07'54" EAST, A DISTANCE OF 70.38 FEET; THENCE SOUTH 85°46'21" EAST, A DISTANCE OF 70.86 FEET; THENCE SOUTH 85°07'12" EAST, A DISTANCE OF 175.63 FEET; THENCE NORTH 88°58'30" EAST, A DISTANCE OF 77.64 FEET; THENCE SOUTH 86°30'21" EAST, A DISTANCE OF 253.00 FEET; THENCE SOUTH 89°30'03" EAST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINS 59.24 ACRES MORE OR LESS AND IS SUBJECT TO ANY PREVIOUSLY ACQUIRED EASEMENTS OR RIGHT OF WAYS.

OWNER'S CERTIFICATE AND DEDICATION

I, ROBERT W. MARTIN, POWER OF ATTORNEY OF THE WARD FAMILY, THE PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THE THIS PLAT TITLED WILLIAM BLACKSTONE ADDITION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.
WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENT" TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.
WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER & DRAINAGE EASEMENT" TO RUN WITH THE LAND FOR THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY ADJUSTMENTS.

ROBERT W. MARTIN
POWER OF ATTORNEY OF THE WARD FAMILY
201 SOUTH MAIN STREET, SUITE 200
MINOT, ND 58701

STATE OF _____)
COUNTY OF _____) ss

ON THIS _____ DAY OF _____, 2025, BEFORE ME PERSONALLY APPEARED ROBERT W. MARTIN, POWER OF ATTORNEY OF THE WARD FAMILY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND HE ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME

NOTARY PUBLIC

COUNTY, _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION:

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____ DAY OF _____, 2025, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL I. SCHWARTZ - CHAIR

ATTEST: BEN EMBRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THIS PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.
THE FOREGOING ACTION OF THE BOARD OF COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE _____ DAY OF _____, 2025.

MICHAEL T. SCHMITZ - PRESIDENT

ATTEST: JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER TO THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL, CITY ENGINEER

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, TODD MARSHALL, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

TODD MARSHALL
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 4431

HOUSTON ENGINEERING, INC
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA, 58501

PRELIMINARY PLAT WILLIAM BLACKSTONE ADDITION

AN UNPLATTED PORTION OF THE SOUTHEAST 1/4 OF SECTION 7
T. 139 N., R. 80 W., 5th P.M.

CITY OF BISMARCK
BURLEIGH COUNTY, NORTH DAKOTA

PLAT INFORMATION

EXISTING ZONING: AG
PROPOSED ZONING: RS, RM30, P
LOT ACREAGE: 46.029 ACRES
RIGHT OF WAY ACREAGE: 13.224 ACRES
TOTAL ACREAGE: 59.244 ACRES
BASIS OF BEARINGS: NO STATE PLANS SOUTH ZONE NAD83 (2002)
ADJUSTMENT 3886 UNIT OF MEASURE IS INTERNATIONAL FEET
CONTOUR VERTICAL DATUM: NAVD 88
TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY

BENCH MARK

SE CORNER OF SECTION 7, T139N, R80W
ELEV. 1897.74 NAVD 88

SURVEYOR'S NOTES

THE FOLLOWING INFORMATION IS PROVIDED ON THE PRELIMINARY PLAT:

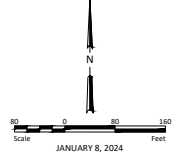
- CENTERLINE ROADWAY RULES:
 - LOCAL - 1.15 MILES
 - COLLECTOR - 0 MILES
 - ARTERIAL - 0 MILES
- MAXIMUM ALLOWABLE NEW HOUSING UNITS:
 - P = 2
 - RS = 115
 - RM30 = 1
- UNDEVELOPABLE LAND:
 - BLOCK 3 LOT 20 (GREEN SPACE, TRAIL EASEMENT, & STORMWATER DETENTION AREA)
 - BLOCK 4 LOT 37 (GREEN SPACE)
 - BLOCK 5 LOT 1 (GREEN SPACE)
 - BLOCK 6 LOT 2 (PARK)
 - BLOCK 7 LOT 4 (GREEN SPACE)
 - BLOCK 7 LOT 27 (GREEN SPACE)
- SEE UTILITY SERVING PLAN FOR PRELIMINARY UTILITY LAYOUT.

ENGINEER/SURVEYOR

OWNER

HOUSTON ENGINEERING, INC.
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA 58501
PHONE 701.323.0200

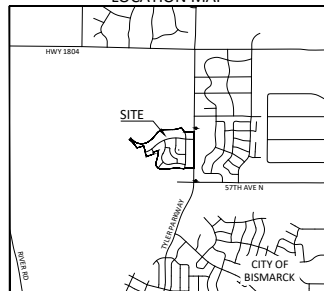
MICHAEL WARD
201 SOUTH MAIN STREET, SUITE 200
MINOT, ND 58701
PHONE 701.852.4837



LEGEND

- IRON MONUMENT FOUND
- IRON MONUMENT SET
- PLAT BOUNDARY
- LOT LINE
- NON-ACCESS
- UTILITY EASEMENT
- EXISTING LOT LINE
- EXISTING UTILITY EASEMENT
- UTILITY POLE
- W/GUY WIRE
- TELEPHONE RISER
- ELECTRICAL BOX
- ELECTRIC METER
- SDM
- OVERHEAD POWER
- FENCE
- RIGHT OF WAY LINE

LOCATION MAP



57TH AVE N (GRAVEL)

August 7, 2025

Daniel Nairn, Planning Manager
Bismarck Planning and Zoning Department
221 North 5th Street
Bismarck, N.D. 58501

Subject: Lot Width Waiver Request at 40 Foot Setback – William Blackstone Addition

Manager Nairn,

We are requesting a waiver of the lot width requirement at the lot line and 40' setback line for R5 & R10 lots as outlined in Title 14 of the Bismarck City Zoning Ordinance:

*14-04-03. R5 Residential District. In any R5 residential district, the following regulations shall apply:
5. Lot width. Each lot shall have a front property line width of not less than forty (40) feet, and in addition, shall have a width of not less than sixty (60) feet, measured along a line approximately parallel to and forty (40) feet back from the front property line. Provided, however, that on a record lot corresponding to a plat or deed recorded prior to 1953, the minimum lot width measured along the front building line may be reduced to not less than fifty (50) feet.*

*14-04-06. R10 Residential District. In any R10 residential district, the following regulations shall apply:
5. Lot width. Each lot shall have a front property line width of not less than forty (40) feet, and in addition, shall have a width of not less than sixty (60) feet, measured along a line approximately parallel to and forty (40) feet back from the front property line. Provided, however, that on a record lot corresponding to a plat or deed recorded prior to 1953, the minimum lot width measured along the front building line may be reduced to not less than fifty (50) feet.*

This waiver request would be the following:

Lots 2 -12 of Block 6: The width at the 40' setback line as measured by chord distance is 55.69'.

Lot 14 of Block 4, and Lots 4 & 27 of Block 7: The width at the front lot line is less than 40' & the width at the 40' setback line is less than 60'.

Lot 15 of Block 4, Lots 3-4 of Block 5: The width at the 40' setback line is less than 60'.

Let me know if you have any questions or concerns.

Sincerely,

HOUSTON ENGINEERING, INC.

Nic Cullen, PE, CFM
Civil Engineer/Principal
Direct: 701.751.6280
ncullen@houstoneng.com



BURLEIGH COUNTY

221 NORTH 5TH STREET
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleigh.gov



August 14, 2025

Jenny Wollmuth
Community Development Department
221 North 5th Street
PO Box 5503
Bismarck, ND 58506

RE: William Blackstone Addition

Mrs. Wollmuth,

We are reaching out to communicate our concerns about the proposed William Blackstone Development and they are as follows:

1. The intersection of James Wright Avenue and 15th Street NW/Tyler Parkway is located south of an existing driveway that serves 90+ cottage homes (quad homes) on the east side of 15th Street NW/Tyler Parkway. This creates an offset intersection which the County has advised avoiding offset intersections as they create more traffic problems and increase accident rates versus the tradition intersection where all roads meet at the same point.
2. The proposed "temporary intersection" of Lot 12, Block 9 called Strand Drive and 15th Street NW/Tyler Parkway seems to be inadvisable. "Temporary intersections" have a way of becoming permanent intersections. We understand that there should be two permanent access points for a development of this size and that the second point should connect to the currently unconstructed 57th Avenue NW. The "temporary intersection" sets a precedent that may create more problems in the future than it solves and should not be allowed.
3. The previous two intersections have not had a traffic study performed upon them. In the past, the City of Bismarck has frequently required traffic studies for new intersections on arterial roadways and not having the traffic study seems to go against policy and is not advisable. The James Wright Avenue intersection will have Lot 1, Block 2 zoned RM-30 which can allow an apartment building that generates a lot of traffic. Traffic studies also frequently recommend against "temporary intersections".

We would recommend following standard operating procedure to request a traffic study be completed for the William Blackstone Addition to see if any intersection improvements, locations, and/or relocations of intersections may be advisable.

4. The storm water that leaves the proposed development will go onto land outside of the City of Bismarck limits and how will this be constructed to prevent any damage downstream to areas outside of the City of Bismarck's limits?
5. The mile and a half of sanitary sewer seems a little long to be placing in for a development. What is the reasoning that this sanitary sewer forcemain should be abandoned in the future for gravity sewer and why is it allowed for this development?
6. We did see an annexation request and we would assume that the City of Bismarck will now take over 15th Street NW/Tyler Parkway to maintain and plow this street, but is this a correct assumption?

We believe that some of these concerns are against the standard practice of the City of Bismarck for proposed developments. We are asking for your assistance to help clarify some of the questions and to recommend that the standard practices are followed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marcus J. Hall".

Marcus J. Hall
Burleigh County Engineer

Cc: Brian Bitner, Burleigh County Commission Chairman



August 22, 2025

Marcus Hall
Burleigh County Engineer
221 North 5th Street
Bismarck ND 58503

Mr. Hall,

Thank you for your August 14, 2025, letter outlining the County Highway Department's concerns/questions regarding William Blackstone Addition.

As you may be aware, the preliminary plat was submitted for review in August 2023 and tentatively approved by the Planning and Zoning Commission at their January 24, 2024, meeting. Prior to forwarding the preliminary plat to the Planning and Zoning Commission, staff, including the Burleigh County Highway Department, was given the opportunity to review and discuss any concerns with City staff and the consulting engineer. The final plat was submitted for review on August 20, 2024, and was included each month for the past year for review and comment at the monthly Development Review meetings. During our most recent monthly development review meeting on August 11, 2025, or any other meeting, no comments were received or raised by the County Highway Department.

City staff work hard to process development proposals as efficiently as possible, while ensuring public health and safety aspects are adequately addressed with all relevant parties, including the Burleigh County Highway Department. City staff prides itself in the collaborative environment that exists to review development proposals and the good working relationship with the Burleigh County Highway Department. The Burleigh County Highway Department is a key contributor in the development review process and your team's input leads to safer and healthier developments for the general public. However, the comments from the August 14, 2025, letter are well outside of the expected timeframe for staff comments to be received. The timing of the comments has caused frustration and uncertainty for the applicant and may add confusion to elected and appointed bodies who expect these types of comments to be addressed through the typical development review process. In the future, we request that comments such as those raised in your letter are received during the appropriate development review milestones before we collectively agree to move forward with a development proposal.

Please see the following City staff responses to your specific concerns:

Your Comment: “The intersection of James Wright Avenue and 15th Street NW / Tyler Parkway is located south of an existing driveway that serves 90+ cottage homes (quad homes) on the east side of 15th Street NW / Tyler Parkway. This creates an offset intersection which the County has advised avoiding offset intersections as they create more traffic problems and increase accident rates versus the traditional (sic) intersection where all roads meet at the same point.”

City Response: The City of Bismarck reviews all intersections with future arterial streets on a case-by-case basis. The intersections you refer to along the east side of Tyler Parkway are not public streets. They are driveways to a private development. Additionally, we do not anticipate high volumes of east/west through traffic going between the private development on the east side of Tyler Parkway and the William Blackstone development on the west side of Tyler Parkway. If the tee intersections would be between arterial streets, and not a local street and a driveway to a private development, it would be a different situation. Based on the spacing between west and east approaches to Tyler Parkway, research indicates that offset tee intersections actually have lower crash rates than 4-leg intersections – though overall volumes need to be considered at individual locations. Supporting research documents can be provided upon request.

Your Comment: “The proposed “temporary intersection” of Lot 12, Block 9 called Strand Drive and 15th Street NW / Tyler Parkway seems to be inadvisable. “Temporary intersections” have a way of becoming permanent intersections. We understand that there should be two permanent access points for a development of this size and that the second point should connect to the currently unconstructed 57th Avenue NW. The “temporary intersection” sets a precedent that may create more problems in the future than it solves and should not be allowed.”

City Response: In conjunction with the plat, the City will be entering into a development agreement with the developer that lists installation and maintenance responsibilities, timeframes and triggers for removal of the temporary intersection and road, and restoration of the lot to a buildable parcel where a temporary extension of Chief Jerry Drive (referred to incorrectly as Strand Drive in your comment above) will connect to Tyler Parkway. Additionally, the developer has an overall masterplan that will limit the number of intersections to both Tyler Parkway and 57th Avenue with future phases of development. Additionally, the City and developer propose to annex the entirety of the Tyler Parkway right-of-way from 57th Avenue NW to the north edge of the plat into the City.

Your Comment: “The previous two intersections have not had a traffic study performed upon them. In the past, the City of Bismarck has frequently required traffic studies for new intersections on arterial roadways and not having the traffic study seems to go against policy and is not advisable. The James Wright Avenue intersection will have Lot 1, Block 2 zoned RM-30 which can allow an apartment building that generates a lot of traffic. Traffic studies also frequently recommend against “temporary intersections”. We would recommend following standard operating procedure to request a traffic study be completed for the William Blackstone

Addition to see if any intersection improvements, locations, and/or relocations of intersections may be advisable.”

City Response: The City of Bismarck typically requires traffic studies for large commercial developments that will have high traffic volumes immediately, such as Walmart, Costco, Fleet Farm, etc. Residential developments typically take many years to reach full build out. Also, as the city expands, the roads are often urbanized with curb and gutter or widened to add required turn lanes once traffic volumes dictate their necessity at a future date.

Your Comment: “The storm water that leaves the proposed development will go onto land outside of the City of Bismarck limits and how will this be constructed to prevent any damage downstream to areas outside of the City of Bismarck’s limits?”

City Response: The William Blackstone Addition is within the Ward and Ash Coulee Stormwater Masterplan area. This masterplan area generally encompasses six main coulees west of Tyler Parkway and Clairmont Road, and south of ND Highway 1804. This entire watershed was studied and the masterplan created in 2015 to address the increased runoff from development in the area and determine what improvements were required to protect downstream properties and infrastructure from damage, including properties west of River Road. In 2024, the City began an update of the 2015 plan to require all development in the area to meet a Unit Rate discharge, which better balances the stormwater protection of downstream property with the timing of upstream development. With the creation of the stormwater master plan and update, proposed future land uses were taken into account.

The City-approved stormwater management plan for William Blackstone Addition meets all the requirements of the Unit Rate update to the area-wide masterplan. More information on the master plan and update can be found here:

www.bismarcknd.gov/2445/Watershed-Masterplanning

Your Comment: “The mile and a half of sanitary sewer seems a little long to be placing in for a development. What is the reasoning that this sanitary sewer forcemain should be abandoned in the future for gravity sewer and why is it allowed for this development?”

City Response: All installation costs for extending sanitary service to the area are borne by the developer, without any public fund assistance.

Although gravity sewer is preferable to needing a forcemain, a City consultant analyzed sanitary sewer needs in the area south of ND 1804 and west of Tyler Parkway. This analysis supports the use of multiple lift stations to be installed in conjunction with future developments to supply sanitary service to thousands of acres of future urban development. All future lift stations will be discharged via forcemains to existing gravity sanitary in Prairie Hawk Drive.

It is not uncommon that lift stations are needed on an interim basis, for years or decades, to service new development until a gravity sewer route can be established or installed: Similar to when the Burleigh County shop was built and over 2.5 miles of forcemain was installed to reach the nearest point to discharge into the City's gravity sewer system.

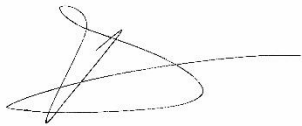
Additionally, due to elevation constraints, all sanitary sewer in the City of Bismarck is pumped at least once, some areas as many as three times, before reaching the City's wastewater treatment plant.

Your Comment: "We did see an annexation request and we would assume that the City of Bismarck will now take over 15th Street NW/Tyler Parkway to maintain and plow this street, but is this a correct assumption"

City Response: All of Tyler Parkway from 57th Avenue NW to the northern boundary of William Blackstone Addition has been petitioned for annexation into the City limits in conjunction with recordation of the plat. We would suggest this segment be discussed during the annual Burleigh County Hwy Dept/ City of Bismarck Public Works Fringe Area Roadway maintenance discussions.

From our perspective, your questions/comments have all been considered and addressed. Please let us know if you have any additional questions related to the responses.

Sincerely,



Ben Ehreth, AICP, Director
Community Development



Gabe J Schell, PE
City Engineer

STAFF REPORT

Application for: **Special Use Permit**

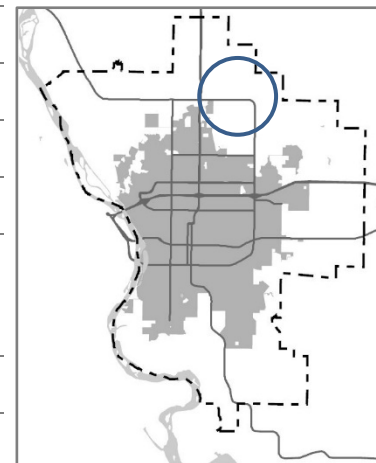
Agenda Item # 4H

August 27, 2025

Project ID: **SUP2025-012**

Project Summary

<i>Title:</i>	Hightop Acres Third Subdivision, Block 1, Lot 7
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Ronald and Rebecca Meuchel
<i>Project Contact:</i>	Rebecca Meuchel
<i>Project Location:</i>	Northeast of Bismarck, east of 26th Street Northeast and north of 71st Avenue Northeast, on the west side of Moonstone Lane
<i>Project Size:</i>	1.95 acres, more or less
<i>Applicant Request:</i>	Increase allowable area of accessory buildings to 3,200 square feet
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Lot in 1 Block	<i>Lots/Blocks:</i>	No change
<i>Land Use:</i>	Single-family residential	<i>Land Use:</i>	No change
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density:</i>	No change

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	09/2004
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	07/2001
<i>Neighborhood:</i>	Hightop	<i>Annexed:</i>	N/A

(continued)

Project Narrative

Ronald and Rebecca Meuchel request approval of a special use permit to increase the allowable area of accessory structures to 3,200 square feet on Lot 7, Block 1, Hightop Acres Third Subdivision.

The property is zoned RR – Residential and is large enough to have up to 3,200 square feet of

accessory structures on the property with approval of a special use permit.

The applicant has noted that they intend to remove the current accessory structure to build a new 3,200 square foot accessory structure.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Rural Residential (RR) in the Future Land Use Plan. The RR areas are places for country living with convenient proximity to city life. Goals and objectives of this plan as they relate to the special use permit are referenced in review standards below.

Adjacent uses include single-family residences to the north, south, east, and west.

Public Engagement

Hay Creek Township was notified of this request on July 30, 2025.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 15 and 22, and 87 postcards were mailed to the owners of nearby properties on August 15, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

(continued)

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Special regulations established for this type of use have been met (Section 14-03-08(1)c)

Yes. The proposed accessory structure will conform to requirements of Section 14-03-06(1)(b)(5), which states, “the allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).” The size of the lot is 1.951 acres (84,986 square feet) and the applicant is proposing to construct a 3,200 square foot building after removing the current accessory structure.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed special use permit (Section 14-03-08(1)c)

Yes. The proposed special use permit would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Together 2045 Bismarck’s Comprehensive Plan is adhered to with the proposed Special Use Permit (Section 14-03-08(1)c)

Yes. The proposed special use permit adheres to the overall goals and objectives of the comprehensive plan.

Proper administrative procedures related to the request are being followed (Section 14-03-08(1))

Yes. All administrative procedures of the City Code of Ordinances have been followed to date. The applicant has submitted a complete application for a special use permit, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed special use permit (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed special use permit would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of a special use permit to increase the allowable area of accessory structures to 3,200 square feet on Lot 7, Block 1, Hightop Acres Third Subdivision.

Attachments

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR INCREASING ALLOWABLE SIZE OF ACCESSORY
STRUCTURES TO 3,200 SQUARE FEET
IN HIGHTOP ACRES THIRD SUBDIVISION (SUP2025-012)**

WHEREAS, certain special uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, must be granted approval by the Planning and Zoning Commission within certain zoning districts, as established by Section 14-03-08 of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as Lot 7, Block 1, Hightop Acres Third Subdivision have requested approval of a special use permit to allow an increased allowable size of accessory structures to 3,200 square feet in the RR – Residential zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on August 27, 2025 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit to increase the allowable size of accessory structures to 3,200 square feet on Lot 7, Block 1, Hightop Acres Third Subdivision is hereby approved, subject to the following conditions:

1. The special use is put into use within twenty-four (24) months of the adoption of this resolution.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 27th day of August, 2025.

CERTIFICATE

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this August 27, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

Ben Ehreth, AICP
Community Development Director
Bismarck, North Dakota

Date



Zoning and Plan Reference Map

HIGHTOP ACRES THIRD SUBDIVISION, B1, L7

SUP2025-012

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

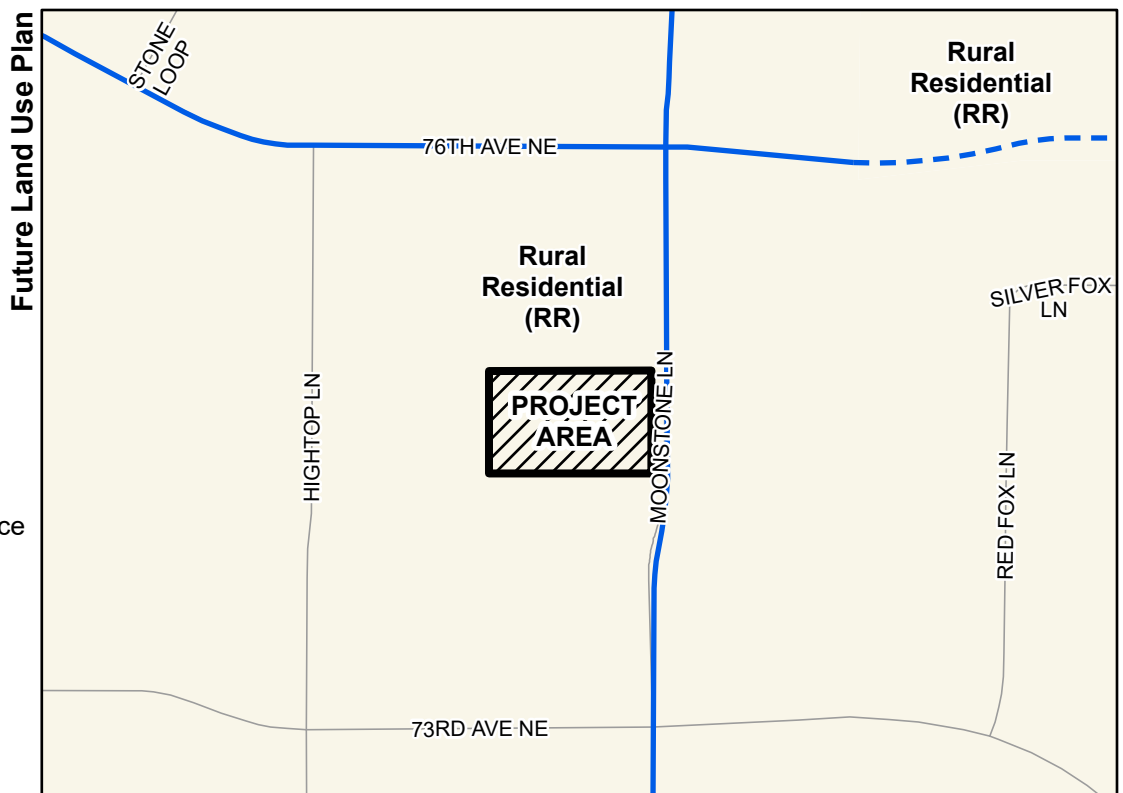
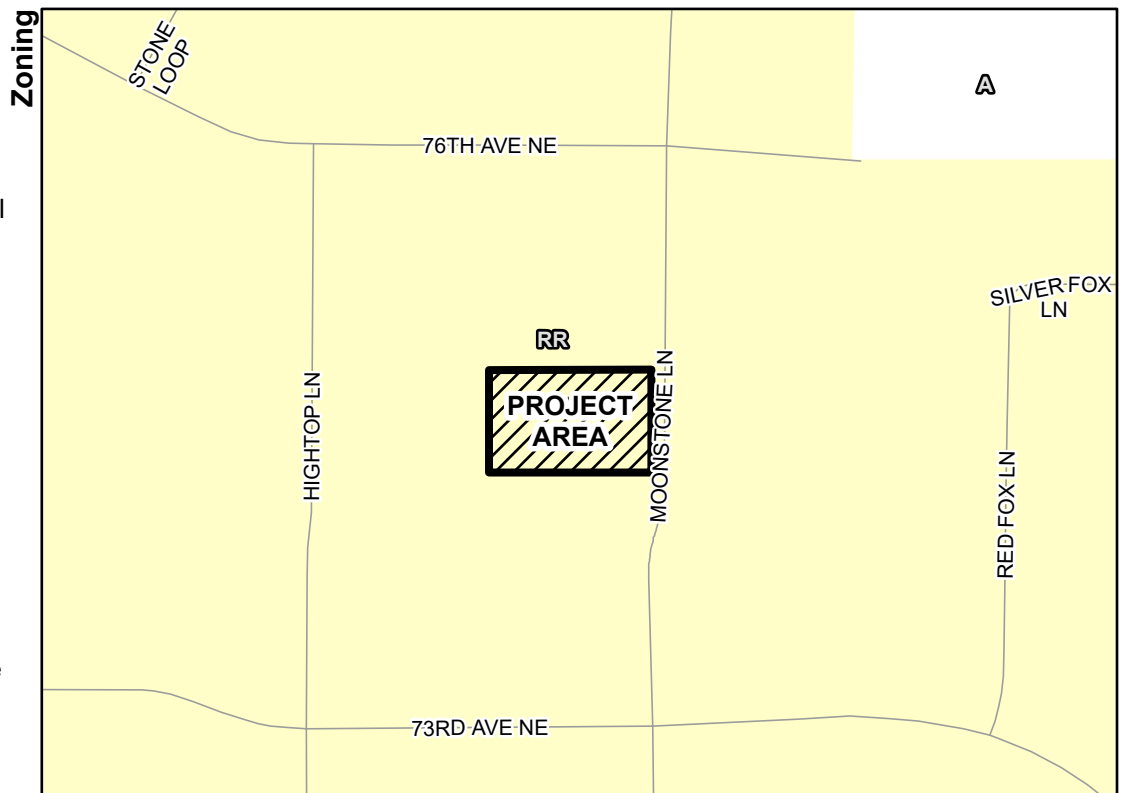
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

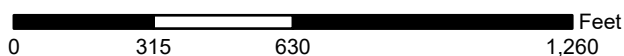
— Future Shared Trail

Major Street Plan

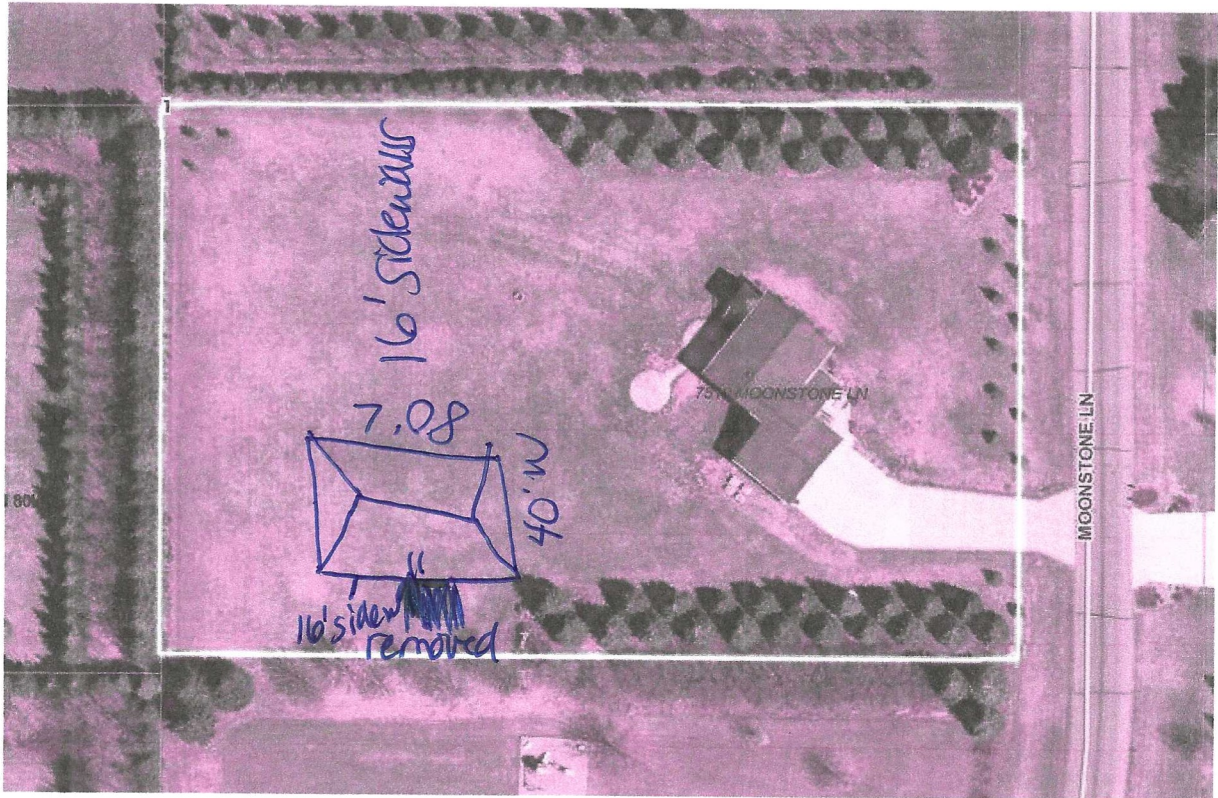
- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate
- ▬ City Limits



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development
Planning Division
August 12, 2025



Yard Setbacks for an accessory building:
Front Yard: 40'
Side Yard: 15'-15'
Rear Yard: 50'

16" Eves
12" gables

STAFF REPORT

Agenda Item # 4I

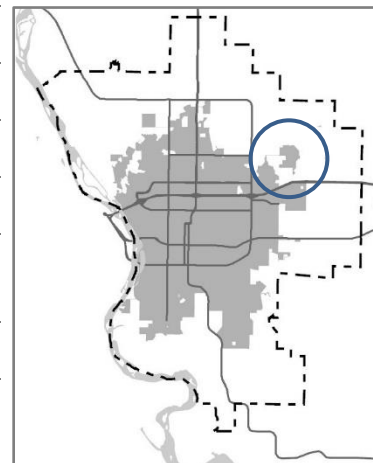
August 27, 2025

Application for: **Special Use Permit**

Project ID: **SUP2025-014**

Project Summary

<i>Title:</i>	Silver Ranch Fourth Addition, Block 1, Lot 3
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Bismarck Public Schools
<i>Project Contact:</i>	Shannon Schlinger, Mann Signs
<i>Project Location:</i>	In northeast Bismarck, east of 52nd Avenue NE, along the north side of Noble Drive
<i>Project Size:</i>	461,707 SF
<i>Applicant Request:</i>	Install an electronic message center sign in a residential zoning district
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	No change
<i>Land Use:</i>	Future school site	<i>Land Use:</i>	No change
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	No change

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Silver Ranch

Property History

<i>Zoned:</i>	12/2023
<i>Platted:</i>	12/2023
<i>Annexed:</i>	12/2023

(continued)

Project Narrative

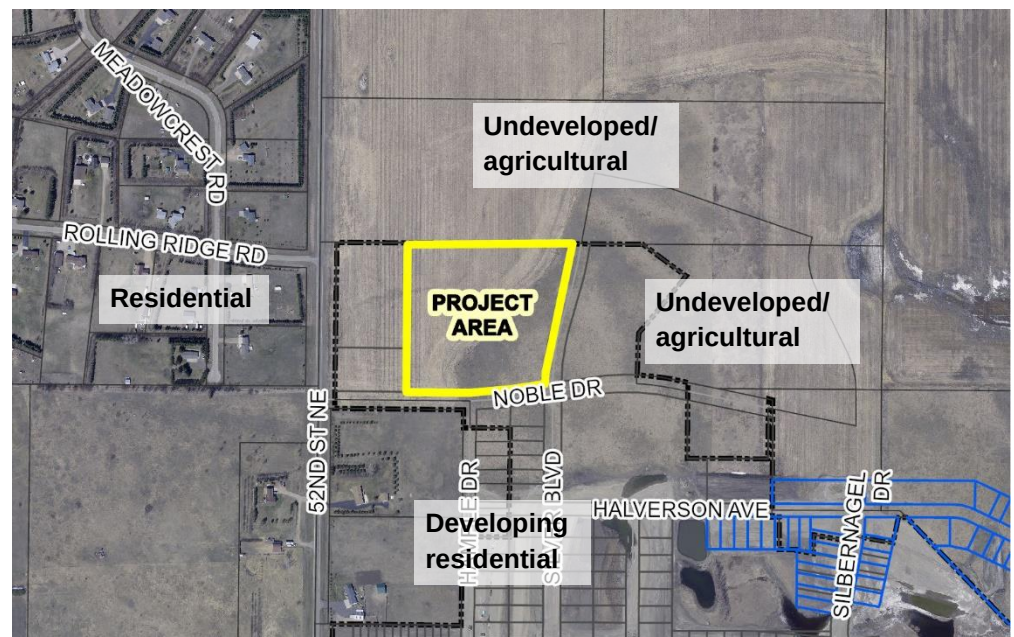
Mann Signs, on behalf of Bismarck Public Schools, is requesting approval of a special use permit (SUP) for an electronic message center (EMC) sign in a residential zoning district on Lot 3, Block 1, Silver Ranch Fourth Addition. The property is the future site of the Bismarck Career Academy at Silver Ranch.

The proposed sign includes static (non-electronic) sign content as well as the electronic content. EMC signs are required to meet both dimensional and operation requirements as outlined in the findings below.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. Goals and objectives of this plan as they relate to special use permits for EMCs are referenced in review standards below.

The property is on the northern edge of the still-developing Silver Ranch neighborhood. As such, it is mostly surrounded by undeveloped land that will likely be residential in nature in the future. There are two rural residential properties to the south, southwest of the property and farther to the west are other existing rural residential properties.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 15 and 22, and 4 postcards were mailed to the owners of nearby properties on August 15, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

(continued)

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Special regulations established for this type of use have been met (Section 14-03-08(1)c)

14-03.1-07(5)d-f Electronic Message Center Signs for Non-residential Uses Near Residential Uses

Yes. The proposed EMC sign meets the appropriate dimensional requirements for the issuance of an SUP for an EMC within 150 feet of residential uses. Said dimensional requirements are as follows:

- Each parcel is limited to one (1) EMC sign.
- The electronic portion of the sign is limited to no more than 32 square feet in area and cannot exceed 50% of the total sign area.

The applicant has acknowledged the related operational requirements, and sign features necessary for the issuance of an SUP for an EMC within 150 feet of residential uses as well (14-03.1-07(5)e-f) and has stated their intent to meet those requirements. Said operation requirements and sign features are as follows:

- The sign illumination shall be limited to 0.3 foot-candles above ambient light levels.
- Between 7:00 am and 9:00pm, each frame shall hold for no less than three (3) seconds, and outside of these hours the sign must either be turned off, or hold on a constant frame.

- Transition effects between frames shall be limited to instantaneous or continuous fading transitions from one static frame to another. The usage of full-motion video, pre-recorded or livestreamed, is prohibited.
- If a malfunction occurs, the sign must freeze to a static image.
- The sign must be equipped with a mechanism to detect and adjust its brightness to ambient light conditions.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed special use permit (Section 14-03-08(1)c)

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Special Use Permit (Section 14-03-08(1)c)

Yes. The proposed Special Use Permit adheres to the overall goals and objectives of the comprehensive plan.

Proper administrative procedures related to the request are being followed (Section 14-03-08(1))

Yes. All administrative procedures of the City Code of Ordinances have been followed to date. The applicant has submitted a complete application for a special use permit, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed special use permit (Goal S10-a)

(continued)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed special use permit would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for an electronic message center sign for Lot 3, Block 1, Silver Ranch Fourth Addition.

Attachments

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit
4. Proposed Sign Dimensions
5. Acknowledgement of operational requirements

Staff report prepared by: Isak Johnson, AICP, Planner
701-355-1850 | ijohnson@bismarcknd.gov

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR ELECTRONIC MESSAGE CENTER SIGN
IN SILVER RANCH FOURTH ADDITION (SUP2025-014)**

WHEREAS, certain special uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, must be granted approval by the Planning and Zoning Commission within certain zoning districts, as established by Section 14-03-08 of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as Lot 3, Block 1, Silver Ranch Fourth Addition have requested approval of a special use permit to allow an electronic message center sign in the R10 - Residential zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on August 27, 2025 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for an electronic message center sign on Lot 3, Block 1, Silver Ranch Fourth Addition is hereby approved, subject to the following conditions:

1. The special use is put into use within twenty-four (24) months of the adoption of this resolution.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 27th Day of August, 2025.

CERTIFICATE

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this August 27, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

Ben Ehreth, AICP
Community Development Director
Bismarck, North Dakota

Date

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

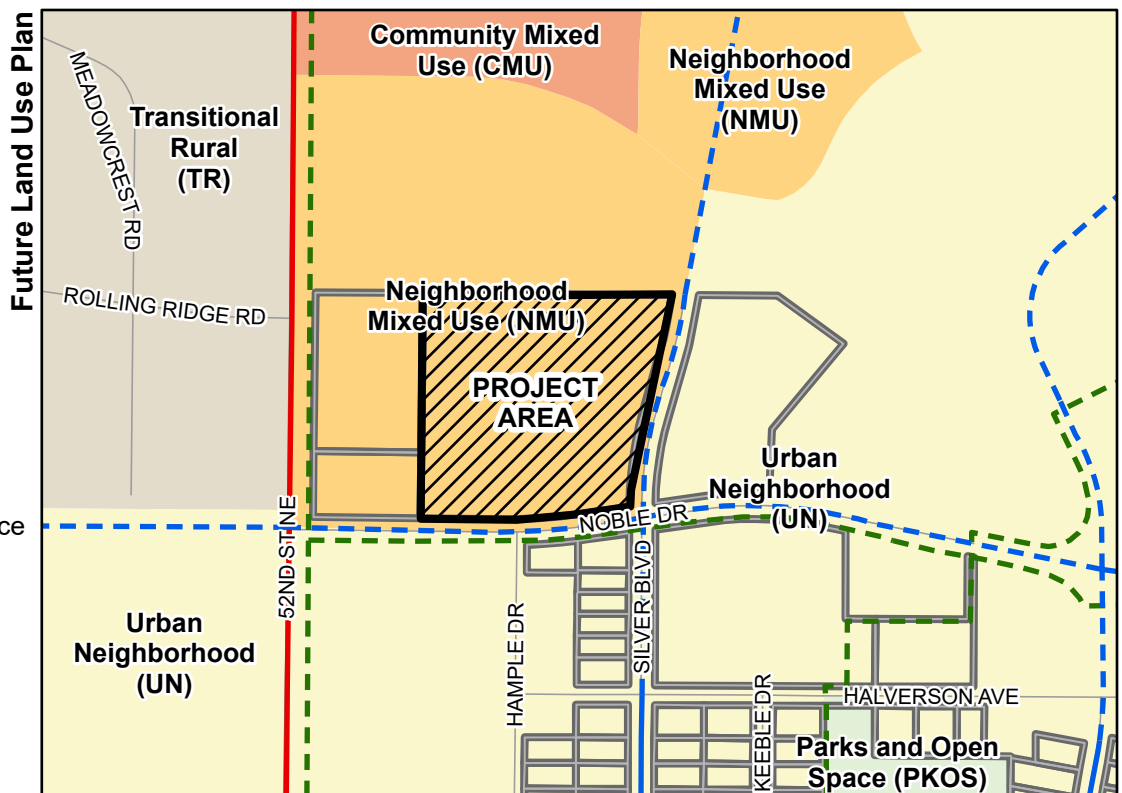
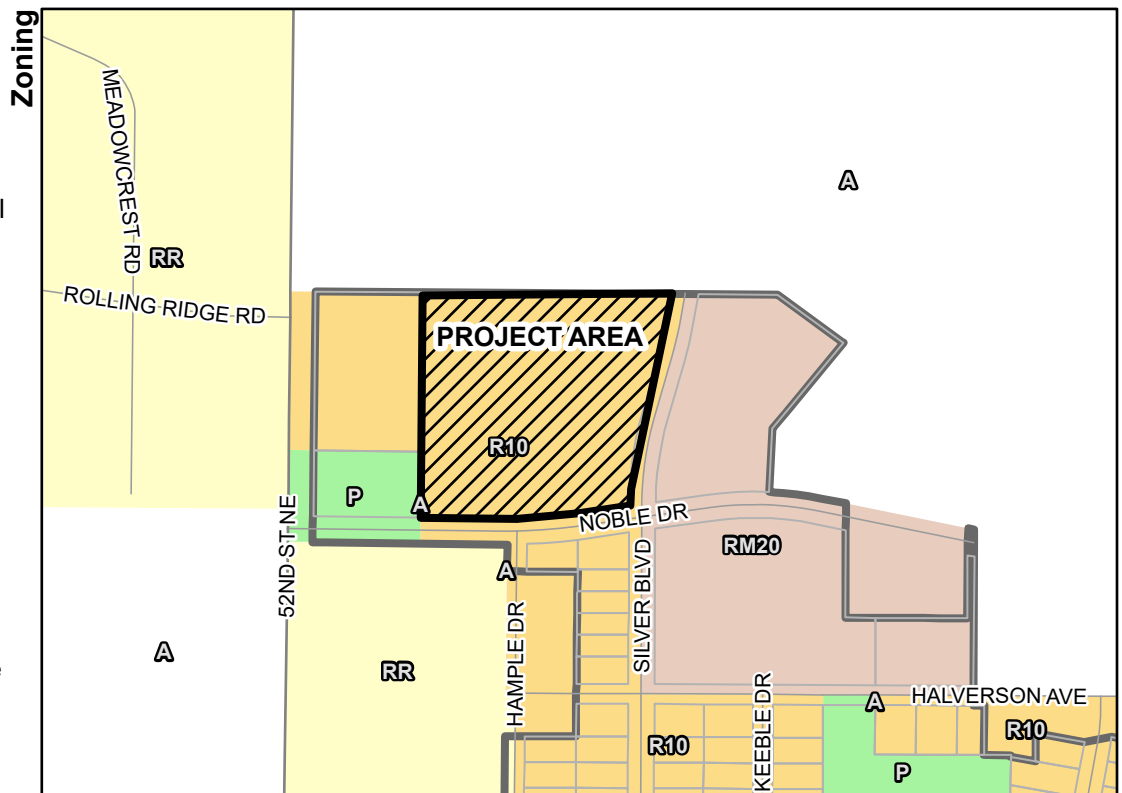
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

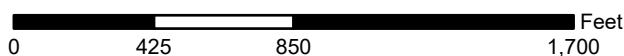
— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits

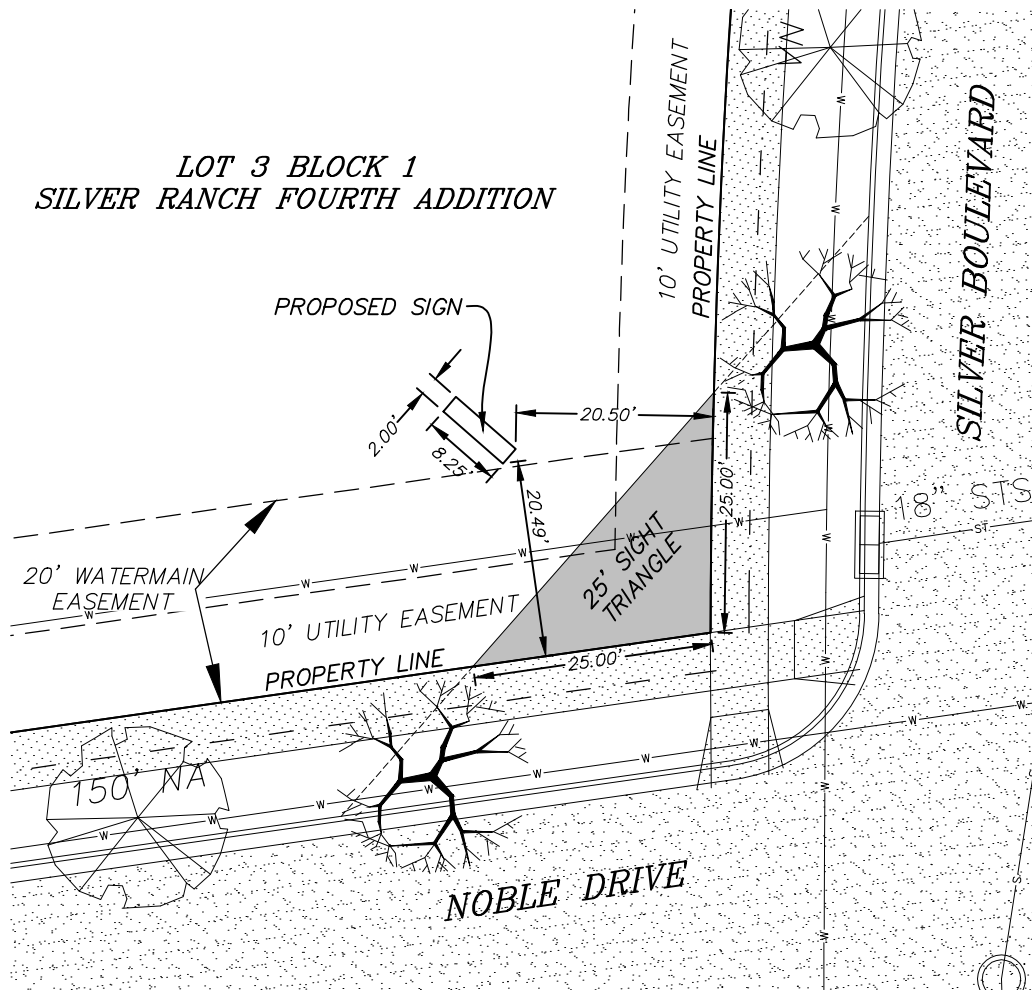


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.



City of Bismarck
Community Development
Planning Division
July 31, 2025

**LOT 3 BLOCK 1
SILVER RANCH FOURTH ADDITION**



NOT TO SCALE



SWENSON, HAGEN & COMPANY P.C.

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

3002 Airway Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

**SILVER RANCH CTE
SITE SIGNAGE LOCATION MAP**

CAREER ACADEMY POLE SIGN W/EMC

4'x8' EMC



mann
SIGNS, INC

1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT:

**BPS: CAREER
ACADEMY**

APPROVAL:

X

WORK ORDER:

42576

DUE TO VARIATIONS IN OUTPUT
DEVICES, THE COLORS SHOWN
HERE MAY NOT REFLECT
ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN
THIS ARTWORK ARE THE PROPERTY
OF MANN SIGNS, INC. AND
MAY NOT BE USED IN WHOLE
OR PART WITHOUT WRITTEN
CONSENT FROM MANN SIGNS, INC.

WEST VIEW



mann
SIGNS, INC

1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT:

**BPS: CAREER
ACADEMY**

APPROVAL:

X

WORK ORDER:

42576

DUE TO VARIATIONS IN OUTPUT
DEVICES, THE COLORS SHOWN
HERE MAY NOT REFLECT
ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN
THIS ARTWORK ARE THE PROPERTY
OF MANN SIGNS, INC. AND
MAY NOT BE USED IN WHOLE
OR PART WITHOUT WRITTEN
CONSENT FROM MANN SIGNS, INC.

EAST VIEW



mann
SIGNS, INC

1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT:

**BPS: CAREER
ACADEMY**

APPROVAL:

X

WORK ORDER:

42576

DUE TO VARIATIONS IN OUTPUT
DEVICES, THE COLORS SHOWN
HERE MAY NOT REFLECT
ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN
THIS ARTWORK ARE THE PROPERTY
OF MANN SIGNS, INC. AND
MAY NOT BE USED IN WHOLE
OR PART WITHOUT WRITTEN
CONSENT FROM MANN SIGNS, INC.



City of Bismarck
Community Development Department
Building Inspections Division
Phone: 701-355-1465 * FAX: 701-220-6450 * TDD: 711
PO Box 5503 * Bismarck, ND 58506-5503
buildinginspections@bismarcknd.gov

Last Revised: 9/25/2023

**OPERATIONAL
NARRATIVE
AGREEMENT:
RESIDENTIAL**

PROPERTY INFORMATION

Project Address, City, State, Zip: 5402 Noble Dr Bismarck ND 58503

Owner's Name: Bismarck Public ~~Scatter~~ Schools

OPERATIONAL NARRATIVE:

Operational Narrative for an Electronic Message Center located within a residentially zoned district or within 150' of a residentially zoned district per 14-03.1-07 (5) e, f:

e. Operational Requirements. Electronic message center signs shall be subject to the following operational requirements:

- i) Brightness. The sign shall not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.
- ii) Frame Hold Time. The sign shall have a frame hold time of no less than three (3) seconds between 7:00 a.m. and 9:00 p.m. The sign shall hold on a constant frame or be turned off between 9:00 p.m. and 7:00 a.m.
- iii) Effects. The sign shall be limited to instantaneous or continuous fading transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.
- iv) Video. The use of streaming video or full-motion video on any electronic message center sign is prohibited.

f. Sign Features. Electronic message center signs shall be equipped with the following features:

- i) A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and
- ii) A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.

Times of day that the sign will be operated All

I hereby attest that I have read and understand the operational requirements of an Electronic Message Center Sign and will convey this information to any tenants or property managers that are authorized to operate said sign:


Owner's Signature

7/24/25
Date

STAFF REPORT

Agenda Item # 4J

August 27, 2025

Application for: **Zoning Ordinance Text
Amendment**

Project ID: **ZOTA2025-002**

Project Summary

<i>Title:</i>	Keeping of Chickens
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Project Contact:</i>	Jenny Wollmuth, AICP, CFM, Senior Planner
<i>Request:</i>	Amend Sections 14-02-03, 14-03-06, 14-04-01, and 14-04-01.1 to allow chickens to be kept within City limits and to eliminate setback requirements for coops within residential properties in the extraterritorial area
<i>Staff Recommendation:</i>	Approve

Project Narrative

The Community Development Department requests approval of a zoning ordinance text amendment to Sections 14-02-03, 14-03-06, 14-04-01, and 14-04-01.1 to allow chickens to be kept within City limits and to eliminate setback requirements for coops within residential properties in the extraterritorial area.

The Bismarck City Commission at their meeting on February 25, 2025, requested staff from the Community Development Department to pursue a zoning ordinance text amendment to allow chickens to be kept within city limits.

Background Information

The Bismarck City Commission approved a zoning ordinance text amendment in 2017 to allow no more than ten hens to be kept in the RR and RR5 residential zoning districts within the extraterritorial area.

The Bismarck Planning and Zoning Commission in 2021, directed Community Development staff to prepare a zoning ordinance text amendment to allow the keeping of chickens in the R5, R10, and RM residential zoning districts within City limits.

The Planning and Zoning Commission recommended approval of an ordinance; however, upon introduction at the Bismarck City Commission at the June 8, 2021, meeting, the ordinance was denied an opportunity to move forward for a public hearing.

Sources of Information

A stakeholder group, including representatives from the public, Bismarck City Commission, Dakota Zoo, NDSU Extension, and City staff from the Police Department, Public Health Department, and City Attorney's office, was created to help draft the ordinance. The group met four times between April and July to review requirements from peer communities and educational products from NDSU Extension – Burleigh County.

NDSU Extension – Burleigh County provides several publications and training opportunities relating to the keeping of chickens for county residents. Residents obtaining a permit for the keeping of chickens will be encouraged to review these publications and participate in training opportunities.

The group focused on drafting an ordinance to provide City residents within residential zoning

(continued)

districts an opportunity to keep chickens with clear and enforceable requirements.

Proposed Changes

Proposed changes include the following:

- A statement of intent clarifying that chickens must be kept at an individual or household scale promoting the health, safety, and general welfare of the citizens of the city.

Commercial production is not permitted.

- Notification that the City of Bismarck will not be responsible to secure chickens at large or be liable for damage to any property or injury to any chicken.
- Permit requirements, permit revocation and appeals processes.

The stakeholder group and staff noted a permit should be required. A minimal fee is recommended to cover administrative costs. Permits would include contact information and a signed statement that the applicant will at all times keep chickens confined in a coop and run and will not allow chickens to run at large.

- Overall standards, including fencing requirements, coop locations, and the number of hens permitted.

The stakeholder group proposed that six hens should be permitted, a coop or run must be screened from adjoining properties or rights-of-way by a solid privacy fence or wall at least six feet in height, and a coop must meet accessory building setbacks.

The stakeholder group also discussed other fowl such as quail and duck but ultimately decided that only chickens should be included in the draft ordinance.

- Elimination of increased setback requirements for coops within residential properties in the extraterritorial area.

The stakeholder group agreed that the location requirements for properties within the City and extraterritorial area should be similar and decided that the requirement to locate a coop 150 feet from a neighboring residence or structure within the extraterritorial area should be removed from the existing ordinance.

Additional Considerations.

Section 3-01-02 of the City Code of Ordinances (Animal Control and Protection) explicitly prohibits the keeping and raising of domestic fowl within cooperate limits. However, there are specific exemptions included in this section for zoos, schools, and clinics or research facilities. If the Planning and Zoning Commission recommends approval of the proposed zoning ordinance text amendment, additional coordination with the City Attorney will be needed to amend any potential conflicts in this Section of the City Code of Ordinance.

Public Engagement

An online survey promoted through the City's website and social media accounts was held between March 21 and April 1, 2025, and 655 responses were received. Survey results to whether or not chickens should be allowed within City limits and if residents would keep chickens if allowed were split fairly evenly. Forty-four percent of respondents stated that chickens should not be allowed, and 56% said they should be allowed. Thirteen percent stated that, if allowed, they would not keep chickens, 48% stated they would, and 39% were undecided. The survey results are attached for your review.

(continued)

Sixteen independently submitted public comments have been received since the February 25, 2025, Bismarck City Commission meeting. Seven in favor, eight opposed, and one neither for or against but expressing health concerns related to keeping chickens. Comments are attached for your review.

Both survey comments and independently submitted comments reflect a mix of support and opposition, with many emphasizing the need for clear and enforceable regulations.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 15 and 22, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

- S5(a): Preserve the ability for rural residents to keep animals, gardens, and other agriculture practices appropriate to the scale of the lot.

- 17(a): Support the local food system, including productions, distribution, promotion, and retail.

Although commercial production would not be permitted within residential zoning districts, residents owning chickens would enjoy eggs produced on their property.

The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance ([Goal S9-e](#), [G10-g](#))

Yes. Portions of this section of the zoning ordinance were previously adopted in 2017 to allow the keeping of chickens (hens) within the extraterritorial area. The Bismarck City Commission at their meeting on February 25, 2025, asked staff from the Community Development Department to pursue a zoning ordinance text amendment to allow chickens to be kept within City limits.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning ordinance text amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

The proposed text amendment will preserve the overall integrity and coherence of the zoning ordinance ([Goal G10](#))

Yes. All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected as needed.

If the Planning and Zoning Commission approves the draft ordinance, staff will work with the City Attorney to make any modifications to Title 3 pertaining to animal control and protection to

(continued)

alleviate potential conflicts with the draft ordinance. Any modifications will be forwarded to the City Commission for approval along with the draft ordinance.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The zoning ordinance text amendment has been initiated by staff from the Community Development Department, on behalf of the Planning and Zoning Commission. A preliminary draft is attached to this report for consideration by the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning text amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning ordinance text amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment to allow chickens to be kept within City limits and to eliminate setback requirements for coops within residential properties in the extraterritorial area.

Attachments

1. Draft zoning ordinance text
2. Survey
3. Public comment

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____
Second Reading _____
Final Passage and Adoption _____
Publication Date _____

AN ORDINANCE TO AMEND 14-02-03, 14-03-06, 14-04-01, and 14-04-01.1 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE KEEPING OF CHICKENS IN COOPERATE LIMITS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Amend. Section 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions, is hereby enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Chicken: A type of domesticated fowl known as Gallus Gallus Domesticus.

Chicken Coop: A fully enclosed, detached non-residential structure for the purpose of housing chickens.

Chicken Run: An enclosed outside yard for keeping chickens.

(Ord. 4165, 07-21-87; Ord. 4424, 03-31-92; Ord. 4486, 04-27-93; Ord. 4529, 07-06-93; Ord. 4564, 11-23-93; Ord. 4631, 08-30-94; Ord. 4735, 11-14-95; Ord. 4756, 05-14-96; Ord. 4828, 03-25-97; Ord. 4880, 12-30-97; Ord. 4912, 07-14-98; Ord. 4936, 09-08-98; Ord. 5122, 07-10-01; Ord. 5139, 11-13-01; Ord. 5163, 04-09-02; Ord. 5228, 01-28-03; Ord. 5278, 09-23-03; Ord. 5287, 12-16-03; Ord. 5365, 10-26-04; Ord. 5468, 10-25-05; Ord. 5527, 06-27-06; Ord. 5528, 06-27-06; Ord. 5540, 08-22-06; Ord. 5584, 03-27-07; Ord. 5599, 04-24-07; Ord. 5678, 07-22-08; Ord. 5689, 08-26-08; Ord. 5719, 05-12-09; Ord. 5728, 05-26-09; Ord. 5764, 01-12-10; Ord. 5811, 03-22-11; Ord. 5859, 01-24-12; Ord. 5887, 05-22-12; Ord. 5958, 03-

26-13; Ord. 6020, 11-26-13; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6050, 05-27-14; Ord. 6118, 05-12-15; Ord. 6172, 10-27-15; Ord. 6190, 03-08-16; Ord. 6203, 05-24-16; Ord. 6218, 07-26-16; Ord. 6310, 02-27-18; Ord. 6311, 02-27-18; Ord. 6424, 06-12-20; Ord. 6423, 07-25-20; Ord. 6456, 03-29-21; Ord. 6505, 05-24-22, Ord. 6513, 07-26-22; Ord. 6570, 02-05-24, Ord. 6579, 06-29-24, Ord. 6583, 10-30-24, **Ord XXXX, [DATE]**)

Section 2. Amend. Section 14-03-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Incidental Uses, is hereby enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

* * * * *

b. One and two-family residential accessory uses and buildings.

2. Customary domestic pets are allowed in accordance with the provisions of Title 3 of the Bismarck Code of Ordinances, but not including horses, poultry or agricultural livestock except as allowed in **Sections 14-04-01, 14-04-01.1 or 14-04-17** of this ordinance. No more than three (3) dogs or cats, four months of age or older are allowed.

* * * * *

6. Backyard Chicken Keeping:

- a. **Intent: Allow the keeping of chickens at an individual or household scale while promoting the health, safety, and general welfare of the citizens of the city.**
- b. **Chickens at large: The City of Bismarck will not be liable for damage to any property or injury to any chicken, nor is it the City's responsibility to secure chickens at large. Failure to comply with requirements outlined in this section will constitute a violation and be grounds for revocation of the permit.**
- c. **Permit Required: A person shall not keep chickens or maintain a coop or run unless granted a permit by the City.**

The permit is tied to the applicant and the land and is non-transferrable.

d. Permit Revocation. The permit may be revoked by the Zoning Administrator by written notice for failure to comply with requirements outlined hereon, or any other local or state regulation. Application fees for revoked permits shall not be refunded. The permittee may appeal the revocation of the permit in accordance with Section 14-06-03 of this ordinance.

e. A permit application shall include the following:

1. The applicable fee.

2. A signed statement that the applicant/permittee will at all times keep chickens confined in a coop and run and will not allow chickens to run at large.

f. Standards:

1. Chickens may only be kept on a property in which the primary use is single-family residential.

2. Chickens may only be kept on a property that conforms to the minimum allowable lot size as set by the zoning district standards.

3. Roosters shall not be allowed. As soon as a rooster is identified, it shall be removed from the property.

4. Chickens, as permitted under this subsection, shall only be kept and raised for private use.

5. Chicken coops must meet applicable setbacks for allowable accessory buildings.

6. Chickens must be kept at all times in either a coop, run, or enclosed building.

7. For single-family residential properties within the City limits, the following additional standards shall apply:

a. No more than six (6) hens are allowed on any lot / parcel.

b. A coop or run must be screened from adjoining properties or rights-of-way by a solid privacy fence or wall at least six (6) feet in height.

8. For single-family residential properties zoned RR - Residential or RR5 - Residential, the following standard shall apply:

a. No more than ten (10) hens are allowed on any lot / parcel.

(Ord. 4235, 1-17-89; Ord. 4327, 4-24-90 & 5-01-90; Ord. 4341, 9-11&18-90; Ord. 4529, 07-06-93; Ord. 4634, 09-27-94; Ord. 4772, 06-25-96; Ord. 4880, 12-30-97; Ord. 5237, 02-25-03; Ord. 5372, 11-23-04; Ord. 5447, 07-26-05; Ord. 5468, 10-25-05; Ord. 5528, 06-27-06; Ord. 5728, 05-26-09; Ord. 5902, 06-26-12; Ord. 6028, 01-28-14; Ord. 6109, 03-24-15; Ord. 6203, 05-24-16; Ord. 6234, 10-25-16; Ord. 6235, 10-25-16; Ord. 6278, 08-22-17; Ord. 6283, 09-26-17; Ord. 6423, 07-25-20; Ord. 6570, 02-05-24, Ord. 6579, 06-29-24, Ord. 6583, 10-30-24 **Ord XXXX, [DATE]**)

Section 3. Amend. Section 14-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR – Residential, is hereby enacted to read as follows:

14-04-01. RR – Residential District. In any RR – Residential district, the following regulations shall apply:

* * * * *

2. Uses Permitted. The following uses are permitted.

* * * * *

~~e. Chicken Hens and Coops in areas outside of the cooperate limits, provided that the animals are kept for private use only; that no male chicken (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setback and size limitations for allowable accessory structures and are not located less than one hundred and fifty (150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.~~

(Ord. 4564, 11 23 93; Ord. 4577, 02 01 94; Ord. 4631, 08 30 94; Ord. 4756, 05 14 96; Ord. 4772, 06 25 96; Ord. 4828, 03 25 97; Ord. 4875, 10 14 97; Ord. 5280, 09-23-03; Ord. 5286, 11-13-03; Ord. 5287, 12-16-03; Ord. 5369, 11-23-04; Ord. 5566, 12-12-06; Ord. 5902, 06-26-12; Ord. 5958, 03-26-13; Ord. 6040, 04-22-14; Ord. 6109, 03-24-15; Ord. 6218, 07-26-16; Ord. 6278, 08-22-17; Ord. 6283, 09-26-17; Ord. 6361, 01-22-19; Ord. 6570, 02-05-24, 6583, 10-30-24, **Ord XXXX, [DATE]**)

Section 4. Amend. Section 14-04-01.1 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR5 – Residential, is hereby enacted to read as follows:

14-04-01.1. RR5 – Residential District. In any RR5 – Residential district, the following regulations shall apply:

* * * * *

2. Uses Permitted. The following uses are permitted.

* * * * *

~~e. Chicken Hens and Coops in areas outside of the cooperative limits, provided that the animals are kept for private use only; that no male chicken (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setback and size limitations for allowable accessory structures and are not located less than one hundred and fifty (150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.~~

(Ord. 5296, 02-24-04; Ord. 5371, 11-23-04; Ord. 5902, 06-26-12; Ord. 6040, 04-22-14; Ord. 6109, 03-24-15; Ord. 6218, 07-26-16; Ord. 6278, 08-22-17; Ord. 6283, 09-26-17; Ord. 6361, 01-22-19; Ord. 6570, 02-05-24, Ord. 6583, 10-30-24, Ord XXXX, [DATE])

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

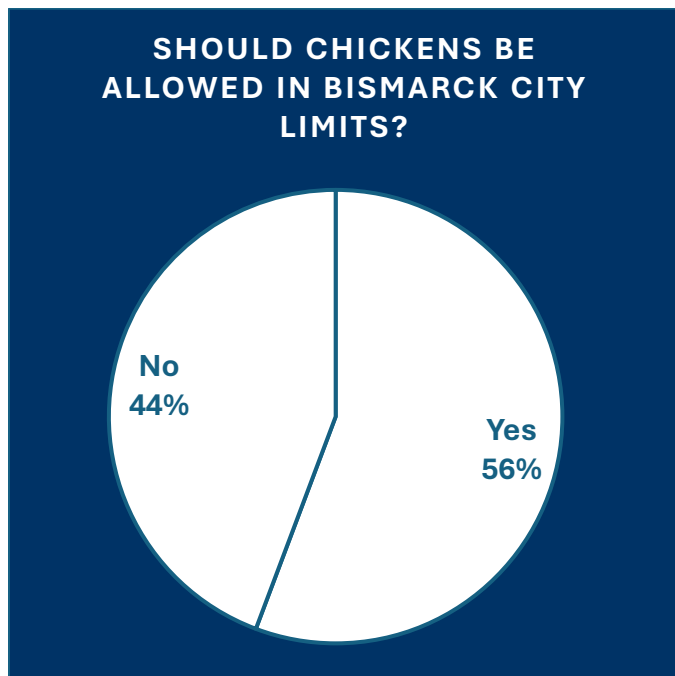
Keeping Chickens in Bismarck City Limits

Public Survey Results

April 2, 2025

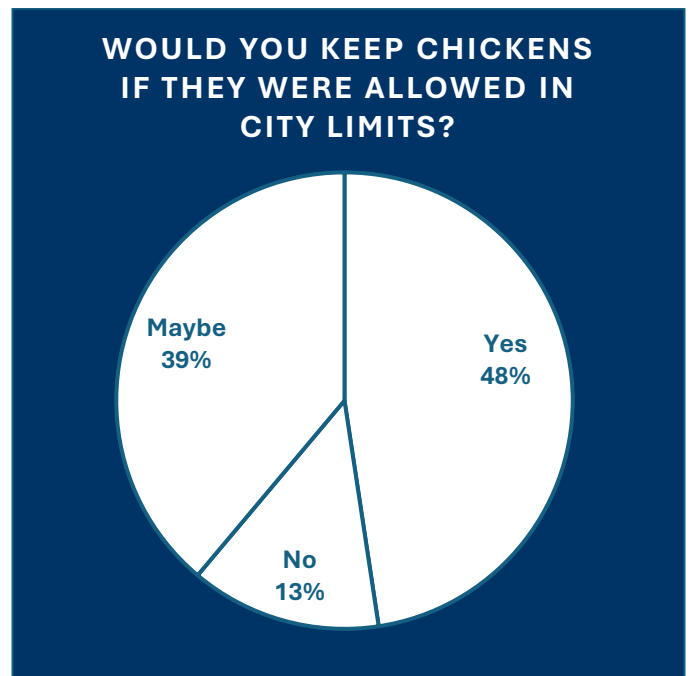
An online survey was held between March 21, 2025, and April 1, 2025, to inform a zoning ordinance text amendment on keeping of chickens. The survey was promoted through the official Bismarck website and social media accounts with no direct solicitation to any individuals. A total of 655 responses were received. The following is a summary of responses and complete text of suggestions from the public.

All responses:



Response: 655

Among those who support chickens:



Responses: 355

BONUS QUESTION: The age-old question of whether the chicken or the egg came first was answered definitively. The chicken came first (187 responses), followed by the egg (123 responses). Although a significant number were either confused (79 responses for “to get to the other side?”) or not amused (184 responses for “chickens are no laughing matter”) by the question.

The remainder of this report contains the full text of all comments left on the survey. Comments are lightly edited for legibility, including removal of profanity, private information, and changing caps to sentence case. Comments are ordered by time of submittal.

ANY COMMENTS FOR RULES RELATED TO KEEPING CHICKENS?

People can't clean up after their existing animals. What makes you think they will clean up after the chickens? Chickens are messy animals and need lots of daily care. Plus they are expensive to care for. If people want chickens then they should move to the free for all town of Mandan.

No to chickens in Bismarck.

Chickens don't belong inside of city limits.

We cannot keep up with the stray dogs and cats with the pound. You need to deal with funding that before you add chickens within the City. I have concerns about bird flu and domestic chickens spreading to ND commercial chicken operations.

We should do what any other city in North Dakota is doing because you don't see the chickens running around.

Limit of 4.

Max number, fenced yard/area.

Limit the number of chickens you can have and make sure people know that a chicken and a rooster are not the same thing and its roosters that crow.

I say should fall in line with Mandan. Having a limit. Each chicken licensed maybe? Must have coop x amount of feet from property lines. Chicken coop inspections? Get a little

income from people wanting chickens maybe?

Keep a clean and safe environment for them and a limit on amount.

No rooster.

Have a bird limit of 10 or so.

Rules should be kept to a minimum; families have been keeping chickens for their personal needs for millennia, and that customary right should only be restricted according to true necessity, not every intrusive whim.

I was once very much in favor of backyard chickens, but with the current long-term avian influenza outbreak and the heightened risk for transmission to humans and the specter of another pandemic, I do not think it is good idea to allow in Bismarck. I seriously doubt most backyard chicken keepers are willing let alone able to maintain the level of biosecurity that would be necessary to avoid outbreaks in their flocks, and much of the current support for backyard chickens seems to me to be a knee-jerk reaction to egg prices. Between the risk for disease and the public nuisance that noises, smells, etc. from backyard chickens can create I would advocate against it at this time.

I have no problem as long as they don't create a public nuisance, such as no roosters and no runoff/smell going into

neighbor's yards from the waste. I think we can use Mandan's rules, but improve on them such as their rule about not seeing chicken infrastructure from public ROWs.

I don't want to be woken up by clucking and crowing. Keep them outside the city limits.

It won't be as bad as people think. There won't be chickens running rampant. Any chicken that gets out will probably be killed by a neighboring dog or other predator. Chickens are relatively quiet.

In my opinion chickens are meant for mini farms or large scale farms. The amount of chickens you need to get enough eggs is more than city limits allow. What happens to chickens when they are no longer wanted, you can just rehome them like a cat or dog. Chickens also can become carriers of lice and mites, mainly because they are exposed to wild birds. Do people understand that it is a risk and what you don't try get them? That's also a hinderance to adding them to a flock if you try to re-home. They don't join existing flocks very easily, so who would be the rescue resource for that? Also are there any chicken vets around Bismarck, like all animals they become sick and what happens to them then? Farmers would let them die or kill them to

protect the others. However I don't think people keeping chickens in town would be willing to do that. Also what about the waste, is there going to be an area like the grass clipping to be composted? Also do people really understand the amount of rodents that will be attracted to their home?

Another concern would be that chickens live up to 10 years but lay eggs only around 4-5 of those so after that they then become just pets. These are all things to be addressed and people need to be educated. I think if they are allowed there needs to be laws to regulate, as well as a thought out plan when it doesn't work out.

There should be a limit based on the size of your yard. There should be rules on noise and cleanliness.

It's bad enough that the dog owners don't care about the barking dogs in the neighborhood; now add chickens to that noise - no way!

I'm all for chickens! The argument that the city can't manage this because of animal control is a racket, given they don't even have the bandwidth to respond to typical domestic animal calls on a day-to-day basis... have a non-dispatch on chicken rule, similar to the twin cities who have long been allowed chickens.

Subsidize egg prices or let us have chickens! Also, I think there should be a chicken commissioner who approves all

backyard chicken requests in a case by case basis. There has to be coop standards. Hire me to do it - seriously I'll quit my job the day you offer me a chicken commissioner title. I'll just need a city-provided van and potentially a staff of three people to process requests and conduct annual coop inspections. A small office that could house 4 people, with maybe an outdoor presentation space where we could bring in coop vendors who would display their latest and greatest in backyard coop technology and trends. Also, we'd have a legit best in class social media presence for the department. Message me if you want to talk more. I'm as close to a subject matter expert in backyard chickening in Bismarck that's willing to take this project on.

No rules needed when it's not allowed.

No one wants a 4 or 5 am rooster going off.

I don't want to deal with the smell, noise or hassle of chickens coming into my yard. I already have the neighbor's dog coming over and cats roaming around the neighborhood. Chickens would just cause more issues.

I am opposed to chickens within city limits because they produce noise and odor and attract predators that will not just be looking for chickens but small pets as well.

It's tough to find the current rules.

May as well let people freely raise them so it can be done right. There are already a few people doing it "illegally" now. Restricted amounts so that there isn't a full blown poultry farm in my neighbors back yard.

Limited number, No rooster.

Yes I would keep chickens. Why? My kids would like them, we would love the eggs, and easy to take care of. I don't know why they were banned in the first place.

The thresholds proposed are high enough to keep bad operators from having chickens. Mandan has not had any issues with animal control and chickens. roosters are not allowed, only laying hens.

If chickens were to be allowed, must obtain a permit. Permit would require consent from all neighbors within 500 feet. Chicken coop area to be fully obscured from view of neighbors. Chicken coop plan to be submitted as part of permit application. Violators lose chicken privileges. Absolutely no roosters allowed.

"Strict guidelines, biannual check.

No free range.

Only 3 chickens, no roosters"

No roosters, have rules for how many can have, upkeep of area. Other cities that have this

implemented have great rules laid out you can use as a reference.

<https://fargond.gov/city-government/departments/fargo-cass-public-health/health-promotion/let-s-eat-local/fargo-backyard-chicken-keeping>

"1. A household limit based on yard size or family size (ex. 4 chickens per 1/2 acre lot to reduce disease) or (1 hen per person in a family).

2. Hens only.

3. Any chickens that happen to get out should not be considered a pet, but forged food and free for the taking. Like plums in a public park. Chickens are not pets and therefore should have no impact on police or humane societies.

No roosters. Limit number.

Have to stay in own yard.

What's the big deal? If people want to invest in backyard chickens to support the food needs, provide education for family members, or they just think the idea is neat, allow that experience to happen. Many cities in the region currently allow for chickens to be kept in city limits. Learn from those communities on what works well, and what to avoid in enabling ordinance language. I would be quite surprised if a few backyard chicken flocks is going to cause much more work for the local animal control professionals.

If a chicken is in my yard, am I going to have the authority to keep it?

Nope I love the idea.

Maybe limit it to one rooster per home.

Chicken can be just as smelly as pigs. There will be people who get them and not care for them. Chickens belong on the farm.

Probably a limit per household or city block.

Any ordinance on chickens should require neighbor consent and a permit to have chickens that needs to be reviewed yearly. If there are any complaints, the permit should be prohibited from being renewed. There should also be a significant set back from neighboring properties for chicken areas.

Waste is already an issue with dogs and personal that don't want to be as clean as a neighbor. Almost unenforceable at that. Noise is an issue. Size of containment is another issue. Regulation with animal control and more workload with chickens seems to be a double edge sword. Big NO for chickens.

Eggs are expensive.

The regulation with fences needs to be taken out because my neighbors with loud dogs don't have to put up a privacy fence.

We have an overpopulation problem with cats and dogs. People aren't taking care of them. We don't need chickens added to the mix.

The lot size for allowed chickens should have a minimum, such as 2 acres. There should be a limit to the number of chickens per so many square feet or acres.

Only to be allowed in the back yard and need to have a fence. Need to be cooped up at night.

We have enough problems in Bismarck with controlling cats and dogs as it is. The last thing I need is for my neighbor to have chickens in their yard. Absolutely no chickens within city limits. Farm animals are for farms. Not to be raised within city limits. I live in Bismarck because it is a quiet city. Let us keep it that way please.

I have been looking forward to having chickens in Bismarck. Now it is finally happening!

There will be too many people who do not take care of their chickens, animal control is short staffed as it is and does not need extra headaches.

No roosters. Chickens must be in a coop that is inside a fully fenced yard as to protect the bird from predators. Harsh penalty must be in place and enforced for those who do not properly care for their chickens-lack of food, water, etc. This must be considered animal cruelty if done with intent.

It would be wonderful to cut down on costs and have my kids know where their food comes from.

No roosters. Minimum number max 2.

No roosters. Some sort of lot size requirement and property line set back though I don't know what. Minimum housing requirements for the chicken coop, no free range chickens outside of your property.

Animal control is already severely short staffed, they aren't even available after 5pm any day of the week or weekend. They aren't going to waste time chasing chickens or cleaning up roadkill. It might attract coyotes or other predators into town and then people will freak about their dogs or cats being in danger. Are people going to surrender chickens (where???) once they realize how expensive keeping chickens is, compared to buying eggs at the supermarket? The shelters and rescues are already overflowing with dogs and cats. You want chickens, buy or move to or build a farm.

No roosters, nothing that would make noise for neighbors. Must have a privacy fence installed tall enough for those who own the chickens so that they cannot escape into neighboring yards. Coops must be maintained/cleaned as to not spreading viruses.

I don't want to hear or smell chickens in my neighborhood. Let them have them outside city limits!

Coop requirements; number of chickens.

People let their cats and dogs wander. I am pretty sure they will let chickens wander too. Chickens are a lot of work. They also make a mess that won't be cleaned up by the people who have them.

"Due to the bird flu epidemic, I am NOT in support of permitting chickens at this time. The bird flu is known to spread to people and other animals as well and its spread is increasing. Allowing urban chickens is a public health threat.

If the city votes to allow chickens, I suggest the following regulations be considered:

- Required monthly inspections of coops during epidemics which impact chickens.
- Unannounced annual inspections of coops during normal times with follow-up inspections and revoked permits if inspections are failed.
- Permit required to keep chickens in town.
- Public database with the status of chicken permits.
- Required attendance at an educational session on chicken upkeep, spotting infectious

diseases, and city regulations for keeping chickens.

- No roosters in city limits.
- Chicken coops must be kept clean.
- Chicken coops and area where chickens roam must be far enough from a neighbor's house that they cannot be smelled by the neighbors.
- Limit of 3 chickens.
- No chickens on multifamily properties unless all residents' sign permit application. The permit must be renewed if new residents move in.
- Yard must be large enough to keep chickens in a humane way.
- Coops and chicken areas cannot border a neighbor's property."
- A set amount. No roosters.
- Shouldn't be allowed.
- Require outdoor enclosed run, one nesting box for two chickens, ability to rake out both run and coop
- No roosters.
- It's only going to make neighbors fight even more.
- No roosters should be allowed. Must be kept within a fenced yard or confinement
- Limit numbers of chickens and yearly permits.
- No chickens please. When people realize how difficult it is to raise chickens, then we will

have cats, dogs and chickens being abandoned.

Should not be in city limits.

Would need to meet cleanliness standards and be subject to inspection.

This is absurd, no farm animals should be allowed within city limits.

Clean up their poop area every 2 days so it doesn't stink like neighbor's dogs!

"Limit number based on space available in each yard (ie 1 chicken per xx ft²). Regular testing of the flock (through the department of ag).

Weekly chicken jokes delivered on the city's FB page."

"Must have place set up before purchase. Must be able to feed, water, clean daily. Must not purchase roosters. Must be open to inspections weekly by city. Must be contained so they don't roam and get out of your yard.

I don't think they should even be in the city limits.

Everyone thinks chicken is tasty. Don't be shocked when other critters try to eat them.

If you allow chickens there will be no end of problems about the smell, the germs, neighbors with dogs killing chickens. Please no.

Please be lenient, don't make it difficult to keep them or have the people of Bismarck jumping through hoops. Chickens can

and should be able to roam in back yard, have an enclosure for safety. Let the enclosure have recommendations or bare minimum requirements but allow people the freedom to do what's best. Let us keep a decent amount for eggs, people should be able to keep 10. Chickens do not lay well in the winter, some unfortunately die, eggs do not come every day with some breeds. It would be great to get enough eggs to make this beneficial, but one must have enough chickens. This will be a great help to the people of Bismarck, everyone needs eggs and it's time to move forward and allow city residents this freedom and benefit. Thank you!

No.

Hens only. Limit 3-4.

I have been waiting for this to pass since I moved to Bismarck 21 years ago.

No roosters to contain noise.

Chickens are more work than most realize. It takes a substantial amount of time before they lay eggs and they only lay for so long. Much like domestic pets when the cost gets to be prohibitive the pet ends up abandoned. The presence of chickens will also foster a rodent issue as the amount of readily available food will be virtually endless.

"We had chickens when we lived on a farm. They are loud, dirty and create a large mess. It's fine if the owner keeps the

cages clean but I live next to neighbors here in Bismarck now that can't even keep the sidewalks shoveled or mow their lawn. Our back yards meet a coulee, and we have plenty of animal visitors. I have young children and I personally do not want to have to worry that my backyard will be a potential feeding ground for these animals if my neighbors all have chickens. My neighbors backyard is filled with debris and old junk. They have a mannequin that is dressed like a man. I called the police department as I thought someone was injured.

How would animal control regulate and enforce the regulations? Will the police department pick up the slack? Will the police department actually enforce the regulations or refer citizens to contact animal control? There is so many things that can and will go wrong with allowing chickens in city limits.

Chickens do not belong in city back yards. Summer is short and I want to enjoy my own back yard without the stink and noise of a neighbor's farmyard animals. If you want to raise chickens, go live on a rural property. And don't forget the risks of disease and that it will attract rodents. All reasons why farmyard animals belong in farmyards not back yards. Why is the city wasting time on what is obviously a "special interest" proposal from a very small number of people to the

detriment of the majority of Bismarck residents?

Please be reasonable when issuing rules. The ones I've seen in drafts are so overly complicated it would make it a lot of work for the city to regulate and citizens to make sure they are following everything appropriately. Simple is often better and would make it a lot easier for everyone.

Even if there is a limit, there are so many that will not stick to the limit. And it probably will not be monitored. It can get out of hand and messy.

Only allow 3 chickens.

As much as I would love to see this be an option...I feel like for sanitary and smell purposes this would be a bad idea. There are already yards that have a bunch of junk in them I couldn't image how bad this could get.

Should be allowed with no restrictions.

People have no idea what it takes to raise chickens...i.e. cost, work, smell, time, mess, neighbors.

Maximum number allowed.

After living on a farm and raising chickens, it seems most responsible in town to make sure that they are fenced in that each family would be allowed no Rooster, and up to a certain number of chickens, certainly not more than six.

I do not have comments relating to rules. I believe if people want them, they will do everything necessary to keep good standards & practices. I have lived in other states and heard from others regarding their experiences in states where I have not lived; that many other states/cities have chickens. I am stunned that our supposed "rural agricultural" state and community such as ours is so difficult to obtain what other states and communities have with no barriers or issues. Thank you for this survey. I hope it will be beneficial and many average citizens will participate. How is it measured so that people cannot take the survey more than once? I would NOT want 1 person against it or for it, stating their thoughts multiple times.... Thanks again :)

Only 4 in a pen or enclosure and fenced yard. Can NOT be smelled by neighbors. If hatching, then no more than 4 chicks.

Microchipped and registered.

Since I do not want chickens to be allowed adjacent to my property, I do not have any additional proposed rules. As a taxpayer, I do not want my property subject to rodents being attracted & creating holes, lawn and/or garden damage, potential house damage, nor have to deal with any potential odors. If an individual wants to raise

livestock, they should either relocate out of city limits or make arrangements to keep chickens on someone else's property out of town. This proposed ordinance could also facilitate the spread of bird flu by attracting infected birds.

Then there is the question of enforcement of proposed rules. Who will monitor that coops and/or runs are in compliance? As I read the proposed rules, it appears that proof (a photograph) must be submitted only at permit renewal time but not initially requested. Not to mention the potential number of people who will not even bother to file an application for a permit. Are you expecting neighbors to have to be the enforcement body??? I think Bismarck has much more important needs to address & with limited resources for higher priority needs, we do not need to tax those resources for things like raising chickens within city limits residential areas. This is why I choose to live within city limits and not be subject to animals right beside me.

Are there going to be any rules regarding the disposal of chickens?? Will this ordinance prohibit the butchering of chickens?? I certainly don't want to be subject to witnessing that, nor have the ""remnants"" attracting unwanted vermin."

If people have a problem, they can go live in a different neighborhood with a miserable

HOA and live with miserable neighbors.

The concerns about backyard chickens causing neighborhood disruption are unfounded. The proposed regulations—including permits, limits on the number of hens, and spacing guidelines for coops—create safeguards to ensure responsible ownership. Experience from nearby Mandan shows that chicken owners are conscientious, valued contributors to their communities, often sharing eggs and fostering neighborly goodwill.

Middle and upper-middle-class homeowners are the most likely to pursue backyard chickens, as they have the resources to meet the requirements. This limits widespread adoption and keeps coops manageable within neighborhoods. Larger cities like Saint Paul, MN, have successfully implemented similar policies, strengthening communities through shared self-sustainability and reducing reliance on external food sources.

As a millennial house-hunting in Mandan, I've seen how respect for property rights can make a city more appealing to residents. Extending this right to cultivate one's land to Bismarck homeowners would empower individuals to pursue sustainable practices without compromising neighborhood harmony. With proper guidelines, backyard chickens

could enrich Bismarck's community fabric and promote independence in food production—benefits that many cities across the country have embraced successfully."

Should be a minimum yard size, maybe .25 acres? You must OWN the property they are kept on, no rentals or leases. No roosters! Chickens in public must be kept on a leash!

No chickens in town! Most people do not realize how much work they are. And if you don't keep their area clean it stinks and attracts mice and snakes!

No roosters, minimum setback requirements from neighboring properties, predator proof coops. And an odor ordinance to force people to keep their coops clean.

I can understand limiting the number of chickens to one chicken per person within the household, as well as only allowing hens and not permitting roosters.

Individuals concerned about chickens getting loose should bear in mind the number of predators such an escaped chicken would contend with, from cats and dogs to wildlife, so I would expect that issue to resolve itself in a timely manner.

Has anyone shared comments from Mandan's City Commission regarding this topic? How successful or

complicated has chicken raising been across the river?"

Please allow chickens ASAP!!

Everyone wants them because of the egg prices. People don't realize chickens don't lay eggs until around 6 months of age and they're only cute and fluffy for a few weeks. They'll quickly get tired of having them and be trying to rehome them. There is enough of a problem with stray cats and dogs, chickens will be next.

Huge fine for not taking care of them or if they get out!

No one is going to follow them properly anyways.

I don't care if someone wants to raise chickens, I just hope it won't be in my neighborhood. They are stinky and dirty.

If implemented, please keep a high standard for cleaning. High fines for not maintaining and cruelty.

They eat produce waste like peelings eggshells ect.

1. Limiting flock size depending upon size of property. 2. How to handle people not taking care of them, already enough people in town not taking care of their cats and dogs. 3. What about the bird flu years, some concerns as it can spread to cats.

I don't know about rules, but I will follow whatever rules are in place so that I can have chickens! This would be awesome!

Must be licensed.

If permitted, chickens must be adequately housed and owner controlled.

City needs to inspect flock and have a policy in place if an infection occurs.

Loud noisy please don't disrupt a city that is supposed to maintain quiet and peace. So many neighborhoods are already struggling. Leave us alone in peace.

No roosters and limit to 6.

No roosters, rodent proof coops and feed storage must be required. Neighbors should not be able to see or smell chicken excrement. Chickens produce ammonia. 75% of nearby neighbors must approve the keeping of chickens. City must require a license for people to keep chickens in city limits. There must be a limit of birds allowed according to the size of property and or coop. Chickens require a lot of space to roam & forage, they can't be kept in small cages.

Must have an enclosed pen(run) and shelter for the chickens. Limit the number of chickens allowed to say 5. Do not allow roosters. License required.

Please do not allow chickens. Personal responsibility is lacking these days amongst many. I don't believe any rules set up will be properly followed by the majority of individuals who choose to have chickens.

People have a choice to not live in city limits if they would like chickens.

If chickens are allowed in the City of Bismarck eventually we will have chickens loose all over the city. People will decide they don't want their chickens anymore and let them loose. The animal control will be wasting valuable time trying to catch the chickens. A waste of taxpayers dollars. A big no to chickens in the city of Bismarck!!!!

No roosters....limit the number of hens. How will a limit be monitored?

If the decision is made to allow chickens there should be a restriction to only allow hens (females). Roosters (males) should be banned due to noise nuisances (ie. crowing in the early morning).

I would be concerned about the precedent that would be set for allowing other farm animals into city limits in the future. If chickens are to be allowed where does it end?"

Cages should be no smaller than 6inches by 6inches per chicken.

No roosters and probably limit the number of chickens that one household can have.

People can't keep their dogs and cats in their yards and clean up after them how are they going to clean up after chickens?? Come winter, what are they going to do with them

when it's no longer nice outside and need to be in shelter. they are going to let them loose and chickens are going to be roaming neighborhoods. Eggs might be expensive, but still cheaper to buy them at the store.

Possibly quantity of animals based on lot size.

Upkeep & cleanliness must be priority and any more than 1 infraction should come with a penalty and inability to own chickens for a period of 1 year, and any more than 3 infractions should be a penalty with the inability to own chickens for that person regardless of address change.

Can only own chickens if the property is a single family home. Yards must be completely fenced with opaque solid fence, no chain link, and fence bottoms, gates, or any area of possible ""escape"" made so chickens are not able to get out at any time."

We raised chickens on the farm. Raising chickens is not an easy task nor is it cheap! It requires a safe coop protected from predators, a run for exercise, daily cleanliness of the coop, feed, water & warmth within the coop (our winters are cold). If residents are considering raising chickens to curb or eliminate egg prices they have no clue what they'd be getting into! Of course one would need a rooster & you'll still not have eggs for 7-8 months. If this passes I

sincerely hope roosters are NOT a part of the ordinance. Who will be monitoring the regulations within the ordinance? Let's not add chickens & roosters to an already ongoing problem the city has with regard to the multitude of pet owners (cats & dogs) that choose not to follow those ordinance requirements. The neighbors barking dogs all around you, neighbors who never pick up their poop, the stench of in the spring & throughout the hot summer months & the feral cats that roam during the night hours. I hope we don't have to add chickens or roosters to an ongoing problem the city already has; of which is not controlled. Property values also need to be considered. So in the end its very simple... Let's leave the possession of & raising of chickens to the "chicken farmers"!! Thank you....

I believe requiring coops to be place only in backyard out of view from the street, having enclosure requirements, limiting the number of chickens, no roosters allowed within city limits, and requiring a permit are all great rules that would best suit both animals and humans in Bismarck.

No roosters, limited number of hens, rules for enclosures, require permit.

No roosters.

How do people handle clean up or smells or if they get loose?

People can move to the country if they want to practice husbandry.

How are people going to handle covenants and HOA agreements?

Chickens belong in the country.

Hens, yes. Roosters, no.

No roosters.

Fecal cleanup rules.

Noise lowering rules.

Housing regulations

Enclosed/fence. No roosters. Max 5 per household.

No Roosters.

No more than 5.

No roosters.

People can't take care of dogs how will they care for chickens.

How gross. They smell so bad not to mention my dogs would bark all day at them.

Bed bugs are from dirty chickens.

Please do not pass this. People who know absolutely nothing about keeping livestock will be so irresponsible with them and it will draw in more disease as well as natural predators to city limits (coyotes, foxes, etc).

Limit of 2.

Just make a condition that if the chicken leaves your property it is no longer your property. I think it might be beneficial to consider allowing on a permit basis that includes five

chickens the first year and then after two successful years then go up to 10 chickens or something.

A small floor, such as 3-5 for inside city limits. Or it could be based on how big your yard is. If you have an acre lot, you can have X amount of chickens, if you have a small sq ft lot, then less so the chickens have proper space.

Being a Midwest "rural" area, whose state is driven by agriculture, I think most citizens would have the knowledge to raise chickens, but implementing a "course/training" before providing a permit to a citizen could help curb people buying them for ill intentions or neglecting them.

Allowing certain breeds, there are certain chickens that are quieter than others, and having a no rooster policy in place would be beneficial maybe.

Local health and safety rules might need to be in place, to ensure disease prevention.

I don't think we should have regulations around selling the eggs, this would highly benefit our community for locally sourced eggs to share with community members. The same rules with "baked goods" of how you don't need extra permits to sell at vendor shows for non-refrigerator-ed goods, should be applicable to eggs! "

Bird flu spreads more rapidly in backyard flocks.

Sadly people don't follow regulations for other pets in town so we're not ready for farm animals. I could see approving it on larger lots/out of city limits though.

No roosters & a rule about if they're 100% free range or if they should be confined somehow. Use Mandan's rules as a guideline.

People can't even take care of their own pets now. How are they going to take care of chickens. People don't realize how much work chicken are. That they need heaters in buildings for winter.

"There should be a limit on the number of chickens allowed that would be appropriate to the size of the yard since accumulated chicken manure does have an odor.

They also need to be contained in a fenced area (ie. chicken wire, etc.).

Need to be contained/fenced. Mandate number allowed. Must register with City, similar to a pet license.

No roosters, any limitations on number of hens to be kept are based on lot size and proximity to other homes.

There should be a database kept of complaints and those with many complaints of loud noises, smell or escapees should be ticketed. Although, there needs to be more than one complainer for any ticket to

be given, no need for neighbor vs neighbor.

Nope. Government does enough, let's give them a break on this one.

What is the maximum allowable number of birds? Is it for chickens only or are ducks also allowed? What about roosters? Quail? Other game birds that produce eggs? What are the standards for chicken coop requirements regarding construction and maintenance? Is a building permit needed for a chicken coop? Is there a special fee for this particular permit or would it follow accessory building permit fees? Do placements of coops need to follow set-back and easement rules? Will ordinances be created regarding standards of care for the birds? In the event an owner is found to be neglecting animals, how does the police department handle impounds? Will a chicken coop need to be built at the animal impound lot? What is the cost of care for impounded birds? What is the impound fee to owners? Do birds need to be licensed and if so, what are licensing fees? If an owner is found to be negligent, what is the level of offense? Is it an infraction and a fine? Is it a (b) misdemeanor? How many infractions/misdemeanor "arrests" can you have before it is raised to the next level and what are the consequences of that? In the event an owner decides they don't want to do

the chicken thing anymore, how do they rehome their birds? If a chicken gets out, is there a "chicken at large" ordinance? How is chicken waste disposed of properly? What are the ordinances for noise complaints relating to birds and how does the police handle that? Does the police department have to take those calls? Is another animal warden going to be needed? With the creation of ordinances, who is going to enforce them? There is no point in having an ordinance that has nobody to enforce it. Are chickens for "personal use" only? Can an owner sell the eggs? If so, do they need a business license? Do they need healthcare inspections?

No roosters.

Limits on number and requirement for keeping in pen/fenced. No roosters.

Strong regulation should be considered as well as enforcement realities. Seems like a costly measure for the community considering permitting, enforcement, inspection.

I would like to maybe see a fee or permit involved in ownership of chickens. This would help ensure that the health of the animals and general public is taken into consideration by weeding out irresponsible owners. Chickens tend to be more upkeep than dogs and cats. Chicken coops and runs for proper containment. No "free range" to be respectful of

neighbors and general public. Having the guidelines set to how many and size coop would be helpful. 32 sf maximum coop, 1 bird per 8 sf, 4 birds maximum, and a 100 sf maximum chicken run. Chicken run could contain the coop as well. A run is essential for the birds to have the ability to walk around without running "free range" in a yard. The property shall require a fence as part of chicken ownership to keep chickens and coops out of site from neighbors and general public. Most medium sized coop kits run around 20 sf and large coop kits around 30 sf. While a run could be homemade, they can be a simple dog kennel run purchased from a hardware store that are chain link in various sizes with 5x10 and 10x10 being the most common. Much like anything, there is going to be opinions from both sides. And the squeaky wheel always gets the grease so I'm sure it won't get passed, even with proper due diligence.

I like chickens. I like eggs. So no complaints from me. I see Mandan allows them and I haven't heard of a lot of issues.

Farm livestock don't belong in the city.

No chickens in city limits. Several developments can't have fences so chickens would be a bad idea.

Many are naive to the cost and work that goes into having chickens and are just following

a fad. Please leave chickens to the people outside city limits. Allowing chickens will open the flood gates for other animals like goats like it has in West Fargo.

Must be kept in backyards and fenced.

Chicken coops must be cleaned regularly two or three times a week at the least. Inspector can check anytime.

Limit the number allowed. Smell & cleanliness issues along with noise would all need to be addressed.

They should register somehow so that health alerts for backyard poultry are sent to them.

People don't realize the noise, smell, and hassle of having chickens. I don't live in the city to deal with that crap. Dealing with people who don't clean up after their own dog is enough.

Cluck cluck, thank you for garnering public feedback! The spirit of North Dakota is self-sufficiency -- we should honor that in our capital city.

Yes here's the comments chickens are disgusting they're loud they're foul they smell they smell they smell they are disgusting they are messy they stink they smell they are loud they are messy they are messy they are diseased they can be diseased they bring in wild animals they are disgusting they are loud they are not cute they are allowed they are loud

emphasis on they are loud they are disgusting they are disgusting messy creatures they smell gross if you haven't go to a chicken farm go to a place that has just a few chickens a few chickens stink they're not cute it's absolutely stupid that this is even being discussed.

I grew up on a farm and that's where chickens should be raised. They stink, are loud, and feathers blow in the wind.

Freeeeeeeeeeeeeeeeeeeeeeee
biiiiiiiiiiiiiiiiiiiiird!!!!!!!!!!!!!!!!!!!!!!

No roosters.

Gross!!

We already have problems with pets running loose. Besides loose chickens causing issues, there would be additional issues with unkept cages, bird diseases, odors etc...

Quit wasting our time and money on this stupidity....fix the streets!!!

I would have chickens if I didn't live in an apartment.

Lot size has to be very large, so coops are away from neighbor's homes. Sounds like a nightmare. Please do not allow!!!!

Keep contained and smell to a minimum/clean up waste accordingly.

Chickens require a lot of work. People who don't know anything about chickens need to visit with the people raising them.

No roosters, limit of 8 chickens.
Permit required.

Must be a residence with over half an acre.

People don't follow leash laws or clean up after their animals already. Rules would need to be strict and highly enforced with great penalties for failure to comply. I personally don't want the smell of chickens in town or the threat of additional predators.

How many people can own.
Shelter must be available.
Fenced yards only.

Already people do not take care of dogs and cats, adding chickens in the city limits would add more animals roaming.

No roosters! They're the problem, noise. And limit the amount per size of yard.

There should be a limit on a number of hens and no rooster. There should also be a punishment for keeping too many as it could be viewed as a nuisance to some. But kept under a limit is manageable.

The more, the better!

Noisy after sunup. I used to keep in dark area till later in am. Neighbors can get mad if trying to sleep. Also hens. No Roosters they are really noisy.

People can't take care of and keep track of their dogs and cats. We don't need neglected chickens or chickens running loose on top of all the dogs and

cats. Is animal control prepared to pick up and house chickens?

Chickens are great for bug control, natural fertilizer for your grass. They are not louder than the doves that are near me. I think keeping a clean coop is necessary and a person should have to register with the city and show proof of vetting and expect inspections if they are to keep chickens. Maybe have to take an online course about the care of chickens.

Don't go there.

If no chickens, then no problems.

If you can't keep your dogs and cats in your yard, you shouldn't have chickens.

I don't want stinky chickens living next to me.

Should not be allowed. People can't take care of their pets as it is. Chickens are loud, obnoxious and stink. Many HOA will not allow anyways. Let the people who want chickens move outside of city limits.

The quantity limit should be respected. I'm not sure everyone is following that with cats and dogs.

If people think they're going to have enough chickens to produce eggs for income, that's not going to happen. Then what are we left with?

Also, having chickens just doesn't sound clean. I'm also disappointed with neighborhood dog poop.

Penned, overhead too. Coop . Clean yard, maintained. The smell travels especially in humid weather.

No roosters, but heck yes, let us keep a couple chickens.

None allowed in city limits.

No roosters! Set a limit for the number of chickens allowed.

Why? Not necessary to have chickens in city limits.

The waste/smell and noise burden to neighbors would need to be addressed.

If people want chickens they can move to outskirts of town. With houses so close together neighbors do not want this. Dogs and cats on the lose are big enough issues let alone adding chickens to the mix.

Noisy, Messy.

I don't think having Chickens in the City of Bismarck is a good idea.

I don't think it's a good idea to have chickens in Bismarck. No chickens!!!

Absolutely no chickens. Move to the ETA if you want them.

Dogs are barking all day every day and there's "nothing that can be done." I'd much rather hear a rooster.

No roosters.

In addition to the rules the city is currently suggesting, I think we should give people a test on basic chicken care before they can get a permit to have them.

No roosters!

Fenced yard.

Have a small limit like 4 or 6 chicken nothing crazy like 12-24.

I would rather have a neighbor with chickens than noisy dogs. I have raised chickens before, and they make wonderful pets.

No roosters allowed; limit number of hens allowed.

Make sure the areas are kept up, otherwise have a mess in the yards.

Limit the number of chickens.

Have a permitting process and inspection, to control the process."

They smell bad and will disrupt neighborhoods. I think the chicken owner would need to have a fence.

Who would neighbors notify if the stench becomes so bad because the owner is not cleaning up after the chicken?"

No.

I think there should be a limit for chickens between 5 and 7. With the egg prices so high, we should be able to provide for our families in different ways. We live in a state that is pro-ag - people should be permitted to have chickens in their backyards, as long as they maintain them.

Chickens may bring other pests (mice, rats) and other wild animals (fox).

I have dogs that use my fenced back yard, chickens next door would aggravate them and cause barking and therefore aggravate the chickens. It's not a good idea. There are cats in town that are indoor/outdoor and will harm the chickens.

No roosters allowed.

No roosters. No more than 6 hens. Allowances for hens in any neighborhood. A license is fine but should not exceed the cost of any dog/cat city license.

Chickens should be allowed but there should be a reasonable limit. A limit of 6 doesn't seem unreasonable while also providing reasonable returns to the owner. Any fees should also be reasonable, less than dog or cats as these intended for consumption and it should be per household not per chicken.

If there is concern, look at limiting the roosters to keep the noise down. Most yards in town won't support more than 3 or 4 chickens. Most people won't want to have more birds than what they can consume for eggs.

If someone is looking at broiler hens, then they will place them on feed to begin with.

You may want to consider allowing ducks for egg production also. Ducks have a higher protein count when it comes to the egg, but first I would allow chickens.

May want to limit the number allowed per household.

I lot of chickens already live in town, they often live in fear of change, loud noises, and confronting their bullies, but we let them stay. Why not let the feathered kind live here, help with vector control, neighborhood egg swaps, and foul sweater knitting projects.

I doubt they could be worse than barking dogs.

Set a number of chickens each person can have and parameters for coop's the chickens will live in. Should also discuss having roosters within City limits.

It is clear to me that keeping chickens should not cause division between neighbors. I think it would be important for any citizen wanting to keep chickens to get written consent from all 3-4 neighbors with adjoining yards (each next-door neighbor and direct backyard neighbor(s)). Additionally, there could be an annual permit like beekeepers need and certain ""zoning"" rules for distance away from: lot lines, street, # of chickens, no roosters, etc.

I am excited about the progress on this and would love for our city to take this small step to keep agriculture and livestock at the heart of our community. As someone born and raised in Bismarck with childhood memories on the farm, I want my kids to experience the value of having these ""farm chores"" such as raising chickens. Raising our own food will continue to become more

important for our education and welfare.

No more than 3 chickens.

Most Bismarck residents are irresponsible when it comes to caring for and cleaning up after their common household pets in the city. What makes the city government think people will be smart enough to manage chickens? There is enough noise and stink in Bismarck with all the dogs barking and dog feces not being picked up.

"Single family residential only.
No in multifamily.

Must have fencing around yard - not chain link. Something to block the view. "

Not running around into neighbors or streets. No noise.

People can't even take care of their cats and dogs...now chickens...no!

The ability to have a larger amount to make it worth it. Mandan allows 4 and it's not even worth having them when you have so few chickens. Allow to have an adequate amount of chickens that would make it worth having them.

Need a limit according to space. They should be registered with city, have drop in check ins once a month, if not clean they need to get rid of. Dirty unkept pens will spread diseases.

Minimum 5. Fenced yard.

Limit the number of chickens just like we do with other

household animals (e.g., dogs, cats) - require regular clean-up rules for sanitary reasons - no roosters.

I suspect that most people who would want chickens will tend to take decent care of them. Definitely there would be exceptions but there are so many poorly kept properties currently I don't think that allowing chickens would be a net negative.

We need eggs!

Required fence and minimum lot size.

No roosters.

Must share eggs with neighbors.

A certain number only.

No roosters.

Limit number of hens, no roosters allowed.

No roosters. Can we have ducks?

No idea, keep ducks.

There should be a limit based on coop/lot size.

Hard to enforce rules regarding not bet and sex of chickens. People who get them and then don't know how to care for them will release them and it will cost the city more to tr to take care of the problem.

I think if people want chickens consider moving to a rural property.

6 hen limit.

NO roosters.

In a coop and pen within a fenced backyard.

As free Americans who have every right to own dogs (who pose way more problems to neighbors) I feel Bismarck should allow the rest of us to have chickens...like Mandan and Fargo!! The arguments on FB fearing chickens running wild in the streets and overcrowding shelters is patently ridiculous. Do Fargo , Mandan , Billings, Rapid City, and Pierre have that problem???? It's very paternalistic to assume chicken keepers would be sloven and irresponsible! Please don't be swayed by a few people with their hair on fire. People wanting to keep chickens are well aware that we aren't going to save money on eggs. What we do know is that to have a few fresh eggs would just be a bonus to the pleasure of caring for and interacting with our chickens (just like dog and cat owners).

I think there should be a 6-10 limit and maybe require a yard fence. Can't we just look at what other towns in the state and nation do to successfully allow chickens? Why are we acting like we are an island?? Other towns are doing this, and we haven't heard of roaming hordes of feral chickens taking over their towns! PLEASE let us have a few hens! Not everyone can afford a hobby farm just outside Bismarck. I

bet Tractor Supply, Runnings and Fleet Farm are for it! And the internet has oodles of content to help us do it right.

I am in favor of chickens in Bismarck, however there has to be good regulations in regards to them.

Limited amount.

6 hens per household and no roosters. Chickens are great pest control, can't reproduce without a rooster and are quieter than dogs.

This is not Nam, this is chicken farming... There are rules!

Hens will cause less noise than the current barking dogs.

8 hens. Mandan and Fargo allow it.

This is a must!!!

Limit to less than 10 chickens and no roosters. Include proper care and yard space requirements.

5-6 chickens.

Residents can't clean up after dogs and cats. Chickens are messy and sticky. Grew up on a farm with chickens and that is where they belong.

No roosters just hens allowed!!!!

People can't even keep their dogs from barking nonstop or pick up their dogs feces in a timely manner. Now I am going to have to deal with their chickens and roosters making nonstop noise and poultry feces

smell? If I wanted to deal with that boloney I would have bought a house outside of Bismarck and not had to pay the over the top property taxes. If the fricken hillbilly wannabe chicken ranchers want their chickens, they can move out of town or over to that Hickville on the other side of the river.

Don't allow roosters because of noise.

Not strongly against it but concerned there are no measures to size the chickens from a neighbor that is out of hand. Noise, filth, nuisances, etc.

I just don't want a free for all unpoliced situations.

I think they're a little noisy and gross. My sister's neighbors had chickens in Mississippi, and they were always in her yard.

I wish that we'd be able to have them in trailer parks.

How is a clucking chicken worse than the sounds of some of the vehicles racing through our neighborhoods or dogs left out all day to bark.

People can't take care of domestic pets like dogs and cats chickens would be everywhere.

Limit number.

No Roosters.

No unsightly housing.

Housing out of sight of the street.

Must be kept clean (No smells noticed by neighbors).

Should be something in there about nuisance noise, smell, etc. Focus more on that than limiting to a ridiculously low quantity like 1 or 2.

P.s. love the bonus question!

Consideration of no roosters.

Consideration of yard size and proximity to neighbors.

They are messy, stinky, and when people are tired of animals in this town, they just desert them.

We live in America.. what used to be the land of the free.. let's get it back to that.

Probably no roosters.

We should be allowed to keep food related animals on our properties to support ourselves and our families.

There should be a limit on the number of chickens and regulations on how they are kept.

With regulations I think this would be ok.

I don't want the mess near me or smell the chickens. They are farm animals. People cannot even contain their dogs and cats and now them to have chickens. This is the dumbest thing ever!!

Mandan has chickens. I visit friends and family in Mandan frequently. I've never noticed a

problem with chickens. Their policies are well written.

The neighbor who doesn't want or like chickens will bitch about the smell & noise. It will be never ending. Since people cannot keep their pets (cats & dogs alike) contained how well do you suppose chickens will be contained? Some pissed neighbor will go & let the chickens out. What will residents do with the accumulated chicken feces? Diseases can be an issue with chickens if their confinement isn't kept clean.

Chickens in town is a bad idea.

This is America, how does the government think they have the right to tell us we can't have chickens in the first place..... can't wait for my chickens!!!!!!

If they allow chickens in city limits, limit the number each residence or address is allowed.

Limit of how many chickens they can have and rules for cleaning on a weekly basis.

Number should be limited as well as requirements for sheltering/containing to the owners yard.

There are too many potential issues to police to have them in city limits. Everything from them getting loose, the smell, the noise, just to name a few. This will place unnecessary work onto the local police and potential the court system as well.

Obviously no roosters, maximum allowance of 4-6 birds. Permits are unnecessary paperwork.

Classes about chicken keeping including costs should be provided before someone is allowed to keep chickens. A permit should also be required to ensure safe keeping and to avoid mistreatment.

Having chickens in town is not practical. There isn't enough open space between many properties to allow for proper care for the chickens, and not enough space between neighbors who don't want to deal with the smells and sounds of chickens. Even if roosters aren't allowed, hens are very loud at all hours, especially when laying eggs which tends to be in the early morning. Chickens need a lot of space per chicken for humane living conditions, which I would assume would be in a fully-enclosed run and coop. The lifespan of a chicken is 5-6 years. What are the expectations of chicken owners when they need to dispose of their chickens when they are no longer laying, are too old, or pass away? I am already annoyed/irritated by the loud dogs that constantly bark and are not leashed and properly cared for by their owners. Adding chickens to the equation is just irresponsible. They need special care, and I would also assume most people are very inexperienced with how to properly care for chickens.

Startup costs are in the hundreds, and they don't slow down much. They need constant upkeep with feed, supplements, bedding, and occasional repairs. I fear many will jump to get chickens and quickly realize how much care they need. I can see our beautiful capital city quickly becoming less than desirable with the smells and sounds of chickens. Is Animal Control prepared and on board with adding loose chickens to their already extensive list of animals to impound? I doubt they'll even have the space or the proper facilities to house lost chickens. Final note: chickens poop a LOT. Literally every half hour, even while they sleep. With all the people who already don't clean up after their dogs (who go a few times a day), can you imagine how much filthier the city will be if people neglect caring for and cleaning up after their chickens? As a side note, I have owned chickens and learned so much about their care firsthand, so this isn't an uneducated opinion.

I would suggest having guidelines for what type of coops are allowable that consider our winter months and keeping cats, hawks and other egg/chicken eating predators out, distance from property line (smell wafting to neighbor's yard), limit on number of chickens, no roosters allowed for noise reasons, etc.

Noise is a concern.

Chickens can be more behaved than humans. Free the chickens.

No roosters.

Chickens should be allowed, no roosters.

Chickens belong on a farm!

We have enough of a problem with stray dogs and cats roaming the City that everyone loves to complain about I can't imagine what adding chickens would be like. Not to mention the amount of chickens that might go missing due to said stray dogs and cats. And chickens stink.

It sounds cool, but I think there will be a lot of abandoned chickens. Chickens require care and shelter, especially in the winter. Not to mention money for the feed to produce eggs. We already have an animal abandonment issue in the area.

No chickens but if they are allowed, it should be based on a yearly permit that requires yearly written agreement from all neighbors with abutting lots.

Could this also involve other small egg-producing birds, such as ducks, for those with chicken egg allergies?

No roosters and pitbulls are dangerous and should be banned!

Chickens belong on farms outside of city limits!

No roosters for the love of God.

No rules needed as there should not be a law allowing them.

No roosters.

Only egg laying hens, no roosters. Up to 5 or 6 per home.

I'd much rather see chickens in town than any more aggressive dogs.

Limit on number allowed.

No roosters please. Also, love the bonus question.

Growing up on a farm and ranch you can't control a chicken's volume but you can waste. Have you ever stepped into a chicken coop full of feces? It's ammonia disgusting smell. Feed causes rodents and varmints coming in to feed no matter if clean or not. You can't clean up junk houses how are you going to control chickens?

No roosters.

No roosters.

They are messy and stinky! I don't want that stink coming from my neighbor's yard!

I grew up on a poultry farm, chickens belong in the farm.

No roosters, keep it clean and tidy.

No chickens.

No application or permit to reduce potential additional city employee FTEs. Limit flock to 5.

This was already debated last year. It's not going to help egg

prices but will allow uneducated people to acquire chickens and help the spread the of bird flu.

Just plain no.

No roosters. Must be contained, not free ranging.

Maintain cleanliness and have a manageable flock.

Limiting the number of chickens, like Mandan has done.

I really don't want my baby to be woken up each morning by my neighbors chickens.

I think it would open up a lot of issues for neighbors with dogs constantly barking, etc.

No roosters.

People can't care for dogs/cats within city limits! We don't need a chicken problem, too!!

Chickens need to be contained in the owner's yard and not allowed to wander to neighboring yards.

I think Bismarck residents are proud to be able to provide for themselves and allowing them to provide more of their own food sources (especially during these rising egg prices) would be another way to support the residents to do that.

Don't allow this- it will make a few people happy at the expense of the majority of Bismarck residents.

Limit quantity and limit roosters.

Chickens smell - people don't pick up dog poop in their yards.

They will not keep chicken areas clean.

No roosters, max 4 chickens, must keep in a coop and run, must keep clean.

No roosters.

Chickens are cool.

I can't believe that I've been able to hold my composure together for 10 years of no fireworks in the city. Grow the up it's the Fourth of July and it's supposed to be spent celebrating freedom, not banning the quintessential Fourth of July experience get off your high horse and make it legal to shoot fireworks in town you pompous person.

The distance roll from neighbors building is a concern.

My lot is 55 feet wide (as well as many neighbors) there is no chance to be 150 ft from neighbors home in any set up.

People choose to live in certain places because of the rules and regulations. I don't think the city is a place to start a farm. This is an absurd idea and really imo should never have even been entertained as an option.

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, August 8, 2025 4:58 PM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Spencer
Last Name	Ulvestad
Address	1322 N 15th Street
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	[REDACTED]
Email	[REDACTED]
Comments	Commissioner Zenker, Hi. Thanks for taking the time today. This spring I took a survey about having chickens in city limits. I have not heard much since then. I want you to know I am in favor of this. One reason I want to is my kids want them as a pet and for fun. It would

also be nice to have some eggs. I also realize not many people will actually want chickens only a few people would be interested. But I feel like this would be a great benefit for the citizens of Bismarck to have this option.

thank you.
Spencer

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 29, 2025 2:08 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Kevin
Last Name	Gisinger
Address	606 South 17th st
Address2	<i>Field not completed.</i>
City	Bismarck
State	North Dakota
Zip	58504
Phone Number	
Email	
Comments	Please do whatever you have to and stop this backyard chicken raising nonsense. Chickens should be on farms not in neighborhood back yards. I do think if this is approved these city wanna be farmers will be in the same areas they like to stick the homeless shelters and soup kitchens and any other areas these homeless people can get something for nothing.

It has got to be one of the stupidest things I have ever heard. I have lived in Bismarck for 67 years so I have heard a lot of stupid ideas come from our local government. I bet you will not see chickens in Promitory Point, Boulder Ridge, or The Silver Ranch development. You will never see anything for the homeless in those areas either. We like putting things like that in the less affluent parts of town.

I watched the tail end of a meeting the other night and it sure seems Mr Risch gets almost giddy when he talks about it. If this idiotic idea does move forward one of the requirements should be that the person who wants to raise chickens must get the written permission on an application supplied and approved by the city from any neighbors within 500 feet of their residence in all directions. If any one homeowner does not approve of the chickens then the application is denied.

Who from the city is going to be the lucky one to go out and inspect chicken coops so they are built correctly and not made out of duct tape and cardboard. What happen if a neighbor complains about noise or health conditions? Sounds like a good no wage job for Mr. Risch Seems like there are better ways to spend taxpayer dollars.

Please respond so I know you at least read this. Thank You for your time.

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, May 21, 2025 8:40 PM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Rebecca
Last Name	Swift
Address	1108 N Mandan St
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	[REDACTED]
Email	[REDACTED]

Comments

I am writing this to the Mayor and the members of the Bismarck City Commission regarding the keeping of chickens in Bismarck City Limits.

I was raised on a farm near Tuttle, ND until I was in my teens, so I do have a lot of experience with raising chickens. The following are areas of concern:

Chickens make noise. You have heard the term “getting up with the chickens”... Well they really do get up very early. And even if you don’t allow roosters, you have that buck-buck-buck- buuuuuck- going on and then repeat. That can go on for a long time.

Chickens smell bad. A 6 foot limit inside lot lines is not enough to keep the smell from the neighbors yard, especially on a windy day. Their droppings are very liquid and cannot be picked up like other animals. Coops need to be cleaned often, and if they aren’t they smell really bad. If there are certain requirements for the coops, who is going to make sure that people comply? Chickens also can carry diseases, Avian Bird Flu being one of them. They can also carry lice, attract rodents, and pick on each other, especially if they aren’t fed enough.

Chickens can fly right over 6 foot fences. They are very difficult to catch. You need a wire hook with a handle and in the meantime, be prepared for them to fly over the fence again.

As far as providing eggs for the family, by the time you build/purchase a coop, feed, feeders/waterers, water heaters, and some form of straw/hay to cover the ground to be able to pick up the chicken droppings, raising chickens will be very expensive. Chickens only lay one egg a day and they stop laying when the days get darker longer. A chicken will produce eggs for 2-3 years under good circumstances. What will you do with them after that? They need to be fed and watered without forgetting. The cute little baby chicks can turn into cranky hens that scratch and fly at you when you go to gather eggs.

Now put that all together and imagine a nice barbecue going on in the back yard amongst the smell of your neighbors chicken coop poop, the bucking and flying of the chickens over the fence. Neighbors angry with neighbors. And who is going to be the chicken police? Personally, I think that our Police Department has way too much on their hands than to have to try and catch and monitor somebody’s chickens.

I say if you want chickens, move out of town and you can raise an entire flock. Believe me, it’s not as easy and as much fun as you think.

Thank you for your time,
Rebecca Swift

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, May 21, 2025 1:11:32 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Michael
Last Name	Neigum
Address	<i>Field not completed.</i>
Address2	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip	<i>Field not completed.</i>
Phone Number	
Email	
Comments	Hello. I am contacting you in support of changing the city ordinance regarding livestock and to allow chickens within city limits. I base this on several factors. First, several of our largest cities in the state already allow this. Second, it would allow for hobbies, food and so forth to be unrestricted in this area. I understand there could be some opposition to changing these rules. Most of those concerns are unfounded and lack merit.

No one is asking for roosters to be allowed. The noise is just not there. I firmly believe we should not be limiting 95% of the responsible people that would create zero issues just because of 5% that may. If that is the mentality and argument against having chickens, then it could be applied in so many other areas as well. Please consider allowing chickens and focus on the benefits, not the theories of what negative could happen. That type of mindset would have stopped so many "now in place" concepts that have worked just fine. Thank you.
Respectfully, Mike.

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, March 28, 2025 6:13:47 AM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Tiia
Last Name	Kilwein
Address	4111 steel pl
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58503
Phone Number	
Email	
Comments	We would really like to be able to have chickens and ducks in Bismarck. Mandan allows them so why arnt we able to as well.

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, March 19, 2025 1:42 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Melissa
Last Name	Guthmiller
Address	1507 East Bowen Avenue
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58504
Phone Number	
Email	
Comments	I am writing to you today because I am 300% against allowing chickens or any "farm animals" in our city. We have enough of a problem with people abusing, not feeding, not wanting, and ditching dogs, cats, and rabbits in this town. It is absolutely heartbreaking. What happens when the price of eggs and chicken meat goes

back to a price everyone can afford? What will happen to those chickens? People have good intentions, but can't seem to follow through with taking care of the animals they have for their (the animals) short life time. I have enough stray animals that I feed and clean up after and I don't even own an animal. It would be better to take care of the overload of rescued animals and get the stray population under control before we even consider allowing one more animal to be subjected to the "busy city life".

Second point, Chickens carry diseases and illness that affects humans. Cross contamination is a huge problem.

Let's keep them on the farm where they belong.

Thank you for taking the time to read this
Melissa Guthmiller

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, March 19, 2025 12:19:32 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Karisa
Last Name	Ross
Address	801 North 4th Street
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	
Email	
Comments	Good afternoon!! I am messaging in support of backyard chickens. My husband and I have been longtime homeowners in the central Bismarck/cathedral area and we would love if chickens being allowed in town were to pass.

I fully understand that there would be licensing, restrictions, and approval necessary to make this happen but I genuinely feel it would be a net positive for the people of this city.

Thank you for your time!

Karisa J. Ross

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, March 15, 2025 11:04:19 AM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Sarah
Last Name	Torgerson
Address	922 N 31st Street
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	[REDACTED]
Email	[REDACTED]
Comments	Good morning, I wanted to let you know that I and many of my friends are very excited to hear that the city is reconsidering allowing backyard chickens in Bismarck. I think it is such a great way to allow us all to be more independent and great way to start teaching kids about responsibility. Egg prices have been so high off and on for the past year, and having access to fresh eggs will be helpful on grocery bills. I hadn't heard yet when the public meeting about this topic is,

but I am planning on coming to support this new plan.
Thanks,
Sarah Torgerson

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, March 6, 2025 8:26:14 AM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Tammy
Last Name	Kellam
Address	2610 Lexington Dr
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58503
Phone Number	
Email	
Comments	Good Morning: I just want to put my 2 cents in, in regards to chickens in city limits. You have Animal Control already running around with abandoned animals of all types - this is only going to create more chaos for them, the police and everyone else. I am adamantly against having chickens in city limits - they want to farm, move out of town. You will have individuals getting them cause they are so "cute" and having no idea how to care for

them properly, and then they become too expensive so lets not care for them or dump them! I say NO to chickens in Bismarck city limits.

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, March 13, 2025 2:44 PM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Conner
Last Name	Swanson
Address	323 E Avenue B
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	[REDACTED]
Email	[REDACTED]
Comments	I support allowing chickens in city limits.

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, March 3, 2025 3:35:59 PM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Rosalyn
Last Name	Weber
Address	2737 Pacific Ave
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	
Email	
Comments	Hello Commissioner Zenker, I write to you in support of backyard chickens in the Bismarck city limits. With the sky-high price of eggs, allowing Bismarck residents to raise egg-laying hens would save residents money and help insulate residents from egg supply chain issues through localized food production.

If residents are worried about noise, the city can take steps to limit the flocks to only hens and limit the number of chickens. Mandan limits backyard chickens to only 4 hens, while West Fargo limits a flock to 6 hens. Outside from the winter months, one hen provides on average 3-4 eggs per week. If Bismarck allowed a maximum of 5 hens that could easily feed a family of four, with the hope that each hen lays at least 3 eggs.

If neighboring residents are concerned about the smell, the city can take steps to require a minimum distance of the pen from a neighbor's property, as well as the limit the size of the entire pen, which includes a coop (where the chickens roost and lay eggs) and a run (where the chickens can walk and forage). Both the cities of West Fargo and Mandan have pen size limitations and distance requirements from a neighbor's yard.

One consideration between West Fargo and Mandan's permit requirements is the costs for a permit. Mandan requires a hefty \$100 for a permit application and an annual payment of \$50 for a permit renewal. West Fargo's permit is much more affordable at \$25 for the permit application and each year for the permit renewal. Having a cost associated with backyards chickens will generate some additional revenues, but I caution against high permit fees as the commission shouldn't price out those most in need who could raise their own food.

Thanks for your consideration of this issue. It is very exciting and I hope the commission brings together a robust stakeholder group to advise on this issue.

Sincerely,
Rosalyn

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, March 5, 2025 9:38 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Curtis
Last Name	Hojian
Address	2417 Pointe Loop
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58503
Phone Number	[REDACTED]
Email	[REDACTED]
Comments	Chickens in Bismarck I am totally against chickens in city limits. People can't even take care of dogs in town. My neighborhood stinks like dog crap the last few times it warmed up. Let's not create another problem we can't take care of and enforce! Police or city staff don't have time to babysit people that can't follow the rules. People prove it everyday with their

dogs in town!!
I am a no keep Bismarck clean.

Thanks for hearing my comments
Curt Hojian

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, March 6, 2025 2:44:46 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Rebecca
Last Name	Larson
Address	218 juniper Dr
Address2	<i>Field not completed.</i>
City	Bismarck
State	North Dakota
Zip	58503
Phone Number	
Email	
Comments	Sir, I am vehemently opposed to chickens being allowed to live in the city limits. I love my city, neighborhood and street and turning backyards into farmyards would compromise the integrity of city living. Chickens are filthy animals. Wild animals such as coyotes would find their way into our backyards more than they do already. I have a small poodle that is placed on a

tether multiple times each day and I fear for his life if more coyotes wander into my yard looking for an easy meal. I live on Juniper Drive and in the last 3 years I have already seen 4 different coyotes in my backyard at various times. Please keep Bismarck the clean city I've known for the last 46 years that I've been a resident.

Becky Larson

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Monday, March 3, 2025 5:48 PM

To: Michael Schmitz <mschmitz@bismarcknd.gov>

Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Cheryle
Last Name	Christianson
Address	1316 Eagles View Lane
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58503
Phone Number	[REDACTED]
Email	[REDACTED]
Comments	Dear Mayor, for the consideration of your valuable time and the commissioners' time, I'd like this email directed to the entire Bismarck City Commission. Please DO NOT allow residents to have chickens within the city limits. I grew up on a farm in rural Nelson county, we had chickens. It's perfectly fine to have them on rural farms but it's not okay to have them in major North Dakota cities. I don't care that other cities have allowed this. I'm a HARD NO. I've never

reached out to the city leadership before and I'm asking that you do not approve this.

Thank you for your service to Bismarck,

Cheryle Christianson

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, March 3, 2025 6:12:01 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Mike
Last Name	Wardzinski
Address	1741 Wichita Drive
Address2	<i>Field not completed.</i>
City	Bismarck
State	North Dakota
Zip	58504
Phone Number	
Email	
Comments	I understand that there is a proposal to allow chickens in the city limits. Please do not approve this. The risks (noise, health, and sanitation of coops) outweigh the benefits of being able to get free eggs. Thank you, Mike Wardzinski

Jenny Wollmuth

From: jwollmuth@bismarcknd.gov
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, February 27, 2025 11:12:43 AM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Gretchen
Last Name	Deeg
Address	917 N 5th St
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	
Email	
Comments	Commissioner Zenker, Thank you for your leadership in the Bismarck City Commission. I read the article about looking into allowing chickens in city limits. I urge the city commission to work closely with public health on this issue. With the rise of the bird flu, permitting chickens in city limits could pose significant

issues to public health. Backyard chickens and their eggs are not required to go through health inspections, which could result in an increased spread of the bird flu. Many commercial chicken farmers are strictly restricting access to their farm because it is so easy to spread the bird flu from flock to flock. There would be no feasible way to control a possible spread in town. There is also evidence that the current strain of the bird flu is transmissible to human beings as well. Although I have been in support of backyard chickens in years past, I urge you to discuss this in depth with public health and consider postponing any decision until after the bird flu is fully under control. I also urge requiring health inspections for in-town chickens, coops, and eggs.

Thank you,
Gretchen Deeg

Email not displaying correctly? [View it in your browser.](#)