



Community Development Department

DATE: July 20, 2021

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Receive Update on Lot Modification Process and Associated Ordinance Changes

REQUEST:

Staff requests an opportunity to provide an update on changes to the existing lot modification process and associated ordinance changes.

BACKGROUND INFORMATION:

City of Bismarck staff have been in discussion with Burleigh County staff regarding Bismarck's lot modification process. The lot modification process is an administrative process that is used for:

- Lot Line Adjustments – Adjustments of an existing platted lot line between two adjoining lots by relocation of a common boundary.
- Lot Split – The division of an existing platted lot into not more than three parcels.
- Lot Combination – A combination of two or more existing platte lots into a single parcel whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision.

As part of the process and per current City of Bismarck Title 14 Zoning ordinance language, a lot line adjustment or lot split can only be accomplished for previously platted land and if the resulting parcels can be described by no more than two (2) directional descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). Under current Title 14 Zoning ordinance language, that limiting requirement may be waived if a plat of irregular description (or sometimes referred to as Auditor's Plats or Auditor's Lots) is prepared, signed by the County or City Engineer, and recorded with the Burleigh County Recorder's Office. The intent of the plat of irregular description is to help clear up confusion that may result from complicated or insufficient legal descriptions if a parcel cannot be described with only two (2) directions.

North Dakota Century Code 57-02-39, identifies authority associated with irregularities of land to be platted. Per North Dakota Century Code, only the County Auditor has the authority to request a plat of irregular description. The current process used by Bismarck was the result of discussions with a previous Burleigh County Auditor in which that authority was provided to the City (on the County Auditor's behalf) upon City staff's discretion. Per requirements within North Dakota Century Code the current Burleigh County Auditor would prefer to make that determination from this point forward. In order to comply with North Dakota Century Code and the request of the Burleigh County Auditor, minor adjustments will need to be pursued to City of Bismarck Title 14-09-04(6).

RECOMMENDED CITY COMMISSION ACTION:

Receive an update from staff on future ordinance changes associated with the lot modification process.

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