



Community Development Department

DATE: May 3, 2022

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Elk Ridge Third Addition – Partial Annexation, Zoning Change and Major Subdivision Final Plat

REQUEST:

Tyler Coulee, LLP, Bismarck North Developers, LLC, Ron Knutson and others are requesting approval of a partial annexation; a zoning change from the A – Agricultural, R5 – Residential and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential and P – Public zoning districts; and a major subdivision final plat for Elk Ridge Third Addition. This action would create 55 lots for single-family dwellings, 38 lots for single and two-family dwellings, a large lot for public recreation and stormwater management with a trail head, and a storm water management lot.

The property is located in northwest Bismarck, between River Road and East Valley Drive, east of Promontory Point VI Addition along the east side of Tyler Parkway (a replat of Lots 1-2, Block 3 and Lot 1, Block 4, Eagle Crest 6th Addition and Auditor's Lot A of the SE1/4 of Section 18 and part of the SE1/4 of Section 18, and part of the NE1/4 of Section 19, T139N-R80W/Hay Creek Township).

Please place this item on the May 10, 2022, and May 24, 2022 City Commission meeting agendas.

BACKGROUND INFORMATION:

The Planning & Zoning Commission held a public hearing on these requests on April 27, 2022.

No residents spoke at the public hearing. One resident submitted a written comment in opposition to the request, expressing the desire to retain all of Tyler Coulee as a natural area.

At the conclusion of public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the partial annexation, the zoning change and the major subdivision final plat for Elk Ridge Third Addition.

RECOMMENDED CITY COMMISSION ACTION:

May 10th meeting of the Board of City Commissioners – consider the request for the partial annexation as outlined in Ordinance 6503, the zoning change as outlined in Ordinance 6503 and call for a public hearing on this item for the May 24th meeting.

May 24th meeting of the Board of City Commissioners – hold a public hearing on the annexation as outlined in Ordinance 6502, a zoning change as outlined in Ordinance 6502, consider the major subdivision final plat for Elk Ridge Third Addition, and take final action on the three related requests.

STAFF CONTACT INFORMATION:

Ben Ehreth, AICP | Community Development Director | 355-1842 | behreth@bismarcknd.gov

Kim Lee, AICP | Planning Manager | 355-1846 | klee@bismarcknd.gov

Jenny Wollmuth, AICP, CFM | Senior Planner | 355-1845 | jwollmuth@bismarcknd.gov

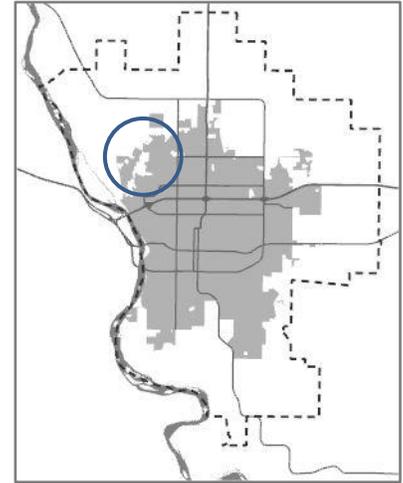
STAFF REPORT

Application for: **Annexation**
Zoning Change
Major Subdivision Final Plat

Project ID: **ANNX2021-003**
ZC2021-001
FPLT2021-003

Project Summary

<i>Title:</i>	Elk Ridge Third Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Tyler Coulee, LLP, Bismarck North Developers, LLC Ron Knutson, Henry and Jeanette Albers Paulette Thurn and Michael Hoffman
<i>Project Contact:</i>	Landon Niemiller, Swenson Hagen & CO
<i>Location:</i>	In northwest Bismarck, between River Road and East Valley Drive, east of Promontory Point VI Addition along the east side of Tyler Parkway (a replat of Lots 1-2, Block 3 and Lot 1, Block 4, Eagle Crest 6th Addition and Auditor's Lot A of the SE1/4 of Section 18 and part of the SE1/4 of Section 18, and part of the NE1/4 of Section 19, T139N-R80W/Hay Creek Township)
<i>Project Size:</i>	158.99 acres
<i>Request:</i>	Annex, zone and plat property for future single and two-family residential development



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	Part of 2 parcels and 3 lots	<i>Number of Lots:</i>	98 lots in 4 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single and two-family residential
<i>Future Land Use:</i>	Low Density Residential	<i>Future Land Use:</i>	Low Density Residential
<i>Zoning:</i>	A – Agricultural R5 – Residential R10 – Residential	<i>Zoning:</i>	R5 – Residential R10 – Residential P – Public
<i>Uses Allowed:</i>	A – Agricultural R5 – Single-family residential R10 – Single and two-family residential	<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential P - Public
<i>Max Density:</i>	A – 1 unit / 40 acres R5 – 5 units / acre R10 – 10 units / acre	<i>Max Density:</i>	R5 – 5 units / acre R10 – 10 units / acre P – Public

(continued)

Property History

<i>Zoned:</i>	2/2020 (partial) 9/2013 (Eagle Crest 6 th Addition)	<i>Platted:</i>	9/2013 (partial)	<i>Annexed:</i>	9/2013 (Partial)
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Staff Analysis

Tyler Coulee, LLP, Bismarck North Developers, LLC, Ron Knutson, Henry and Jeanette Albers, and Paulette Thurn and Michael Hoffman are requesting approval of an annexation, zoning change from the A – Agriculture, R5 – Residential, and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential and P – Public zoning districts, and major subdivision final plat for Elk Ridge Third Addition.

Adjacent uses include single-family residential to the north and east; developing single and two-family residential, a neighborhood park and an elementary school to the west across Tyler Parkway; and undeveloped property along with a mix of single and two-family residential to the south.

The Planning and Zoning Commission considered this request at their meeting of February 24, 2021 and called for a public hearing on the zoning change and tentatively approved the preliminary plat. The Post-Construction Stormwater Management Permit (PCSMP), was conditionally approved February 22, 2021, pending a Jurisdictional Determination (JD) from the US Army Corp of Engineers for the existing wetlands within the proposed plat. Upon completion of the JD, a subsequent Section 404 permit was also required for the proposed plat. The Section 404 permit was recently issued, meeting the requirements of the PCSMP Conditional Approval.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 15th and April 22nd, and 109 letters were

mailed to the owners of nearby properties on April 12th.

Background information

A Future Land Use Plan amendment to modify the boundary between the Low Density Residential (LDR) and Conservation (C) land use designations and a zoning change from the A – Agricultural zoning district to the A – Agricultural, R5 – Residential and R10 – Residential zoning districts for the proposed plat were approved for this area by the Bismarck City Commission in February 2020.

The LDR land use designation allows for single and two-family residential uses and calls for densities in a range from 1 to 4 units per acre. The C land use designation allows for areas such as streams, greenways, trail corridors, and wetlands maintained as permanent open space. The proposed plat includes two federally designated wetlands.

Since the preliminary plat was approved the proposed plat boundary was extended slightly to the north to include 1 lot and 1 parcel in Eagle Crest 6th Addition. These lots will be replatted as Lot 1, Block 1 and Lot 1, Block 4 of the proposed plat.

All of Tyler Parkway adjacent to the proposed plat is proposed to be annexed. City staff will initiate the annexation of Tyler Parkway north to Ash Coulee Drive when easements from adjacent property owners are received.

(continued)

Conformance with Plans

The 2014 Fringe Area Road Master Plan, as amended, identifies Tyler Parkway as the north-south arterial roadway for this area. The proposed plat includes a cul-de-sac named Ruminant Circle. The applicant has submitted a written justification for the use of a cul-de-sac noting that the coulee area in the proposed plat would limit the further extension of the roadway. Staff is supportive of the requested cul-de-sac waiver.

The Growth Phasing Plan in the 2014 Growth Management Plan, as amended, identifies the area included in the proposed plat as a future area. Utilities necessary to serve the subdivision would be extended from existing roadways and the installation of municipal utilities and infrastructure would be done in accordance with the City's development policy.

Topography and Slopes

The proposed plat includes portions of Tyler Coulee. The topography adjacent to the coulee is steep and portions of the residential lots adjacent to the coulee include a slope protection easement. A note has been placed on the proposed plat that requires natural vegetation within the slope protection easement and prohibits building, irrigation, and grading activity within the area. This note is a result of a geotechnical study completed for the area.

Parks and Open Space

The Bismarck Parks and Recreation District approved a Neighborhood Park Development Agreement for Elk Ridge Addition in 2018. The neighborhood park created with the agreement would also serve this plat.

Portions of Tyler Coulee are included within the proposed plat. A multi-use trail is proposed to be located within Lot 50, Block 3, while Lot 48, Block 3 has been designated as the multi-use trail head

with parking lot. Lot 14, Block 3 is an unbuildable lot that will be utilized as a trail easement from Tyler Parkway.

Utility Capital Charge

The creation of any new lots in the corporate limits is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement.

Required Findings of Fact (relating to land use)*Annexation*

1. 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;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Zoning Change

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;

(continued)

2. The proposed zoning change is compatible with adjacent land uses and zoning;
 3. 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 new zoning classification at the time the property is developed;
 4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
 5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
 6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
 7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
 4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation; the zoning change from the A – Agriculture, R5 – Residential, and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential and P – Public zoning districts; and the major subdivision final plat for Elk Ridge Third Addition, including granting a waiver for use of a cul-de-sac (Ruminant Circle).

Attachments

1. Draft Annexation Ordinance
2. Draft Zoning Ordinance
3. Location Map – Plat and Zoning
4. Location Map - Annexation
5. Aerial Map
6. Zoning and Plan Reference Map
7. Final Plat
8. Preliminary Plat
9. Cul-de-sac Waiver

Final Plat

1. All technical requirements for approval of a major subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;

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

ORDINANCE NO. 6503

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____

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:

That part of Lot 1, Block 1 and Lot 1, Block 4, and adjoining Kites Lane right-of-way not previously annexed as part of Eagle Crest Sixth Addition; Lots 2-25, Block 1, and adjoining Kites Lane and Cogburn Road rights-of-way; Lot 1, Block 2, and adjoining Kites Lane and Cogburn Road rights-of-way; Lots 13-50, Block 3, and adjoining Kites Lane, Ruminant Circle, Marsh Hawk Drive and Cogburn Road rights-of-way; all of the Tyler Parkway right-of-way adjacent to Elk Ridge Third Addition and the West half of Tyler Parkway beginning at the centerline of Prairie Hawk Drive south adjacent to Blocks, 5, 6 and 7, Elk Ridge Addition.

The above described tract of land contains 90.33 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, Burleigh County, North Dakota.

ORDINANCE NO. 6502

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, 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, the R5 – Residential zoning district, and the R10 – Residential zoning district included in the R5 – Residential zoning district:

Lot 1, Block 1; Lot 1-47 and Lot 49, Block 3; Lots 1-9, Block 4, Elk Ridge Third Addition

The following described property shall be excluded from the A – Agricultural zoning district, the R5 – Residential zoning district, and the R10 – Residential zoning district included in the R10 – Residential zoning district:

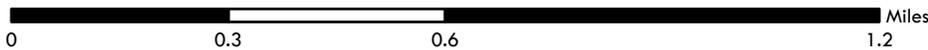
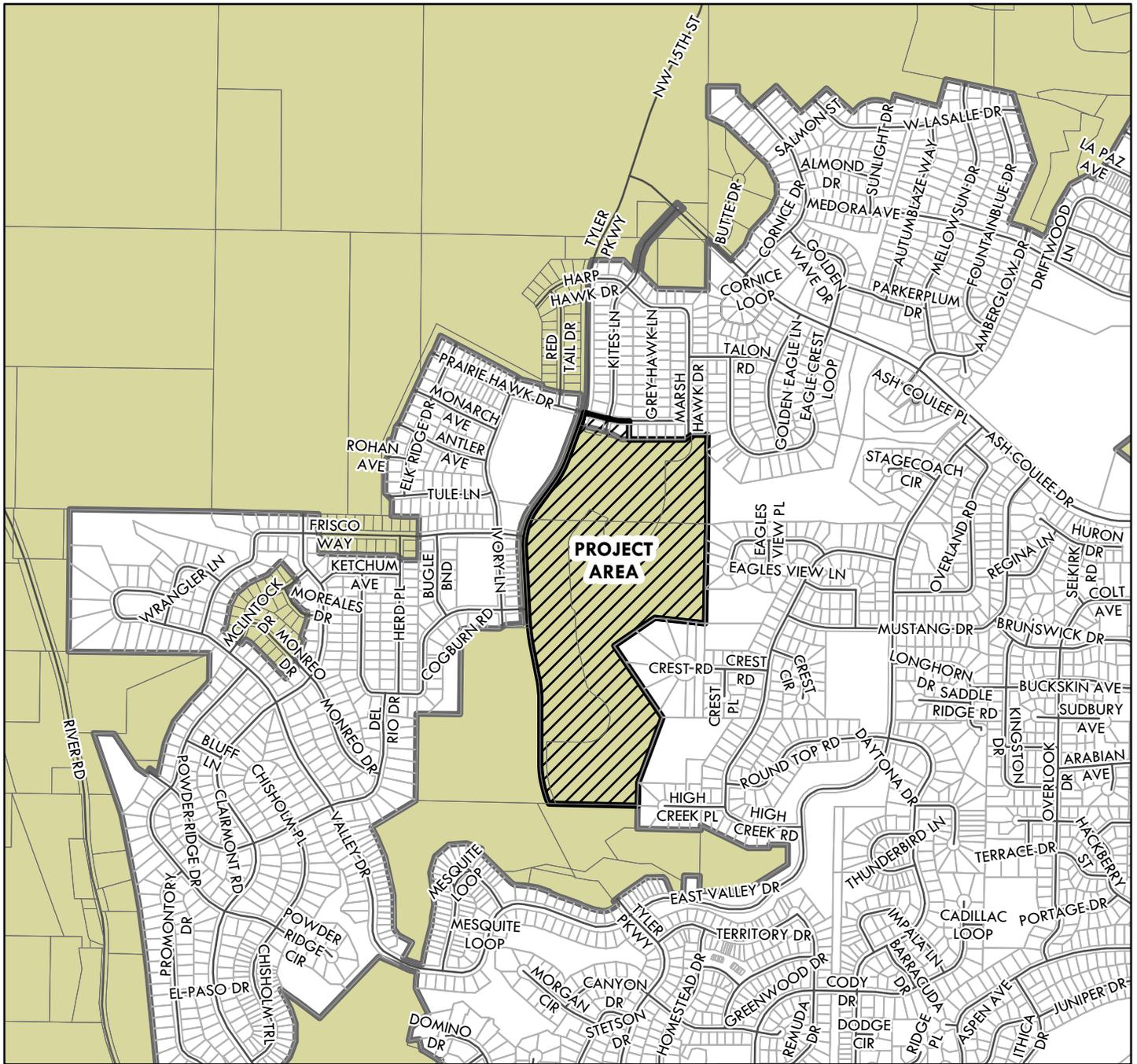
Lots 2-25, Block 1; Lots 1- 14, Block 2, Elk Ridge Third Addition

The following described property shall be excluded from the A – Agricultural zoning district, the R5 – Residential zoning district, and the R10 – Residential zoning district included in the P - Public zoning district:

Lot 48 and Lot 50, Block 3, Elk Ridge Third Addition

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

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

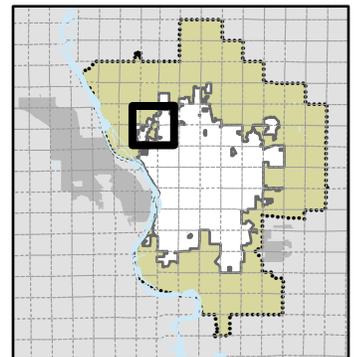


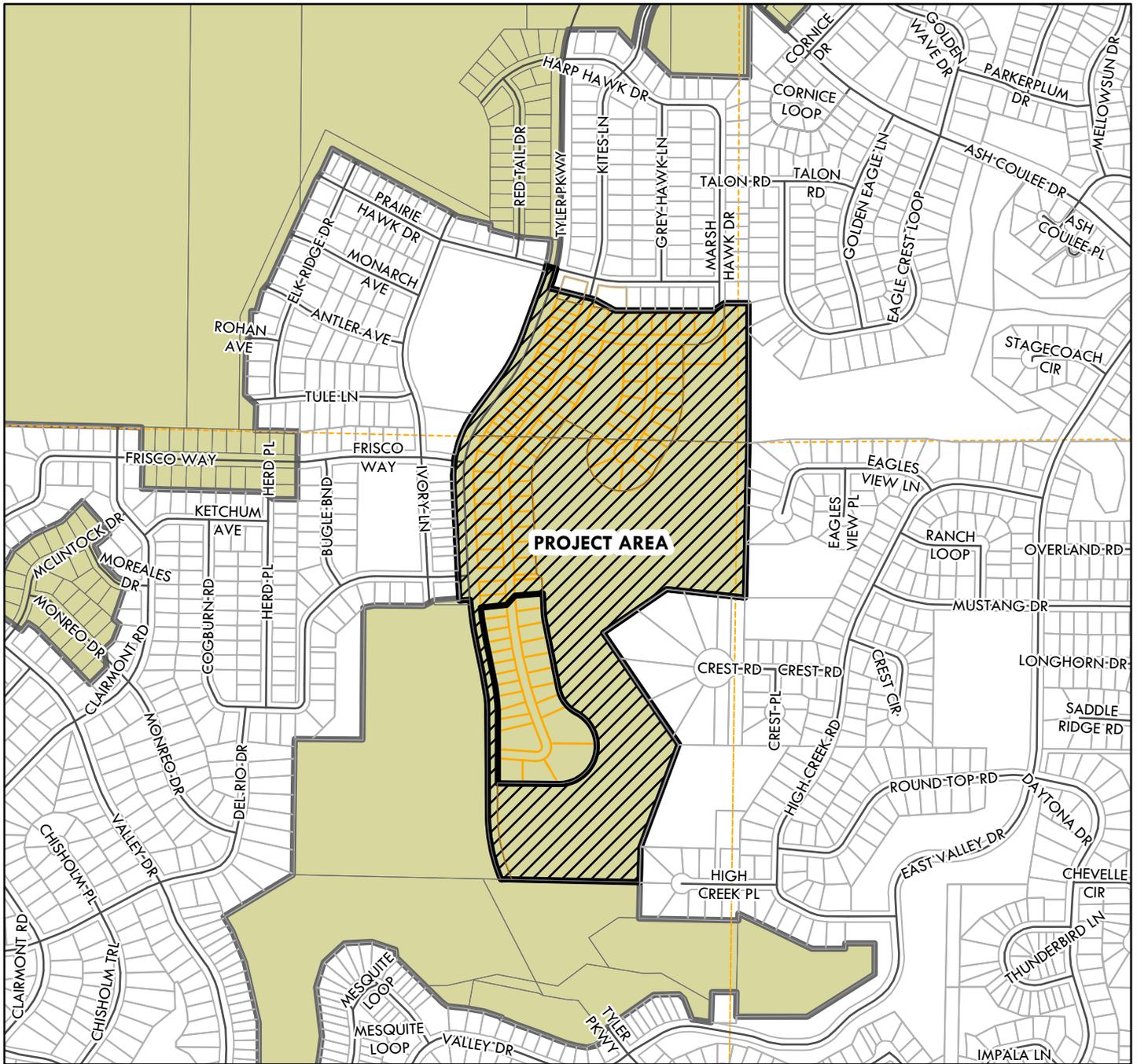
- City Limits
- Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
April 22, 2022 (HLB)

*Section, township, and
range indicated in orange*

*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.*





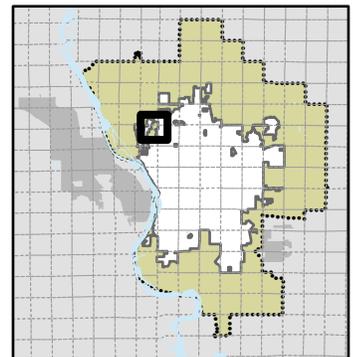
- City Limits
- Bismarck ETA Jurisdiction

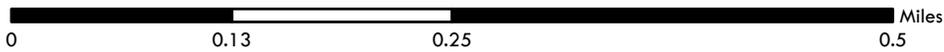
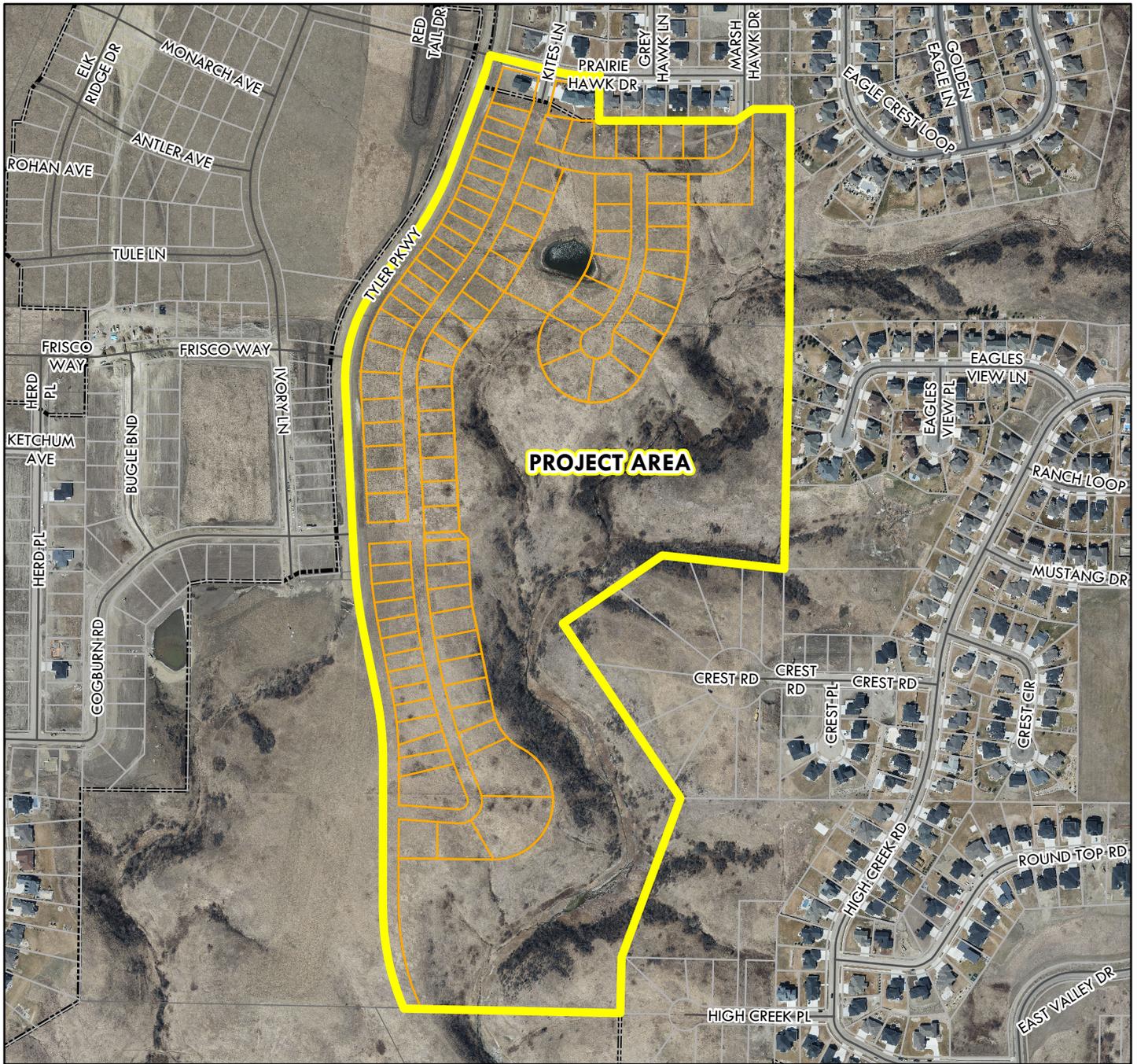
Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
April 22, 2022 (HLB)

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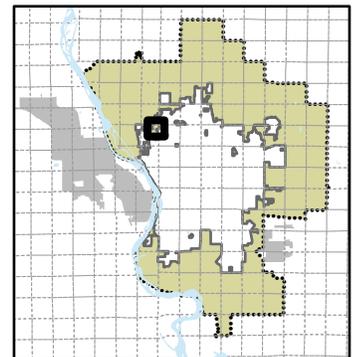


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
April 22, 2022

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Zoning and Plan Reference Map

ELK RIDGE THIRD ADDITION

FPLT2021-003
ZC2021-001

Zoning Districts

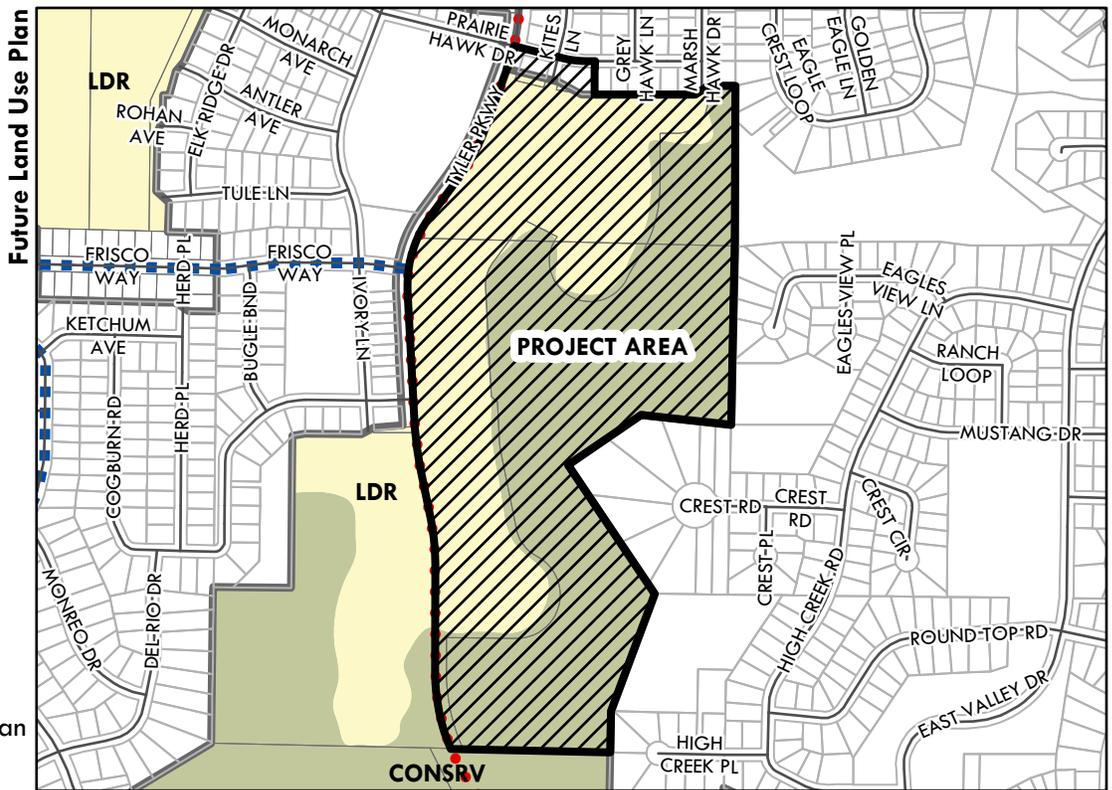
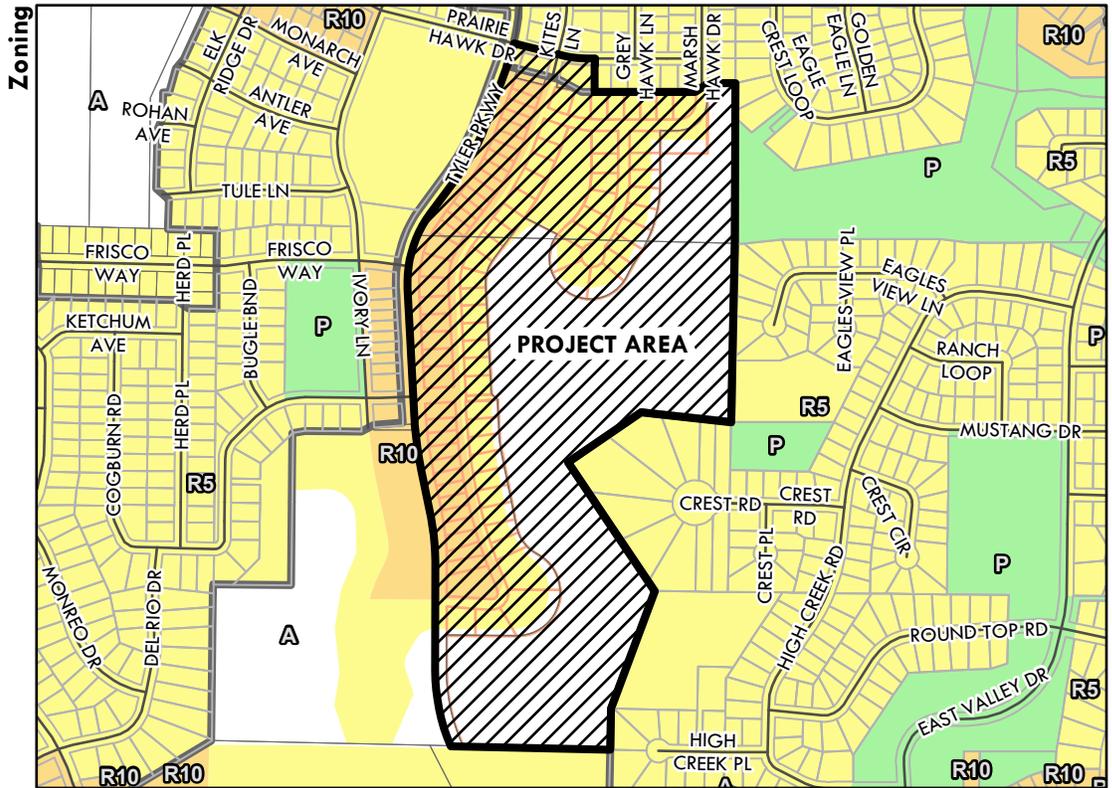
- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
-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

Future Land Use Plan

- CONSRV** Conservation
- BP** Business Park
- C** Commercial
- C/MU** Commercial/Mixed Use
- CIVIC** Civic
- HDR** High Density Residential
- I** Industrial
- LDR** Low Density Residential
- MDR** Medium Density Residential
- MDR-/MU** Medium Density Residential/Mixed Use
- O/MU** Office/Mixed Use
- RR-C** Clustered Rural Residential
- RR** Standard Rural Residential
- UR** Urban Reserve

Fringe Area Road Master Plan

- ● ● Future Arterial Road
- ■ ■ Future Collector Road



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City of Bismarck
Community Development Dept.
Planning Division
April 22, 2022

Proposed New Zoning Map

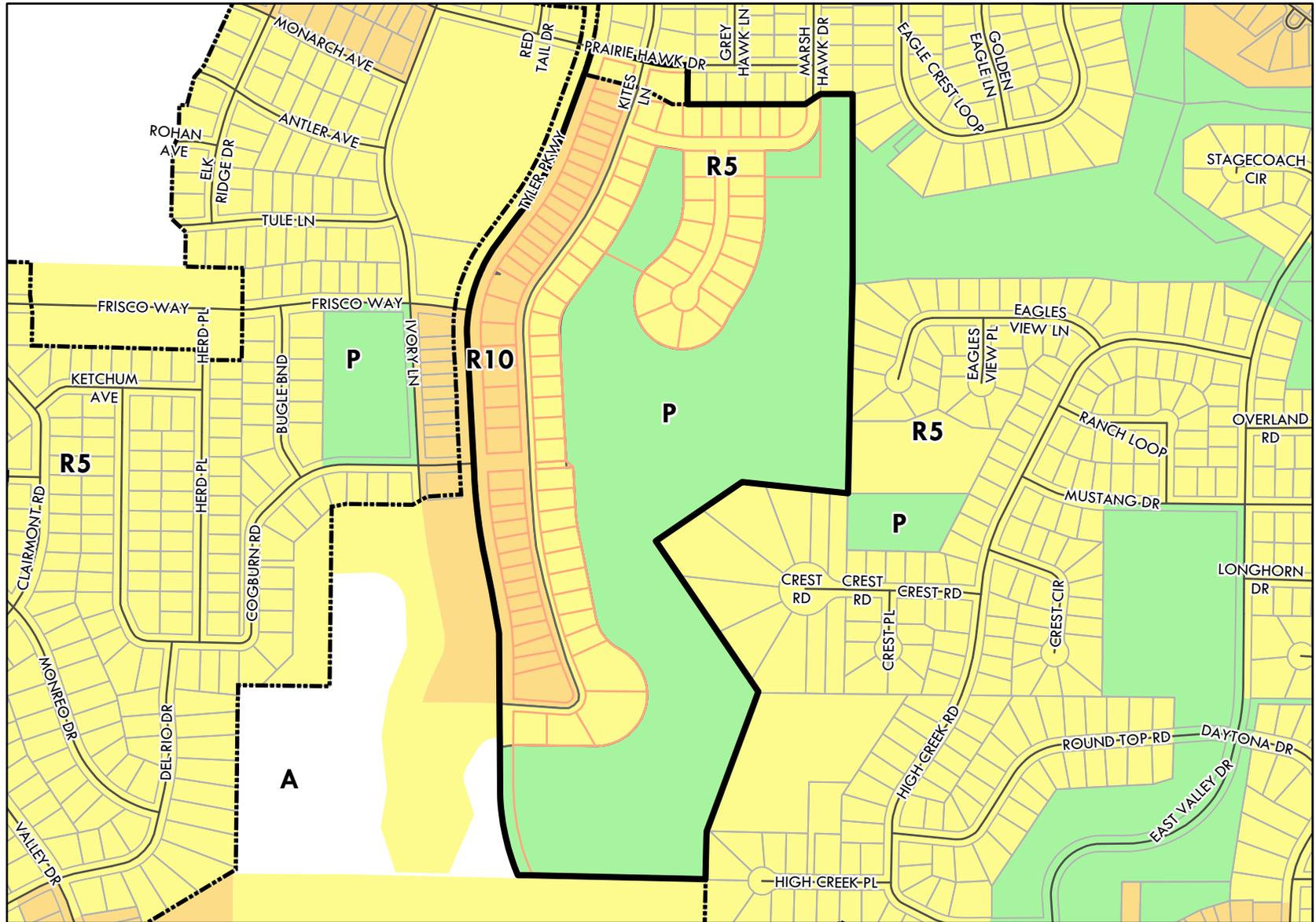
Project Area
(zoning within is proposed)

City Limits

Zoning Districts

- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily (Offices)
- 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



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ELK RIDGE THIRD ADDITION

BEING AUDITOR'S LOT A OF THE SE 1/4 OF SECTION 18,
 LOT 1 BLOCK 4 & LOTS 1-2 BLOCK 3
 EAGLE CREST SIXTH ADDITION &
 PART OF THE SE 1/4 OF SECTION 18 &
 PART OF THE NE 1/4 OF SECTION 19
 TOWNSHIP 139 NORTH, RANGE 80 WEST
 OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING AUDITOR'S LOT A OF THE SE 1/4 OF SECTION 18, LOT 1 BLOCK 4 & LOTS 1-2 BLOCK 3 EAGLE CREST SIXTH ADDITION & PART OF THE SE 1/4 OF SECTION 18 & PART OF THE NE 1/4 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING AUDITOR'S LOT A OF THE SE 1/4 OF SECTION 18, LOT 1 BLOCK 4 & LOTS 1-2 BLOCK 3 EAGLE CREST SIXTH ADDITION, THENCE NORTH 01 DEGREE 12' 00" WEST, A DISTANCE OF 213.00 FEET; THENCE NORTH 20 DEGREES 24' 00" WEST, A DISTANCE OF 847.15 FEET; THENCE NORTH 33 DEGREES 56' 00" WEST, A DISTANCE OF 802.86 FEET; THENCE NORTH 55 DEGREES 35' 00" WEST, A DISTANCE OF 458.54 FEET; THENCE SOUTH 83 DEGREES 39' 00" WEST, A DISTANCE OF 467.40 FEET TO THE EAST LINE OF THE NE 1/4 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 01 DEGREE 10' 00" WEST, A DISTANCE OF 292.89 FEET TO THE NORTHEAST CORNER OF SAID NE 1/4; THENCE NORTH 00 DEGREES 16' 00" WEST, A DISTANCE OF 831.04 FEET TO THE BOUNDARY OF EAGLE CREST SIXTH ADDITION; THENCE SOUTH 89 DEGREES 59' 00" WEST, A DISTANCE OF 140.81 FEET; THENCE SOUTH 56 DEGREES 08' 00" WEST, A DISTANCE OF 79.71 FEET; THENCE SOUTH 89 DEGREES 59' 00" WEST, A DISTANCE OF 520.14 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 3 EAGLE CREST SIXTH ADDITION; THENCE NORTH 15 DEGREES 23' 00" EAST, A DISTANCE OF 172.28 FEET TO THE CENTERLINE OF PRAIRIE HAWK DRIVE RIGHT-OF-WAY; THENCE NORTH 90 DEGREES 00' 00" WEST, A DISTANCE OF 44.45 FEET; THENCE WESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 106.81 FEET; THENCE SOUTH 20 DEGREES 00' 00" WEST, A DISTANCE OF 351.89 FEET; THENCE SOUTHWESTERLY AND TO THE RIGHT, ON A 1,120.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID EAST LINE, AN ARC LENGTH OF 322.66 FEET; THENCE SOUTH 86 DEGREES 37' 00" WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 206.70 FEET; THENCE SOUTHERLY AND TO THE LEFT, ON A 600.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID EAST LINE, AN ARC LENGTH OF 414.59 FEET; THENCE SOUTH 02 DEGREES 58' 00" WEST, A DISTANCE OF 200.00 FEET; THENCE SOUTHERLY AND TO THE LEFT, ON A 2,000.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID EAST LINE, AN ARC LENGTH OF 298.11 FEET; THENCE SOUTH 11 DEGREES 52' 00" WEST, A DISTANCE OF 250.83 FEET; THENCE SOUTHERLY AND TO THE RIGHT, ON A 1,120.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 322.66 FEET; THENCE SOUTHERLY AND TO THE LEFT, ON A 1,120.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 322.66 FEET; THENCE SOUTHERLY AND TO THE LEFT, ON A 1,000.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 403.53 FEET TO THE SOUTH LINE OF THE NE 1/4 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE SOUTH 88 DEGREES 45' 00" WEST, A DISTANCE OF 824.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 99.91 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 _____, 2022, 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, I HAVE SET MY HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

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

TERRY BALTZER
 PROFESSIONAL LAND SURVEYOR
 N.D. REGISTRATION NO. 3595

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 _____, 2022, 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, I HAVE SET MY HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN
 ATTEST
 BEN ETHRETH - 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 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 _____, 2022.

ATTEST
 KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE ELK RIDGE THIRD ADDITION, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

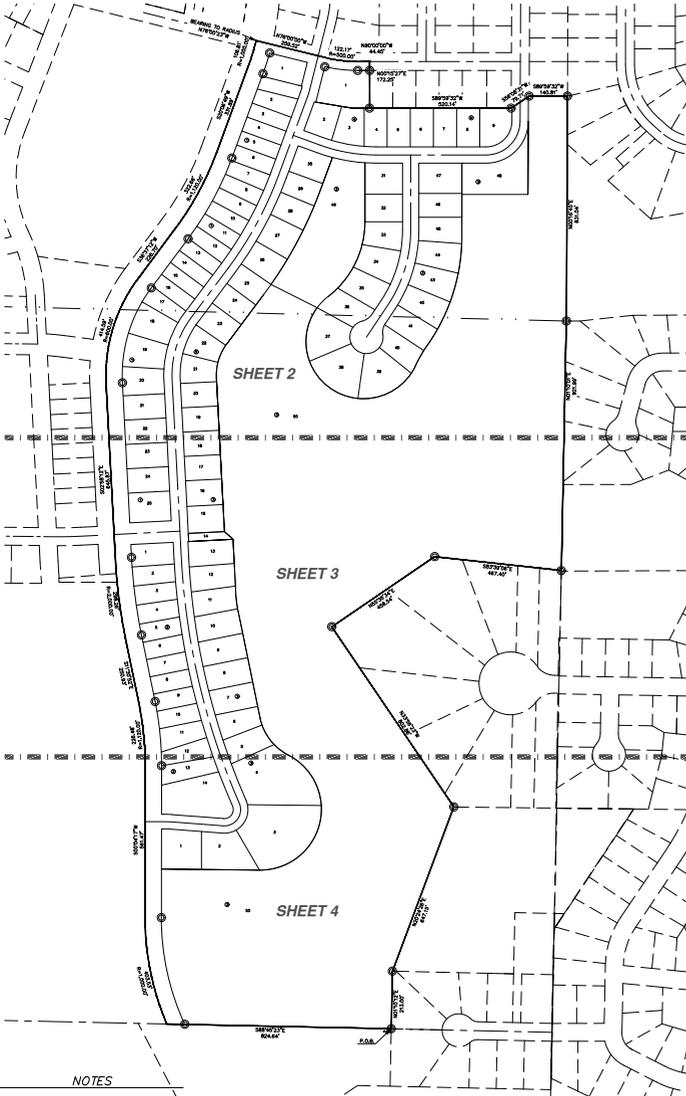
GABRIEL J. SCHELL
 CITY ENGINEER

SLOPE PROTECTION RESTRICTION NOTE:

THE PURPOSE OF THESE RESTRICTIONS IS TO PROHIBIT ANY ACTIVITY THAT COULD AFFECT THE EROSION OR STABILITY OF THE SLOPES. EACH OF LOTS 1-50 BLOCK 3 ELK RIDGE THIRD ADDITION, HAS A SLOPE PROTECTION EASEMENT AND DEVELOPMENT LIMITATIONS:

- 1.) THE NATURAL VEGETATION WITHIN THE SLOPE PROTECTION EASEMENT SHALL BE LEFT UNDISTURBED.
- 2.) THE CITY OF BISMARCK AND BISMARCK PARKS AND RECREATION DISTRICT MAY CONDUCT ACTIVITIES AND MAINTENANCE WITHIN THE SLOPE PROTECTION EASEMENT. PRIVATE GRADING, EXCAVATING, TERRACING, STOCKPILING OF MATERIAL OR EQUIPMENT, OR ANY OTHER SURFACE ALTERATIONS ARE NOT ALLOWED.
- 3.) IRRIGATION OF THE SLOPE PROTECTION EASEMENT IS NOT ALLOWED.

FOR INSPECTION AND MONITORING PURPOSES, CITY OF BISMARCK PERSONNEL WILL BE ALLOWED ACCESS ONTO THE SLOPE PROTECTION EASEMENT.



NOTES

BASE 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. 1804.93 (INDIC. 29)
 ROOSEVELT DRIVE & 43RD AVE

LOT 14 BLOCK 3 IS NON-BUILDABLE



APRIL 21, 2022

○ MONUMENT TO BE SET
 ○ MONUMENT IN PLACE

AREA DATA	
LOTS 1-50, 0.763 S.F. (67.39 ACRES)	
LOT 14, 2.501 S.F. (22.97 ACRES)	
LOT 15, 2.501 S.F. (22.97 ACRES)	

AREA DATA	
SE 1/4-18 1,315,484 S.F. (72.67 ACRES)	
NE 1/4-19 1,196,456 S.F. (77.24 ACRES)	

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BISMARCK NORTH DEVELOPERS, LLC, TYLER COULLE, LLP, RON KNUTSON, HENRY ALBERS, JEANETTE ALBERS, MICHAEL HOFFMAN, AND PAULETTE THURN, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS ELK RIDGE THIRD ADDITION, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO 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 ALSO DEDICATE SANITARY SEWER EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR SANITARY SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH. GRANTEE SHALL HAVE THE RIGHT TO INGRESS AND EGRESS ACROSS REAL PROPERTY OF GRANTEE FOR THE PURPOSES HEREIN GRANTED.

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 DESIGNATED 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, SEWER 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)

BISMARCK NORTH DEVELOPERS, LLC
 555 HIGHWAY 1804 NE
 BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED OF BISMARCK NORTH DEVELOPERS, 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 _____

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)

TYLER COULLE, LLP
 555 HIGHWAY 1804 NE
 BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED OF TYLER COULLE, LLP, 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 _____

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)

HENRY ALBERS
 CO-OWNER, LOT 1 BLOCK 4

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED HENRY ALBERS, 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 _____

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)

JEANETTE ALBERS
 CO-OWNER, LOT 1 BLOCK 4

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED JEANETTE ALBERS, 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 _____

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)

MICHAEL HOFFMAN
 CO-OWNER, LOT 1 BLOCK 1

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED MICHAEL HOFFMAN, 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 _____

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)

PAULETTE THURN
 CO-OWNER, LOT 1 BLOCK 1

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED PAULETTE THURN, 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 _____

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)

RON KNUTSON

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED RON KNUTSON, 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.

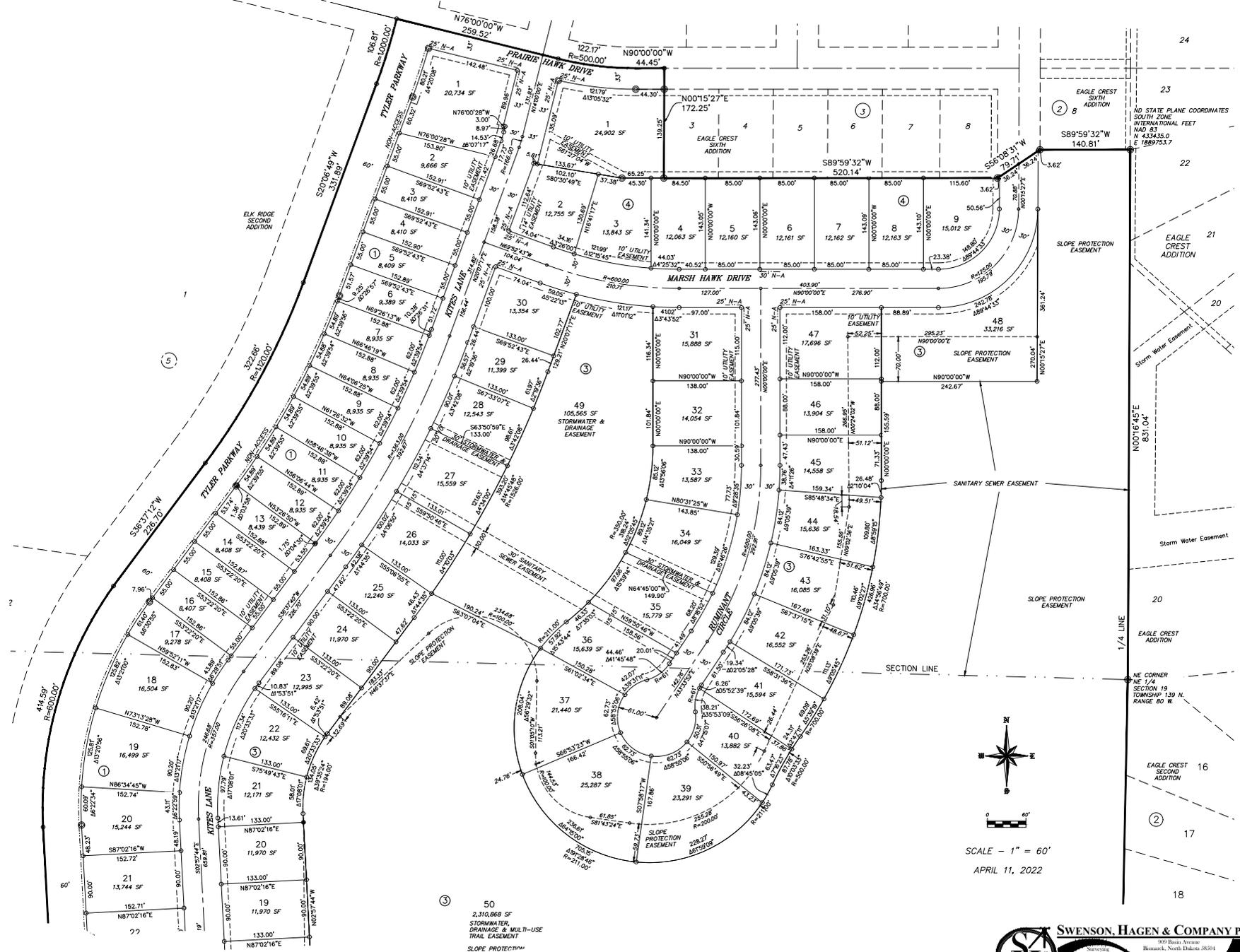
NOTARY PUBLIC
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____



ELK RIDGE THIRD ADDITION

BEING AUDITOR'S LOT A OF THE SE 1/4 OF SECTION 18, LOT 1 BLOCK 4 & LOTS 1-2 BLOCK 3
EAGLE CREST SIXTH ADDITION & PART OF THE SE 1/4 OF SECTION 18 &
PART OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



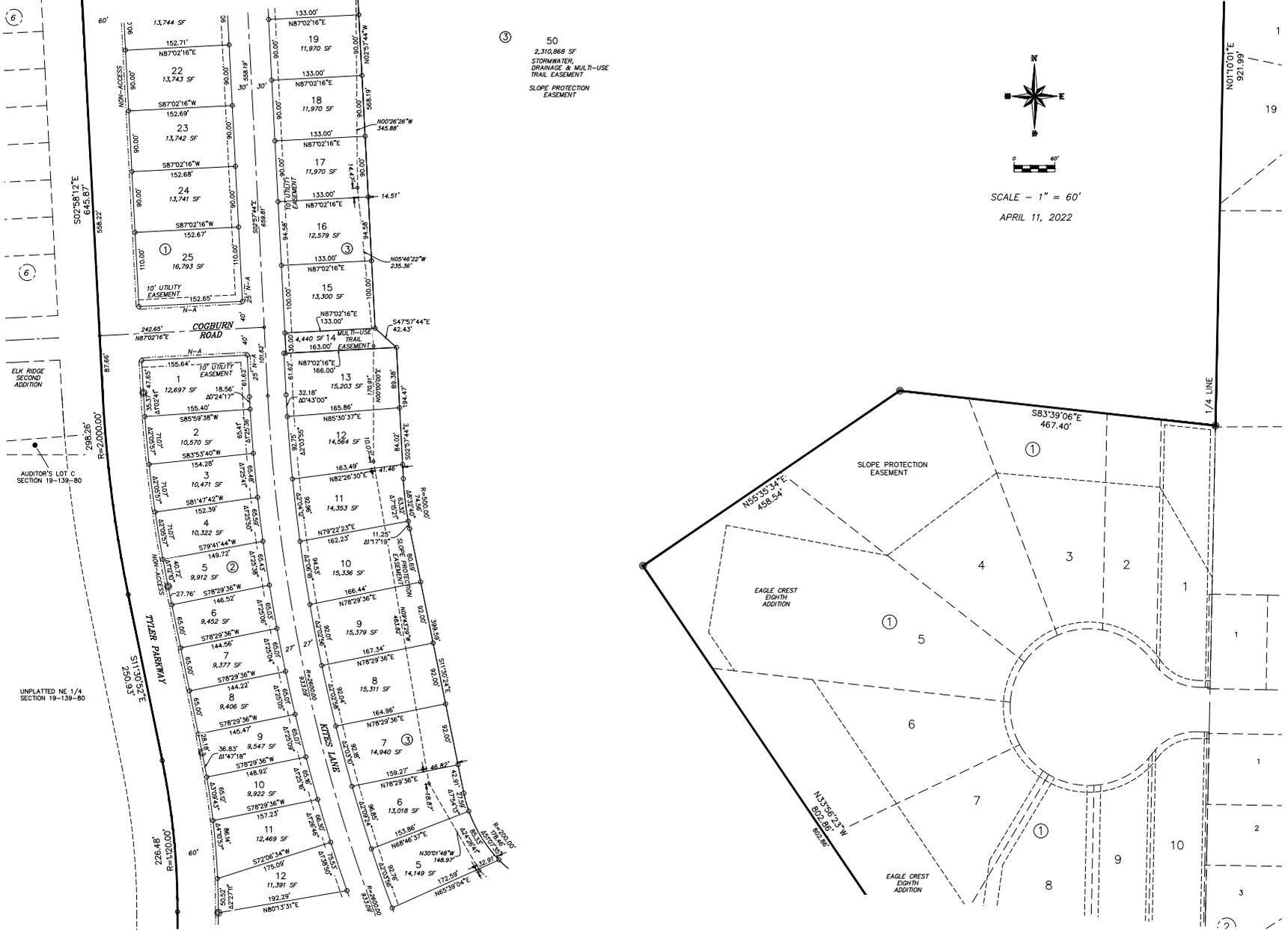
SWENSON, HAGEN & COMPANY P.C.
 Surveying
 Hydrology
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management

900 Basin Avenue
 Bismarck, North Dakota 58501
 ds@shweng.com
 Phone (701) 221-2000
 Fax (701) 221-2004

ELK RIDGE THIRD ADDITION

BEING AUDITOR'S LOT A OF THE SE 1/4 OF SECTION 18, LOT 1 BLOCK 4 & LOTS 1-2 BLOCK 3
EAGLE CREST SIXTH ADDITION & PART OF THE SE 1/4 OF SECTION 18 &
PART OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



50
2,310,868 SF
STORMWATER,
DRAINAGE & MULTI-USE
TRAIL EASEMENT
SLOPE PROTECTION
EASEMENT



SCALE - 1" = 60'

APRIL 11, 2022

ELK RIDGE THIRD ADDITION

AUDITOR'S LOT A OF THE SE 1/4 OF SECTION 18 &
PART OF THE SE 1/4 OF SECTION 18 &
PART OF THE NE 1/4 OF SECTION 19
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA





SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

Elk Ridge Third Addition

Use of cul-de-sac waiver

As shown on the attached Elk Ridge Third Addition preliminary plat, the existing grades west of the proposed Ruminant Circle & east of Kites Lane rights-of-way, shown on the exhibit as a stormwater & drainage easement, is a natural valley and part of the Tyler Coulee drainage area. By limiting the roadway to a cul-de-sac, rather than a looped system, the development can preserve larger areas of the coulee, while developing the adjacent lands that are the adjoining it.

Additionally, there is a proposed slope protection easement in the area of that would serve as the right-of-way to connect the two developable areas. If a roadway were used at this point, the stormwater & drainage area adjacent to Marsh Hawk Drive would need to be increased, which then would cause buildable lots to further encroach into the slope protection easement. By adding the right-of-way in this area, the majority of the road network would serve the stormwater & drainage easement and would provide access to only a small number of lots.

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Elk Ridge Third Addition
Date: Wednesday, April 27, 2022 10:10:05 AM

Thank you,

Allison Carlson
Office Assistant II

City of Bismarck – Community Development
221 N 5th St
PO Box 5503
Bismarck, ND 58501

Office: (701) 355-1465
Fax: (701) 222-6450
Website: www.bismarcknd.gov
Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov |
Instagram: instagram.com/bismarckndgov

-----Original Message-----

From: Steven Stout <[REDACTED]>
Sent: Tuesday, April 26, 2022 5:06 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Elk Ridge Third Addition

CAUTION: ***External Email - Use caution clicking links or opening attachments***

To: Bismarck Planning and Zoning Commission

I am opposed to the plan for Third Addition. This type of plan only benefits a handful of property developers and is detrimental for the community as a whole.

My points as follows:

1. Why cannot we leave some of the prairie and creek area as is? Why must we fill everything in? Undeveloped internal areas like this lend charm and beauty to our town.
2. Removing habitat for pheasants and wildlife in the creek area will have adverse environmental impact.
3. My home on Eagle Crest Loop has a view of open prairie. I will now have houses, roads, cranes and construction blight to look at. My quality of life and my property value will go down.
4. There will be traffic congestion for all of us who live in the area.
5. Overdevelopment in Bismarck without a population boom to support it, is going to result in lower resale values for all of our homes.

Again, this plan is bad for most of us. It is only good for a handful of investors who want to profit off of this land.

Thank you for considering my position.

Steven Stout