



Aaron Nelson, AICP Director of Planning and Zoning
Leslie McGillivray-Rivas, Sr. Planner
Lisa Sankey, Planner
Breanna Siegler, Office Manager

www.westfargond.gov

West Fargo Planning & Zoning Commission Agenda
Tuesday, June 11th, 2024 - 5:30 p.m.

- A. Call to Order
- B. Approval of Order of Agenda
- C. Approval of Minutes- May 14th, 2024
- D. Regular Agenda
 - 1. Public Hearing – A24-15 North Pond at the Preserve 18th Addition, a request for replat at 450 23rd Ave. E (Lot 1, Block 1 of North Pond at the Preserve 14th Addition)- McGillivray-Rivas (***continued from May 14, 2024 meeting; continued to the July 9, 2024 meeting***)
 - 2. Public Hearing – A24-14 Jason Subdivision, a request for a conditional use permit for an Accessory Building larger than 1600sq ft. in an R-R:Rural Residential Zoning District at 3712 26th St NW (Lot 1, Block 1, Jason Subdivision)- McGillivray-Rivas
 - 3. Public Hearing – A24-16 Maple Ridge at the Preserve 8th Addition, a request for a variance to reduce required minimum building control line of the CO-SR: Sheyenne River Corridor Overlay District at 3060 Sheyenne River Way (Lot 1, Block 1 Maple Ridge at the Preserve 8th Addition)- Sankey
 - 4. Public Hearing – A24-17 FMD-Raymond Subdivision, a request for subdivision at Section 2,11,14,23,26,27, and 34, T140N, R50W (FMD-Raymond Subdivision)- Sankey/Nelson
 - 5. Public Hearing – A24-19 Zoning Ordinance Amendments to Title IV relating to Planned Unit Developments (PUDs)- Nelson
- E. Non-Agenda Items
- F. Adjourn from Regular Agenda



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West Fargo Planning & Zoning Commission Meeting Minutes
Tuesday, May 14th 2024 - 5:30 p.m.

Members Present: Joe Kolb, Aleyna Leibfried, Eric Dodds, Mike Thorstad, Dave Gust

Members Absent: Kathi Schwan

Others Present: Aaron Nelson, Lisa Sankey, John Shockley, Breanna Siegler

Minutes Submitted by: Breanna Siegler, Office Manager

Meeting was called to order by Chair Kolb at 5:30pm. Chair Kolb asked for approval of the order of the agenda. Commissioner Gust motioned that regular agenda items be amended slightly so that the public hearing for A24-13 R&R 1st Addition would be moved from item six to item three on the agenda. Commissioner Dodds seconded the new order of the regular agenda. No opposition. Motion passed.

Commissioner Dodds moved and Commissioner Leibfried seconded the motion to approve the minutes from April 8, 2024. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-9 Charleswood River Estates 12th Addition, a request for replat at 405 & 421 20th Ave E (Lot 1-2, Block 1 of Charleswood River Estates 11th Addition). Chair Kolb opened the floor for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Discussion held. Commissioner Gust motioned to approve with condition noted by staff. Commissioner Leibfried seconded. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-10 The Wilds 24th Addition, a request for replat at 5817 James Drive and 950-974 61st Ave E (Lots 1-8, Block 1 of The Wilds 23rd Addition). Chair Kolb opened the floor for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Discussion held. Commissioner Dodds motioned to approve with the conditions listed by City staff. Commissioner Thorstad seconded to approve. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-13 R&R 1st Addition, a request for subdivision located in the NW ¼ of Section 4, T139N, R49W. Chair Kolb opened the floor for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Commissioner Gust motioned to approve with the recommendation from staff. Commissioner Leibfried seconded to approve. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-11 North Pond at the Preserve 14th Addition (previously advertised as North Pond at the Preserve 18th Addition), a request for a Conditional Use Permit for proposed auto sales at 450 23rd Ave. E (Lot 1, Block 1 of North Pond at the Preserve 14th Addition). Chair Kolb opened the floor for public comment.

Applicant representative Sidney Rustbank shared a Powerpoint presentation outlining further details regarding the proposed car dealership. This included building façade, average test drives per day (10), employee parking, and confirming that there would be no intercom system used at the site. Questions from Commissioners were discussed and conditions listed in the staff report as requirements for approval were stated.

Once the applicant representative was finished presenting, the floor remained open for further public comment. Six West Fargo residents came forth to express a desire for this application to be denied. Safety, increased traffic volume, property values, lighting impact, wetland mitigation, and stormwater runoff were mentioned.

Chair Kolb closed the public hearing at 6:30pm. Discussion held. Commissioner Dodds motioned to approve with the four conditions and recommendations listed by City staff. Commissioner Leibfried seconded the motion. No opposition. Motion passed.

Chair Kolb opened a public hearing for Public Hearing- A24-11 North Pond at the Preserve 18th Addition, a request for replat at 450 23rd Ave. E (Lot 1, Block 1 of North Pond at the Preserve 14th Addition). Applicant had requested that this item be continued to the June 11, 2024 meeting. Commissioner Gust motioned and Commissioner Dodds seconded to continue this agenda item until the meeting on June 11th. No opposition. Motion passed.

Director Nelson requested a 5-minute recess to make an adjustment to the technology. Chair Kolb granted the recess. Chair Kolb reconvened the meeting at 6:46pm.

Chair Kolb opened a public hearing for A24-12 Brooks Harbor 5th Addition, a request for a Planned Unit Development at 2250 5th St. W to build townhouse style apartments (Lot 3, Block 3 of Brooks Harbor 5th Addition). Chair Kolb asked for public comment. Matthew Hoff spoke as a representative for Brookstone Properties and addressed some of the concerns that had been brought up prior to the meeting. Six people came forth and expressed a desire for the Commissioners to deny this application. Landscape buffering, parking, traffic, property upkeep, and school-related concerns were mentioned.

Chair Kolb closed the public hearing. Discussion held. Commissioner Thorstad motioned and Commissioner Leibfried seconded to deny this application as presented. Commissioner Gust opposed, remaining commissioners voted aye.

Chair Kolb opened the floor for non-agenda items. None were brought forth. Commissioner Gust moved and Commissioner Dodds seconded adjournment from the regular agenda. No opposition. Motion passed and the regular agenda was adjourned at 7:45pm.

Chair Kolb opened the discussion agenda. Planning Director Nelson brought forth the proposed revisions to Title IV Ordinances regarding the Planned Unit Development (PUD) zoning district.

Chair Kolb adjourned from the discussion agenda at 7:57 pm

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A24-14	Conditional Use Permit
Name of Development: Jason Subdivision	
Legal Description: Lot 1, Block 1, Jason Subdivision	
Applicant: Cody and Sheila Shoman	Staff Contact: Leslie McGillivray-Rivas
Planning & Zoning Commission:	June 11, 2024
City Commission:	

PURPOSE:

Statement of purpose: A Conditional Use Permit is being sought to build an accessory building greater than 1,600 ft².

STATEMENTS OF FACT:

Land Use Classification:	G-1 Sub-Urban-Restricted Growth Sector (ETJ)
Current Zoning District(s):	R-R: Rural Residential
Total area size:	3.62 acres
Adjacent Zoning Districts:	North – A: Agricultural South – R-R: Rural Residential East – A: Agricultural West – A: Agricultural
Adjacent street(s):	26 th Street NW
Adjacent Bike/Pedestrian Facilities:	NA
Available Parks/Trail Facilities:	NA
Public Dedication Requirements:	NA

DISCUSSION AND OBSERVATIONS:

- The property is in the City's extraterritorial (ET) area about 2 ½ miles north of West Fargo City Limits.
- The R-R: Rural Residential zoning district allows for accessory structures greater than 1,600 ft² as a conditional use, provided they are in character with the development pattern of the subdivision they are in.
- The applicant is pursuing construction of a new primary residence on the property which will be in the western portion of the site. The existing residence will be removed from the property prior to a certificate of occupancy being issued for the new residence.
- A site plan has been provided which shows the location of the proposed new residence, septic drain field, shop building and proposed driveway and future paved areas.
- The proposed building is 65' x 120' equaling a 7,800 ft² building. A sketch plan shows two 16' overhead doors on the southern side of the property accessing the central and eastern third of the structure. Notes on the sketch estimate the overall height to be 35' with an interior ceiling height of 18'.
- The applicant has indicated that the structure would be built of steel siding and will appear more agricultural in nature. It will have some façade materials and treatments which will coordinate both the exterior character of the new residence and the accessory structure.

STAFF REPORT

- The site is located northerly of the Maple River and is within a Special Flood Hazard Area (SFHA). The new building will be required to meet all applicable Federal, State, and Local regulations. The applicant notes that these standards will be met.
- The land surrounding the proposed accessory building location is predominately cropped agriculture. There are a limited number of single-family residential parcels and a single agricultural farm parcel located southeast of the proposed site. The agricultural farm parcel has multiple agricultural buildings on the site of various sizes and building materials. Based on measurements from aerial photography, the largest structures range in size from approximately 2,000 square feet to 3,150 square feet.
- Information Only: The property owner will be constructing a new residence to be located to the west of the existing residential structure. An agreement with the city has been drafted which will allow construction of the new residence to proceed while the existing residence is being occupied. Once the new residence is habitable, the existing residence will be removed from the property. The described agreement is actionable by the city commission only and does not require planning and zoning commission input. The agreement will be placed on the City Commission agenda concurrent with this Conditional Use Permit as a separate agenda item.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access to 26th Avenue NW and the improvements will not affect this access.
 - There will be a cement apron adjacent to the garage door openings, the interior drives will be a gravel surface.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - The applicant provided a conceptual interior space plan for programing within the structure. Interior parking of vehicles, tractors, and trailers will be provided.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted. The property is served by Cass Rural with water and electricity.
5. Screening and buffering with reference to type, dimensions, and character.
 - The property perimeter forested areas are to remain providing sufficient buffering and screening.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - There are no signs proposed, the exterior will have standard shop lights.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.

STAFF REPORT

- There is a septic with a drain field, water from Cass Rural (currently serving), a basement excavation for the primary residence and a private gravel driveway.
9. General compatibility with adjacent properties and other property in the district.
- The proposed accessory building will coordinate with the new home in color, exterior lighting, exterior trim, fixtures and doors.
 - While the proposed accessory building greatly exceeds the 1,600 ft² maximum standard for an accessory structure, the site's rural nature supports the general compatibility in terms of scale and character of the Rural Residential zoning district.

NOTICES:

Sent to: Property owners within 150' and applicable agencies and departments

Comments Received:

- No comments received

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- West Fargo 2.0 identified growth sector in this location identifies significant tracts of land that are currently rural, but where directed and well-planned new development could occur around the identified potential Future Mixed-Use and Employment Centers

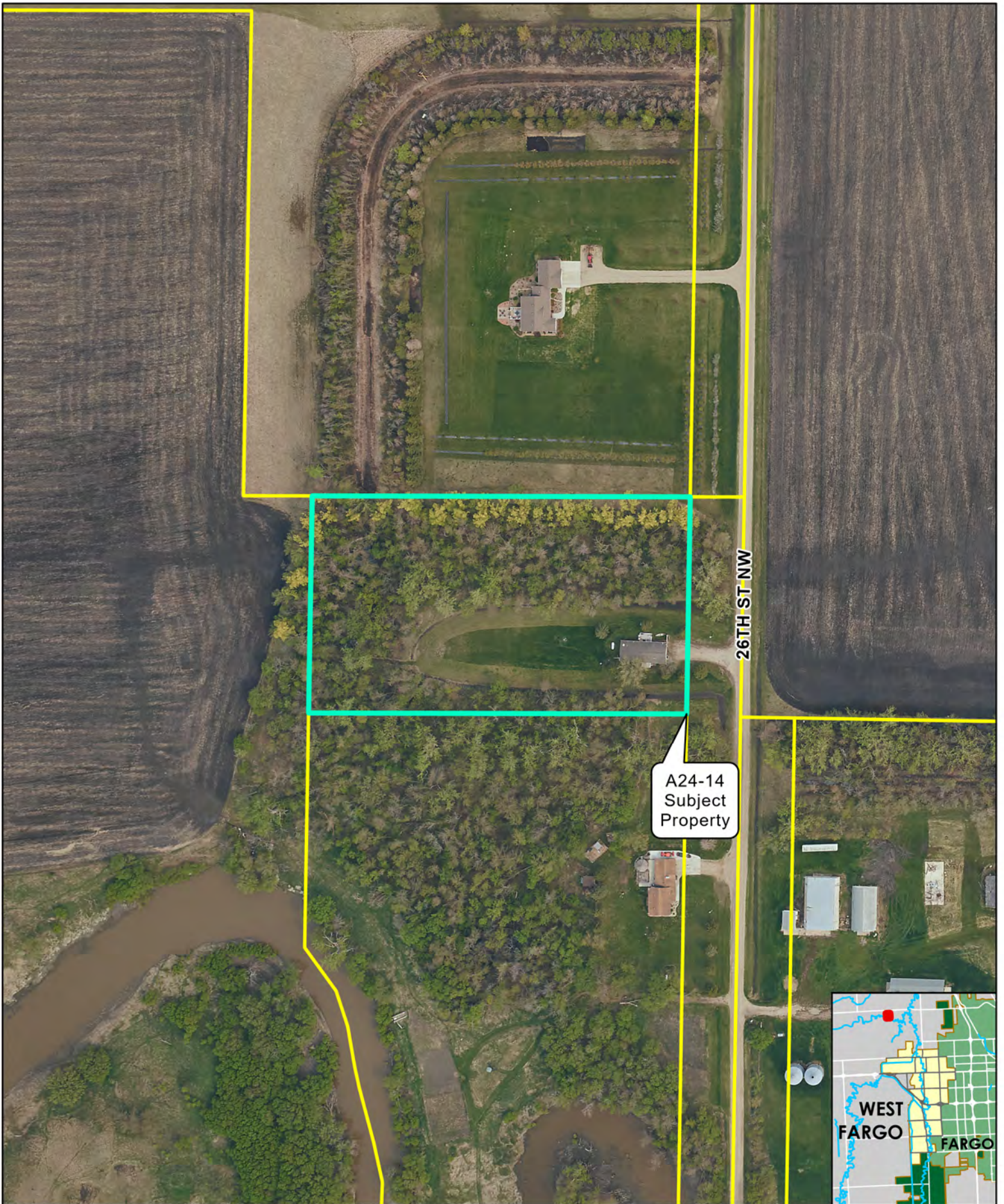
RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A conditional use permit agreement is required to be signed and submitted to the City prior to final consideration by the City Commission.

Attachments:

- Aerial map
- Zoning map
- Site plan
- Accessory Building Concept Floor Plan

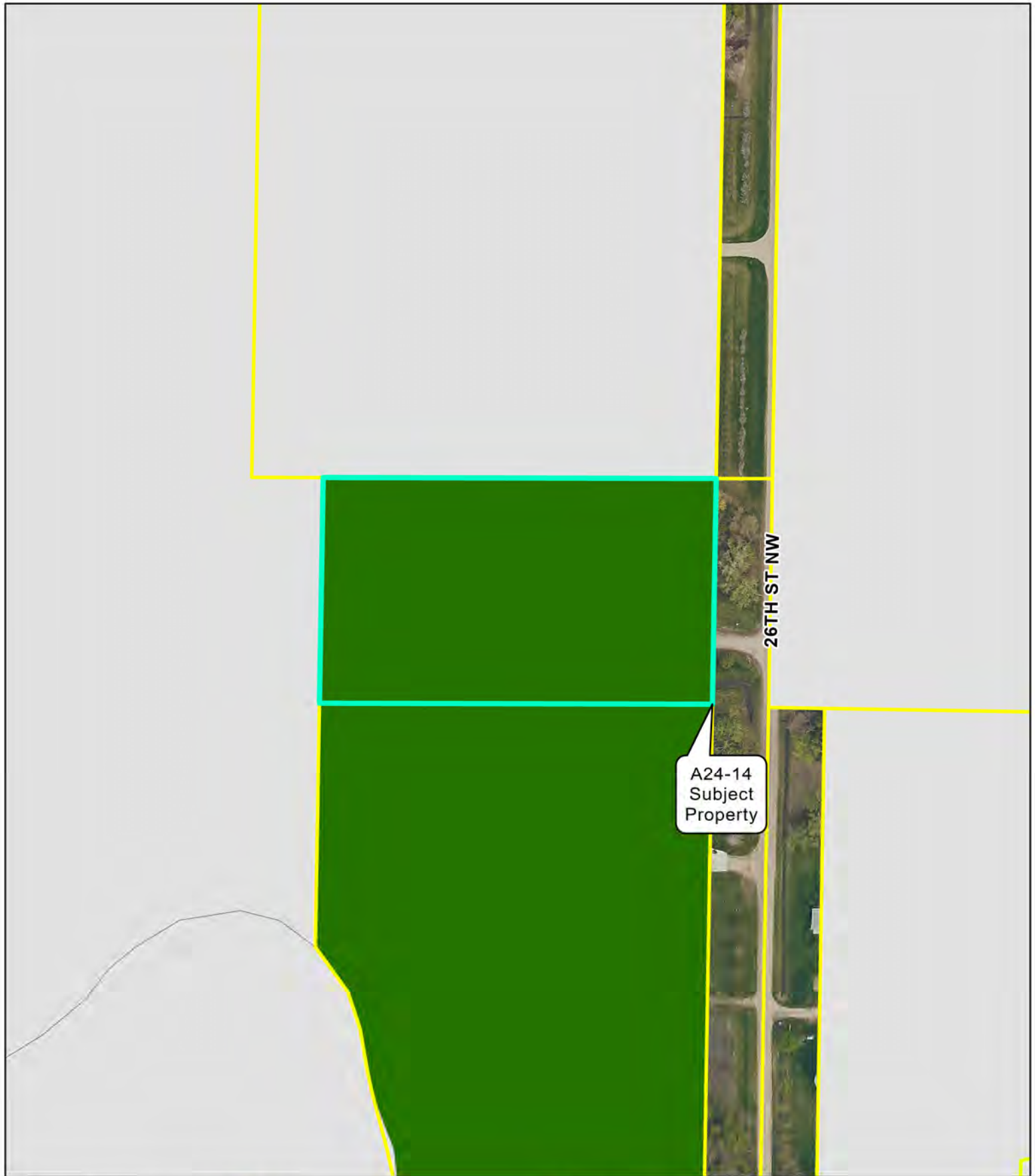


Features

 Agenda Zone  Lots

0 150 300
US Feet



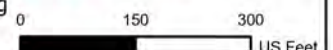


ET Zone Parcels

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- HC: Heavy Commercial
- LI: Light Industrial
- M: Heavy Industrial

- P: Public
- PUD: Planned Unit Development
- R-1: One and Two Family Dwelling
- R-1A: Single Family Dwelling
- R-1B: Special Single Family Dwelling
- R-1E: Rural Estate
- R-1S: Special One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-L1A: Large Lot Single Family Dwelling
- R-R: Rural Residential



SHOMAN SITE PLAN

HARWOOD NORTH DAKOTA

PROPERTY INFORMATION

3710 26th STREET NW HARWOOD, ND
3712 26th STREET NW HARWOOD, ND

SITE DATA

OCCUPANCY = RESIDENTIAL
ZONING = R-R RURAL RESIDENTIAL
LOT AREA = 3.62 ACRES
LOT AREA = 11.95 ACRES

SETBACK REQUIREMENTS

AS PER CITY OF WEST FARGO ZONING
CHAPTER 4-421-1

40' FRONT YARD
20' SIDE YARD
30' REAR YARD



RHET
ARCHITECTURE

RHET ARCHITECTURE, LLC
ATTN: RHET FISHER, AIA
27 11th ST. N. FARGO, ND 58102
PHONE: 701.715.9232
WEB: WWW.RHET-ARCH.COM

**NOT FOR
CONSTRUCTION**

PROJECT

SITE PLAN

3719 & 3712 26th ST. NW.
HARWOOD, ND 58042

OWNER

CODY & SHEILA SHOMAN
3712 26th ST. NW.
HARWOOD, ND 58042
cody.shoman@glvianizersinc.com

GENERAL CONTRACTOR

PREMIER CONSTRUCTION
& REMODELING
ATTN: Brian Albrecht
307 6TH ST E
WEST FARGO, ND 58078
PHONE: (701) 200-5675
EMAIL:
premier2012@midco.net

CD	CONSTRUCTION DOCUMENTS	DATE
MARK	DESCRIPTION	DATE

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ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM RHET ARCHITECTURE, LLC.

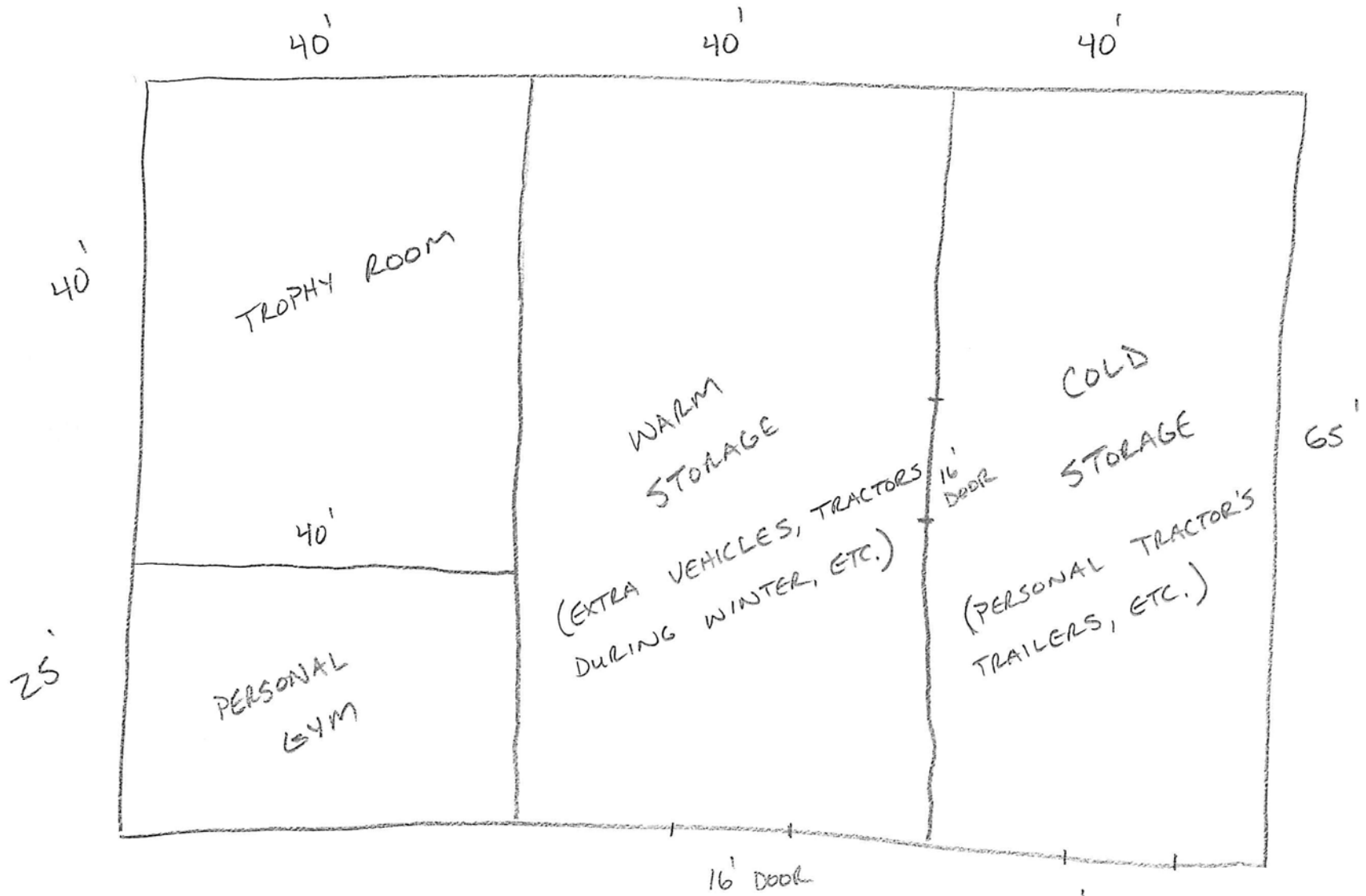
PROJECT NO. 22-112701

DRAWN BY: RF

CHECKED BY: RF

DRAWING TITLE:
SITE PLAN
CODE SUMMARY
WALL TYPES

A001



35' PEAK (ESTIMATE)

18' INSIDE CEILING

(BUILDING WILL BE BUILT ABOVE FLOOD LEVEL.)

STAFF REPORT

A24-16 Request for Variance	
Maple Ridge at the Preserve 8 th Addition	
Lot 1, Block 1, Maple Ridge at the Preserve 8th Addition (3060 Sheyenne River Way)	
Owner: Jordan and Brooke Weir Applicant: Chris Schuler, Century Builders	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	06-11-2024
Board of Adjustment:	

PURPOSE:

Reduction of the building control line of the CO-SR (Sheyenne River Corridor Overlay) zoning district standards for a single-family house.

STATEMENTS OF FACT:

Land Use Classification:	G-4A Core Retrofit Growth Sector
Existing Land Use:	Single Family Dwelling under construction
Current Zoning District:	PUD: Planned Unit Development
Zoning Overlay District(s):	CO-SR: Sheyenne River Corridor Overlay; CO: Corridor Overlay
Proposed Lot size(s) or range:	76,072 ft ²
Adjacent Zoning Districts:	North, South, and West – PUD: Planned Unit Development; East – R-1A: Single Family Dwellings
Adjacent street(s):	Sheyenne River Way (Local); 32 nd Ave E (Arterial)
Adjacent Bike/Pedestrian Facilities:	Multi-Use Path along 32 nd Ave E
Available Parks/Trail Facilities:	Maple Ridge Park within ½ mile.

DISCUSSION AND OBSERVATIONS:

- The western portion of the subject property is located within the CO-SR (Sheyenne River Corridor Overlay) zoning district, which establishes a building control line that restricts structures, parking lots, fill and other development that may cause increased riverbank destabilization within 100 feet of the “established riverbank as determined by the City Engineer.”
- A single-family house is currently under construction on the subject property, which was recently found to be encroaching approximately 15.25 feet into the 100-foot building control line area, with the southwest corner of the foundation located approximately 84.75 feet from the established riverbank.
- The applicant indicated that the house was placed per the permit set of drawings provided by the architect and that the encroachment into the building control line was identified when yard grading and landscaping work was being done.
- The building control line was not shown on the site plan at the time of permitting in 2022. Construction of the house is nearing completion.
- As provided for in Section 4-431-C.3 of the zoning regulations, the City Commission may reduce the required building control line where it can be demonstrated through a soils analysis that soils are

STAFF REPORT

stable within the building control area. Requests for reduction of the building control area are handled via the variance approval process.

- In accordance with the provisions of §4-431-C.3, the applicant has employed a geotechnical firm which has provided a soils analysis in respect to the home under construction. The soils analysis concludes that the “home will not be impacted by soil instability caused by the riverbank.” The soils analysis has been reviewed by the City Engineer, who has no concerns regarding soil stability based on the findings of the soil analysis. A copy of the analysis is attached for reference.

NOTICES:

Sent to: Property Owners within 150’ and Applicable agencies and departments

Comments Received: None to date.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposal is not consistent with the City’s standard building control line of 100 feet from the riverbank; however, City ordinance does allow a reduction of the building control area of up to 50 feet upon demonstration that soils are sufficiently stable. The proposal is otherwise consistent with the city’s comprehensive plan and other applicable city plans.

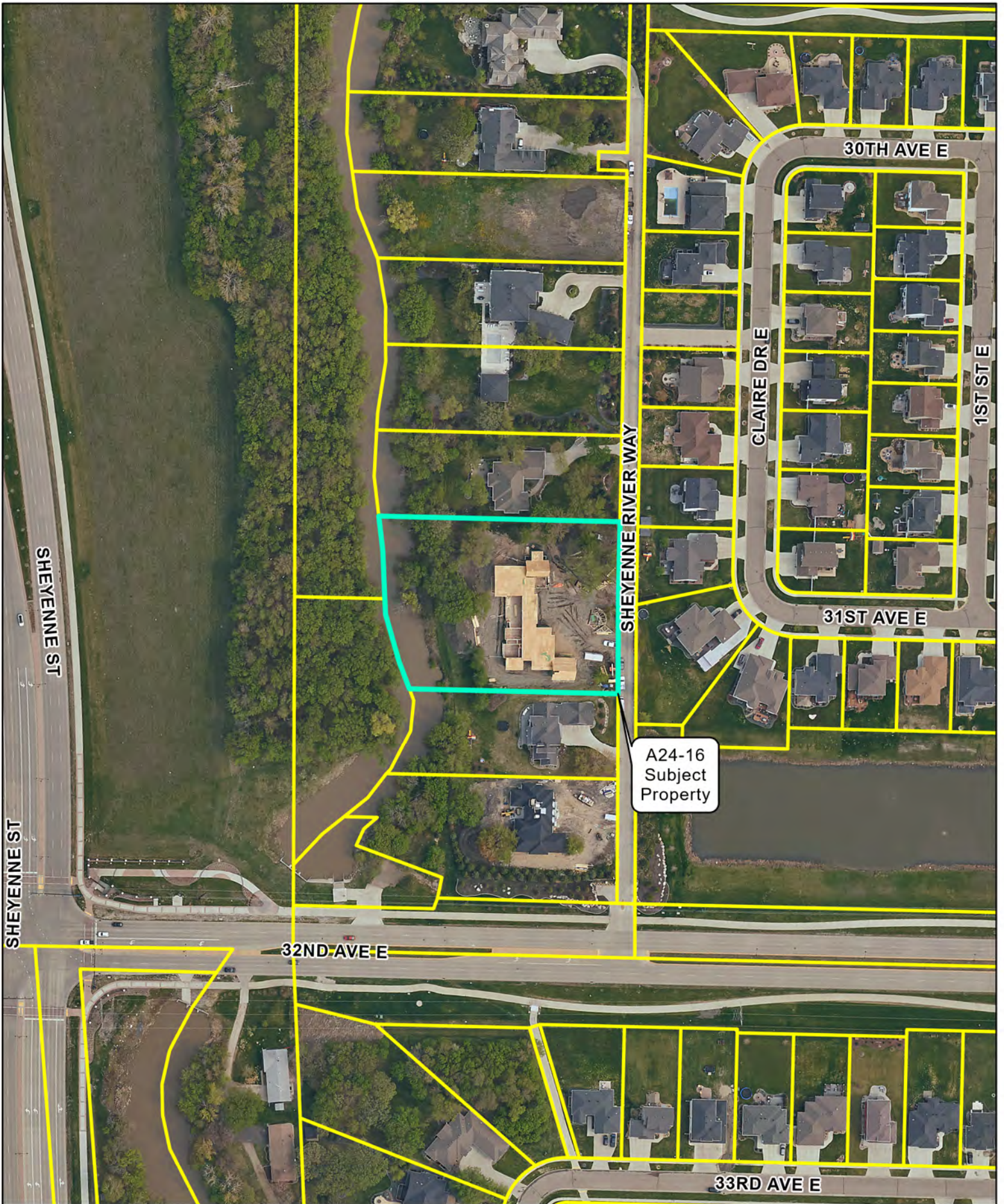
RECOMMENDATIONS:

It is recommended that City approve the reduction of the building control line from 100 feet to approximately 84 feet for the existing structure on the basis of the following findings:

1. §4-431-C.3 states that where it can be demonstrated through a soils analysis that soils are stable within the building control area, the City Commission may consider reduction of the required minimum setback by variance.
2. In accordance with §4-431-C.3, the applicant has provided a soils analysis which demonstrates the soils are sufficiently stable to support the house that encroaches into the required 100’ building control area, which has been reviewed and found to be satisfactory by the City Engineer.
3. The reasons set forth in the application justify the approval of the reduction of the building control line, and it is the minimum variance necessary to accommodate the existing structure.

Attachments

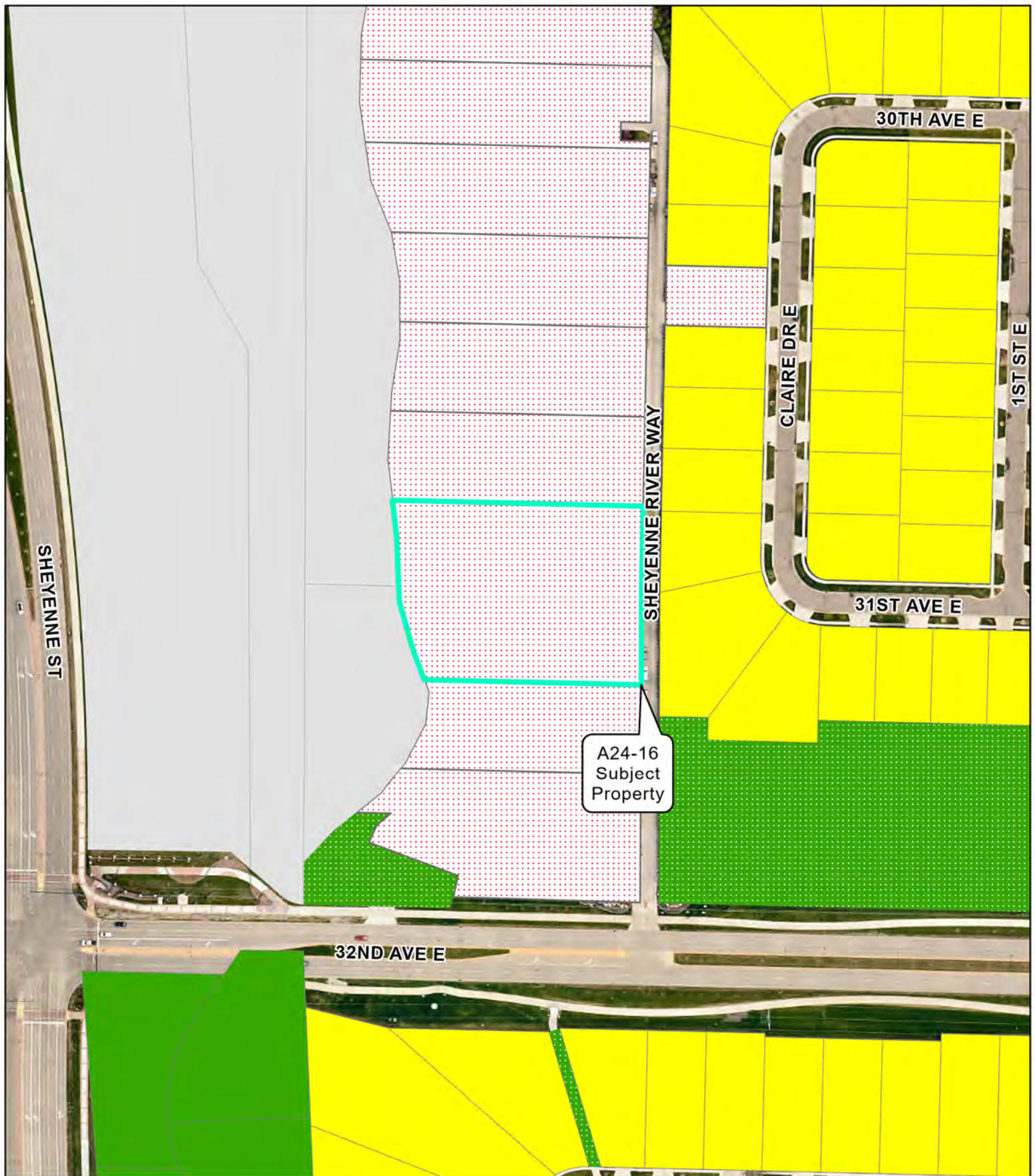
1. Aerial map
2. Zoning map
3. Geotechnical Opinion
4. Site Plan



Features

Agenda Zone Lots





West Fargo Zoning

A: Agricultural

C: Light Commercial

C-OP: Commercial Office Park

DMU: Downtown Mixed Use

EMU: Entertainment Mixed Use

HC: Heavy Commercial

LI: Light Industrial

M: Heavy Industrial

P: Public

PUD: Planned Unit Development

R-L1A: Large Lot Single Family Dwelling

R-1A: Single Family Dwelling

R-1: One and Two Family Dwelling

R-1SM: Mixed One and Two Family Dwelling

R-2: Limited Multiple Dwelling

R-3: Multiple Dwelling

R-4: Mobile Home

R-5: Manufactured Home Subdivision

R-1E: Rural Estate

R-R: Rural Residential



0 150 300
US Feet

May 15, 2024

Project B2404285

Chris Schuler
Century Builders, LLC
3280 Veterans Blvd S, Suite 330
West Fargo, ND 58078

Re: Opinion on Riverbank Stability
Weir Residence
3060 Sheyenne River Way
West Fargo, North Dakota

Dear Mr. Schuler:

The purpose of this letter is to assist you in obtaining a zoning variance for the above referenced property.

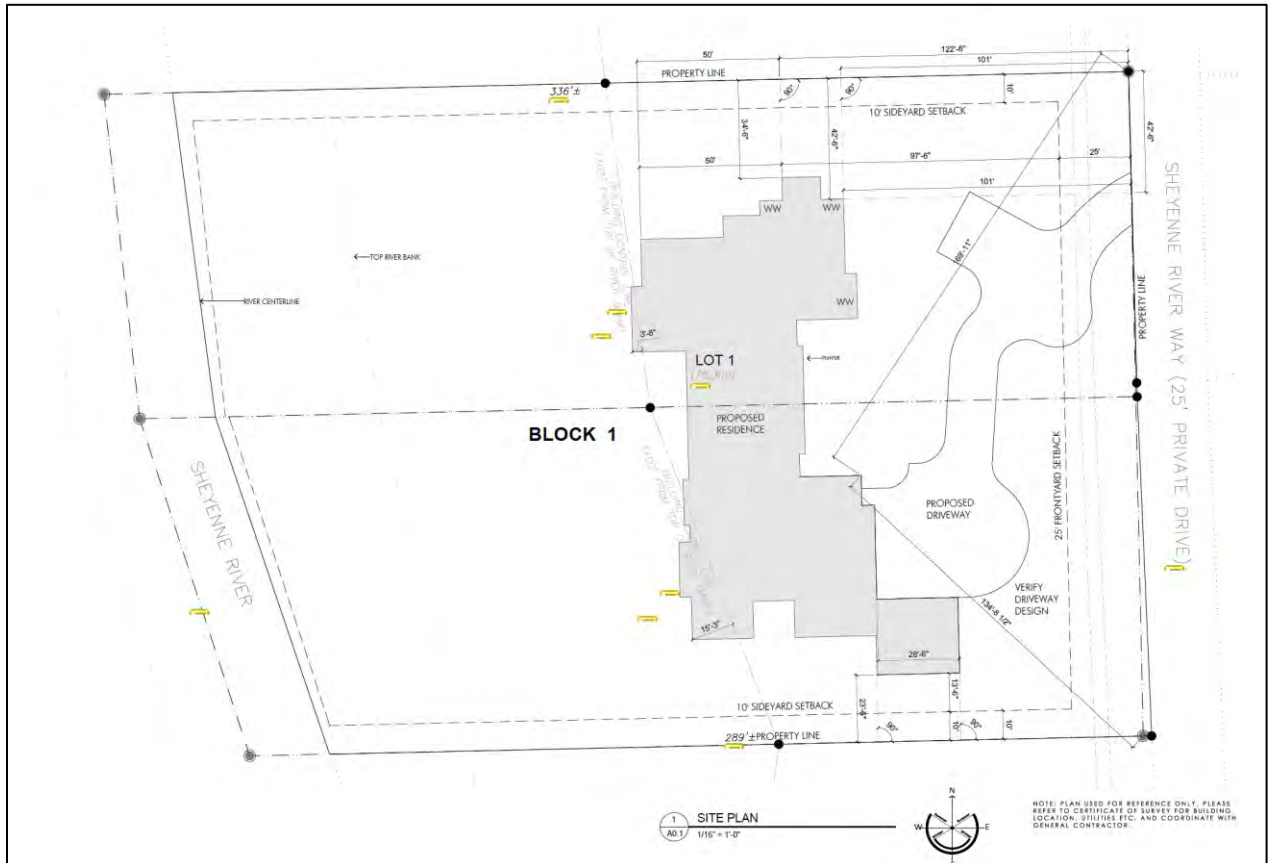
Project Background

We understand the City of West Fargo has a zoning ordinance that requires structures to be a minimum of 100 feet from the top of the riverbank. Section 4-431-C.3 of the City Ordinances outlines the process for modification of the building control line as follows:

“Where it can be demonstrated through a soils analysis that soils are stable within the building control area, the City Commission may consider reducing the required minimum setback by variance. The soils analysis shall be conducted by a qualified professional engineer and demonstrate that the soils can accommodate the type of structure, parking lot or other use without sustaining future damage. No use may be closer than fifty (50) feet from the established riverbank.”

We have not surveyed the property or the location of the home, but we understand the southwest corner of the home is approximately 85 feet from the top of the riverbank. You provided us Figure 1 below to assist us in evaluating the stability of the home in relation to the top of the riverbank.

Figure 1. Excerpt from Sheet A0.1 prepared by Strom Architects and last updated March 9, 2023.



In addition, we have been informed the main portion of the home is supported by a basement that bears approximately 10 feet below grade.

Geotechnical Information

You provided a geotechnical exploration and engineering review for a home located at 3000 Sheyenne River Way, which is just north of the Weir Residence. The report was entitled Geotechnical Exploration and Engineering Review and was prepared by Northern Technologies, Inc. and was dated July 8, 2014. Century Builders informed us the geotechnical data in the report was used to design the structural elements of the Weir Residence.

Based on the review of the geotechnical report and our familiarity with the soils along the Sheyenne River, it is our opinion the soils encountered at the 3000 Sheyenne River Way are representative of the soils at the Weir Residence.

Our experience through this section of West Fargo, adjacent to the Sheyenne River, would indicate the soils consists mainly of Red River Valley fat clays that have been modified by the meandering river. The modifications mean there are layers and seams of silt and sand within the fat clay. The depth of this alluvium typically matches the depth of the river and in this section of the river, the bottom of the river is

typically 25 feet below the elevation of the “top of river”. Below the alluvium is fat clay that is identified as the Brenna formation. These soils are characterized by high plasticity, high moisture content and low strength. Below the Brenna formation is glacial till. The depth of the glacial till varies but averages a depth of 80 feet in West Fargo. The NTI borings also showed the groundwater at the site was near elevation 900.

Analytical Demonstration

Braun Intertec used the GeoStudio 2023.1.2 program SLOPE/W by Bentley Systems, Inc. to perform stability analyses at the site to evaluate the stability of the home. To create the model, Braun Intertec used a Trimble Catalyst GPS receiver and reported elevations relative to the WGS 84 datum at the corner of the home and at the top of the riverbank.

Based on our review of the NTI geotechnical report, published data from various United States Corps of Engineering Publications and our experience in the area, we assigned the parameters presented in Table 1 to the materials encountered at the site for our analytical demonstration.

Table 1. Analytical Modeling Properties

Soil Layer	Elevation (Feet)	Unit Weight (PCF)	Drained Strength	
			Cohesion (PSF)	Friction Angle (degree)
Clay Fill	>905	115	50	24
Fat Clay Alluvium	905 to 880	110	0	25
Fat Clay-Brenna	880 to 825	108	0	19
Glacial Till	Below 825	135	200	35

We have attached the results of our analytical demonstration to this letter. We estimate the factor of safety adjacent to the home is 1.8 and the factor of safety below the footings of the home is 2.1. Typically, we recommend a minimum factor of safety of 1.5 for engineered structures.

Conclusion

Based on our visual observations at the site, review of a nearby geotechnical exploration report, and our analytical demonstration, the home will not be impacted by soil instability caused by the riverbank.

It should be noted the existing riverbank has a small area of active erosion. This erosion could impact appurtenant structures such as the fence along the top of the riverbank in the future. A riverbank is dynamic. If the erosion increases, steps could be considered to slow down the advance of the erosion and future impacts on appurtenant structures.

Remarks

In performing its services, Braun Intertec used that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession currently practicing in the same locality. No warranty, express or implied, is made.

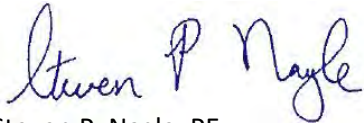
If you have any questions about this letter, please contact Steve Nagle at 701.238.3425.

Sincerely,

BRAUN INTERTEC CORPORATION

Professional Certification:

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of North Dakota.



Steven P. Nagle, PE
Vice President/Principal Engineer
License Number: PE3894
May 15, 2024



Ezra Ballinger
Director/Principal Engineer

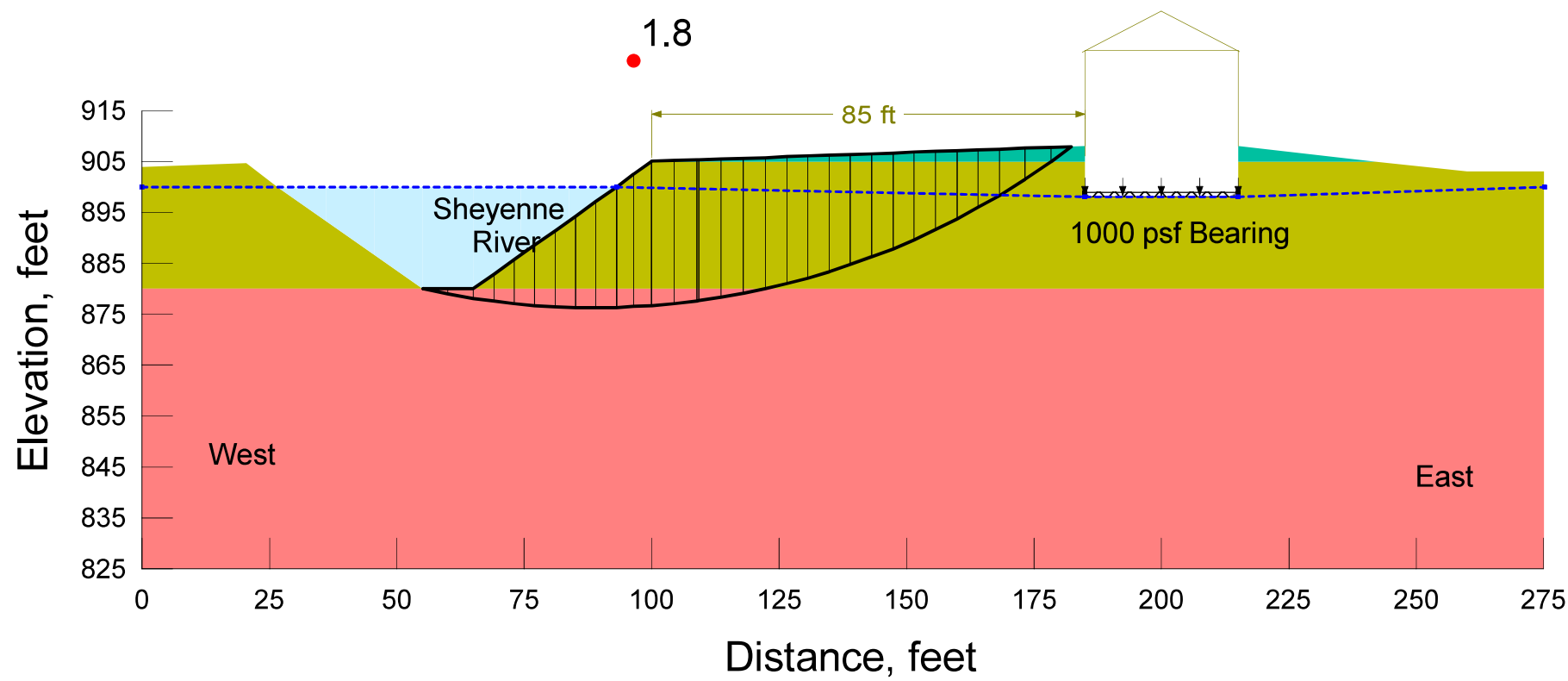
Attachments:

Slope Stability Graphics (2)

Title: B2404285 Variance for Weir Residence
Name: Existing Stability of House
Analysis Type: Spencer

Effective Stress Parameters
River Level = 900 feet above MSL

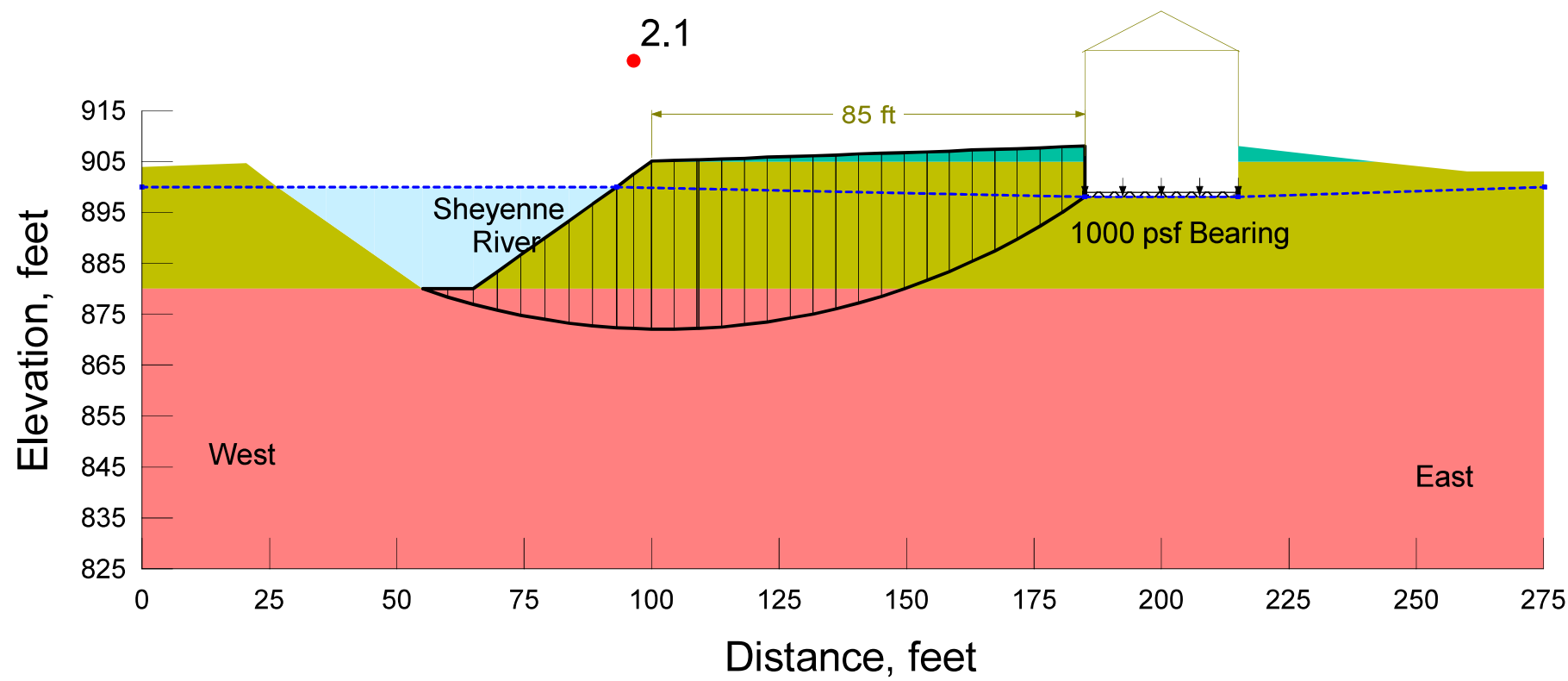
Color	Name	Slope Stability Material Model	Unit Weight (pcf)	Effective Cohesion (psf)	Effective Friction Angle (°)	Piezometric Surface
	Alluvium (Drained)	Mohr-Coulomb	110	0	25	1
	Brenna (Drained)	Mohr-Coulomb	108	0	19	1
	Clay Fill (Drained)	Mohr-Coulomb	115	50	24	1



Title: B2404285 Variance for Weir Residence
Name: Existing Stability of the Foundation
Analysis Type: Spencer

Effective Stress Parameters
River Level = 900 feet above MSL

Color	Name	Slope Stability Material Model	Unit Weight (pcf)	Effective Cohesion (psf)	Effective Friction Angle (°)	Piezometric Surface
	Alluvium (Drained)	Mohr-Coulomb	110	0	25	1
	Brenna (Drained)	Mohr-Coulomb	108	0	19	1
	Clay Fill (Drained)	Mohr-Coulomb	115	50	24	1





CONTACT:
JACKSON STROM
701.446.6047
STROM ARCHITECTURE
SUITE 44
1001 S. GARDEN WAY E
WEST FARGO, ND 58078

SHEET INDEX	
A0.0	CORRESPOND
A0.1	SITE PLAN
A1.0	LOWER LEVEL PLAN
A1.1	UPPER LEVEL PLAN
A1.2	ROOF PLAN
A2.0	EXTERIOR ELEVATIONS
A2.1	EXTERIOR ELEVATIONS
A3.0	SECTIONS
A3.1	DETAILS

04-03-12	ISSUING
04-12-12	UPDATES
05-04-12	POP UPDATES
06-17-12	ISSUED
06-20-12	REV UPDATES
07-13-12	UPDATES

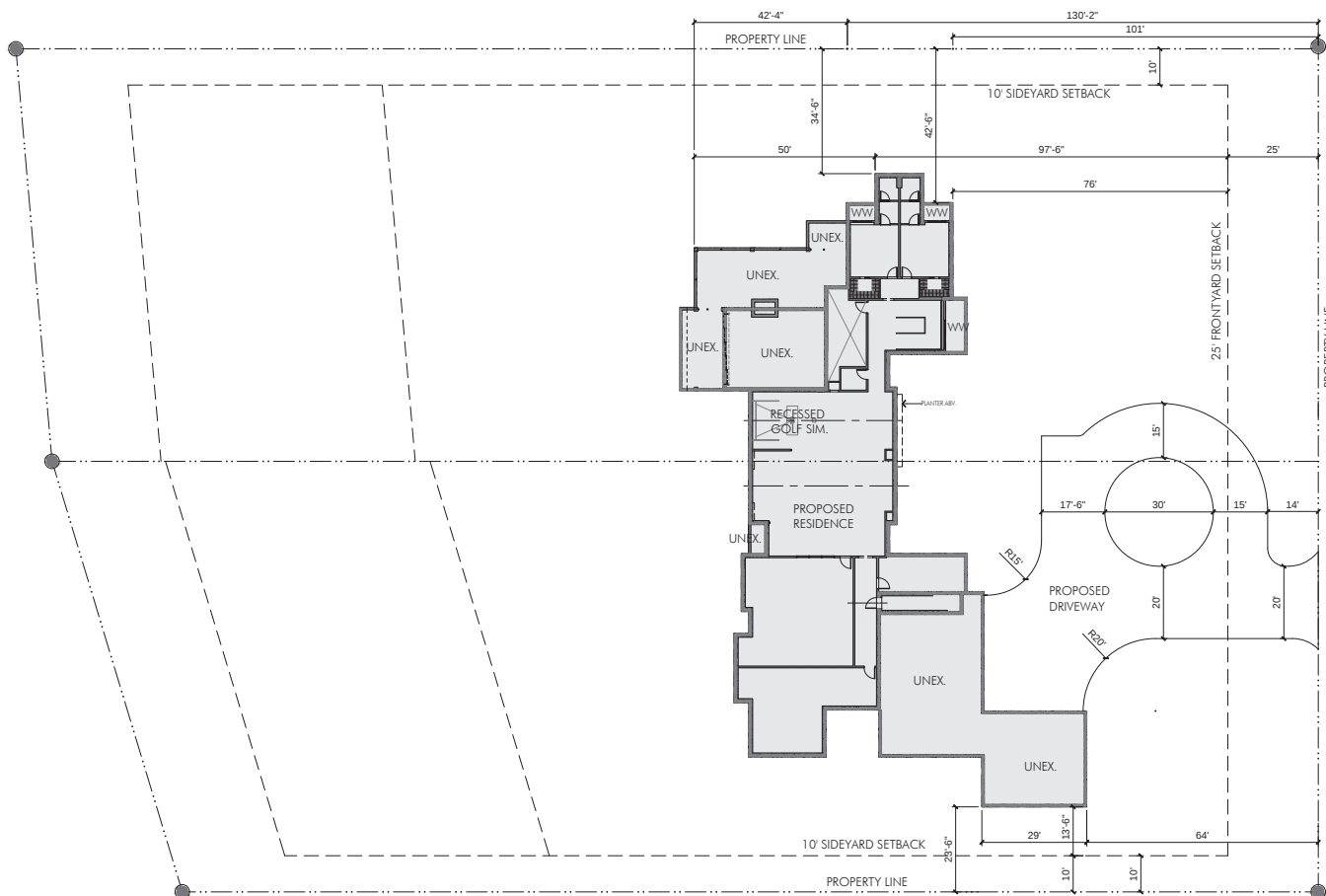
PROJECT NUMBER: 009

PROPOSED DESIGN OF:

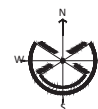
Weir Residence

A0.1

weir_001.dwg (2/2/2012) (1/16"=1'-0")



1 SITE PLAN
A0.1 1/16" = 1'-0"



NOTE: PLAN USED FOR REFERENCE ONLY. PLEASE REFER TO CERTIFICATE OF SURVEY FOR BUILDING LOCATION, UTILITIES ETC., AND COORDINATE WITH GENERAL CONTRACTOR.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A24-17 SUBDIVISION	
FMD-Raymond Subdivision	
Portions of Sections 2, 11, 14, 23, 26, 27 and 34, T140N, R50W, Cass County, North Dakota	
Owner: Cass County Joint Water Resource District Applicant: Steve Swanson, AE2S	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	06-11-2024
City Commission Final Plat Approval:	

PURPOSE:

Subdivide unplatted parcels for a public flood protection project.

STATEMENTS OF FACT:

Land Use Classification:	C-1 Deferred Development Sector (ETJ) & G-1 Sub-Urban – Restricted Growth Sector (ETJ)
Existing Land Use:	Vacant
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	n/a
Proposed Zoning District(s):	Unchanged
Proposed Lot size(s) or range:	5 to 292 acres
Total area size:	1,571.23 acres
Adjacent Zoning Districts:	A: Agricultural
Adjacent street(s):	30 th , 31 st (County Rd #22), 32 nd , 33 rd , 34 th , 35 th , 36 th Street SE and various ¼ section township roads
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Land Dedication Requirements:	Public Flood Protection Project – No Public Land Dedication Required.

DISCUSSION AND OBSERVATIONS:

- The applicant is subdividing undeveloped parcels of property acquired as part of the FM Area Diversion Project (the “Diversion”) to further define property that will be permanently used for the Diversion.
- Only a portion of the proposed subdivision is located within the City’s exclusive extraterritorial jurisdiction. The remainder of the subdivision is located within Cass County’s subdivision jurisdiction. As such, the proposed subdivision requires final approval from both the City and the County.
- The primary purpose of this subdivision is to create formal property boundaries for the Diversion right of way and simplify legal descriptions.
- Once the Diversion is complete, the applicant intends to replat the subject property in order to vacate & dedicate road rights-of-way and easements as necessary, as well as to make any adjustments to the project boundaries that may be needed.

STAFF REPORT

- It is anticipated that the applicant would apply to rezone the subject property to P (Public Facilities), once the final project boundaries are established after completion of the Diversion.
- Because the FM Area Diversion is a public flood protection project, there will be no public land dedication required.
- The FM Area Diversion currently includes public access along the entire 30-mile diversion channel that will support recreational uses, including a gravel maintenance road/trail on both sides of the channel, as well as graded secondary trails on the excavated material berms. There will also be several parking areas and access points constructed as well as bicycle lanes constructed on several bridges that cross the diversion channel. These features may provide opportunities for future expansion of park and recreation facilities outside of the diversion channel.
- Due to the unique nature of the proposed plat, the requested subdivision includes a subdivision variance to allow deviation from some of the City's typical subdivision standards. This includes:
 - Existing floodplains will not be shown on the plat, due to the nature and flood risk reduction purpose of the Diversion.
 - Additional right-of-way will not be dedicated for section line roads, as right-of-way dedication and vacation will take place at the time of replat after completion of the Diversion.
 - Exemption from public dedication requirements.

NOTICES:

Sent to:	Public Notice in Official Newspaper and applicable agencies and departments
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Comments Received:

- No comments received to-date.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed application is consistent with the City plans and ordinances as it is clearing up legal descriptions and defining right-of-way in preparation of completion of the FM Area Diversion project and allowing potential for future development as outlined in West Fargo 2.0. The FM Area Diversion project is documented within the West Fargo 2.0 Comprehensive Plan and serves as a delineation between the C-1 Deferred Development Sector and the G-1 Sub-Urban – Restricted Growth Sector of the City's extraterritorial jurisdiction.
- C-1 Deferred Development Sector - The area where development is deferred includes spaces west of the proposed FM Area Diversion Project, as well as land located in the northern section of the extraterritorial areas. At the time of the comprehensive plan update, plans and specifications for the FM Area Diversion Project were under development and completion of the diversion was not anticipated until the year 2024, at the earliest. It has not been determined what effects the project will have upon properties along the diversion. Therefore, it is recommended that planning and development not take place in these areas until the diversion is operational and revised floodplain maps have been made available. Other areas within this sector might be best kept in reserve until infrastructure can efficiently be provided or innovative conservation methods can be employed to avoid costly upgrades in the future.
- The G-1 Sub-Urban - Restricted Growth Sector includes areas between the current and proposed diversion that may have new development potential with construction of the FM Diversion. The G-1 area identifies significant tracts of land that are currently rural, but where directed and well-

STAFF REPORT

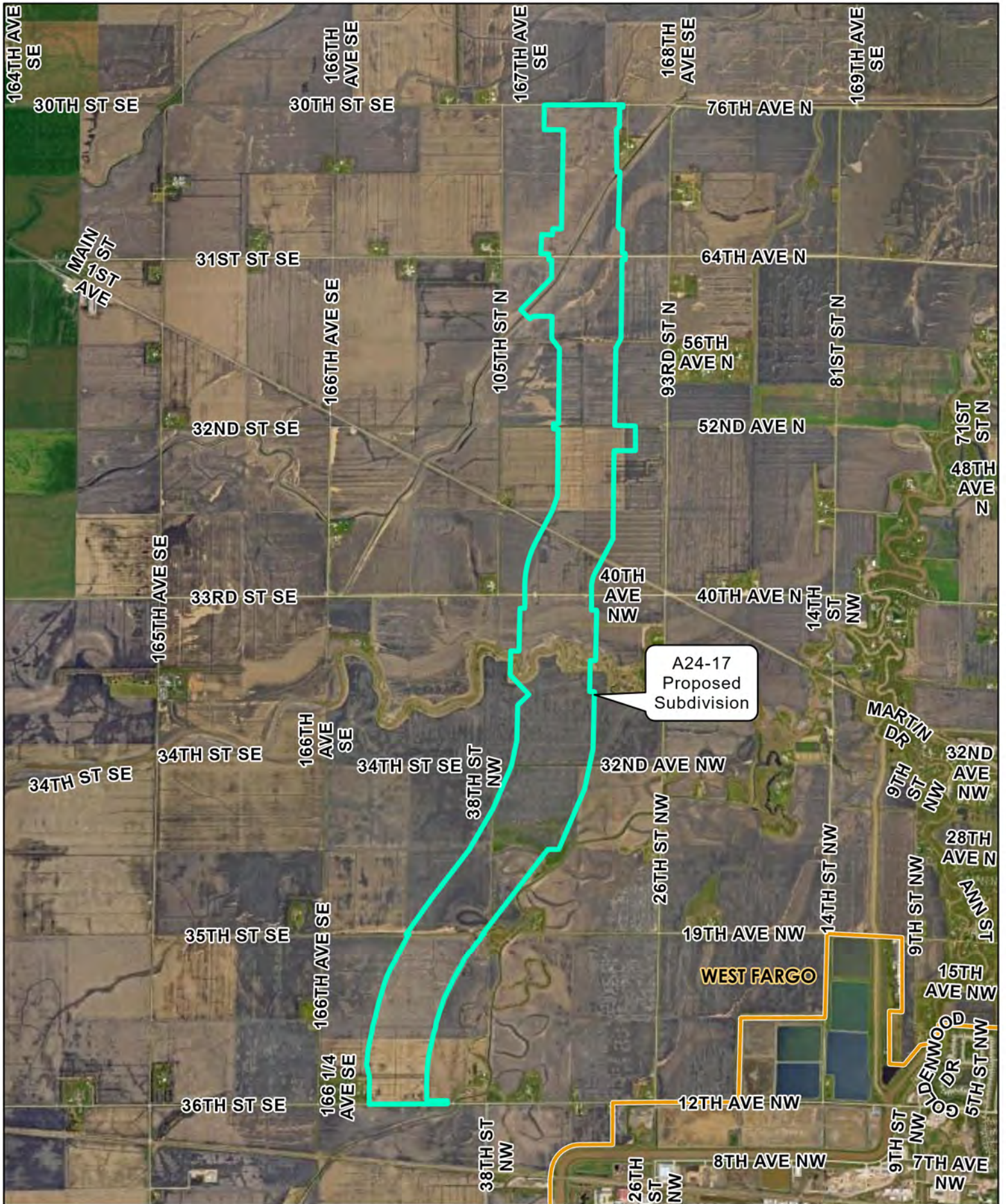
planned new development could occur around the identified potential Future Mixed-Use and Employment Centers.

RECOMMENDATION:

It is recommended that the City approve the proposed Subdivision on the basis that it is consistent with City plans and ordinances.

Attachments:

- Aerial map
- Zoning map
- Preliminary Plat
- Project Narrative

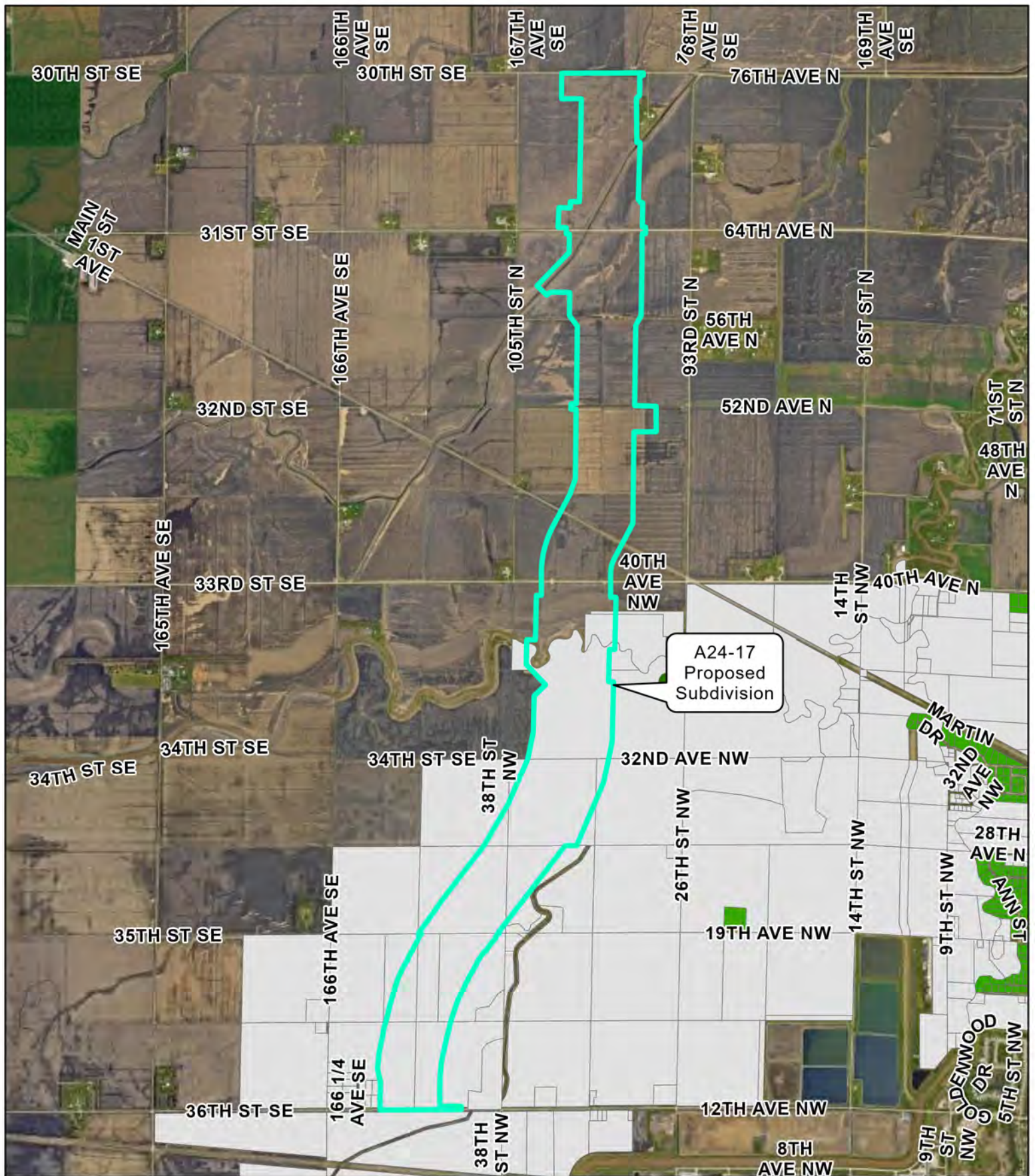


Features

 Agenda Zone  City Limits

0 3,000 6,000
US Feet





ET Zone Parcels

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- HC: Heavy Commercial
- LI: Light Industrial
- M: Heavy Industrial

- P: Public
- PUD: Planned Unit Development
- R-1: One and Two Family Dwelling
- R-1A: Single Family Dwelling
- R-1B: Special Single Family Dwelling
- R-1E: Rural Estate
- R-1S: Special One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-L1A: Large Lot Single Family Dwelling
- R-R: Rural Residential



0 3,000 6,000
US Feet

PLAT of
FMD-RAYMOND SUBDIVISION
IN SECTIONS 2, 11, 14, 23, 26, 27, and 34, T140N, R50W,
5th P.M., CASS COUNTY, NORTH DAKOTA

DESCRIPTION OF PLAT BOUNDARIES

Those portions of Sections 2, 11, 14, 23, 26, 27, and 34, T140N, R50W, 5th P.M., Cass County, North Dakota, being further described as follows:

BLOCKS 1, 2, 3, 4, 5, 6, 7, & 8

Commencing at the northwest corner of said Section 2; thence N87°25'03"E on the north line of said Section 2 a distance of 1,327.41 feet to the Point of Beginning; thence continuing N87°25'03"E on the north line of said Section 2 a distance of 2,470.80 feet; thence S02°34'57"E a distance of 65.00 feet; thence S87°25'03"W parallel with, and 65.00 feet south of, the north line of said Section 2 a distance of 165.00 feet; thence S02°34'57"E a distance of 682.38 feet; thence S87°25'03"W a distance of 65.42 feet; thence S03°01'42"E a distance of 1,339.40 feet to the south line of the Northeast Quarter (NE1/4) of said Section 2; thence N87°17'31"E on the south line of the NE1/4 of said Section 2 a distance of 99.26 feet; thence S01°52'33"E parallel with the east line of the Southeast Quarter (SE1/4) of said Section 2 a distance of 1,771.00 feet; thence N88°07'27"E a distance of 100.00 feet; thence S01°52'33"E parallel with the east line of the SE1/4 of said Section 2 a distance of 775.00 feet; thence N87°12'25"E parallel with, and 100.00 feet north of, the south line of the SE1/4 of said Section 2 a distance of 100.00 feet; thence S02°47'35"E a distance of 200.00 feet; thence S87°12'25"W parallel with, and 100.00 feet south of, the south line of the SE1/4 of said Section 2 a distance of 100.00 feet; thence S01°55'00"E parallel with the east line of the Northeast Quarter (NE1/4) of said Section 11 a distance of 2,554.20 feet to the south line of the NE1/4 of said Section 11; thence S38°52'37"W a distance of 287.85 feet; thence S01°54'47"E parallel with the east line of the Southeast Quarter (SE1/4) of said Section 11 a distance of 2,369.22 feet; thence N87°07'49"E parallel with, and 85.00 feet north of, the south line of the SE1/4 of said Section 11 a distance of 644.21 feet; thence S02°52'11"E a distance of 855.00 feet; thence S87°07'49"W parallel with, and 770.00 feet south of, the south line of the SE1/4 of said Section 11 a distance of 675.00 feet; thence S01°55'29"E parallel with, and 970.00 feet east of, the west line of the Northeast Quarter (NE1/4) of said Section 14 a distance of 2,763.26 feet; thence S25°20'54"W a distance of 615.59 feet to the northerly right-of-way line of BNSF Railway; thence continuing S25°20'54"W a distance of 150.00 feet to the southerly right-of-way line of BNSF Railway; thence continuing S25°20'54"W a distance of 436.28 feet; thence 460.82 feet on the arc of a tangential curve, concave to the southeast, having a radius of 950.00 feet, a central angle of 27°47'33", and a long chord length of 456.31 feet bearing S11°27'08"W; thence S02°26'36"E a distance of 247.74 feet to the south line of the Southeast Quarter (SE1/4) of said Section 14; thence continuing S02°26'36"E a distance of 475.00 feet; thence N87°33'21"E parallel with, and 475.00 feet south of, the north line of said Section 23 a distance of 163.00 feet; thence S01°17'14"E parallel with the west line of said Section 23 a distance of 419.99 feet to the north line of Lot 1, Block 1, Gust Subdivision; thence continuing S01°17'14"E parallel with the west line of said Section 23 a distance of 90.01 feet to the south line of Lot 1, Block 1, Gust Subdivision; thence continuing S01°17'14"E parallel with the west line of said Section 23 a distance of 1,067.80 feet; thence S88°42'48"W a distance of 165.00 feet; thence S01°17'14"E parallel with the west line of said Section 23 a distance of 975.00 feet; thence N88°04'46"E a distance of 150.00 feet; thence S01°17'14"E parallel with the west line of said Section 23 a distance of 1,800.00 feet; thence S09°12'42"W a distance of 1,285.46 feet; thence S02°39'35"W a distance of 2,072.63 feet to the north line of the Southwest Quarter (SW1/4) of said Section 26; thence S87°07'23"W on the north line of the SW1/4 of said Section 26 a distance of 344.64 feet; thence S33°07'21"W a distance of 3,347.83 feet to the south line of said Section 27; thence S87°04'51"W on the south line of said Section 27 a distance of 31.74 feet; thence S35°07'21"W a distance of 122.23 feet; thence S, 5,045.67 feet on the arc of a tangential curve, concave to the east, having a radius of 7,950.00 feet, a central angle of 36°21'51", and a long chord length of 4,961.41 feet bearing S16°56'29"W; thence S01°14'30"E a distance of 463.14 feet; thence N87°03'54"E parallel with, and 100.00 feet north of, the south line of said Section 34 a distance of 668.42 feet; thence S02°52'06"E a distance of 100.00 feet to the south line of said Section 34; thence S87°07'54"W on the south line of said Section 34 a distance of 1,426.34 feet to the Southeast Corner of the Southwest Quarter (SW1/4) of said Section 34; thence S87°09'37"W on the south line of the SW1/4 of said Section 34 a distance of 990.51 feet; thence N01°13'31"W a distance of 1,000.06 feet; thence S87°09'37"W a distance of 100.04 feet; thence N01°13'31"W a distance of 845.86 feet; thence N06°29'21"E a distance of 618.61 feet to the south line of the North Half (NH1/2) of said Section 34; thence N15°03'03"E a distance of 1,413.70 feet; thence N02°53'57"E a distance of 1,450.00 feet to the Northwest Corner of the Northeast Quarter (NE1/4) of said Section 34; thence N32°54'41"E a distance of 1,343.34 feet; thence N35°07'21"E a distance of 1,983.23 feet to the north line of the Southwest Quarter (SE1/4) of said Section 27; thence N27°46'08"E a distance of 1,491.56 feet; thence N20°39'35"E a distance of 1,476.90 feet to the north line of said Section 26; thence N09°12'42"E a distance of 824.39 feet; thence N01°17'14"W parallel with the west line of said Section 23 a distance of 1,100.00 feet; thence N43°42'46"E a distance of 454.41 feet; thence N46°17'14"W a distance of 650.00 feet; thence N01°17'14"W parallel with the west line of said Section 23 a distance of 750.00 feet; thence N88°42'46"E a distance of 260.00 feet; thence N01°17'14"W parallel with the west line of said Section 23 a distance of 1,340.00 feet; thence N87°33'21"E parallel with, and 425.00 feet south of, the north line of said Section 23 a distance of 150.00 feet; thence N02°39'35"W a distance of 672.74 feet; thence S, 1,479.46 feet on the arc of a tangential curve, concave to the east, having a radius of 3,050.00 feet, a central angle of 27°47'33", and a long chord length of 1,465.00 feet bearing N11°27'08"E; thence N25°20'54"E a distance of 1,062.73 feet to the south line of the Northwest Quarter (NW1/4) of said Section 14; thence N16°43'37"E a distance of 489.14 feet; thence N01°50'29"W parallel with the east line of the NW1/4 of said Section 14 a distance of 2,095.79 feet; thence S87°08'29"W parallel with, and 80.00 feet south of, the north line of the NW1/4 of said Section 14 a distance of 155.00 feet; thence N02°13'13"W a distance of 165.00 feet; thence N87°08'29"E parallel with, and 85.00 feet north of, the north line of the NW1/4 of said Section 14 a distance of 160.00 feet; thence N02°02'57"W parallel with the west line of said Section 11 a distance of 2,370.00 feet; thence N50°23'30"W a distance of 268.87 feet to the north line of the Southwest Quarter (SW1/4) of said Section 11; thence N02°49'36"W a distance of 790.00 feet; thence S87°10'24"W parallel with the north line of the SW1/4 of said Section 11 a distance of 975.00 feet; thence S08°40'09"W a distance of 146.57 feet; thence N48°22'31"W a distance of 460.00 feet; thence N41°37'29"E a distance of 1,400.00 feet; thence N02°02'57"W parallel with the west line of said Section 11 a distance of 557.03 feet; thence S87°12'25"W parallel with, and 100.00 feet south of, the north line of the Northwest Quarter (NW1/4) of said Section 11 a distance of 65.00 feet; thence N02°47'35"W a distance of 100.00 feet to the north line of the NW1/4 of said Section 11; thence S87°12'25"W on the north line of the NW1/4 of said Section 11 a distance of 228.34 feet; thence N02°12'47"W parallel with the west line of the Southwest Quarter (SW1/4) of said Section 2 a distance of 700.00 feet; thence N87°47'13"E a distance of 335.00 feet; thence N02°12'47"W parallel with the west line of the SW1/4 of said Section 2 a distance of 180.00 feet; thence N87°47'13"E a distance of 300.00 feet; thence N02°12'47"W parallel with the west line of the SW1/4 of said Section 2 a distance of 1,776.54 feet to the north line of the SW1/4 of said Section 2; thence N02°12'35"W parallel with the west line of the Northwest Quarter (NW1/4) of said Section 2 a distance of 1,322.72 feet; thence S87°17'40"W a distance of 573.74 feet; thence N02°07'59"W a distance of 769.66 feet to the Point of Beginning.

EXCEPT the Burlington Northern Santa Fe Railway right-of-way in said Section 14.

Said Plat contains 1,571.23 acres and is subject to any existing easements.

CERTIFICATE OF SURVEYOR

I, Steven E. Swanson, a Professional Land Surveyor in the State of North Dakota, hereby certify that this survey of FMD-Raymond Subdivision as shown hereon was conducted by me or under my direct supervision; that the exterior boundary of said subdivision is delineated on the ground by monuments shown hereon, and that, to the best of my knowledge and belief, this plat is a true and correct representation of said survey.

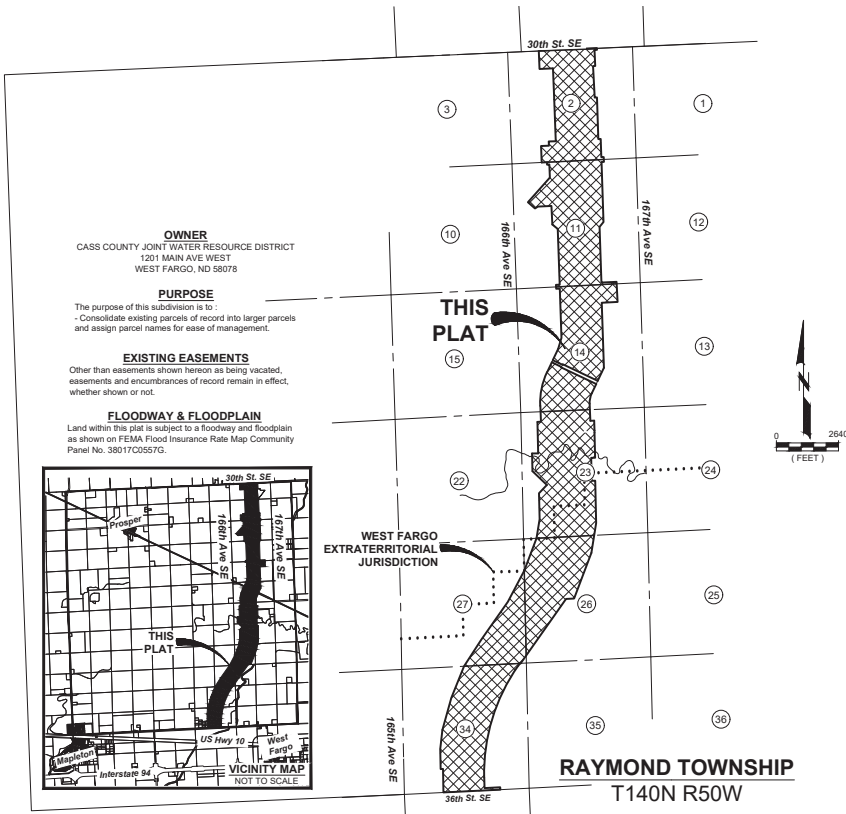
Dated this _____ day of _____, 2024.

Steven E. Swanson, PLS
ND Reg. No. LS-4165

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

On this _____ day of _____, 2024, before me personally appeared Steven E. Swanson, known to me to be the person described in the within instrument, and who acknowledged to me that he executed the same.

Notary Public:
State of North Dakota
My commission expires _____



CERTIFICATE OF CASS COUNTY ENGINEER

Reviewed by the Cass County Engineer this _____ day of _____, 2024.

Thomas Soucy
Interim Cass County Engineer

CERTIFICATE OF RAYMOND TOWNSHIP

Reviewed by Raymond Township this _____ day of _____, 2024.

David Gust
Chairman

Attest: Barry Bowman
Clerk/Treasurer

CERTIFICATE OF OWNER

We, Cass County Joint Water Resource District, a political subdivision of the State of North Dakota, hereby certify that we are the owner of the lands described above and that 1) we have caused the same to be platted into lots and blocks as shown hereon and 2) said subdivision shall be known as FMD-Raymond Subdivision.

Cass County Joint Water Resource District ("CCJWRD")
Owner, Blocks 1-8

Dated this _____ day of _____, 2024.

Rodger Olson, Chairman Melissa Hinkemeyer, Secretary-Treasurer

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

On this _____ day of _____, 2024, before me personally appeared, Rodger Olson, Chairman, and Melissa Hinkemeyer, Secretary-Treasurer, known to me to be the persons described in the within instrument, and who acknowledged to me that they executed the same on behalf of CCJWRD.

Notary Public:
State of North Dakota
My commission expires _____

CERTIFICATE OF RUSH RIVER WATER RESOURCE DISTRICT

Dated this _____ day of _____, 2024.

William Hejl, Chairman Melissa Hinkemeyer, Secretary-Treasurer

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

On this _____ day of _____, 2024, before me personally appeared, William Hejl, Chairman, and Melissa Hinkemeyer, Secretary-Treasurer of the Rush River Water Resource District, known to me to be the persons described in the within instrument, and who acknowledged to me that they executed the same on behalf of the Rush River Water Resource District.

Notary Public:
State of North Dakota
My commission expires _____

CERTIFICATE OF CASS COUNTY PLANNING COMMISSION

The Cass County Planning Commission has reviewed this plat and hereby approves it.

Dated this _____ day of _____, 2024.

Ken Loughhead
Chairman

Lisa Shasky
Secretary

CERTIFICATE OF CASS COUNTY COMMISSIONERS

Cass County Approval includes Blocks 1, 2, 3, 4, and that part of Block 5 outside of the City of West Fargo Extraterritorial Jurisdiction. The Cass County Board of County Commissioners reviewed this plat at its meeting on the _____ day of _____, 2024, and, having found it to be in the interest of the public health, safety, and welfare, hereby approves it.

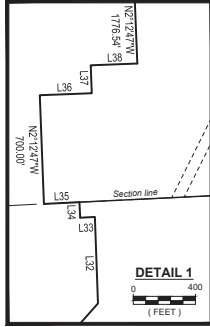
Chad Peterson, Chairman
Cass County Board of Commissioners

Attest: Brandy Madriga
Cass County Finance Director



Advanced Engineering and Environmental Services, Inc.
4178 28th Ave South, Fargo, ND 58104
Ph: 701-384-9111 Web: www.AEES.com
W:\C\CHM\CHM\H - FM Division Land Acquisition
Management\Survey Support\Survey Data\Drawings\140N
R50W\Plat\Township\PLAT FMD-Raymond Sub.dwg
PAGE 1 OF 5

PLAT of FMD-RAYMOND SUBDIVISION IN SECTIONS 2, 11, 14, 23, 26, 27, and 34, T140N, R50W, 5th P.M., CASS COUNTY, NORTH DAKOTA



CERTIFICATE OF WEST FARGO PLANNING COMMISSION
The West Fargo Planning Commission has reviewed this plat and hereby approves it.
Dated this _____ day of _____, 2024.

Joseph F. Kolb, Chairman
STATE OF NORTH DAKOTA } SS
COUNTY OF CASS

On this _____ day of _____, 2024, before me personally appeared Joseph F. Kolb, Chairman, known to me to be the person described in the within instrument, and who acknowledged to me that he executed the same.

Notary Public:
State of North Dakota
My commission expires _____

CERTIFICATE OF WEST FARGO CITY COMMISSION
The City of West Fargo Extraterritorial Jurisdiction includes part of Block 3 and all of blocks 6, 7, and 8. The West Fargo City Commission reviewed this plat at its meeting on the _____ day of _____, 2024, and, having found it to be in the interest of the public health, safety, and welfare, hereby approves it.

Bernie L. Dards, President
Dustin T. Scott, City Auditor
STATE OF NORTH DAKOTA } SS
COUNTY OF CASS

On this _____ day of _____, 2024, before me personally appeared Bernie L. Dards, President and Dustin T. Scott, City Auditor, known to me to be the persons described in the within instrument, and who acknowledged to me that they executed the same.

Notary Public:
State of North Dakota
My commission expires _____

CERTIFICATE OF WEST FARGO CITY ENGINEER
Reviewed by the West Fargo City Engineer this _____ day of _____, 2024.

Daniel R. Hanson, City Engineer
STATE OF NORTH DAKOTA } SS
COUNTY OF CASS

On this _____ day of _____, 2024, before me personally appeared Daniel R. Hanson, City Engineer, known to me to be the person described in the within instrument, and who acknowledged to me that he executed the same.

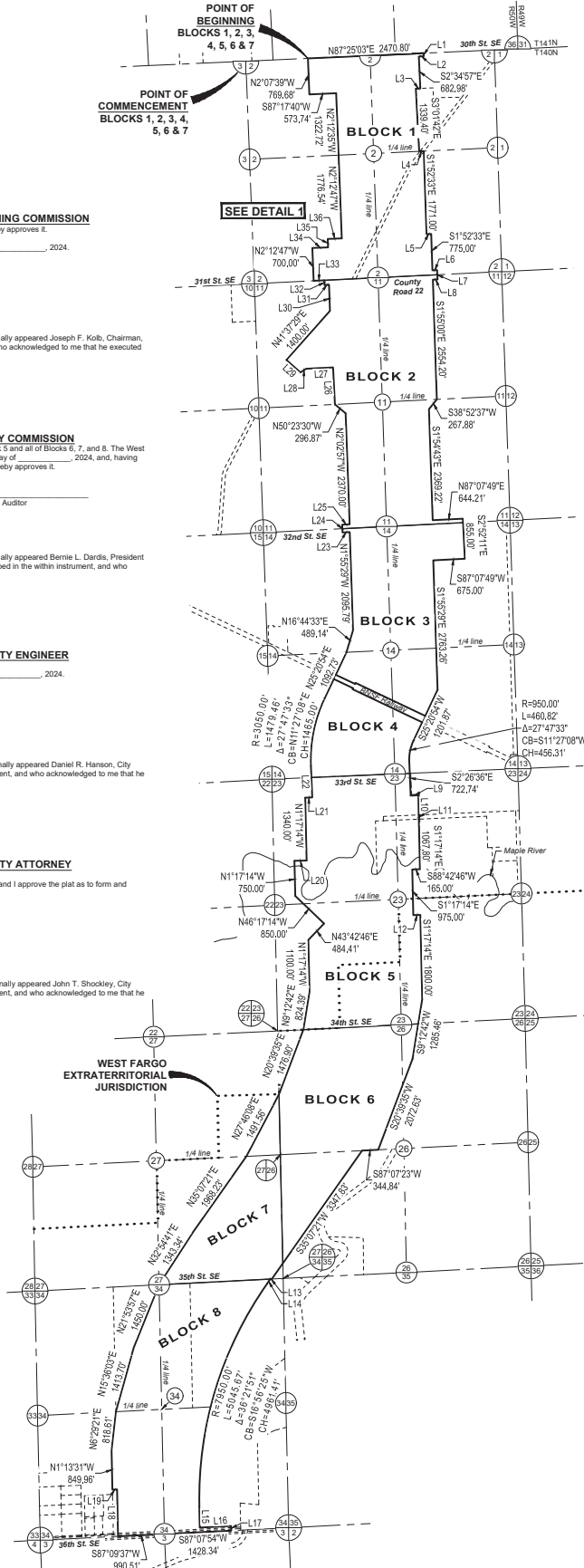
Notary Public:
State of North Dakota
My commission expires _____

CERTIFICATE OF WEST FARGO CITY ATTORNEY
I hereby certify that proper evidence of title has been examined by me and I approve the plat as to form and execution this _____ day of _____, 2024.

John T. Shockley, City Attorney
STATE OF NORTH DAKOTA } SS
COUNTY OF CASS

On this _____ day of _____, 2024, before me personally appeared John T. Shockley, City Attorney, known to me to be the person described in the within instrument, and who acknowledged to me that he executed the same.

Notary Public:
State of North Dakota
My commission expires _____



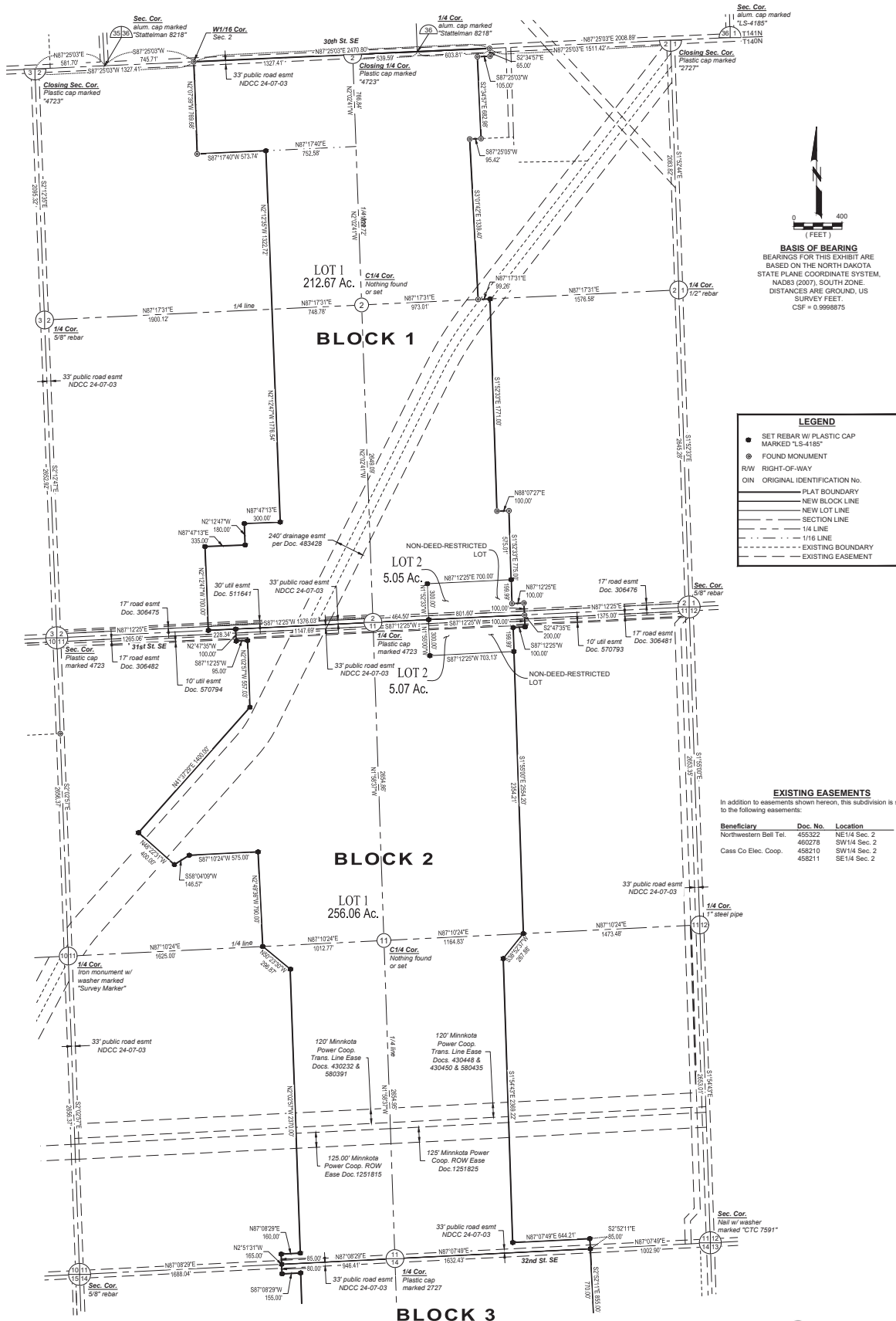
BASIS OF BEARING
BEARINGS FOR THIS EXHIBIT ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD83 (2011), SOUTH ZONE. DISTANCES ARE GROUND, US SURVEY FEET. CSF = 0.9998875

LEGEND

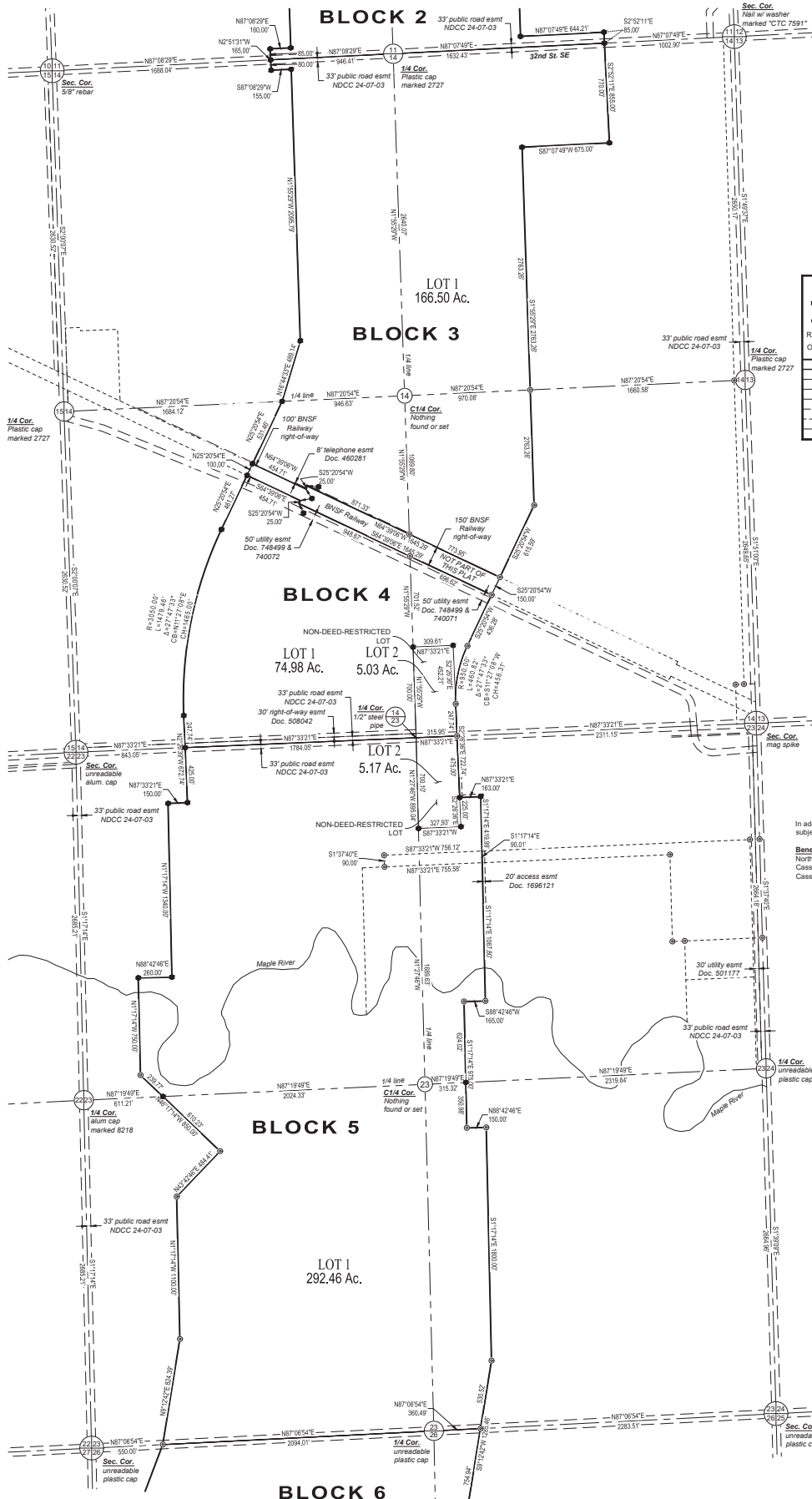
- SET REBAR w/ PLASTIC CAP MARKED "LS-4185"
- FOUND MONUMENT
- R/W RIGHT-OF-WAY
- OIN ORIGINAL IDENTIFICATION No.
- PLAT BOUNDARY
- NEW BLOCK LINE
- NEW LOT LINE
- SECTION LINE
- 1/4 LINE
- 1/16 LINE
- - - EXISTING BOUNDARY
- - - EXISTING EASEMENT

LINE TABLE		
LINE	LENGTH	BEARING
L1	85.00'	S02°34'57"E
L2	105.00'	S87°25'03"W
L3	85.42'	S87°25'05"W
L4	99.29'	N87°17'31"E
L5	100.00'	N88°07'27"E
L6	100.00'	N87°12'25"E
L7	200.00'	S02°47'35"E
L8	100.00'	S87°12'29"W
L9	163.00'	N87°32'21"E
L10	419.99'	S01°17'14"E
L11	90.01'	S01°17'14"E
L12	150.00'	N88°42'46"E
L13	31.74'	S87°04'51"W
L14	122.23'	S39°07'21"W
L15	453.14'	S01°14'30"E
L16	688.42'	N87°07'54"E
L17	100.00'	S02°52'06"E
L18	1000.00'	N01°13'31"W
L19	100.04'	S87°09'37"W
L20	280.00'	N88°42'46"E
L21	150.00'	N87°32'21"E
L22	672.74'	N02°26'39"W
L23	155.00'	S87°09'29"W
L24	165.00'	N02°51'31"W
L25	160.00'	N87°08'29"E
L26	790.00'	N02°49'36"W
L27	575.00'	S87°10'24"W
L28	146.57'	S59°04'09"W
L29	400.00'	N48°22'31"W
L30	557.03'	N02°02'57"W
L31	85.00'	S87°12'29"W
L32	100.00'	N02°47'35"E
L33	228.34'	S87°12'29"W
L34	335.00'	N87°47'13"E
L35	180.00'	N02°12'47"W
L36	300.00'	N87°47'13"E

PLAT of FMD-RAYMOND SUBDIVISION IN SECTIONS 2, 11, 14, 23, 26, 27, and 34, T140N, R50W, 5th P.M., CASS COUNTY, NORTH DAKOTA



PLAT of
FMD-RAYMOND SUBDIVISION
IN SECTIONS 2, 11, 14, 23, 26, 27, and 34, T140N, R50W, 5th P.M.,
CASS COUNTY, NORTH DAKOTA



BASIS OF BEARING
 BEARINGS FOR THIS EXHIBIT ARE
 BASED ON THE NORTH DAKOTA
 STATE PLANE COORDINATE SYSTEM,
 NAD83 (2007), SOUTH ZONE.
 DISTANCES ARE GROUND, US
 SURVEY FEET.
 CSF = 0.9998875

LEGEND

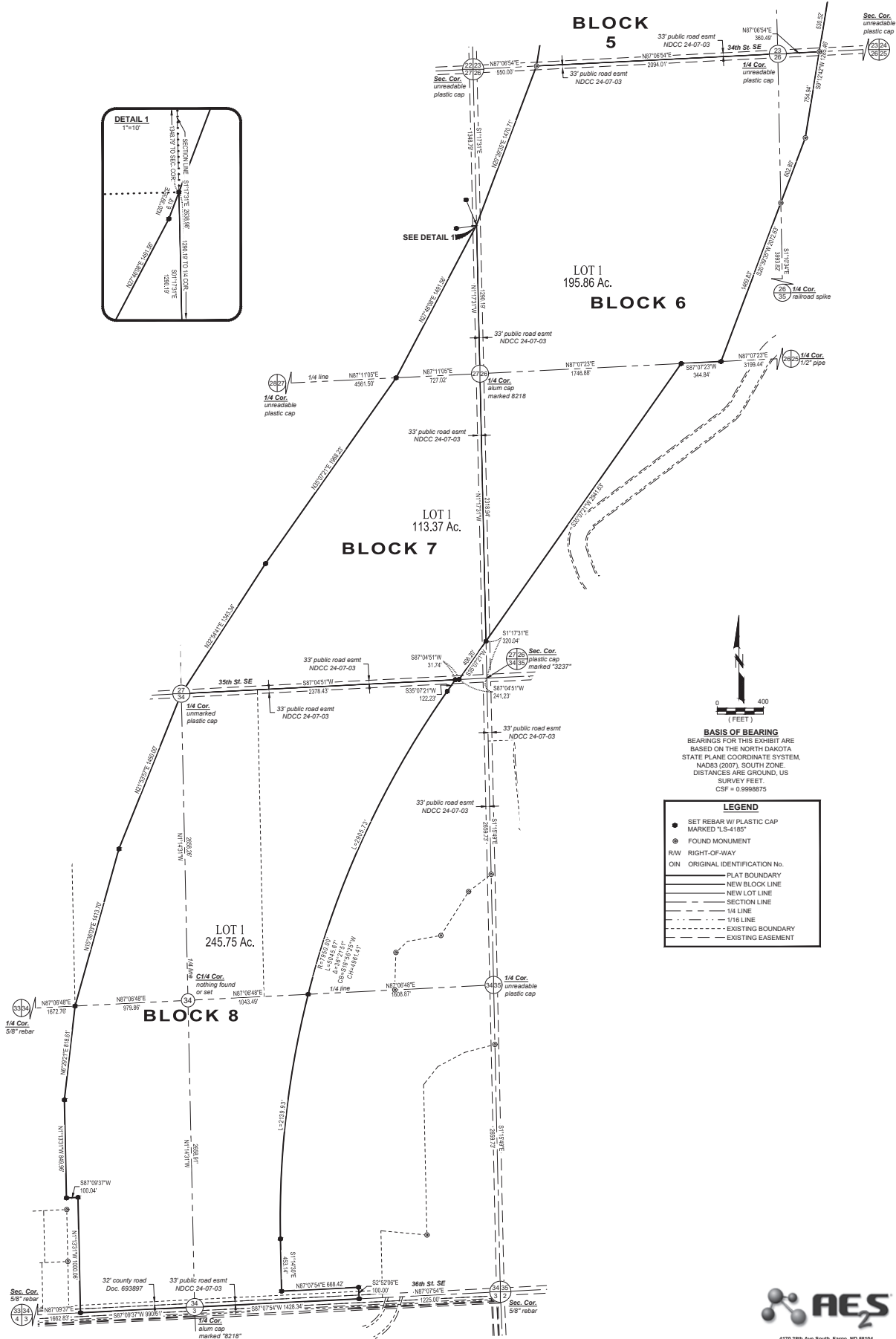
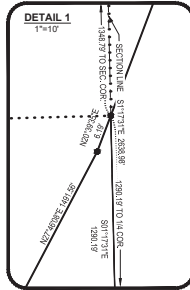
- SET REBAR W/ PLASTIC CAP
MARKED "LS-4185"
- ⊙ FOUND MONUMENT
- RW RIGHT-OF-WAY
- ON ORIGINAL IDENTIFICATION No.
- PLAT BOUNDARY
- NEW BLOCK LINE
- NEW LOT LINE
- SECTION LINE
- 1/4 LINE
- - - EXISTING BOUNDARY
- - - EXISTING EASEMENT

EXISTING EASEMENTS
 In addition to easements shown hereon, this subdivision is
 subject to the following easements:

Beneficiary	Doc. No.	Location
Northwestern Bell Tel.	455337	NW1/4 Sec. 14
Cass Co. Elec. Coop.	847286	SW1/4 Sec. 14
Cass Co Rural Water	1242094	N1/2 Sec. 23
	859879	N1/2 Sec. 23



PLAT of
FMD-RAYMOND SUBDIVISION
IN SECTIONS 2, 11, 14, 23, 26, 27, and 34, T140N, R50W, 5th
P.M., CASS COUNTY, NORTH DAKOTA



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- SET REBAR w/ PLASTIC CAP
MARKED "LS-4185"
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- PLAT BOUNDARY
- NEW BLOCK LINE
- NEW LOT LINE
- SECTION LINE
- 1/4 LINE
- 1/16 LINE
- EXISTING BOUNDARY
- EXISTING EASEMENT



4170 28th Ave South, Fargo, ND 58104
 Ph: 701.364.9111 Web: www.AES.com
 W:\CHM\CHM\881 - FM Division Land Acquisition
 Management\Survey Support\Survey Data\Drawings\T140N
 R50W\Plat-Township\AT FMD-Raymond Sub.dwg
 PAGE 5 OF 5

FMD-Raymond Twp Plat – Supporting information for Subdivision Application to City of West Fargo, ND

May 17, 2024

FM Area Diversion Platting

The Metro Flood Diversion Authority (MFDA), via the Cass County Joint Water Resource District (CCJWRD) has acquired property for the FM Area Diversion Comprehensive Project. The MFDA, via CCJWRD will plat property that will be permanently used for the Comprehensive Project. This property is called the Comprehensive Project right-of-way (ROW). Reasons for platting the Project ROW include the following:

- creating formal property boundaries for the ROW,
- vacating roads,
- closing section lines,
- dedicating road ROW for newly constructed roads,
- vacating existing easements,
- providing for better planning and zoning decisions by political subdivisions having jurisdiction,
- simplifying legal descriptions, and
- delineating the responsible party for property taxes.

Platting the Diversion Channel

The platting process for the ROW for the Storm Water Diversion Channel and Associated Infrastructure (SWDCAI) is as follows:

- ROW needed for the SWDCAI that is owned by CCJWRD will be platted as Initial Plats.
- The Initial Plats will be prepared for each township in which the SWDCAI will be constructed. The Initial Plats for each township will be designated as follows:
 - FMD-Wiser Subdivision
 - FMD-Harwood Subdivision
 - FMD-Berlin Subdivision
 - FMD-Raymond Subdivision
 - FMD-Mapleton Subdivision
 - FMD-Warren Subdivision
 - FMD-Stanley Subdivision
- The Initial Plats may not vacate existing roads or close existing section lines.

- Determination to vacate existing roads or close section lines will be dependent upon the facts and circumstances of each Initial Plat in coordination with the P3 developer and the MFDA staff.
- In advance of construction, upon requests from the MFDA and CCJWRD, Cass County will take ownership and control of roads via a jurisdictional transfer and will close those roads for construction.
- At a future date, following substantial completion of SWDCAI, and as determined appropriate by the MFDA, replats will be prepared for each township as necessary to vacate roads, close section lines, and re-dedicate any necessary ROW for the newly constructed roadways. Re-zoning of the platted area, if applicable, will also be accomplished at a future date consistent with the replats.
- Replats and any subsequent plats within a township will be named consecutively following the same naming convention as the Initial Plats:
 - e.g., FMD-Raymond 2nd Subdivision, FMD-Raymond 3rd Subdivision, etc.
- Preliminary plats of the Initial Plats, Initial Replats, and any subsequent plats will be prepared and routed for review by MFDA representatives before submission to Cass County or West Fargo for the official plat application process.

Additional Comments

Recreation – The FM Area Diversion currently includes public access along features of the entire 30-mile diversion channel that will support recreational uses. These include a gravel maintenance road/trail on both sides of the channel as well as graded secondary trails on the excavated material berms for the entire 30-miles. Also, there will be several parking areas and access points constructed. Bicycle lanes will be constructed on several bridges that cross the diversion channel. These features may provide opportunities for future expansion of park and recreation facilities outside of the diversion channel.

Floodplain – due to the nature and flood risk reduction purpose of the FM Area Diversion, the existing floodplain in and around the platted area will be changed. As such, the floodplain is not shown on the plats.

Grading and Drainage – The FM Area Diversion is a flood risk reduction project for the Fargo-Moorhead-West Fargo metro area that includes a 30-mile stormwater diversion channel that will convey floodwaters around the west side metro. Drainage from the west side of the SWDCAI will be conveyed into the diversion channel. Drainage from the east side of the SWDCAI will be conveyed away from the diversion channel via toe drains, existing ditches, and drains or waterways.

STAFF REPORT

A24-19 Zoning Ordinance Amendments	
Zoning Ordinance Amendment to §4-432 and 4-460 regarding Planned Unit Developments (PUDs)	
Applicant: City of West Fargo	Staff Contact: Aaron Nelson
Planning & Zoning Commission Introduction:	May 14, 2024
Planning & Zoning Commission Public Hearing:	June 11, 2024
City Commission Public Hearing & 1 st Reading	
City Commission 2 nd Reading	

PURPOSE:

Amendments to Section 4-432 of Title IV Zoning Ordinance regarding Planned Unit Developments (PUDs)

DISCUSSION AND OBSERVATIONS:

- Targeted text amendments to Title IV zoning & subdivision ordinances were identified as a short-term project need within the West Fargo Planning Needs Assessment Action Plan in 2023. Section 4-432 “PUD” or *Planned Unit Development* was identified as needing attention mainly due to multiple areas of ambiguity in terms of approval procedure and PUD regulatory documentation.
- The Planned Unit Development (PUD) is unique in that it is both a zoning district as well as a type of development plan. PUD zoning districts are inextricably linked to corresponding PUD development plans (i.e., “Concept Plans” and “Detailed Development Plans”) in that no rights of development apply to a PUD district other than those expressly included in the approved PUD development plans.
- While the overall intent and purpose of the PUD remains the same, staff is proposing modification in order to emphasize the public benefit for PUD proposals, streamline the manner in which they are reviewed and approved, and clarify the standards and documentation which establish and constitute an approved PUD
- The PUD regulations of Section 4-432 are proposed to be modified in the following ways:
 - Modification of approval process – having City Commission approve the Concept Development Plan and Planning & Zoning Commission approve the Detailed Development Plan, as opposed to vice versa. (The attached graphic illustrates the existing and proposed PUD approval process.)
 - Additional requirements for applicants to demonstrate public benefit of proposed PUD.
 - Specification of which standards are eligible for modification by PUD, and which are not.
 - Addition of standard review criteria of approval for PUD Detailed Development Plan.
 - Clarification of how phased PUDs and PUD amendments are handled.
 - Clarification of how the Sign Code is applied within PUD districts.
- The specific revised version of Section 4-432 is attached along with the current version of Section 4-432 for comparison.

NOTICES:

STAFF REPORT

Sent to:	Notice in the newspaper and to City Departments
Comments Received: • None Received	

RECOMMENDATION:

It is recommended that the City approve the proposed amendments to Title IV as presented on the basis that the proposed amendments do not make major substantive changes to the existing regulations and that the proposed ordinance amendments are consistent with the comprehensive plan.

Attachments:

- Proposed amended §4-432 – PUD District Standards
- Existing §4-432 – PUD District Standards
- Approval process comparison graphic



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4-432 "PUD" or Planned Unit Development

4-432.1 Overview & Intent

- A. A Planned Unit Development (PUD) is both a zoning district as well as a development plan. PUD districts are inextricably linked to PUD development plans (Concept Plans and Detailed Development Plans) in that no rights of development apply to a PUD district other than those expressly included in the approved PUD development plans.
- B. The PUD district is established to allow greater development design flexibility than would otherwise be allowed through strict application and interpretation of the standards and requirements of this Title IV. This flexibility is offered to:
 - 1. Promote innovative development that achieves higher standards of site and building design;
 - 2. Encourage sustainable development that conserves energy, materials, and makes efficient use of land;
 - 3. Preserve and enhances desirable site characteristics such as natural topography, scenic features and open spaces;
 - 4. Allow a mixture of land uses that might not otherwise be permitted in a single district;
 - 5. Provide the developer reasonable assurance of project approval before extensive expenditure on project design costs, while providing City officials with assurances that the project will retain the character envisioned at the time of approval.
- C. The benefits offered to the city in exchange for the flexibility allowed by approval of a PUD are intended to be significant enough to justify the modifications of the standards required under baseline district regulations. These benefits may include but are not limited to:
 - 1. Implementation of City goals or initiatives as identified within the Comprehensive Plan.
 - 2. Efficient use of public services and infrastructure.
 - 3. High-quality site and/or building design, that features best practices for such things as on-site storm water management, green building materials, or enhanced water and/or energy efficiency;
 - 4. Development that features a high-quality mix of housing types to promote enhanced housing choice and affordability;
 - 5. Preservation and/or protection of areas of significant natural resources (e.g., wetlands, wildlife habitat, stands of mature trees), beyond the requirements of the baseline zoning regulations;
 - 6. A mix of uses that supports a complete neighborhood, and features compact design to enable walkability;
 - 7. Enhanced amenities, such as community gathering areas, open space, parkland, connections to/provision of walking and biking trails;
 - 8. Provide for appropriate transitions between differing land uses.

4-432.2 General Provisions

A. Applicability

A PUD may be requested on any parcel that meets the minimum land area requirement described in subsection 4-432.2.C below, where particular design, dimensional, or use combinations cannot be accommodated by any of the City's conventional base zoning districts. A PUD shall not be used to pursue a site-specific solution for a single issue that can be resolved through an administrative procedure authorized under this title, such as a rezoning, CUP, or subdivision.

B. Authority to Initiate Application

A PUD application may only be filed in the name(s) of the recorded owner(s) of property included in the development, or by holder(s) of an equitable interest in the property. However, before approval of a PUD can be obtained, the applicant must show evidence of full ownership interest in the land (legal title or the execution of a binding sales agreement).

C. Minimum Land Area Required

The tract of land for which a PUD is proposed shall be a minimum of 2 acres. Areas of less than 2 acres may be considered if the applicant can show that waiving the minimum land area requirement is in the public interest, and that at least one of the following conditions is met:

1. Unusual physical features of the site or the surrounding neighborhood are such that development under a standard zoning district would not conserve the unique physical features of the site or would not allow functional or environmental compatibility with the surrounding neighborhood.
2. The site is adjacent to an area which has been developed under the provisions of a PUD District and will contribute to the amenities and functionality of the neighborhood.
3. The site is part of an urban redevelopment and/or spot renewal program, provided it does not conflict with the nature of the surrounding neighborhood.

D. Designation of Baseline Zoning Standards

A PUD application must specify which one of the city's current zoning districts most closely relates to the proposed development. The selected zoning district standards shall be used to establish the baseline zoning standards for the PUD. Additionally, the PUD application shall specify each instance in which a variation from the baseline zoning district standards is proposed, along with the type or extent of variation being requested. Where a request to vary from a standard is not specifically included in the PUD application, the baseline district standard shall apply.

E. Variations to Standards

A PUD may be used to request variations to the following standards:

1. Permitted Uses
Any use may be requested as a permitted use or conditional use within the PUD, even when it would not be allowed in the baseline zoning district.
2. Dimensional Standards
Any dimensional standard, or combination of dimensional standards, including minimum lot size, setbacks, lot coverage limits, and maximum height.
3. Development and Design Standards
Building design requirements, or development standards including §4-440 Supplementary District Regulations and §4-450 Off-Street Parking and Loading Regulations.
4. Overlay Zoning District Standards
Any requirement or standard of the corridor overlay zoning districts, other than the CO-SR (Sheyenne River Corridor Overlay) district.
5. Limitations
A PUD may not be used:
 - a. For the primary purpose of increasing the allowed density of the baseline zoning district. In such a case, a rezoning shall be required.
 - b. To request exemption from providing required public improvements such as streets, sidewalks, water, sanitary sewer and stormwater management infrastructure.
 - c. To request exemption from providing required application information, or to vary from compliance with standard application procedures.
 - d. To modify the standards of the CO-SR (Sheyenne River Corridor Overlay) district.
 - e. To modify applicable sign code regulations of §4-460.

4-432.3 Review and Approval Procedure

The PUD approval process shall be undertaken in two stages. The first stage includes approval of the PUD Concept Develop Plan in conjunction with approval of a rezoning to the PUD zoning district. The second stage includes approval of the PUD Detailed Development Plan. No rights of development are conveyed by the PUD until both of these stages are complete, as outlined by this ordinance.

A. Approval of PUD Concept Plan and Zoning District

The applicant shall submit to the City Planner an application for a PUD, along with proposed PUD Concept Plan, associated designs, sketches, basic site information, and an explanation of how the proposal contributes to general development objectives for the area and its relation to the policies of the City. The Planning and Zoning Commission shall review the PUD application and the Concept Plan for the total area of the proposed PUD, prior to final approval by the City Commission. In addition to the approval process outlined below, the standards of §4-540 also apply in relation to the establishment of the PUD zoning district.

1. **Application Submittal for PUD Concept Plan and Zoning District**
 - a. The PUD application form shall be established by the City Planner and shall include at a minimum the following items:
 - (1.) A statement specifying the baseline zoning district proposed for the project, and a list of all standards of the baseline district that the PUD proposes to vary, along with a description of the extent of variation that is being requested.
 - (2.) A comprehensive description of the community benefit(s) the development will provide in exchange for flexibility from baseline zoning district standards and a list of any features and/or additional development standards proposed to be incorporated into the PUD to help achieve the community benefit(s).
 - b. The Concept Plan shall include:
 - (1.) A legal description of the property.
 - (2.) A narrative statement describing the general character of the intended development.
 - (3.) An accurate map of the project area showing the site and its proposed land uses, and the adjacent properties and their present or projected land uses.
 - (4.) The pattern of proposed land uses including the shape, size, and arrangement of proposed use areas, density, and environmental character.
 - (5.) The pattern of public and/or private streets.
 - (6.) Proposed open space and public sites.
 - (7.) Preliminary number, size, and concept of the proposed structures within each area.
 - (8.) A preliminary schedule of the anticipated sequence of sub-area development for the entire site area included in the PUD. (See §432.3.C for phased development requirements.)
 - c. Where applicable, a written statement outlining the ownership and maintenance responsibility of the common open spaces, access streets, roads, shared utilities and recreation areas and documentation of this responsibility. This may include a written agreement with the City of West Fargo providing that should the improvements set forth in the Concept Development Plan fail to be completed within eighteen (18) months after the initiation of construction, then and in that event the City of West Fargo shall be authorized to provide for the installation of the required improvements. The installation of improvements shall be paid for by utilization of and the levy of special assessment process, and as part of the agreement, the developer and any associated parties waive any rights to protest the special assessment.

- d. Coordination with Other Regulations:
 - (1.) PUD districts are not exempt from applicable overlay zoning districts. Nevertheless, some individual overlay zoning district standards may be modified in accordance with §4-432.2.E.
 - (2.) If the PUD request applies to a parcel that has not been subdivided, subdivision review shall be carried out simultaneously with the review of a PUD zoning application. Development plans submitted under this article shall be in a form which will satisfy the requirements of the subdivision regulations for preliminary and final plats.

2. Staff Review

Upon receipt of a complete application, the City Planner and applicable review agencies shall review the application. The City Planner shall prepare a staff report that reviews the application in relation to the Comprehensive Plan, the standards of and purpose of this Ordinance, and all other applicable requirements.

3. Planning and Zoning Commission Review

- a. Public Hearing

A public hearing shall be held before the Planning and Zoning Commission after notice of the time and place has been published in the City's official newspaper for two consecutive weeks prior to the date of the public hearing.
- b. Planning and Zoning Commission Recommendation

Following a public hearing, the Planning and Zoning Commission may recommend to the City Commission approval, approval with conditions, or denial of the application upon consideration of the Comprehensive Plan, the standards of and purpose of this Ordinance, and all other applicable requirements.

4. City Commission Review

- a. Public Hearing

A public hearing shall be held before the City Commission after notice of the time and place has been published in the City's official newspaper for two consecutive weeks prior to the date of the public hearing.
- b. City Commission Decision

The City Commission may approve or deny the application upon consideration of the Comprehensive Plan, the standards of and purpose of this Ordinance, and all other applicable requirements.

5. Effect of Approval of PUD Concept Plan

- a. City Commission approval of the PUD Concept Plan and PUD zoning district shall establish the basic right to use the area in conformity with the application and Concept Plan as approved. However, this right is conditioned upon final approval of the accompanying Detailed Development Plan by the Planning & Zoning Commission, and shall not

make permissible any development prior to that Commission's formal approval of the Detailed Development Plan.

B. Approval of PUD Detailed Development Plan

The Planning & Zoning Commission shall give final approval to the PUD Detailed Development Plan for overall site development, or for sub-areas of a phased PUD development.

1. Application Submittal for Detailed Development Plan

In order to secure final approval and designation as a PUD for a proposed site, the applicant shall submit to the City Planner:

- a. The PUD Detailed Development Plan application.
- b. A Detailed Development Plan of the entire site or for any area/sub-areas that will be developed upon approval of the Detailed Development Plan, which shall include:
 - (1.) A copy of the development's approved subdivision plat including lot lines, easements, public rights-of-way, etc.
 - (2.) Detailed site plan(s) and construction documents illustrating:
 - (a) Size, location, and arrangement of buildings including lot size, building spacing, setbacks, yards, etc.
 - (b) Parking areas, private and public streets, sidewalks, and other transportation facilities, including specification of pavement materials.
 - (c) Landscaping, screening, and final ground contours.
 - (d) Common open spaces and/or recreation areas.
 - (e) Sewer, water, and other utility lines.
 - (f) Garbage, dumpster, or refuse collection locations.
 - (g) Proposed signage.
 - (h) Building elevations.

2. PUD Detailed Development Plan Review Criteria

A PUD Detailed Development Plan may be approved by the Planning & Zoning Commission if it is determined by the Commission to be in substantial compliance with the approved PUD Concept Plan. The PUD Detailed Development Plan may be deemed to be in substantial compliance with the

PUD Concept Plan so long as, when compared with the PUD Concept Plan, it does not result in:

- a. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;
- b. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;
- c. A reduction in the amount of open space;
- d. Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;
- e. Any change determined by the Planning & Zoning Commission to represent an increase in development intensity; or
- f. A substantial change in the layout of buildings.

3. Staff Review

Upon receipt of a complete application, the City Planner and applicable review agencies shall review the application. The City Planner shall prepare a staff report that reviews the application in relation to the PUD Detailed Development Plan review criteria and all other applicable development standards.

4. Planning & Zoning Commission Review

The Planning & Zoning Commission shall approve or deny the application upon consideration of the PUD Detailed Development Plan review criteria and all other applicable development standards.

5. Effect of Approval & Expiration of Approval

Approval of a PUD Detailed Development Plan shall confer upon the applicant the right to develop the subject property in accordance with the approved PUD Detailed Development Plan.

The right to develop in accordance with an approved PUD Detailed Development Plan shall lapse and be of no further effect if construction of the PUD does not start within two (2) years of the effective date of approval of the PUD Detailed Development Plan or within the time-frame established by the City Commission during approval of the PUD Concept Plan, whichever is greater. In the event of such lapse of approval:

- a) the PUD Detailed Development Plan shall be of no effect, and a new PUD Detailed Development Plan will need to be approved in accordance with this ordinance, prior to development.
- b) the Planning and Zoning Commission may initiate action to rezone the land from the PUD zoning district.

6. Appeal of Decision

Upon denial of an application for PUD Detailed Development Plan by the Planning & Zoning Commission, an applicant may appeal the decision to the Board of Adjustment in accordance with §4-560. Such appeal shall be made by the applicant within 10 days of denial by the Planning & Zoning Commission.

C. **Phased Development Plans**

Large or complex PUD projects may be proposed in phases over a period of time, or when a development consists of multiple properties that are initially under different ownership prior to development. In such an event, the applicant may seek approval for the entire project based on a Concept Plan, then follow up with a Detailed Development Plan for each subsequent sub-area at a later date, according to the following procedures.

1. The applicant shall initially submit a PUD application and Concept Plan that includes the entire final area of the project.
2. The application shall state that the Concept Plan is associated with a phased development, and that Detailed Development Plans will be submitted sequentially, according to the proposed preliminary schedule of sub-area development for the entire site area.
3. The PUD rezoning application and Concept Plan shall be reviewed and approved according to the procedure described in §4-432.3.A, *Approval of PUD Concept Plan and Zoning District*.
4. Each successive phase of development shall then submit and receive approval of a Detailed Development Plan, according to the procedure described in §4-432.3.B, *Approval of PUD Detailed Development Plan*, prior to proceeding with construction.

4-432.4 Amendments

Amendments to approved PUD Concept Plans, Detailed Development Plans, and PUD zoning districts, may be approved in the same manner as provided for in §4-432.3.

* * * * *

4-460. SIGN REGULATIONS

* * * * *

4-460.9 General District Regulations.

* * * * *

4. "PUD" Districts. In "Planned Unit Development" Districts, sign restrictions shall be based upon the ~~baseline zoning district designated for the individual uses and structures contained in the development. If no baseline zoning district has been established,~~ signs shall be in compliance with the restrictions applied in the most restrictive zoning district in which the use is allowed. Signs considered to be off-premise signs must:

- a) ~~meet the requirements set forth above for on-premise signs for the most restrictive zoning district in which the use is allowed,~~
- b) must be limited to advertising businesses located within the same PUD District, and
- c) the off-premise signs must be a permissive use in the PUD District.

5. "CO" District. In addition to the sign restrictions stated above, the following restrictions shall apply:

* * * * *

c. In underlying PUD District, on-premise signs shall be permitted according to the provisions of the underlying district and the provisions of this section, the most restrictive provisions prevailing. Off-premise signs in the underlying PUD District must:

- a) meet the requirements set forth above for on-premise signs,
- b) must be limited to advertising businesses located within the same PUD District, and
- c) the off-premise signs must be a permissive use in the PUD District.

4-432. "PUD" DISTRICT FOR PLANNED UNIT DEVELOPMENT DISTRICT

4-432.1. Statement of Intent. The provisions of the PUD District are established to provide comprehensive procedures and standards designed to allow greater flexibility, uniqueness, innovative design and energy conservation in the development or redevelopment of areas of the community by developing adjacent to, or by incorporating within a mixture of densities/intensities or use types. The benefits of the PUD are intended to be significant as to warrant modifications of the standards required under other district regulations. These provisions are further intended to promote conservation and more efficient use of land, higher standards of site and building design and the preservation and enhancement of desirable site characteristics such as natural topography, scenic features and open spaces. It is also intended that these provisions will give the developer reasonable assurance of ultimate approval before expending complete design monies while providing City officials with assurances that the project will retain the character envisioned at the time of concurrence.

Source: Ord. 476, Sec. 1 (1994).

4-432.2. Permitted Uses. Any use which is permitted by this ordinance within the residential, commercial or industrial districts shall be considered as potentially allowable within a PUD District.

Source: Ord. 476, Sec. 2 (1994).

4-432.3. Who May Apply--Ownership Requirements. An application for approval of a PUD shall be filed in the name(s) of the recorded owner(s) of property included in the development. However, the application may be filed by holder(s) of an equitable interest in such property. Before approval of a plan can be obtained, the applicant must show evidence of full ownership interest in the land (legal title or the execution of a binding sales agreement). The entire project must be in single ownership by the time the final development plan can be approved.

4-432.4. Minimum Areas Generally Required. The tract of land for which a PUD project is proposed shall be a minimum of 2 acres. Areas of less than 2 acres may qualify as a PUD project if the applicant can show that the waiving of this requirement is in the public interest and that at least one of the following conditions is met:

- a. Unusual physical features of the site or the surrounding neighborhood are such that development under a different zoning district would not conserve the unique physical features of the site or would not allow functional or environmental compatibility with the surrounding neighborhood.
- b. The site is adjacent to an area which has been developed under the provisions of a Planned Unit Development

District and will contribute to the amenity and functionality of the neighborhood.

- c. The site is part of an urban redevelopment and/or spot renewal program, provided it does not conflict with the nature of the surrounding neighborhood.

4-432.5. Coordination with Subdivision Regulations. It is the intent of this article that subdivision review be carried out simultaneously with the review of a Planned Unit Development and that the development plans submitted under this article be submitted in a form which will satisfy the requirements of the subdivision control regulations for preliminary and final plats.

4-432.6. Administrative Procedure. Administrative approval is to be obtained for a PUD project at two stages: (1) the Planning and Zoning Commission is to review and give preliminary approval to a Concept Development Plan for the total area of the proposed PUD District; and, (2) final approval is to be given to a Detailed Development Plan by the Planning and Zoning Commission and the City Commission for the total site development or for sub-areas of the proposed PUD District. Prior to these two steps, the prospective applicant should submit to the Planning and Zoning Commission and its staff, preliminary plans and sketches and basic site information for consideration and advise as to the relation of the proposal to general development objectives to be attained in the area and as to the policies of the Commission with reference thereto.

A. Preliminary Approval of a Planned Unit Development Project

1. The proponents of a PUD project shall submit a Concept Development Plan to the Planning and Zoning Commission.
2. The Concept Development Plan shall consist of the following:
 - a. A legal description of the property.
 - b. A statement describing the general character of the intended development.
 - c. An accurate map of the project area showing the proposed site and its proposed land uses, and the adjacent properties and their present urban or projected land uses.
 - d. The pattern of proposed land uses including the shape, size and arrangement of proposed use areas, density, and environmental character.
 - e. The pattern of public and/or private streets.

- f. Proposed open space and public sites.
- g. Preliminary number, size and concept of the proposed structures within each area.
- h. An outline for the anticipated schedule and sequence of development in terms of sub-areas for the total PUD District.
- i. Preliminary Subdivision plat.

3. Referral and Hearing

- a. On receipt of the application and the Concept Development Plan, the Planning Commission and its staff shall study the proposal to determine conformity with the City's Comprehensive Plan and the above requirements. This shall be done at the first regularly scheduled meeting of the Planning Commission.
- b. In reviewing the plan, the Planning Commission shall determine if the proposed development is consistent with the intended purposes of the PUD District, with the Comprehensive Plan, and with the overall development of the City of West Fargo. The design may provide for the modification of yards, setbacks, and height requirements, but the density, intensity of use, and lot coverage requirements for residential developments for the district as a whole shall not be reduced below that required in the R-3 District.
- c. The Planning Commission will hold a public hearing on the Concept Development Plan, after notification of the surrounding property owners, and will notify the applicant of its decision to approve, approve with modifications, or disapprove the plan.
- d. Approval of the rezoning and the related Concept Development Plan shall establish the basic right to use the area in conformity with the plan as approved, and shall be recorded as an integral component of the district regulations, but such plan is conditioned upon approval of a Detailed Development Plan, and shall not make permissible any of the uses as proposed until a Detailed Development Plan is submitted and approved for all or a portion of the Concept Development Plan.

B. Final Approval of a Planned Unit Development Project

1. In order to secure final approval and designation as a PUD District for a proposed site, the applicant will submit to the City Planning Commission a Detailed Development Plan of any or all of the agreed to site sub-areas.
2. The Detailed Development Plan for any or all PUD District shall consist of the following:
 - a. A final subdivision plat including lot lines, easements, public rights-of-way, etc.
 - b. A map of the site illustrating the following:
 - (1) Size, location and arrangement of buildings including building spacing, setbacks, yards, etc.
 - (2) Parking areas, private and public streets, sidewalks, and other transportation facilities.
 - (3) Landscaping, screening and final ground contours,
 - (4) Common open spaces and/or recreation areas.
 - (5) Sewer, water, and other utility lines.
 - c. Where applicable, a written statement outlining the ownership and maintenance responsibility of the common open spaces and recreation areas and documentation of this responsibility.
 - d. A written agreement with the City of West Fargo providing that should the improvements set forth in the illustration above fail to be completed within 18 months after the initiation of construction, as provided for in Subsection 5 below, then and in that event the City of West Fargo shall be authorized to provide for the installation of said improvements. The installation of said improvements shall be paid for by utilization of the special assessment process, for such cases made, and the developer so involved shall, as a part of the agreement waive any rights s/he might otherwise have to protest said special assessments.

3. The proponents of the PUD project shall secure the final approval for the designated section of the PUD area from the Planning Commission and the City Commission.
 4. Upon approval of the Planning Commission and the City Commission, the Detailed Development Plan is attached to and is part of the ordinance establishing the zoning designation of the land. The Detailed Development Plan is the document on which building permits and other City development approvals are issued. The City Building Inspectorate is not authorized to issue permits for improvements which are not indicated on the approved plan.
 5. Construction of the PUD shall be started within 2 years from the effective date of approval of the plan by the City Commission. Failure to begin the development within 2 years shall automatically void the development plan and another detailed development plan must be submitted and approved prior to any development of the property.
- C. Establishing Zoning in Advance of Development Plans: Circumstances may arise where the planned development may be proposed in phases over a longer period of time, or the development consists of multiple properties which may be owned separately or may be sold to another party prior to development. In such an event, the proponent(s) of a PUD may seek to rezone the property initially to PUD with the consideration of the Detailed Development Plan at a later date according to the following procedures.
1. The proponents of a PUD development shall initially submit a Concept Development Plan to the Planning and Zoning Commission as outlined previously.
 2. The Planning and Zoning Commission shall hold a hearing on the proposed Concept Development Plan after notification of the surrounding property owner, and will notify the applicant of its decision to approve, approve with modifications, or disapprove the plan. Following a public hearing before and consideration by the Planning and Zoning Commission, the Commission shall submit in writing its recommendations on the proposed zoning ordinance amendment, supplement, change or modification to the City Commission within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the

Comprehensive Plan. Said recommendations shall be of an advisory nature only.

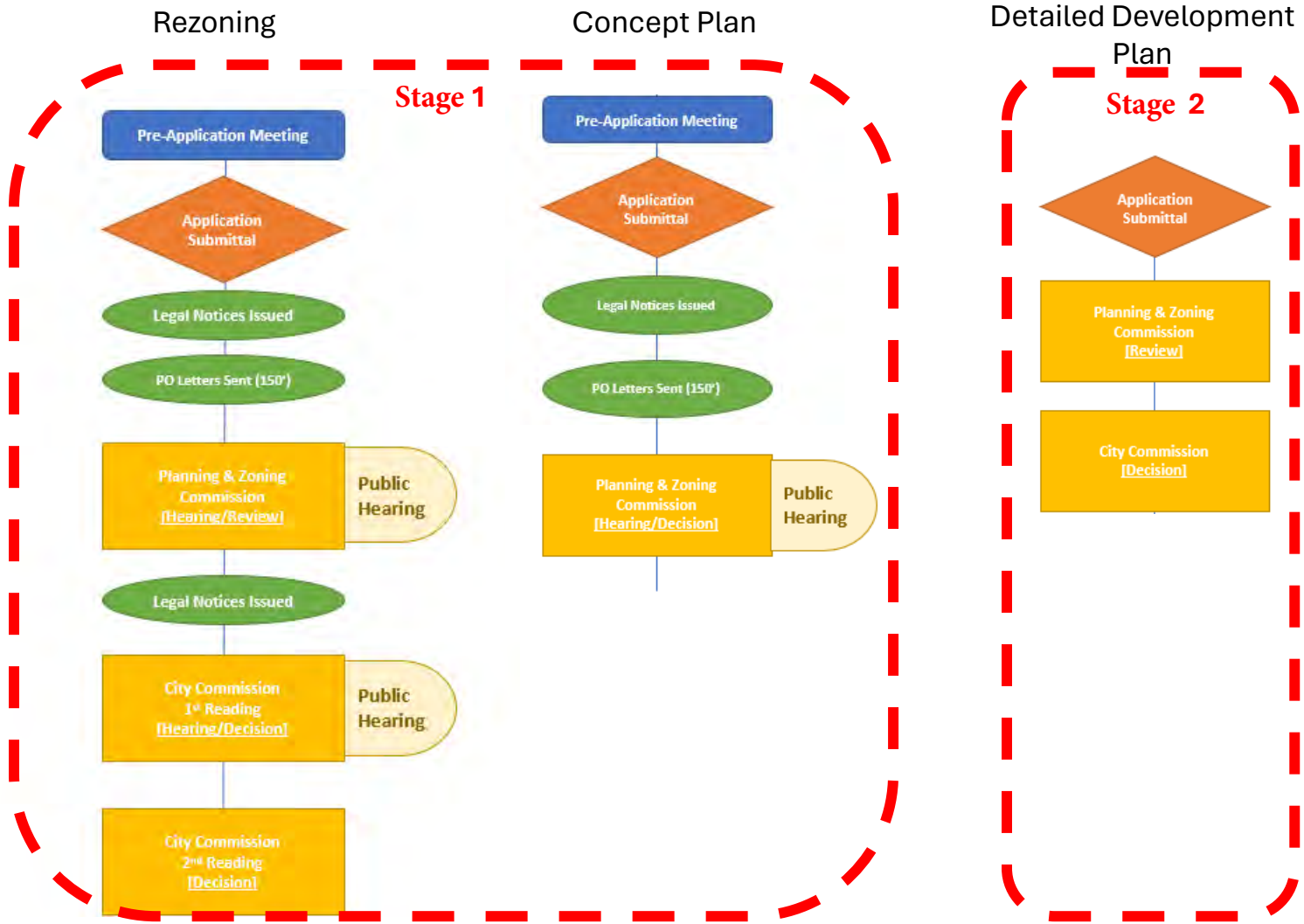
3. After receipt of the recommendation on any zoning ordinance amendment from the Planning and Zoning Commission, or in any event of the failure of the Planning and Zoning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning and Zoning Commission, the Board of City Commissioners shall hold a public hearing, after which the proposed amendment may be passed. If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of twenty per cent or more:
 - a. Of the area of the lots included in such proposed change; or
 - b. Of the area adjacent, extending one hundred fifty feet (45.72 meters) from the area to be changed, excluding the width of streets or other public right-of-way, the amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Commission. All protests must be filed with the City Auditor, in writing, prior to the time set for the hearing.
 - c. Upon establishment of any regulation, restriction, or boundary hereunder the governing body of West Fargo shall file a certified copy thereof with the City Auditor and shall cause notice of the same to be published in the official newspaper of the City. Said notice shall describe the nature, scope, and purpose of the regulation, restriction, or boundary, and shall state the times at which it will be available to the public for inspection and copying at the Office of the City Auditor.
4. PUD Amendment: Prior to any building permit for development within the PUD, the proponent of a project shall submit to the Planning and Zoning Commission an application and Detailed Development Plans for the property as outlined previously, which will be considered a PUD Amendment. The Planning and Zoning Commission shall hold a hearing on the proposed PUD Amendment after notification of the surrounding property owners, and will notify the applicant of its decision to approve, approve with modifications, or disapprove the plan. The PUD Amendment shall be reviewed for consistency with the Comprehensive Plan and for compatibility

with characteristics of other uses within the designated PUD area and other uses in the adjoining areas. Following a public hearing before and consideration by the Planning and Zoning Commission, the Commission shall submit in writing its recommendations on the proposed PUD Amendment to the City Commission. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of the PUD Amendment on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

5. After receipt of the recommendation from the Planning and Zoning Commission, the City Commission shall review the Detailed Development Plan for the PUD Amendment and approve, approve with modifications or conditions, or deny the request. The Detailed Development Plan is attached to and is part of the Zoning designation of the property. The Detailed Development Plan is the document on which building permits and other City development approvals are issued. The City Building Inspector is not authorized to issue permits for improvements which are not indicated on the approved plan.
 6. A written agreement as outlined previously shall be signed, which includes terms and conditions for the development and provides for installation of improvements as outlined previously.
- D. Amendments: Any change in the Detailed Development Plan shall first be submitted for approval to the City Planning Commission, and if, in the opinion of the Planning Commission, such change constitutes substantial alteration of the original plan, especially with regards to a change in land use or an increase in development density or intensity, the procedure provided in Sections C.4-C.6 above shall be required.

Source: Ord, 916, Sec. 41 (2012)

Current PUD Process



Proposed PUD Process

