



Aaron Nelson, AICP Director of Planning and Zoning
Lisa Sankey, Planner
Breanna Siegler, Office Manager

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West Fargo Planning & Zoning Commission Agenda
Tuesday, March 11th, 2025 - 5:30 p.m.

- A. Call to Order
- B. Approval of Order of Agenda
- C. Approval of Minutes- February 11th, 2025
- D. Regular Agenda
 - 1. Public Hearing- A25-5 Brooks Harbor 5th Addition, a request for Planned Unit Development at 2250 5th St W to build townhouse style apartments (Lot 3, Block 3 Brooks Harbor 5th Addition)- Sankey ***(request for continuation to the April 15, 2025 meeting)***
 - 2. Public Hearing- A25-3 DMF Addition, a request for replat at 450 23rd Ave E (Lot 1, Block 1 North Pond at the Preserve 14th Addition)- Sankey
 - 3. Public Hearing- A25-4 Oak Ridge 20th Addition, a request for a replat at 805 32nd Ave E (Lot 8, Block 1 Oak Ridge 6th Addition)- Sankey
 - 4. Public Hearing- A24-28 Zoning Ordinance Amendment to Title IV regarding short-term rentals- Nelson
- E. Non-Agenda Items
- F. Adjourn from Regular Agenda
- G. Discussion Agenda
 - 1. 2025/2026 Work Program



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West Fargo Planning & Zoning Commission Meeting Minutes
Tuesday, February 11th 2025 - 5:30 p.m.

Members Present: Joe Kolb, Mike Thorstad, Dave Gust, Matt Kopp, Kathi Schwan, Eric Dodds-virtual

Members Absent: None

Others Present: Aaron Nelson, Lisa Sankey, Katie Schmidt, Breanna Siegler

Minutes Submitted by: Breanna Siegler, Office Manager

The 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 to approve; Commissioner Schwan seconded. No opposition. Motion passed.

Commissioner Kopp moved and Commissioner Thorstad seconded the motion to approve the meeting minutes from January 14, 2025. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-32 Hope Lutheran Addition, a request for subdivision and zoning change from A: Agricultural to R-1A: Single Family Dwellings in the S ½ of Section 31, T139N, R49W, which had been continued from the December 10, 2024 meeting. Staff explained that at this time, this application is for subdivision and rezoning of the property, not review of the site plan. Religious institutions are allowed in R1-A by right. Chair Kolb asked for public comment. Public comments were brought forth.

Two members of the public brought forth comments. The first focused on property tax concerns and a desire to see single-family homes in this space over a church. The second commenters concerns were regarding increased traffic on 9th St W and 6th St W due to this project.

Brian Berg (Zerr Berg Architects) spoke on behalf of the applicant. To address some of the traffic concerns, they have specifically organized the parking lots to help with the queuing and keep the extra drive length contained within the actual parking lot. They are looking at ways to continue to address these concerns with the city staff. A connection to 6th is shown on the preliminary drawings to help with future congestion if the rest of the area gets developed.

Chair Kolb closed the public hearing. Discussion held. Commissioner Dodds stated that concerns about trees and green space came up in public comments prior to the meeting. He wanted to know if these concerns will be addressed in a detailed development plan. The applicant indicated that they are willing to modify the conceptual site plan to plant more trees prior to submitting a detailed development plan. Brian Berg said that after the public meeting, they eliminated the parking spaces that originally faced the houses on Rania Way. They are also trying to protect the neighbors to the south and



north from issues associated with large parking lots. Commissioner Gust motioned to approve the application with the condition listed. Commissioner Thorstad seconded. No opposition. Motion passed.

Chair Kolb opened a Public Hearing for A25-2 Maple Ridge at the Preserve 4th Addition, a request for a variance to reduce the required minimum building control line of the CO-SR: Sheyenne River Corridor Overlay District at 3110 Sheyenne River Way (Lot 9, Block 1 Maple Ridge at the Preserve 4th Addition). SE Cass Water Resource District provided some comments based on the soil analysis report. The owner must sign the release of liability document as a condition of approval. Chair Kolb asked for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Discussion held. City Engineer Jerry Wallace shared some findings regarding the geotechnical report that was submitted by the applicant. The report satisfies the requirements of the ordinance. Commissioner Gust motioned to approve. Commissioner Schwan seconded. Motion passed with a 5-1 vote where Commissioner Dodds voted in opposition.

Chair Kolb opened the floor for approval of updates to the commission bylaws. Director Nelson reviewed the proposed changes. The updates are redlined in the agenda packet. Chair Kolb offered a suggestion of adding a month as a deadline for the annual work program documentation. He suggested January. Commissioner Gust motioned to approve the proposed changes to the bylaws after including the suggestion to provide a month to complete the annual work program. Commissioner Schwan seconded. No opposition. Motion passed.

Chair Kolb opened the floor for non-agenda items. Director Nelson announced that there was a kick-off meeting with HKGi regarding the Growth Area Master Plan and that the Planning & Zoning Commission can look forward to future updates and requests for input.

Chair Kolb asked for a motion to adjourn from the regular agenda. Commissioner Gust moved to adjourn. Commissioner Schwan seconded. No opposition. Motion passed. Chair Kolb adjourned from the regular agenda at 6:30pm.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A25-5 PLANNED UNIT DEVELOPMENT	
Brooks Harbor 5 th Addition	
2250 5 th Street West (Lot 3, Block 3 of Brooks Harbor 5 th Addition), City of West Fargo, North Dakota	
Owner: Magnum Properties LLC Applicant: Brookstone	Staff Contact: Lisa Sankey
Concept Development Plans – Planning & Zoning Commission Public Hearing:	3/11/2025
City Commission Public Hearing and 1 st Reading:	
2 nd Reading	
Detailed Development Plans – Planning & Zoning Commission	

PURPOSE:

Development of residential townhomes within a Planned Unit Development.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	n/a
Total area size:	211,316 square feet (4.85 Acres)
Adjacent Zoning Districts:	North: P - Public South: R-1- One- and Two-Family Dwelling District East: C-OP Commercial Office Park, CO-Corridor Overlay, and CO-I Interstate Corridor Overlay West: P-Public
Adjacent street(s):	22nd Avenue East (Local); 5th Street East (Local)
Adjacent Bike/Pedestrian Facilities:	Existing along 22nd Avenue East and 5th Street East. Trail adjoining Brooks Harbor Elementary property.
Available Parks/Trail Facilities:	There is a trail connection westerly of Brooks Harbor Elementary. The school also has playground equipment and open play space. Brooks Harbor Fishing Pond and Eaglewood Park are nearby.
Park Dedication Requirements:	n/a

DISCUSSION AND OBSERVATIONS:**Overview**

- The requested development entitlements include approval of a Planned Unit Development (PUD) Concept Plan in conjunction with approval of a PUD Zoning District for a residential development.

STAFF REPORT

- A PUD is both a zoning district as well as a development plan. PUD Districts are linked to Concept 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.
- The PUD district is established to allow for greater development design flexibility than would otherwise be allowed through the strict application and interpretation of Title IV. 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.
- The PUD Concept Plan shows a total of 52 townhome units which include sixteen 3-plex townhome buildings and one 4-plex townhome building. Each unit includes two garage stalls and two driveway spaces per unit. Decks are indicated to the rear of each building, one per unit.
- Additional “overflow” off-street parking is provided at the northwest and southwest areas of the lot with six additional parking spaces provided.
- Driving surfaces and utilities internal to the development are to be privately installed, owned, and maintained. Standard maintenance requirements and remedies will be incorporated into a PUD agreement, to ensure infrastructure remains in a state of good repair and accessible for emergency services and solid waste collection.

Proposed PUD Standards

- In accordance with §4-432 of the zoning code, a PUD application must specify the conventional zoning district most closely related to the proposed development 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.
- The baseline zoning district for the proposed PUD is R-2: Limited Multiple Dwelling District.
- The proposed PUD includes one variation to zoning standards. Section 4-449-A.5.d of the zoning ordinance requires that a minimum of 70% of required Open Space Landscaping be located within the front or street side yard. The proposed PUD reduces this percentage down to 50%, due to space limitations of the site layout. The applicant has submitted a draft landscaping plan showing the general location of the plant units on the site.
- Aside from the landscaping standard noted above, the proposed development will comply with all other applicable zoning standards of the R-2 zoning district.
- The proposed PUD also includes several design standards intended to ensure a housing product that is above and beyond what would otherwise be allowable within the R-2 zoning district. In summary, these design standards include:
 - Requirements for durable exterior siding materials.
 - Requirements for stone/masonry cladding on walls fronting a public street.
 - Vegetated landscaping required between driveways onto public street, to minimize driveway paving along public sidewalk.

Discussion

- In addition to what is included in the PUD standards, the applicant has communicated their intent to incorporate various architectural elements to the front of the homes to give each

STAFF REPORT

building a unique look. Draft building plans and renderings from the applicant are attached for reference. Specific façade treatments the applicant notes include:

- An increased amount of stone/brick than typical for this level of home
 - Shed roofs and dormers.
 - Different types of siding including lap, board, batten, and shake.
 - Building massing brought forward over garage to give the garage a more tuck-under feel instead of “snout houses” the West Fargo 2.0 Big Ideas tries to protect against.
- Staff notes that soil conditions indicate potential location of wetlands and will require a delineation which will confirm if jurisdictional wetlands are present. Wetland delineation and any associated mitigation requirements will need to be completed prior to any land disturbing activities occurring on site and the issuance of building permits.
 - The applicant held a neighborhood meeting on February 4, 2025 to present information on their proposed development, answer any questions, as well as ask residents for input as to what the residents would like to see located on the property. They also referenced a similar housing development in a neighboring community. The applicant provided contact information to residents for further feedback.
 - As discussed in more detail within the “Notices” section below, staff has received public comments regarding concerns with the proposed development. Most of the comments received relate to concerns over traffic, overcrowding of Brook Harbor Elementary, and/or perceived impacts to existing residents from higher-density rental housing. Each of these items is discussed in more detail in the next section, below.
 - Also as noted further below in this staff report, the City’s Comprehensive Plan encourages diversification of housing stock within neighborhoods, quality design of new residential development, and the expansion of jobs and businesses in relation to the City’s residential population.

NOTICES:

Sent to:	Property owners within 150’ and applicable agencies and departments
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Comments Received:

- Public comments have been received from area residents. All written comments are included in the packet. Generally, the issues/concerns expressed are the following:
 - Increased traffic relating to the area school
 - Traffic congestion
 - Concern for reduction in property values
 - Potential for overcrowding of schools
 - Rental Property verses a commercial/public use
 - Concern regarding potential construction company housing.
 - Increased special assessments
 - Proximity of the development to the school and park.
- An email was received in support of the project
- Information provided by city staff, West Fargo Park District and West Fargo School District was provided as time allowed to neighborhood community questions. Responses to some of the specific questions received from public comment included the following:
 - West Fargo Public Schools:

STAFF REPORT

- As to the enrollment projections- I believe the land is currently classed as commercial, so it would not have been included in our enrollment projections. Brooks Harbor is already at its capacity (and consistently oscillating on being overcapacity) and there will likely need to be some analysis of its boundaries done to ensure a long term sustainable enrollment for the school- this would certainly exacerbate that challenge/reality and could force some parts of the attendance area that are farther from the school out of the Brooks Harbor Elementary's boundary and be pushed to an adjacent elementary school. Historically the district has not taken a formal position in opposition to development as that's been viewed as beyond our scope, but has attempted to share potential enrollment impacts in a transparent manner. This certainly could have a significant impact on existing residents from a school boundary perspective as we try hard to minimize boundary adjustments.
- o West Fargo Engineering Department:
 - Regarding traffic concerns, staff notes that a traffic study was completed for the previous application of a hockey facility at the subject property. There are currently traffic congestion issues along 26th Avenue, backing up from the intersection with Shyenenne St, specifically during the AM rush hour. While any new development will add to the situation, the previously approved hockey facility was anticipated to generate an additional 394 AM peak hour trips and 511 PM peak hour trips, and 6,673 daily trips. The study noted that the proposed hockey arena would likely result in traffic delays at the intersection of 5th St W and 26th Ave W, but that the addition of a turn lane could mitigate anticipated delays at the intersection. The study also contained options for mitigating impacts to the intersection of 26th Ave W and Shyenenne St, such as converting the west approach to a two-way left turn lane left turn lane and adding a dedicated eastbound right turn lane.
 - With regards to the special assessments that would potentially be levied if these suggested improvements were constructed: This would be a commission level decision if there would be any special assessments. Likely if they were constructed, the assessment district would include an area of Brooks Harbor that would be utilizing the roadway. It should be noted that all the development of this neighborhood would be contributing to the congestion of the intersections noted, not only these new areas of development.
 - It should be noted that if this project is approved as requested, the level of service of both the intersections noted above will be reduced until roadway improvements suggested are implemented.
 - Lastly, this study was not conducted for the current proposed specific development but was assuming the construction of a new hockey arena.
- o West Fargo Park District:
 - The Park District indicated that if the City and community felt park functions would fit this site, they would consider working on a plan to incorporate the property into their organization.
- o West Fargo Assessor's Office:
 - The city doesn't typically estimate how a project will affect property values, as we change values due to sales that have occurred in the last year. That being said, in neighborhoods with a mix of housing stock (value -wise) such as this, we haven't seen a tangible negative effect on property values due to this type of townhouse development.

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

STAFF REPORT

- There are several aspects of the West Fargo 2.0 plan that relate to the proposed PUD.
- West Fargo 2.0 seeks to grow the City's economy and increase the City's commercial tax base by increasing the ratio of jobs and businesses in relation to residential land-use. The subject property has previously been zoned for commercial, office, and recreational uses. If approved, the proposed PUD would eliminate the potential for such uses and would increase residential land-use in relation to other land uses.
- West Fargo 2.0 also recognizes the need for housing and to diversify the type of housing supply within the City, which is currently dominated by single-family detached units. The proposed project would add to the diversity of housing options available within the City.
- For new residential areas, West Fargo 2.0 also places an emphasis on improved neighborhood and housing design, including such things as de-emphasizing garages, incorporation of front porches, and additional trees and landscaping.

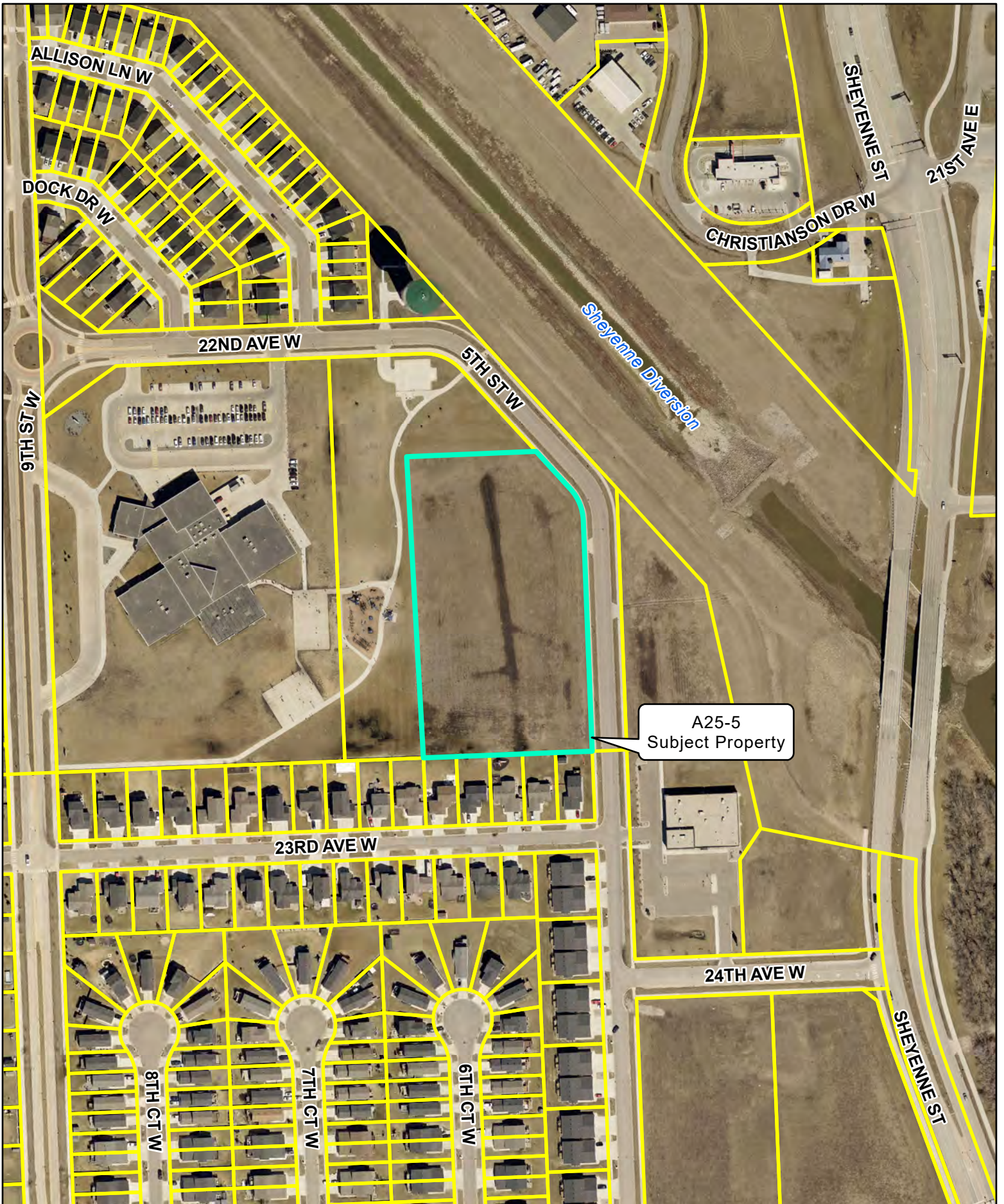
RECOMMENDATION:

As outlined within this staff report, there are both pros and cons to the proposed PUD. If Commissioners find that the proposal is largely consistent with the City's Comprehensive Plan, it is recommended that the PUD be approved with the following conditions:

1. A preliminary wetland delineation be completed by a certified professional prior to any land disturbing activities occurring on site.
2. A signed PUD agreement is received prior to consideration of approval by the City Commission, outlining maintenance responsibilities for the private infrastructure.

Attachments

1. Aerial Location map
2. Zoning map
3. PUD Ordinance Standards
4. PUD Concept Plan (Site Plan, Project Narrative, Project Overview, Building Plans, Renderings, and Conceptual Landscaping Plan)
5. Letters of opposition
6. Letter of support

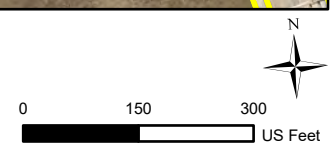


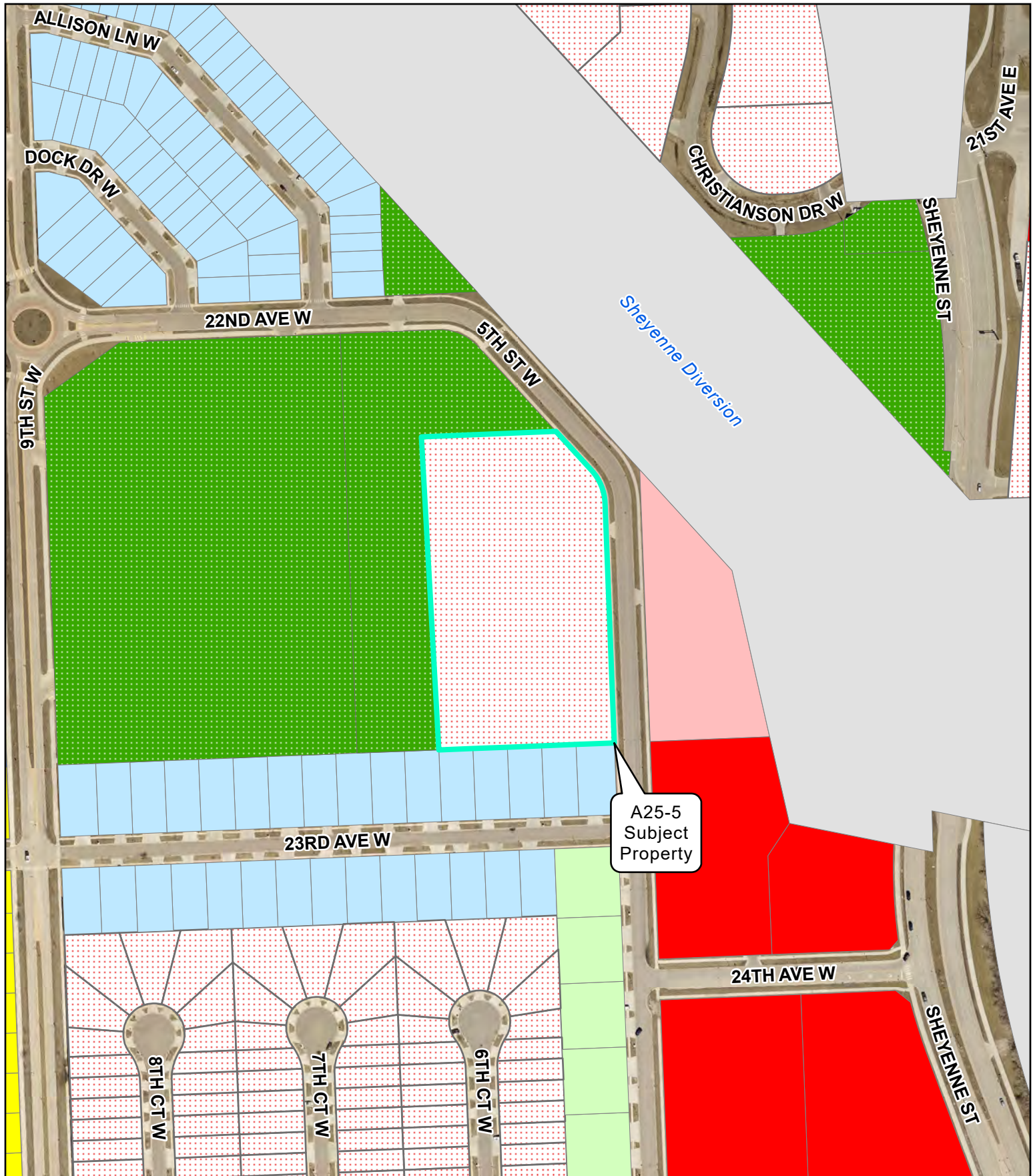
A25-5
Subject Property



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

PUD Ordinance Standards
A25-5 Brooks Harbor 5th Addition

1. The Baseline Zoning District for this PUD is R-2 (Limited Multiple Dwelling District).
2. For purposes of this PUD, the following variations to the Baseline Zoning District are approved in accordance with Section 4-432 of the Revised Ordinances of 1990 of the City of West Fargo:

The minimum percentage of Open Space Plant Units required to be located in the front or street-side yard, as described within Section 4-449-A.5.d of the City Ordinances, shall be reduced from 70% to 50%.
3. For purposes of this PUD, the following standards shall apply in addition to the standards of the Baseline Zoning District:
 - a. Required Building Materials:
 - i. Principle Materials – Unless otherwise deemed acceptable by the City Planner, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), or fiber cement. All materials shall be durable and have a multi-generational life span. Horizontal steel lap siding and vertical steel batten shall be allowed but should not exceed 75% of the building elevation.
 - ii. Accent Materials – In conjunction with the principal materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, aluminum, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade.
 - iii. Building Façades Facing Public Right-of-Way – At least 50% of all exterior walls which directly face a public right-of-way shall be constructed or clad with natural stone, synthetic stone, brick, and/or integrally-colored and textured concrete masonry units.
 - b. Driveways:
 - i. Maximum driveway width is 40 feet.
 - ii. A minimum 6 foot landscape buffer is required between driveways. Such landscape buffers shall contain at least one tree.



City of West Fargo Planning and Zoning and City Commission

Project: Brooks Harbor Twinhomes

Location: 2250 5th St. W West Fargo, ND 58078

The project consists of 52 townhome units within the residential portion of Brooks Harbor in the City of West Fargo. This parcel of land is ideally suited for this type of development for several reasons:

1. Surrounding uses are similar in level of construction. This project will blend well with the neighboring residences.
2. While the entire City of West Fargo is 34% rental (West Fargo 2.0-Urban is Back), this area is less than 10%. This product helps provide a diverse housing option that is currently undersupplied in the area.
3. This project is within a 5-minute walk to a public park, school, and a commercial district, meeting the city's goal of walkability





The project also incorporates a high design standard. Different architectural elements have been added to the front façade of the homes to give each building its own unique look. Additional consideration has been paid to the street design as well as parking. Some of these elements include:

1. An increased amount of stone/brick than typical for this level of home.
2. Shed roofs and dormers
3. Different types of siding, including lap, board and batten, and shake.
4. The house is brought forward over the garage to give the garage a more tuck-under feel instead of the “snout houses” the West Fargo 2.0—Big Ideas tries to protect against.
5. The fronts of the houses facing 5th Street make the houses more social and provide a beautiful, visible corridor to the City of West Fargo.
6. Coving and curving of streets create a more organic lot shape, with homes placed along meandering setbacks.
7. Although the project already exceeds parking requirements, the plan allows for additional parking spots to the east, closest to the city park. This meets the city’s objective of ‘hidden parking’.

These features improve design while keeping infrastructure and housing costs affordable for families.

On February 4th, 2025, we hosted a neighborhood meeting with the residents of Brooks Harbor, answering any questions and concerns they had. After the meeting, we emailed those who attended for further feedback.



Brooks Harbor Townhomes

Project Overview

The project consists of 52 townhome units within the residential portion of Brooks Harbor in the City of West Fargo. This parcel of land is ideally suited for this type of development for several reasons:

1. Surrounding uses are similar in level of construction. This project will blend well with the neighboring residences. The lot is between a school and park and a future commercial lot, providing a transition of product intensities.
2. While the entire City of West Fargo as a whole is 34% rental (West Fargo 2.0-Urban is Back), this area is less than 10%. This product helps provide a diverse option of housing that is currently undersupplied to this area.
3. This project is within a 5-minute walk to a public park, school, and a commercial district, meeting the city's goal of walkability.

Workforce Housing

Over the last several years, the cost of housing has drastically increased due to the cost of construction. Coupled with higher interest rates, home affordability is lower than it has been in nearly 40 years. With this area of West Fargo largely homeowner occupied, a large portion of housing is currently being underrepresented: workforce housing. This project seeks to fill this gap by providing a bridge between apartment living and home ownership for essential workers including teachers, police, fire, and health care workers who would have in recent years been priced out of the home ownership market.

High Standards of Design and Construction

The project incorporates a high design standard. Different architectural elements have been added to the front façade of the homes to give each building its own unique look. Additional consideration has been paid to the street design as well as the parking. Although the project follows the R-3 standards, we are proposing a PUD in order to elevate the aesthetic and life span of the project's features. The PUD requirements we are proposing are:



1. Specific dimensional information of each of the buildings and their locations.
2. Specific road curvature and coving for a more organic lot shape with homes placed along meandering setbacks.
3. Specific architectural features on each building including the placement of shed roofs and dormers.
4. Specific siding details for each building including the placement of shake, board and batten, lap and masonry. Specific materials along 5th Street to include LP siding and masonry to provide longevity of building materials 2 to 4 times longer than typical housing of this type.
5. Higher than standard parking space requirements.

These PUD details provide not only an increase in aesthetic value for the City of West Fargo, but also provides a more livable, social corridor to the project's and neighborhood residents.

Practical Development Options

The development options for this lot vary. The current zoning of a commercial PUD was for a private use hockey arena for the Fargo Angels. This group has decided to build their arena in a different area. While this project may have found success in this location, the lot is not ideally suited for commercial endeavors. Reasons for this include:

1. The long-term visibility of this area from highly trafficked roadways is poor. Eventually, the lots to the east will be developed with commercial uses and will shadow visibility of this lot.
2. Residential neighbors have voiced concerns of increased traffic and parking in this area with the addition of commercial on this lot. The intensity of commercial is poorly suited for this residential area.
3. Users of this commercial do not have good access on and off of Cty Rd 17 and must travel to 26th Ave W to get stop light protected access.



Our proposed project is not dissimilar to existing land uses in this corridor. Diamond Creek Townhomes and the J&L built twinhomes are both within two blocks of this lot and were both better suited for commercial development because of their visibility and ability to access a left out, stoplight protected intersection. We believe that between access, visibility, neighboring uses and product demand, the best use for the property is our current proposal.



BROOKSTONE
COMPANIES

Brookstone Companies
5302 51st Ave S
Fargo, ND 58104

General Notes:

1. EXTERIOR WALLS ARE 2X6 TYP.
2. INTERIOR WALLS ARE 2X4 TYPE - UNLESS NOTED OTHERWISE
3. PROVIDE SOLID WOOD BACKING FOR ATTACHMENT OF HANDRAIL, WALL MOUNTED LIGHT FIXTURES, SHELVING, ETC. AS CLOSETS PROVIDE IN WALL BLOCK/BACKING FOR SHELF SUPPORT. INSTALL BLOCKING CENTERED ON 42", 66" & 84" ABOVE FINISHED FLOOR

Plan Notes:

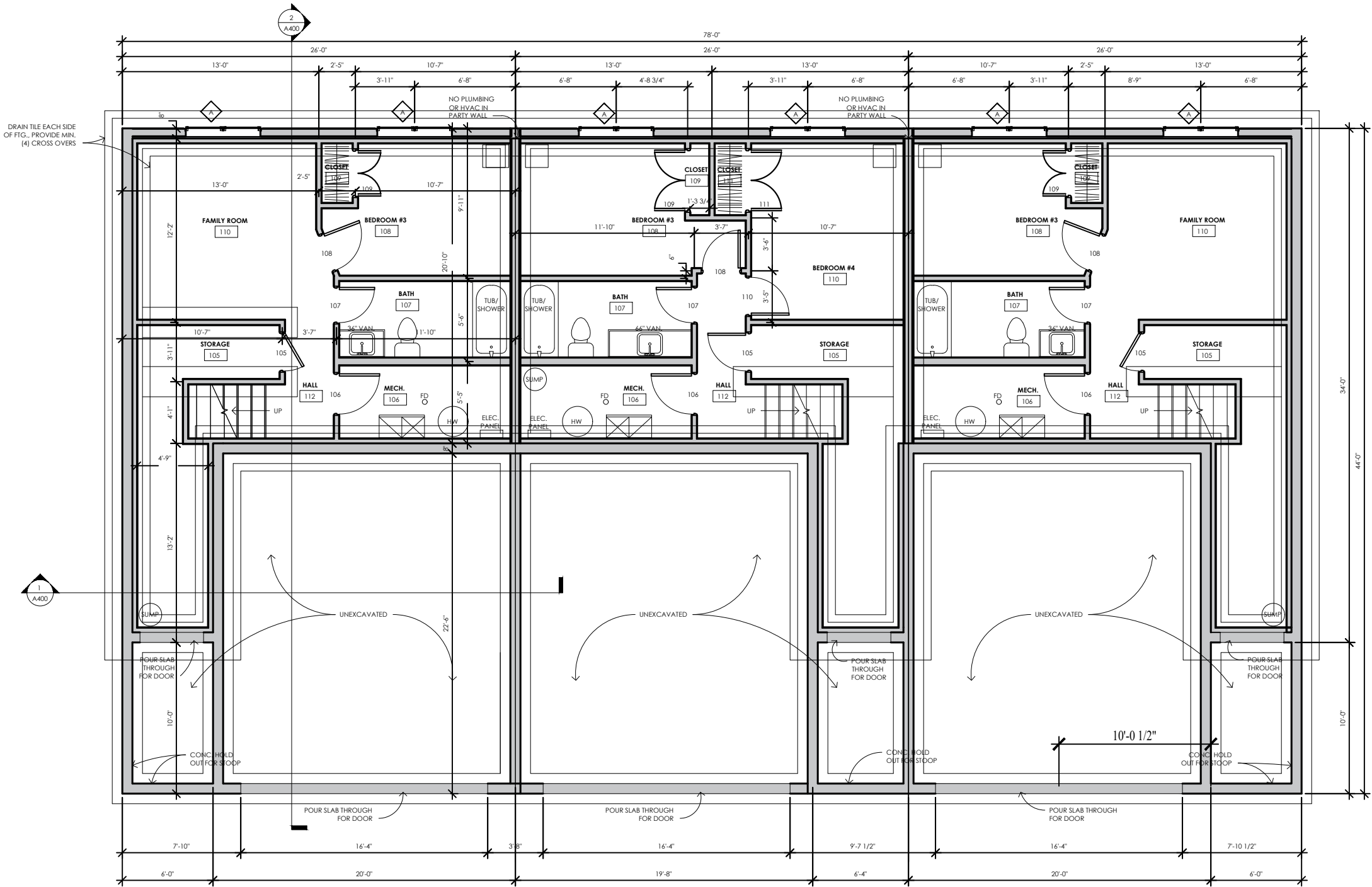
Project Address:

3 Level Split
3-plex

Initials: MJB

Sheet

A1.01
Foundation Plan



1 FOUNDATION
A1.01 SCALE: 1/8"=1'-0"



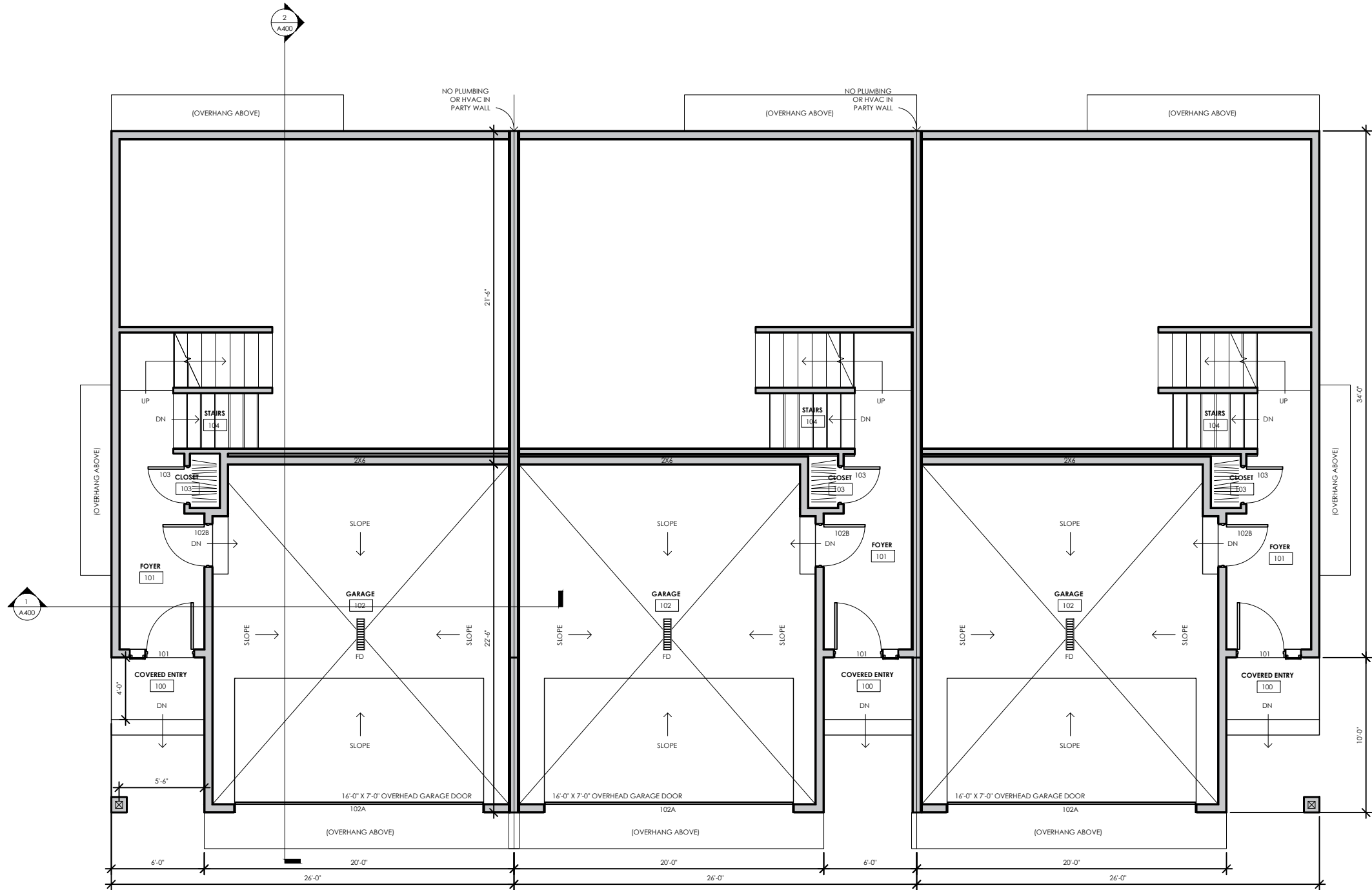
BROOKSTONE
COMPANIES

Brookstone Companies
5302 51st Ave S
Fargo, ND 58104

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Plan Notes:



1 GARAGE / FOYER
A1.02 SCALE: 1/8"=1'-0"

Project Address:

3 Level Split
3-plex

Initials: MJB

Sheet

A1.02
Garage / Foyer Plan



BROOKSTONE
COMPANIES

Brookstone Companies
5302 51st Ave S
Fargo, ND 58104

General Notes:

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Plan Notes:

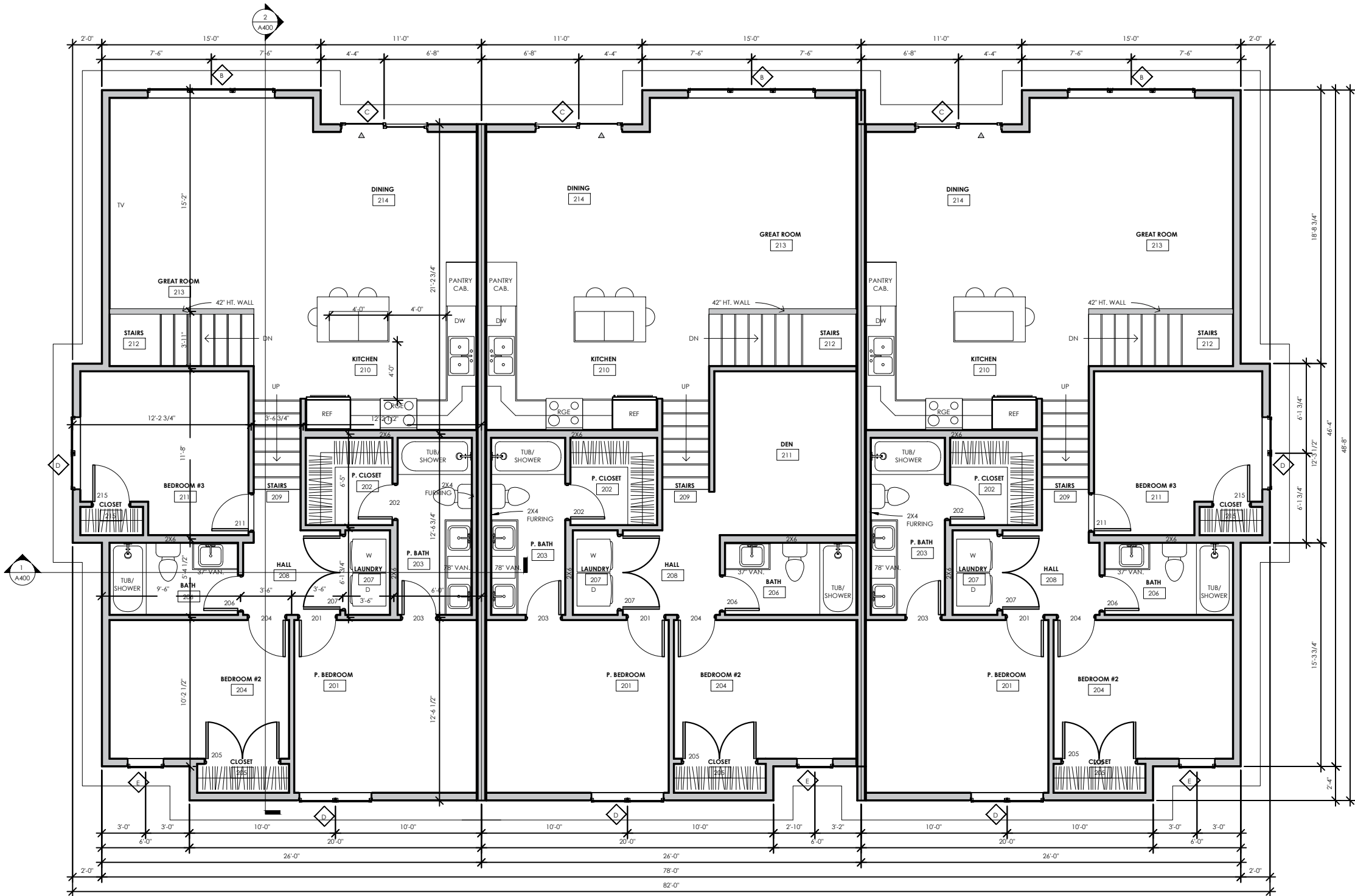
Project Address:

3 Level Split
3-plex

Initials: MJB

Sheet

A1.03
Main / Upper Plan



1 MAIN / UPPER
A1.03 SCALE: 1/8"=1'-0"



BROOKSTONE
COMPANIES

Brookstone Companies
5302 51st Ave S
Fargo, ND 58104

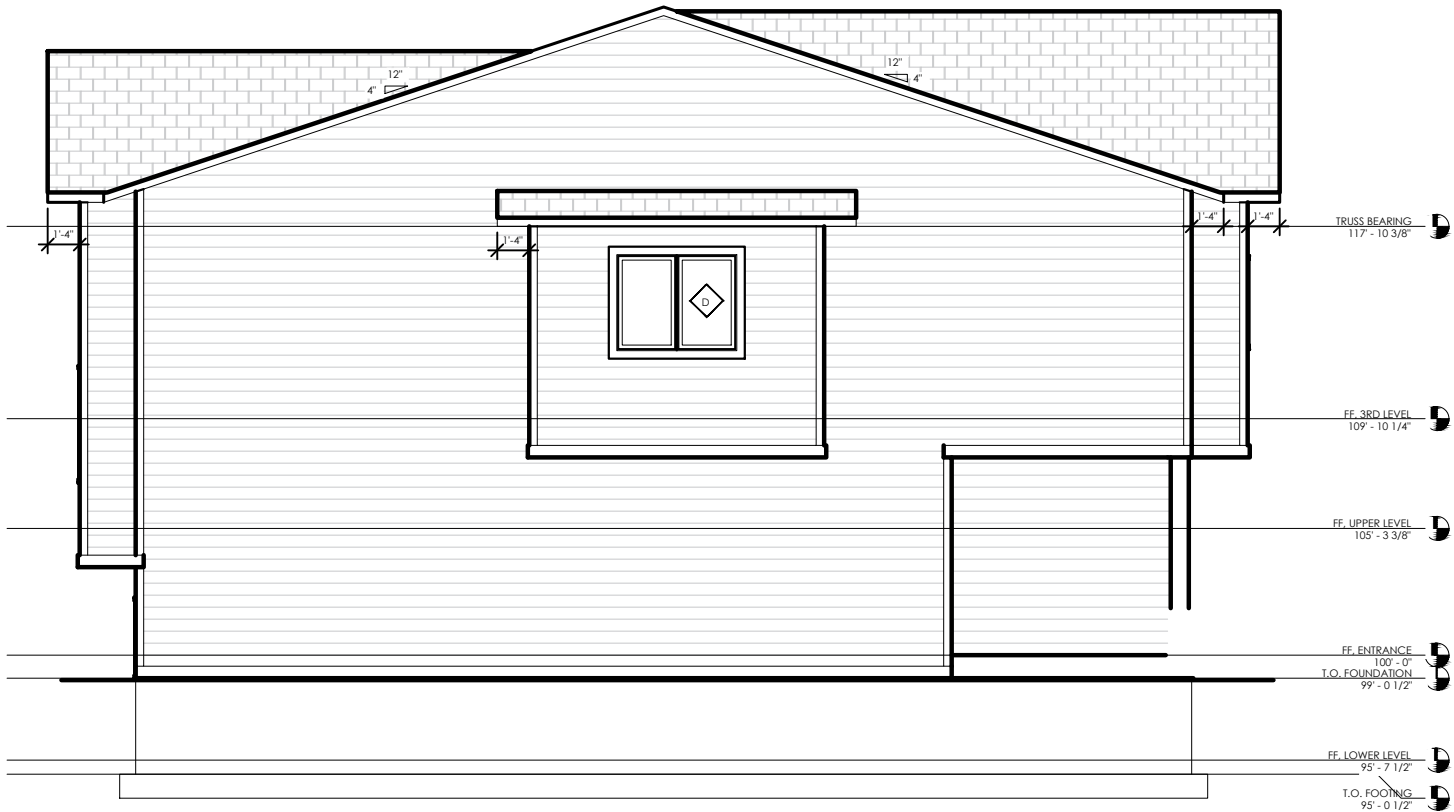
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Plan Notes:



1 FRONT ELEVATION
SCALE: 1/8"=1'-0"



2 LEFT ELEVATION
SCALE: 1/8"=1'-0"

Project Address:

3 Level Split
3-plex

Initials: MJB

Sheet

A2.00
Elevations



BROOKSTONE
COMPANIES

Brookstone Companies
5302 51st Ave S
Fargo, ND 58104

General Notes:

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Plan Notes:

Project Address:

3 Level Split
3-plex

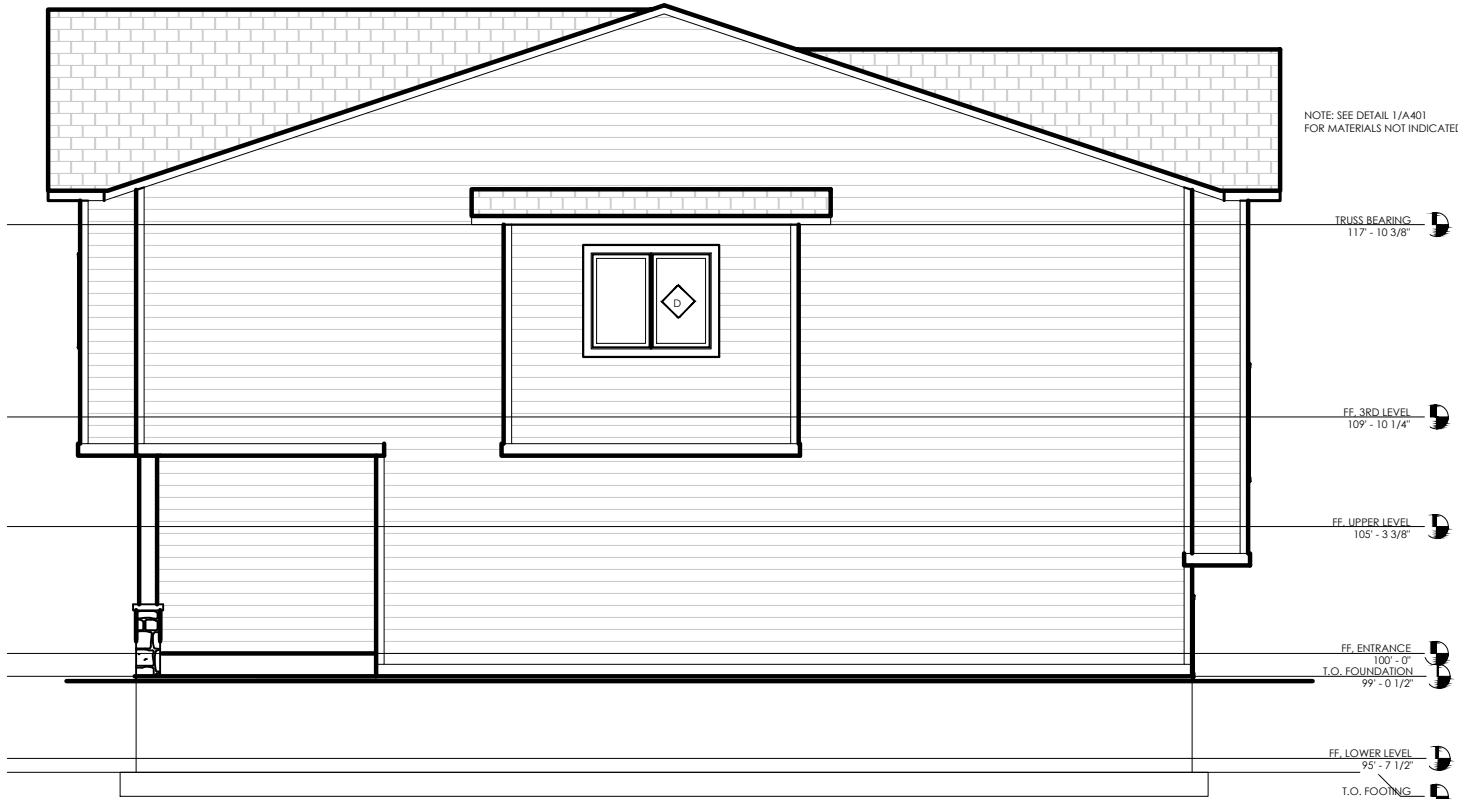
Initials: MJB

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A2.01
Elevations



1 REAR ELEVATION
A2.01 SCALE: 1/8"=1'-0"



2 RIGHT ELEVATION
A2.01 SCALE: 1/8"=1'-0"



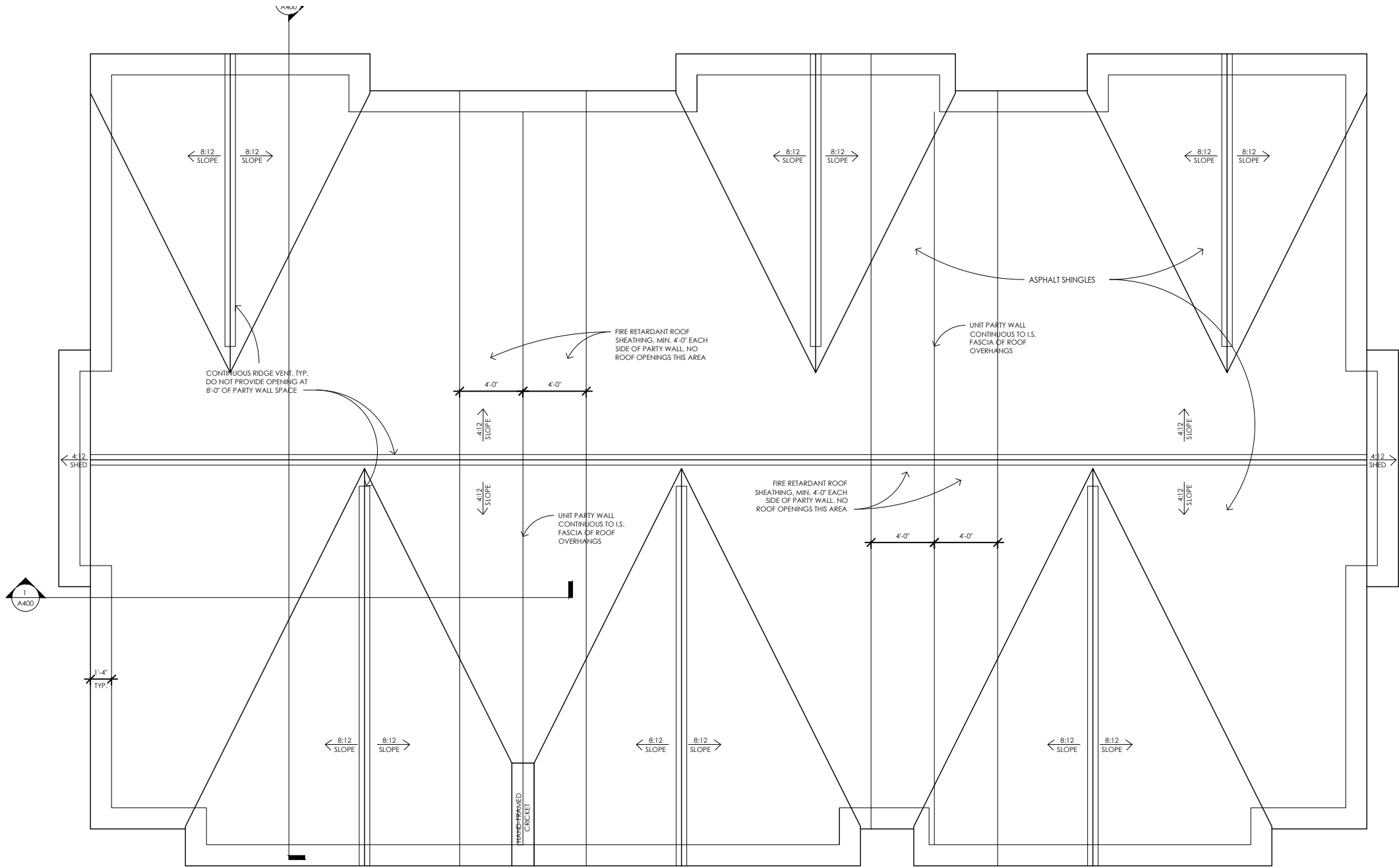
BROOKSTONE
COMPANIES

Brookstone Companies
5302 51st Ave S
Fargo, ND 58104

General Notes:

1. EXTERIOR WALLS ARE 2X6 TYP.
2. INTERIOR WALLS ARE 2X4 TYPE - UNLESS NOTED OTHERWISE
3. PROVIDE SOLID WOOD BACKING FOR ATTACHMENT OF HANDRAIL, WALL MOUNTED LIGHT FIXTURES, SHELVING, ETC. AS CLOSETS PROVIDE IN WALL BLOCK/BACKING FOR SHELF SUPPORT. INSTALL BLOCKING CENTERED ON 42", 66" & 84" ABOVE FINISHED FLOOR

Plan Notes:



1 ROOF PLAN
A2.02 SCALE: 1/8"=1'-0"

Project Address:

3 Level Split
3-plex

Initials: MJB

Sheet

A2.02
Roof Plan



Brookstone Companies
5302 51st Ave S
Fargo, ND 58104

General Notes:

1. EXTERIOR WALLS ARE 2X6 TYP.
2. INTERIOR WALLS ARE 2X4 TYPE - UNLESS NOTED OTHERWISE
3. PROVIDE SOLID WOOD BACKING FOR ATTACHMENT OF HANDRAIL, WALL MOUNTED LIGHT FIXTURES, SHELVING, ETC. AS CLOSETS PROVIDE IN WALL BLOCK/BACKING FOR SHELVE SUPPORT. INSTALL BLOCKING CENTERED ON 42", 66" & 84" ABOVE FINISHED FLOOR

Plan Notes:

Project Address:

3 Level Split
3-plex

Initials: MJB

Sheet

A6.00 Details



NOTE
NO PLUMBING OR HVAC
IN PARTY WALL



PARTY WALL

(2) 1-HOUR RATED PARTY WALL
UL U311 (R302.2(2))

- 5/8" TYPE X GWB (EACH SIDE)
- FIRE TAPED INSIDE GWB
- 2x4 STUDS @ 16" O.C.
- 3 1/2" SOUND INSULATION
- 1" AIR SPACE

NOTE
NO PLUMBING OR HVAC
IN PARTY WALL



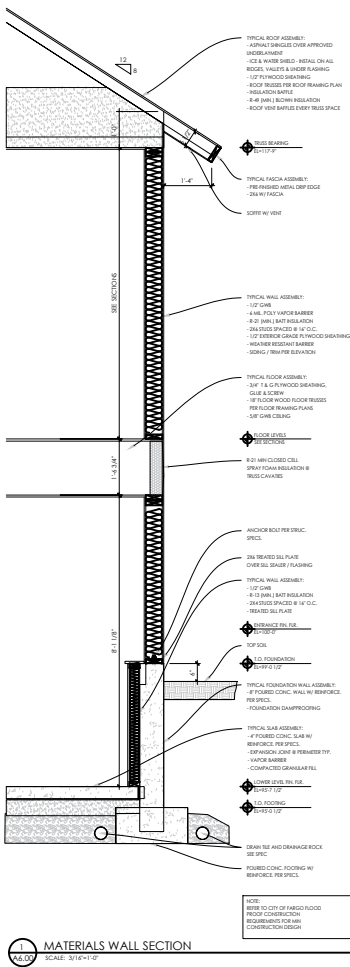
PARTY WALL

(2) 1-HOUR RATED PARTY WALL
UL U311 (R302.2(2))

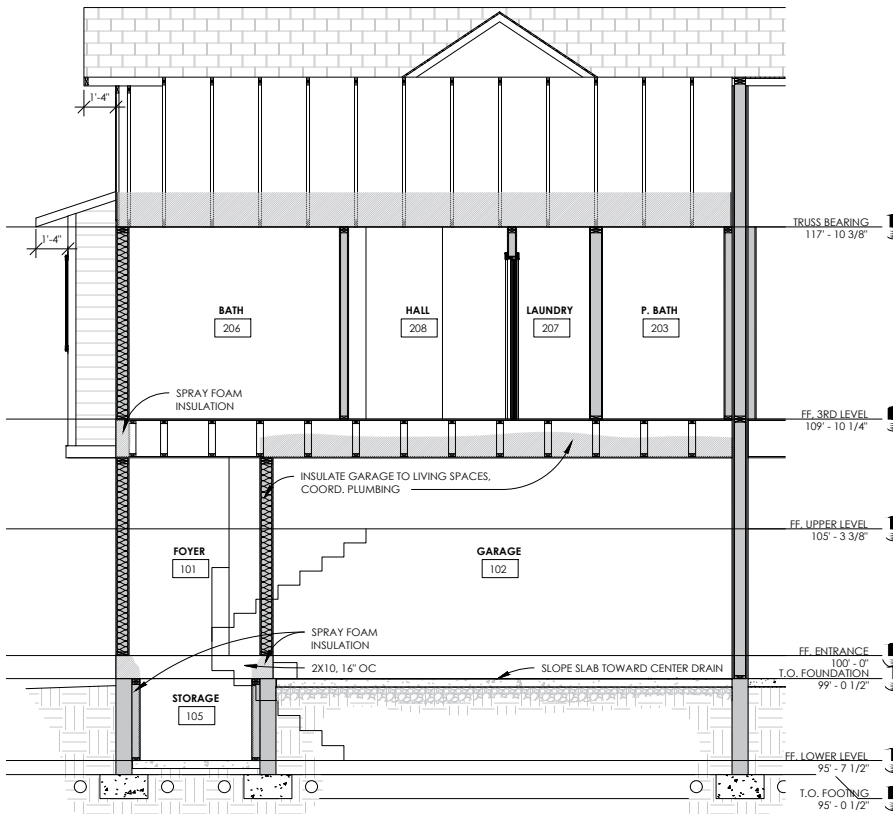
- 5/8" TYPE X GWB (EACH SIDE)
- FIRE TAPED INSIDE GWB
- 2x4 STUDS @ 16" O.C.
- 3 1/2" SOUND INSULATION
- 1" AIR SPACE

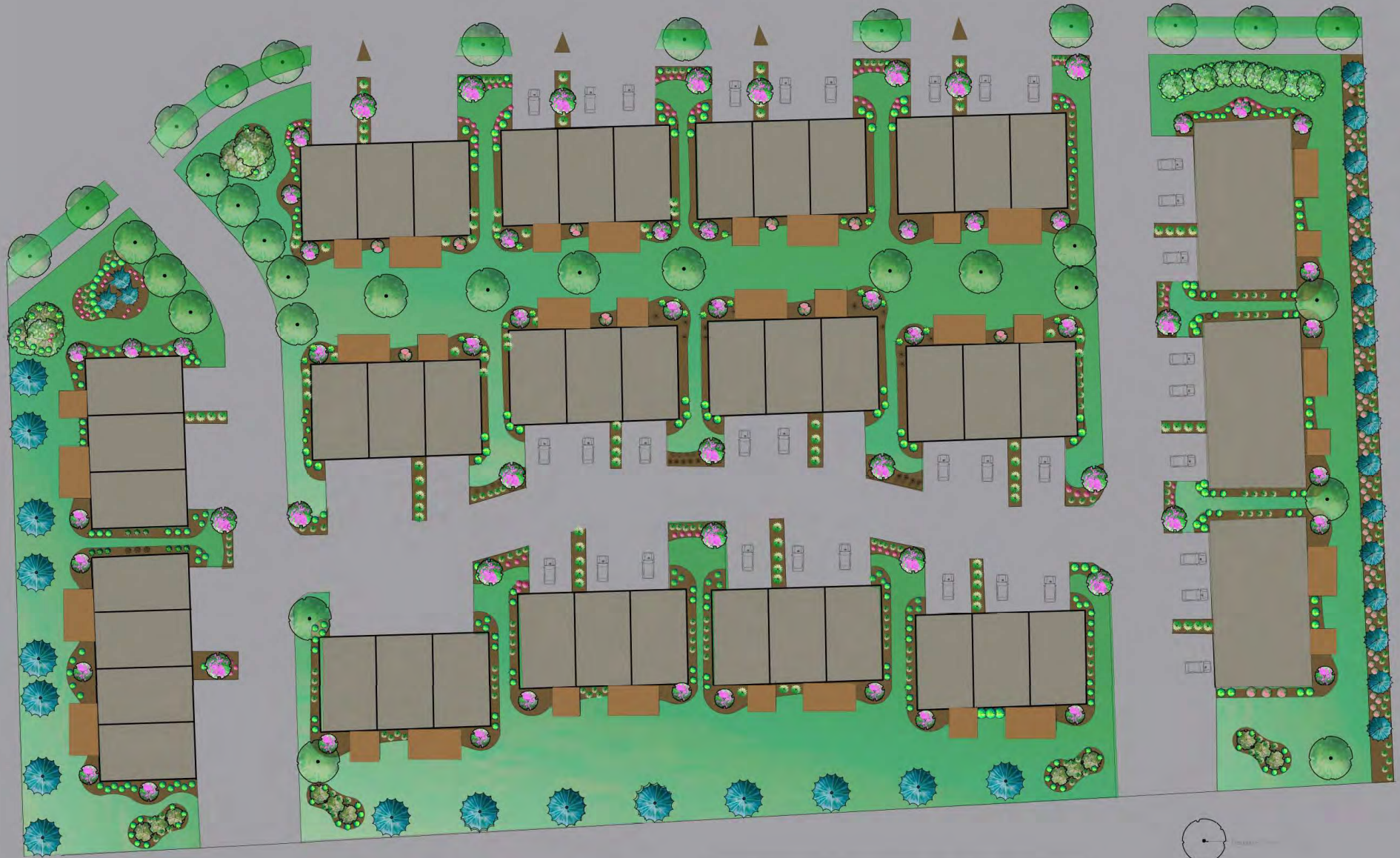


NOTE
NO PLUMBING OR HVAC
IN PARTY WALL



1 MATERIALS WALL SECTION
A6.00 SCALE: 3/16"=1'-0"





Brookstone-Brooks Harbor Brooks Harbor West Fargo, ND

designed by	date	revision
drawn by	checked by	drawing #

- Tree (10' High)
- Tree (15' High)
- Tree (20' High)
- Tree (25' High)
- Tree (30' High)
- Tree (35' High)
- Tree (40' High)
- Tree (45' High)
- Tree (50' High)



From: [REDACTED]
To: [Lisa Sankey](#)
Subject: PUD, 2250 5th Street West, West Fargo, ND
Date: Wednesday, March 5, 2025 11:06:20 AM

Hello,

I am the property owner located at 606 23rd Ave West, adjacent to the proposed development of the PUD property in Brooks Harbor. I am writing to express my concerns with the proposed townhome development by Brookstone Properties.

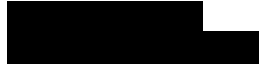
This very same development was brought in front of the planning and zoning commission last year. Some of the concerns that were brought forth by the neighborhood at the last meeting included;

1. Traffic volume / company vehicle congestion
2. School overcrowding
3. Vicinity of high density to single family homes with little to no buffer
4. Parking

My biggest concern is that while the first iteration of this development failed, no adjustments have been made since the original site plan after failing the first planning and zoning hearing. We are requesting a larger green space area between the proposed development and the single-family homes.

Regards,

Craig Griesbach
606 23rd Ave W
West Fargo, ND 58078



From: [REDACTED]
To: [Lisa Sankey](#)
Subject: Proposed Planned Unit Development
Date: Wednesday, February 26, 2025 10:53:57 AM

Dear Lisa,

I am writing to formally express my concern regarding the proposed development in our Brooks Harbor neighborhood. As a resident of this neighborhood, I have serious reservations about the impact this project will have on our community.

1. **Traffic Congestion** – The stoplight at 26th Ave W is already overwhelmed, causing significant delays and safety concerns. Adding more housing or commercial space will only exacerbate the issue.
2. **Financial Burden** – With rising property taxes and special assessments, residents are already shouldering a substantial financial load. This project could lead to further costs that negatively impact homeowners.
3. **Builder Concerns** – Brookstone has a troubling track record of substandard construction, leaving many residents, including myself, dealing with significant quality issues and unfulfilled commitments. The prospect of this developer undertaking another project raises serious concerns about the integrity of future homes in the area.

I strongly urge the city council/planning commission/zoning board to reconsider this development in light of these concerns. Our community deserves responsible growth that prioritizes infrastructure, financial feasibility, and quality construction.

Thank you for your time and attention to this matter. I appreciate your consideration and would welcome the opportunity to discuss this further.

Best regards,

Nathaniel Neece
1011 Barnes Drive W
[REDACTED]

To the Planning and Zoning Commission:

Good afternoon,

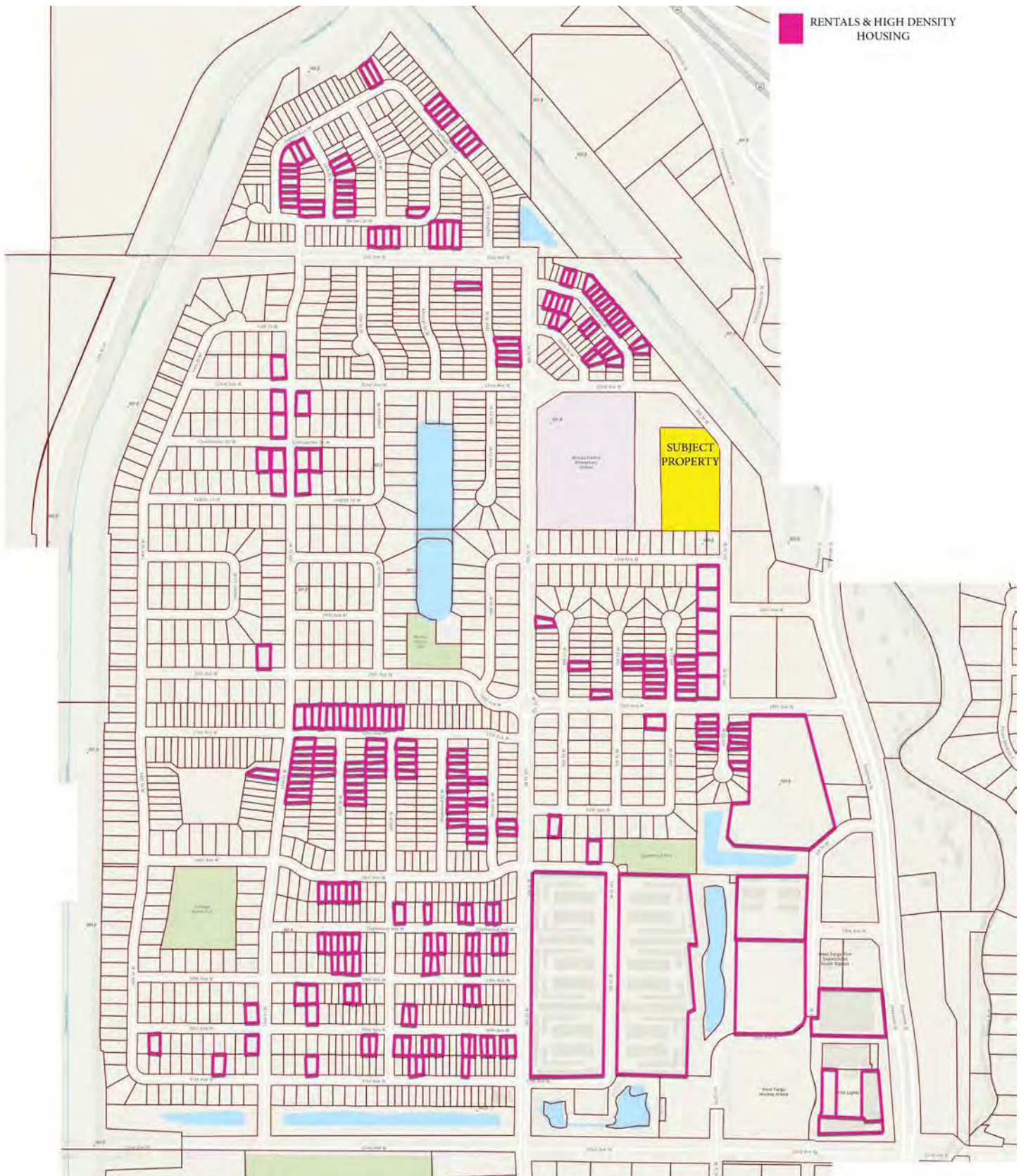
I'm writing this letter in reference to the proposal for 2250 5th Street W (Lot 3, Block 3, of Brooks Harbor 5th Addition, the lot by Brooks Harbor Elementary). I recently attended a neighborhood meeting hosted by the developer, Brookstone Property. After reviewing the letter I received from the city with a site map, it appears that there wasn't much consideration given to what residents stated at the meeting. It looks quite similar, but some of the details are difficult to read due to their print size. At the end of the meeting, they brought up a slightly altered version in which the bike paths would be connected within the south end of the property and a row of the units would be removed, adding a little more buffer between the existing homes/fence line and the south row of units. A neighbor pointed out that the bike paths could connect behind the existing fence line to add even more of a buffer. Other neighbors pointed out that having the driveways on 5th Street W would be burdensome. Overall, the density of the project was a concern as it relates to traffic, the school, and general fit with this part of the neighborhood.

In re-reading letters submitted for last year's Planning & Zoning meeting, it sounded like those in favor of the project were hopeful for these units to be along the lines of company housing for construction businesses (which may not totally be the intent, but those letters alluded to it). At the neighborhood meeting and last year, I believe it was referenced how few elementary students it would likely add to the school, but then does that mean this is geared toward being man-camps for employees of construction-related companies? I'm unsure of how it can be promoted as having little impact on the school and yet not result in being dormitories.

Personally, the proximity to my home is another issue. Please consider the impact of current residents in this situation. Their proposal shows the buildings as being quite close and having decks, and maybe a spindly tree as a buffer. I'm asking you to take a look at Diamond Creek Townhomes and the homes along the east side of 5th Ct W as a reference (below). Please consider how having a building that close to someone's backyard may impact their daily life.



When it's been said that this is part of West Fargo 2.0 and developers are being tasked with adding things like this, I guess my question is, is the goal for Brooks Harbor to have a large chunk of it to be rentals? Please see the map below on which I outlined rentals and high density housing in Brooks Harbor and Eaglewood (which both contribute to the traffic and school district) based on parcel search ownership.



Information provided is believed to be true but should be verified by the Planning and Zoning Commission in case of error, typographical or otherwise.

If not individual homes, has the land owner considered any light commercial options like things that were mentioned in the meeting? Although not directly on Sheyenne, there is great visibility and many options that would have hours that differ from the school traffic line and not add students, etc. Could there be a daycare, chiropractor, insurance agent, dentist, optometrist, or general office space which would fall into reasonable time/traffic and density resolutions?

I'm hoping you recall the reasons this was voted down last year and please consider any new points when you deliberate this issue. Thank you for your consideration.

Sincerely,

Sarah Griesbach
606 23rd Ave W, West Fargo, ND 58078

From: [REDACTED]
To: [Lisa Sankey](#)
Cc: [Amy Zundel](#)
Subject: Lot 3, Block 3 of Brooks Harbor 5th Addition
Date: Wednesday, February 26, 2025 1:50:18 PM

Lisa,

I'm writing this email today to express my opposition to the proposed development located at 2250 5th Street West (Lot 3, Block 3 of Brooks Harbor 5th Addition). This same proposal was brought to Planning and Zoning a year ago and was rejected at that time.

The reasons for the rejection included:

- **Brooks Harbor School currently at capacity.**
 - Proposal seeks to add 52 townhomes, and developer claims that it “would only add 11 students to the school”. I believe this to be a false assumption as current survey of my street alone is primarily young families with elementary aged children. One can only assume that similar demographic would occupy the proposed development.
- **Congestion of traffic 5th Street West**
 - 5th Street is intended to be utilized as overflow parking for the development.
 - As it currently stands, 5th St is overcrowded with traffic during early morning pickup and afternoon dismissal times.
- **Proximity to the school**
 - Properties will abut the current playground of all elementary students.

It would appear as if the developer were simply trying to recycle the previously failed plan in hopes of receiving a better judgement by either new appointees or a lack of turnout by community members at a P&Z approval meeting. In my opinion, this demonstrates a focus of “Return On Investment” in lieu of a development that better serves a community.

Additionally, as you know, West Fargo Public Schools recently went through a highly anticipated vote on a large bond referendum to expand schools within the district to accommodate the current population. “Question 1” of the referendum passed by a narrow margin of 5.5%, as the presented alternative by WFPS was to modify the boundary lines. This proposed modification would have encompassed Brooks Harbor school into WF Packers school system. I believe that adding 52 townhomes to this community and school would only make it more of a possibility of Brooks Harbor eventually getting annexed into WF Packer school system, negating the initial reason for the bond referendum for Brooks Harbor residents.

As for me I would be in favor of commercial development of the space as was originally intended (*I.E. previously planned hockey arena*). In my opinion, a daycare on a portion of the

space and perhaps a splash pad on the remaining portion would be a better option for the current community.

As was done merely a year ago, as a Brooks Harbor community member, I would appreciate the Planning and Zoning Commission to reject the current proposal.

Thank you for your consideration.

March 5, 2025

Chairman Kolb & Members of Planning and Zoning Commission ("P&Z Commission")

I am writing to express my opposition to the application requesting the PUD zoning change on the property located at 2250 5th Street West, located next to Brooks Harbor Elementary School, in West Fargo, ND. As of the time of writing these comments, I have not seen the fully proposed plan from the applicant. Instead, my comments are based on the Feb. 20, 2025 letter to residents within 150 feet of the planned development that is proposing 40+ units be built at the previously mentioned address.

This application and proposed development are strikingly similar to an application for a development that was proposed in mid-2024. To my knowledge, the 2024 application was denied due to the public, as well as many of the P&Z Commissioners', legitimate concerns over traffic density in that specific area during peak times. Most acknowledged the reality that Brooks Harbor neighborhood is uniquely situated in the way that it has limited access roads into and out of the neighborhood. As most of the P&Z Commissioners are likely aware, although there was one lone dissenting vote in that decision to deny the 2024 application, it appeared clear to me that the P&Z commission understood that development was neither feasible, nor was it desired by the residents that live in close proximity to the proposed development.

I also want to address how opposition to this project could simply appear as a Not In My Backyard ("NIMBY") campaign on behalf of local residents in the area. However, I think that characterization lamentably overlooks the legitimate city planning policy concerns that the approval of this application would create for residents in the area. Namely, it appears well established that the development would lead to increased traffic density and overcrowding of schools and some resulting compromise of public safety from the former and unnecessary forcing of school redistricting from the latter. To my knowledge, none of those circumstances have changed, yet applicant has brought back virtually the exact same application and proposed development. Confusing.

Although some of the P&Z Commissioners did not appear receptive to some of the residents' concerns related to school overcrowding, I find it imperative to highlight again that this development will almost certainly have an impact on any necessary future *physical* expansions of the Brooks Harbor Elementary School. Some may argue that school redistricting is the logical solution to those future infrastructure problems. And while sometimes a valid consideration, I believe it best for a planning body to thoughtfully consider all stakeholders, including other government entities, and not create future difficulties for future residents.

With that in mind, I understand that unknown future expansions of schools may not be a material consideration to the P&Z Commissioners' decision on the application. My hope though, is that the P&Z Commission gives some consideration to the reality that West Fargo Public Schools are experiencing overcrowding challenges, and the approval of this application may only exacerbate those challenges for future residents and taxpayers, including myself and my family.

The last consideration I want to bring to your attention is that in 2024 there were companies who wrote in support of this application because they planned to house their workers in the homes. While I am not opposed to a company and property owner using their property as they see fit, I am opposed to companies purchasing properties and effectively renting the properties to house their

temporary workers. In fact, I live in a neighborhood where there are around a dozen single-family homes owned by a concrete company that effectively uses the homes as a man camp for their seasonal workers.

While I am not inherently opposed to that sort of use for your property, I cannot ignore the sheer volume of homes that are being utilized in this way in West Fargo, and the fact that they are being filled with people who have no long-term connection or commitment to the area. To my knowledge, the individuals staying in those homes have no long-term connection to the area, as the homes sit vacant for multiple months out of the year.

The term “family” is defined in West Fargo city ordinance as: “one or more persons related by blood or marriage or a group of not more than 5 persons who need not be related by blood or marriage living together in a dwelling units.” Put more simply, based on the city’s broad definition of family and my observation of how current properties are being used, I am not overly excited about other companies expressing their interest in packing their employees into our neighborhood who may not have any long-term interest in staying in the area. If I had known about the homes being owned and operated by a for-profit company for the purpose of housing their seasonal employees, and not by what I consider a reasonable understood definition of “single-family,” I may have reconsidered moving to the home I currently live in.

While I typically would not oppose a project like this, because I believe in the importance of a diverse housing stock for purposes of affordability and encouragement of homeownership, I can’t ignore the real challenges that this would create for many of the residents in the area. The P&Z Commission acknowledged those realities in 2024, I am asking the Commission to recognize those again. Thank you for your time and consideration in reading my comments and opinions on the application.

All my best,
Tyler Erickson
Property Owner
Highland Meadows Second Addition
West Fargo, ND 58078

From: [REDACTED]
To: [Lisa Sankey](#)
Cc: [REDACTED]
Subject: Re: Proposed PUD 2250 5th St W
Date: Sunday, March 2, 2025 10:16:15 PM

Lisa, this email is in response to the recent letter received related to the subject planned unit development and can be included for Planning and Zoning to consider.

We continue to oppose this proposal. It appears to be the same proposal that was presented and denied last year (see email thread). Precedence has been set numerous times by the Commission over the last ten plus years for this property. Apartments, even under the disguise of townhouses, do not fit within the current zoning or PUD for that property, increases housing density in an area that is already over such housing numbers, and does not provide benefit nor enhancement for the neighborhood.

Sam and Tammy Wilke
[REDACTED]

Sent from [Outlook](#)

From: Sam Wilke [REDACTED] >
Sent: Thursday, May 9, 2024 5:00 PM
To: Leslie McGillivray-Rivas <Leslie.McGillivray-Rivas@westfargond.gov>
Cc: tammy wilke [REDACTED] >
Subject: Proposed PUD 2250 5th St W

Good afternoon, unfortunately we have commitments the evening of the planning meeting for the subject property. We own an adjacent property at 612 23rd Ave W and oppose the proposed change to land usage. We purchased our home in the early days of the Brooks Harbor subdivision development and have been promised or assured of many things for that property and the same near the water tower and for the commercial development along Sheyenne. During prior meetings and proposals, it has been noted by the Commission that our area is already over required and recommended multi-family housing numbers. A couple years ago, additional dense housing was added to the section of land west of the water tower and north of the school. We do not desire to have more multi-family housing or densely laid out single family or twin homes built within Brooks Harbor. Owned single family dwellings are much preferred as opposed to rental units of any kind. We feel that parcel of land should remain commercial as intended and previously planned. We'd welcome the sales and business taxes/fees to help offset costs of a growing city and to potentially provide businesses that would benefit and enhance the neighborhood versus encumber it with housing density. Thank you.

Sam and Tammy Wilke



Sent from [Outlook](#)

From: [REDACTED]
To: [Lisa Sankey](#)
Subject: Proposed Planned Unit Development Comments
Date: Thursday, February 27, 2025 1:18:13 PM
Attachments: [image.png](#)

To the West Fargo Planning Commission,

My name is Malachi Petersen and I reside at 1238 Highland Ln W, West Fargo, ND 58078. I formerly worked as a City Planner for the City of West Fargo from 2019-2023 and am currently employed as a Transportation Planner and Grant Writer for SRF Consulting Group. I am in favor of the Planned Unit Development for the property located at 2250 5th Street West (Lot 3, Block 3 of Brooks Harbor 5th Addition).

Reasons I Support the Project and You Should Too

- **Additional housing units in West Fargo are necessary in order to meet the growing population of the area which is fueled by the concentration of employment opportunities in the Metropolitan Area.** According to the [Fargo-Moorhead Regional Housing Needs Analysis and Strategies Study](#) conducted by the Fargo-Moorhead Council of Governments in 2023, housing supply in the metro area is currently limited across income levels for both homeowners and renters. According to the study, an estimated 16,400 housing units will be required by 2032 for the area to keep pace with population growth. A total of 1,400 new housing units will be required to meet this demand in West Fargo. The proposed 52 townhouse-style units will help meet this goal.
- **Projects such as the one proposed which promote medium to high density and in-fill development can help alleviate tax burdens for residents in the long-run.** Development spread out over a broad area is [very expensive to maintain](#) - just ask the engineering and public works departments how much a new development of 52 single family homes in the Wilds will cost to maintain (sewer, water, streets, snow removal etc.) versus the 52-townhouse-style units in this location. By encouraging higher density in areas such as this, the City of West Fargo can decrease / limit suburban sprawl on the periphery of the city. This will help alleviate the costs associated with the expansion of utility and roadway infrastructure which will ultimately lead to a decreased tax burden on local residents.
- **Projects such as the one proposed are supported by West Fargo 2.0 - the City's Comprehensive Plan.** In the ["Strengthening Neighborhoods and Expanding Housing Choice" section of the City's Comprehensive Plan](#), the plan states *"as with demographics, the housing assessment of West Fargo indicates significant growth, higher housing values, newer housing stock, and greater owner occupancy. All told, there are opportunities to create a more diverse set of housing options in the community to satisfy all potential residents. Furthermore, national trends, as well as comments received during the planning process, indicate that the active empty nester population, alongside young singles and couples, are seeking housing types that go beyond the traditional single-family model."* The Plan goes on to recommend that the City support a "range" and "variety" of dwelling types, including rowhouses and multi-family buildings.

Over the next 10 years, Cass and Clay Counties will need at least 16,400 additional units.

Municipality	Additional Households Demand*	Renter Households (2030)	Homeowner Households (2030)	Additional Units Needed by 2032
Cass & Clay Counties	14,200	6,250	7,950	16,400
Outside 5-City Region	500	150	350	500
Total 5 City Region	13,700	6,100	7,600	15,900
Fargo	7,100	4,130	2,970	8,300
Moorhead	3,200	1,340	1,860	3,700
West Fargo	1,400	530	870	1,600
Horace	1,700	50	1,650	1,900
Dilworth	300	50	250	400

Fargo-Moorhead Regional Housing Needs Analysis and Strategies | HR&A Advisors

This analysis accounts for:

- The number of net new households in the region;
- Assumptions on the rate of stock depreciation (or number of housing units taken offline each year);
- Natural vacancy rates, due to turnover of units and the time it takes for a new tenant to move in;
- Percentage of seasonally used homes (such as second-homes); and
- Assumptions on tenure split between renter and owner-occupied units.

Sources: HR&A Analysis.

* Estimates for housing demand were based on regional population growth metrics from the Metro COG Baseline 2050 Demographic Forecast.

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Response to Arguments Against Project

You'll likely hear many arguments against this development. They'll more than likely take the form of the following:

- **This development will lead to more congestion during peak travel hours** - This is true but congestion is a minor inconvenience that is faced every morning and every evening by commuters across the metro and in larger cities as well. The intersection of Sheyenne and 26th Ave W is busy during the peak commuting hours of 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 5:30 p.m. The addition of 100ish car trips per day to and from the proposed development will have a miniscule impact on the congestion that already exists and that residents such as myself must plan for when commuting.
- **There's already street parking issues in this area** - During events at Just for Kix there have been reported issues with people either parking on 22nd Ave W or parking on the local street of 23rd Ave W. If parked illegally, residents can complain to the Police Department which will in turn ticket those vehicles.
- **Brooks Harbor Elementary is overcrowded and this development will exacerbate the issue** - There is no way to accurately predict how many elementary school-aged children whose parents wish to send them to public school will reside in the proposed project. The West Fargo School District has been facing issues with providing adequate space for its growing population of pupils for years, which is one of the reasons residents such as myself [recently voted to approve \\$99.6 million in additional funds for the School District in the most recent bond referendum](#). Denying a project such as this one because it "might" add students to the local school district population is shortsighted.
- **This project will lower property values** - Use the [City of West Fargo GIS portal](#) to look at both the property values and the recorded property sales of houses which have sold in the neighborhood near the preexisting multi-family developments. Most, if not all, have experienced increased property values.

- **This area should be a splash pad or park** - My family and I would love a splash pad in this area. That being said, every indication from the Park District the past few years has pointed to a lack of funding, staffing, and other resources for the management of new park infrastructure. According to social media posts made by City Commissioner and Park District Executive Director Amy Zundel such an amenity would more than likely require some sort of special assessment on the neighborhood that I doubt would be considered acceptable.

Conclusion

West Fargo needs more housing units in order to meet demand. Placing these units on the fringes of the city will be expensive as infrastructure will need to be constructed to accommodate them. Therefore in-fill development and the addition of multi-family units / greater density is a preferable alternative and one that is supported by the City's own comprehensive plan. Allowing the emotional arguments of a few residents to outweigh the factual needs of "a city on the grow" would be a mistake. Therefore I urge the City of West Fargo Planning Commission to vote to approve this PUD.

Thank you for your time,

Malachi Petersen
1238 Highland Ln W
West Fargo, ND 58078

STAFF REPORT

A25-3 REPLAT AND SUBDIVISION VARIANCE	
DMF Addition	
450 23 rd Avenue East (Lot 1, Block 1 of North Pond at the Preserve 14 th Addition)	
Owner: Dakota Medical Foundation Applicant: Nate Vollmuth, Goldmark	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	03/11/2025
City Commission Final Plat Approval:	

PURPOSE:

Replat one lot into seven for development and dedicate right-of-way.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban – Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	C: Light Commercial
Zoning Overlay District(s):	CO-I: Interstate Corridor Overlay
Proposed Lot size(s) or range:	52,638 – 205,696 square feet (1.2-4.7 Acres)
Total area size:	21.14 Acres
Adjacent Zoning Districts:	North – Interstate 94 Corridor & SE Cass Water Resource District Land – A: Agricultural South – C: Light Commercial & P: Public Utilities (Park & Pond) East – C: Light Commercial West – C: Light Commercial
Adjacent street(s):	23 rd Avenue East (Collector Street); Rustad Lane (Local)
Adjacent Bike/Pedestrian Facilities:	Path along south side of 23 rd Ave E; Sidewalk along 6 th St E
Available Parks/Trail Facilities:	Rustad Center, River's Bend at the Preserve Park and North Pond Trail and Pond lookout within ½ mile
Land Dedication Requirements:	Developer provided land dedication by way of an agreement which was dated March 15, 2015 to cover all future dedication requirements within the North Pond developments. The land dedication is therefore provided for from this previous agreement in place.

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for a subdivision replat to create new lots and dedicate right-of-way, west of Costco along the north side of 23rd Avenue East.
- The preliminary plat consists of seven lots with right-of-way dedication for Rustad Lane East.
- A preliminary site plan shows potential office buildings along the north side of the development.
- Access into the proposed development via Rustad Lane East which lines up with 6th Street East to the south on the east side of the development.
- There is a potential need for additional right-of-way for a roundabout at the intersection of 23rd Avenue East and 6th Street East/Rustad Lane East. As of the drafting of this staff report,

STAFF REPORT

determination of intersection improvement type, design, and associated right-of-way needs have yet to occur.

- Access control is provided along 23rd Avenue East and extends 50' to the north at the western access, along Rustad Lane East.
- A six-foot sidewalk is required to be installed within the public right-of-way at the time of development; however, the existing boulevard trees located along the north side of 23rd Avenue East hinder typical sidewalk placement. As such, a 10-foot sidewalk easement is needed along the south side of the property, adjacent to the right-of-way line of 23rd Ave E. This will need to be included on the Final Plat.
- The City Subdivision ordinance specifies a minimum 80 feet of right-of-way width for local streets within commercial areas; however, the Planning Commission may grant a subdivision variance to waive this requirement, in accordance with Section 4-0403.2 of the City's subdivision ordinance.
- The applicant has applied for a subdivision variance to reduce both the right-of-way and paving width of Rustad Lane E by 10 feet. The proposed subdivision variance would allow a 70-foot-wide right-of-way in lieu of the standard 80 feet and would allow a 30-foot paving width in lieu of the standard 40 feet. Due to this reduction, on-street parking would be restricted.
- The proposed 30-foot street width is consistent with the existing portion of Rustad Lane East located in front of Duluth Trading Company, where the new street would connect. A similar street-width reduction was approved when the Duluth Trading Company land was platted in 2017 as North Pond at the Preserve 10th addition.
- Staff (including the Engineering Department) has no concerns with the proposed 10-foot reduction to the right-of-way and street width, so long as no on-street parking is allowed.
- The applicant has requested public improvements for the construction of Rustad Lane East
- Prior to final plat approval, a subdivision improvement agreement will be needed to outline and document the public improvements associated with this development.

CRITERIA FOR GRANTING SUBDIVISION VARIANCE:

Where the subdivider proves that extraordinary hardship would result from the strict interpretation of this ordinance, the Planning Commission may grant a variance from these regulations. A response from the applicant is included in the agenda packet. The Planning Commission shall not approve variances unless it can be shown by the subdivider that the following conditions apply:

1. The conditions upon which the variance is based are unique to the property and are not applicable generally to other property in the same district.
2. Because of the particular physical surrounding of the property, a particular hardship to the owner would result, as opposed to mere inconvenience, if the strict letter of these regulations were carried out.
3. The granting of the variance would not harm the surrounding neighborhood in any way and would be beneficial to public health, safety, and welfare.
4. The variance is consistent with the proper development of the area.

Staff finds that these conditions are sufficiently satisfied, as the proposed variance is intended to maintain consistency with the existing street width of Rustad Lane E, as approved in 2017. These conditions are unique to the subject property and are not a result of the owner's actions. Additionally,

STAFF REPORT

the applicant has indicated no need for on-street parking. Unnecessarily wide street widths result in additional construction and long-term maintenance costs to the public.

NOTICES:

Sent to:	Hearing notice published in official newspaper and information sent to 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.

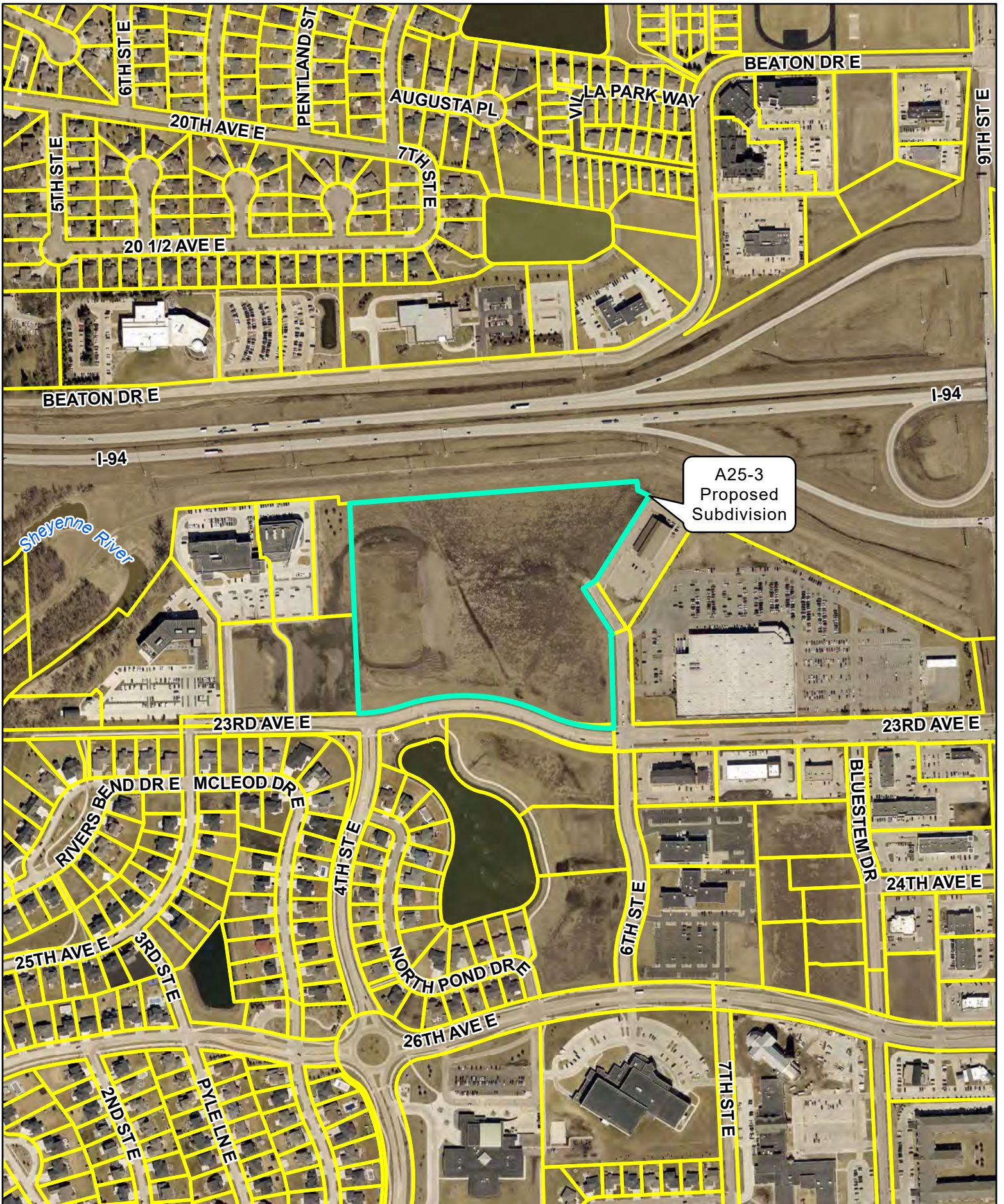
RECOMMENDATIONS:

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

1. A signed subdivision improvement agreement is received prior to final plat approval.
2. Subdivision variance for reduction of right-of-way from 80' to 70' and roadway width reduced from 40' to 30' conditioned upon no on-street parking.
3. A 10-foot sidewalk easement is added to the plat, abutting the 23rd Ave E right-of-way.

Attachments:

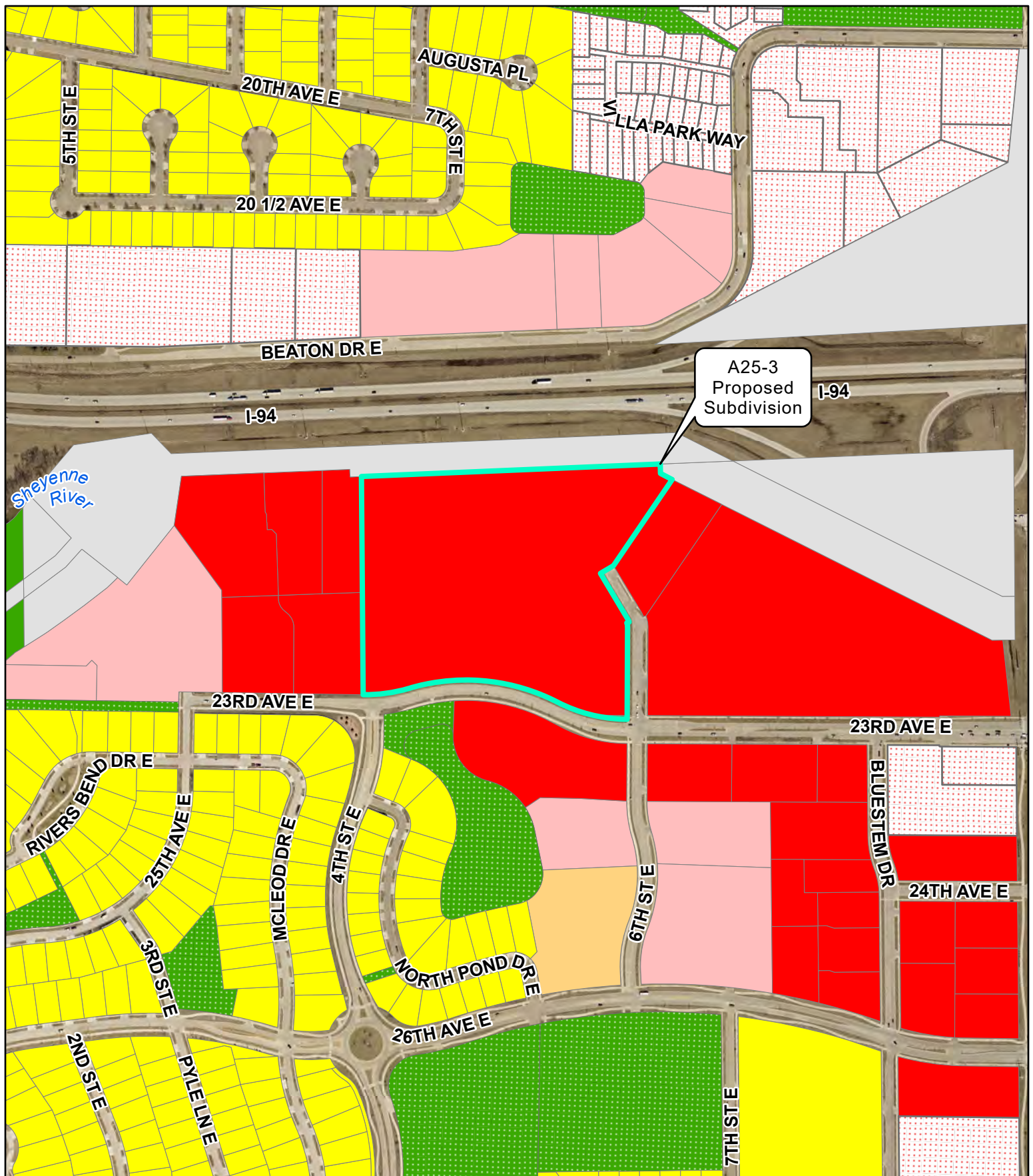
- Aerial map
- Zoning map
- Preliminary Plat
- Response from Applicant Addressing Variance Criteria
- Draft Site Plan



Features

 Agenda Zone  Lots





West Fargo Zoning

A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: Mobile Home
EMU: Entertainment Mixed Use	R-L1A: Large Lot Single Family Dwelling	R-5: Manufactured Home Subdivision
HC: Heavy Commercial	R-1A: Single Family Dwelling	R-1E: Rural Estate
	R-1: One and Two Family Dwelling	R-R: Rural Residential

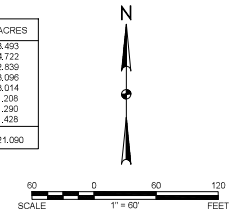


0 300 600
US Feet

A REPLAT OF LOT 1, BLOCK 1, NORTH POND AT THE PRESERVE FOURTEENTH ADDITION, TO THE CITY OF
WEST FARGO, CASS COUNTY, NORTH DAKOTA

DAKOTA MEDICAL FOUNDATION
4141 28TH AVE. S.
FARGO, ND 58104
PH: 701.271.0263

KLJ ENGINEERING LLC
300 23RD AVENUE E, SUITE 100
WEST FARGO, ND 58078
PH: 701.232.5353
www.kljeng.com



A REPLAT OF LOT 1, BLOCK 1, NORTH POND AT THE PRESERVE FOURTEENTH ADDITION, TO THE CITY OF
WEST FARGO, CASS COUNTY, NORTH DAKOTA

From: [Nate Vollmuth](#)
To: [Lisa Sankey](#)
Cc: [Nate Vollmuth](#)
Subject: RE: Plat of DMF Addition - Variance criteria
Date: Wednesday, March 5, 2025 6:47:25 AM
Attachments: [image001.png](#)

Lisa

Please see below.

Dear Ms. Sankey,

The **DMF ADDITION** plat is requesting a variance for the right-of-way width for the development.

The majority of the property has existing roadways that were previously constructed. This project would extend the right-of-way of Rustad Lane from the current terminus at Duluth Trading Company and loop it back toward 23rd Avenue E. The project would expand the existing 60' right-of-way as dedicated by North Pond at the Preserve 10th Addition to 70' and continue that 70' width to 23rd Avenue E. Below is an explanation of the hardships related to the right-of-way width:

1. This is unique to the property as there is already a reduced-width right-of-way that we are extending.
2. Expanding the right-of-way would be difficult along Duluth Trading Company as their lot frontage is already built out and landscaped. Additionally, acquiring the added 10' would bring them into the platting process, which is currently only one property owner. This would delay the platting process and subsequent review processes for the development and construction of the new **EWR Office Complex**.
3. The right-of-way width reduction would not harm the surrounding area, as the looped portion of the roadway is limited in length, and unless accessing a facility off Rustad Lane, there would be no reason to travel on this section of roadway.
4. As the right-of-way is a continuation of the existing one, it would maintain a consistent width through the area. The existing roadway width is adequate for travel within the development and suitable for all necessary public infrastructure and landscaping.

Let me know if you need any further refinements!

Nate Vollmuth

INTERSTATE HWY NO. 94

SHEYENNE DIVERSION TIEBACK LEVEE

REDUCE LOT 1 BY
14,701 S.F.

LOT 1
108,958 S.F.
2.50 ACRES

LOT 2
134,858 S.F.
3.09 ACRES

POND WITH
WATER FEATURE

POND WITH
WATER FEATURE

RUSTAD LANE E

BLOCK 2

LOT 3

LOT 1
BLOCK 1

NORTH POND AT THE PRESERVE
TENTH ADDITION

(K8) SITE PLAN

SCALE: 1" = 40'



DATE:	DEC. 4, 2025
PROJECT NO.:	25-171
DRAWN BY:	CM
CHECKED BY:	CM
REVISIONS:	

**WEST FARGO
OFFICE BUILDING
450 23 AVE EAST
WEST FARGO, ND**

CONSTRUCTION SET

**CHRISTIANSON
COMPANIES**
PH. (701) 281-9500
FAX (701) 281-9501
4609 33RD AVE. S.
SUITE 400
FARGO, ND 58104

DRG
DESIGN RESOURCES GROUP
PH. (701) 499-0212
FAX (701) 281-9501

SHEET DESCRIPTION:
SITE PLAN

Sheet
C1.1

CITY OF WEST FARGO PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

A25-4 REPLAT	
Oak Ridge 20 th Addition	
805 32nd Ave E (Lot 8, Block 1 Oak Ridge 6th), City of West Fargo, North Dakota	
Applicant: Jared Kramer, Ackerman-Estvold Owner: Philip Matz, Bremer Bank	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing	3/11/2025
City Commission Final Plat Approval	

PURPOSE:

Replat an existing lot into two for sale and development

STATEMENTS OF FACT:

Land Use Classification:	G-2 Suburban Growth Sector
Existing Land Use:	Vacant
Current Zoning District:	PUD: Planned Unit Development
Zoning Overlay District(s):	CO: Corridor Overlay
Proposed Lot size(s) or range:	26,694 to 41,945 ft ²
Adjacent Zoning Districts:	North – C: Light Commercial; South & West– PUD: Planned Unit Development (Commercial); East – City of Fargo
Adjacent street(s):	32 nd Avenue East (Minor Arterial); Veteran's Blvd (Minor Arterial)
Adjacent Bike/Pedestrian Facilities:	East/West Multi-Use Path along north side of development; Multi-Use Path along Veteran's Blvd
Available Parks/Trail Facilities:	Shadow Wood and Maple Ridge at the Preserve Parks accessible within ½ mile by sidewalks and path
Park Dedication Requirements:	N/A

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for a proposed replat to divide one lot into two for sale and development on the southwest corner of 32nd Avenue East and Veteran's Blvd.
- When this property was platted and zoned in 2015, the detailed development plans established the development patterns for general commercial land uses for a retail commercial development including a grocery store, strip mall and commercial pad sites, in order to share parking and allow for off-premise signage for businesses within the PUD District.
- A preliminary site plan shows a proposed oil change business on Lot 1.
- Lot 2 would remain under the current property ownership for future sale and development.
- PUD Detailed Development Plans will be submitted for review by the Planning and Zoning Commission at a later date.

NOTICES:

Sent to: Public notice published in the Forum and sent to applicable agencies and departments

STAFF REPORT

Comments Received:

- None to date

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

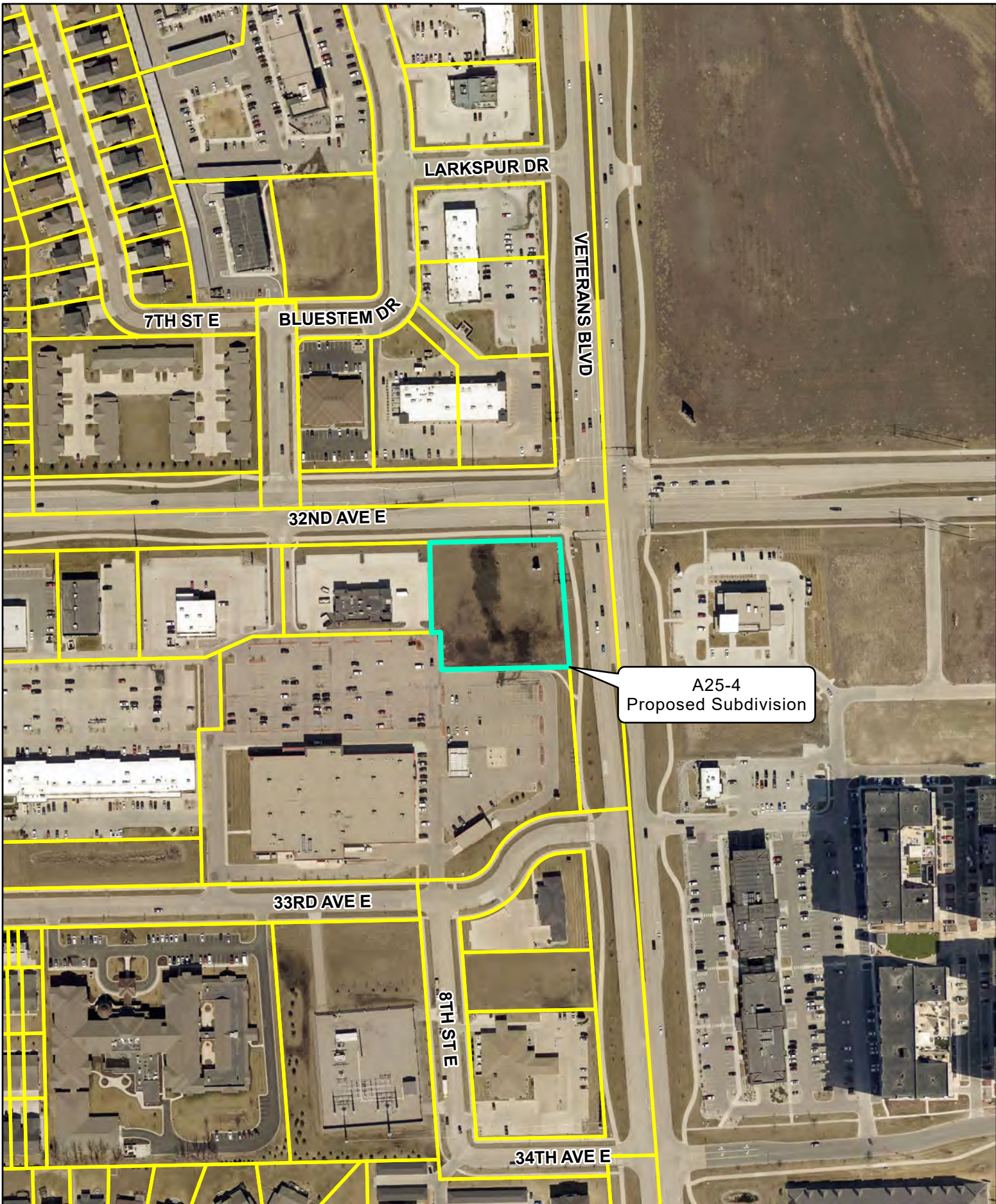
- The proposed replat is consistent with the City plans and ordinances.

RECOMMENDATIONS:

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

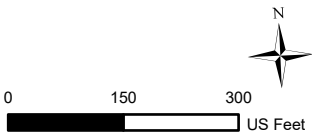
Attachments:

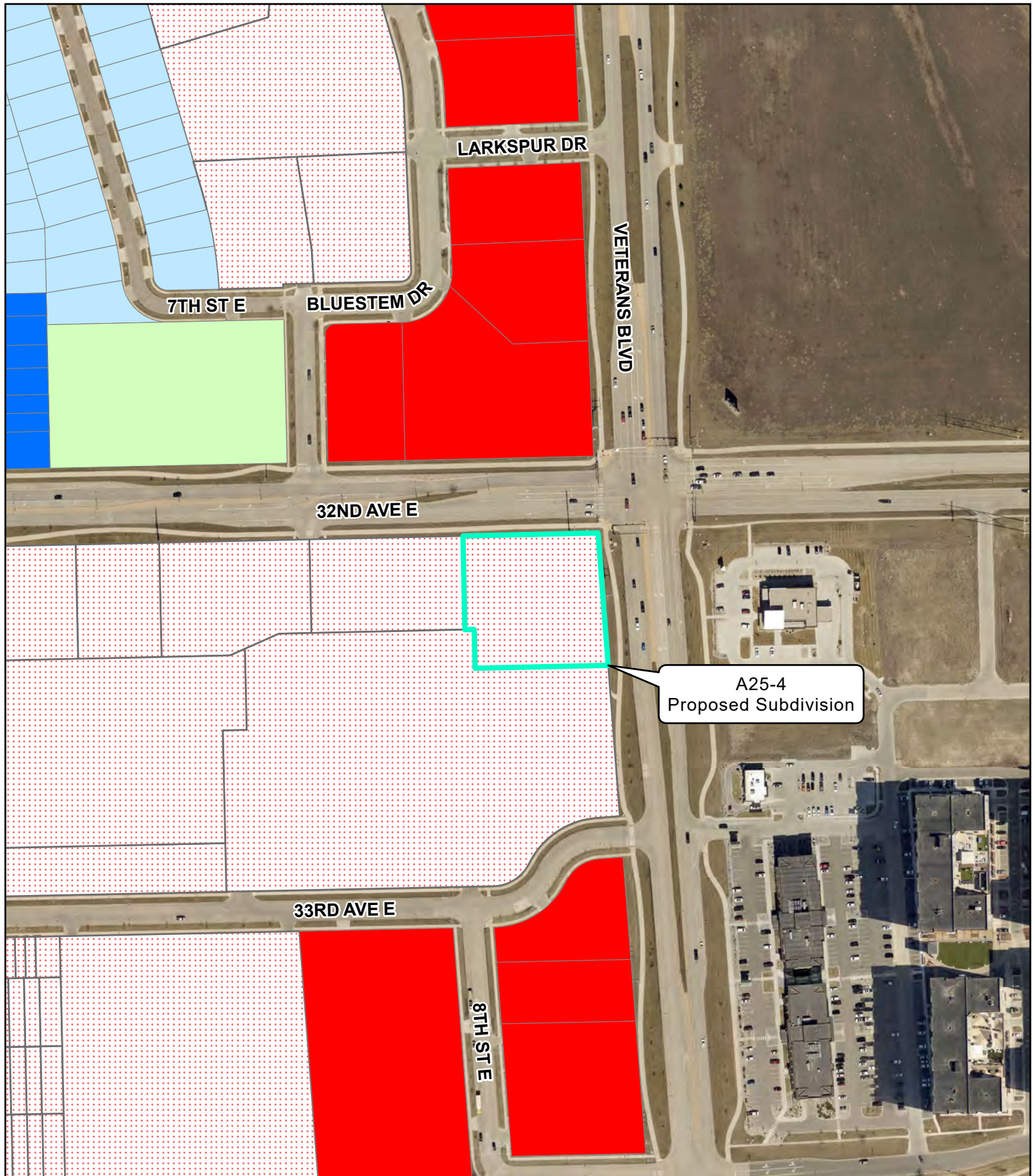
- Aerial map
- Zoning map
- Preliminary Plat
- Preliminary Site Plan
- Original PUD Development Standards



Features

 Agenda Zone  Lots





A25-4
Proposed Subdivision

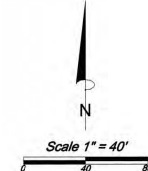
West Fargo Zoning

A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: Mobile Home
EMU: Entertainment Mixed Use	R-L1A: Large Lot Single Family Dwelling	R-5: Manufactured Home Subdivision
HC: Heavy Commercial	R-1A: Single Family Dwelling	R-1E: Rural Estate
	R-1: One and Two Family Dwelling	R-R: Rural Residential



0 150 300
US Feet

PLAT OF OAK RIDGE TWENTIETH ADDITION
TO THE CITY OF WEST FARGO, NORTH DAKOTA
(BEING A REPLAT OF LOT 8, BLOCK 1, OAK RIDGE SIXTH ADDITION
TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA)



- LEGEND:**
- - SET NO. 5 REBAR W/ CAP
 - ⊗ - EXISTING MONUMENT FOUND
 - - PRIVATE EASEMENT DEDICATED THIS PLAT
 - - SUBDIVISION BOUNDARY
 - - INTERIOR LOT LINE
 - - ADJOINING LOT LINES
 - - - EXISTING EASEMENTS

DEDICATION
WE THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "OAK RIDGE TWENTIETH ADDITION" TO THE CITY OF WEST FARGO, BEING A REPLAT OF LOT 8, BLOCK 1, OAK RIDGE SIXTH ADDITION, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF ROBBY L. BERARD, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE A PRIVATE ACCESS & UTILITY EASEMENT SHOWN ON SAID PLAT FOR THE BENEFIT OF LOT 2.
OWNER LOTS 1 & 2, BLOCK 1, BREMER BANK NATIONAL ASSOCIATION

BY _____
ITS _____

STATE OF NORTH DAKOTA
COUNTY OF _____

ON THIS ____ DAY OF _____, 2025, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE _____ OF BREMER BANK NATIONAL ASSOCIATION, THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT _____ EXECUTED THE SAME ON BEHALF OF BREMER BANK NATIONAL ASSOCIATION.

NOTARY PUBLIC, _____ COUNTY, STATE OF _____



GHAD ATTENTION
Notary Public
State of North Dakota
My Commission Expires Nov. 11, 2028

ACKERMAN SURVEYING & ASSOCIATES, INC. MINOT, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS ____ DAY OF _____, 2025

JOSEPH F. KOLB, CHAIRMAN

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS ____ DAY OF _____, 2025, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, STATE OF NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS ____ DAY OF _____, 2025

BERNIE L. DAROS, PRESIDENT OF THE
WEST FARGO CITY COMMISSION

DUSTIN T. SCOTT, CITY AUDITOR

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS ____ DAY OF _____, 2025, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DAROS, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND DUSTIN T. SCOTT, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, STATE OF NORTH DAKOTA

CITY ENGINEER'S APPROVAL
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS ____ DAY OF _____, 2025

DANIEL R. HANSON, CITY ENGINEER
REGISTERED PROFESSIONAL ENGINEER
NO. PE-4982

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS ____ DAY OF _____, 2025, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DANIEL R. HANSON, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS CITY ENGINEER.

NOTARY PUBLIC, CASS COUNTY, STATE OF NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS ____ DAY OF _____, 2025

KATIE J. SCHMIDT, CITY ATTORNEY

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS ____ DAY OF _____, 2025, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KATIE J. SCHMIDT, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, STATE OF NORTH DAKOTA

Tim P. Solberg

From: Nate Vollmuth <nvollmuth@paces-lodging.com>
Sent: Wednesday, April 08, 2015 10:05 AM
To: Tim P. Solberg
Subject: RE: Oakridge PUD - Draft
Attachments: Sign - PUD Language.pdf

PUD Standards

Uses:

C-Light Commercial

Signage:

Per C & CO Districts and per City of West Fargo Sign Regulations for Free Standing Signs
(Further detail below to address specific lot allocations with having (2) Primary development signs with Multi-Tenant signage)

Total signage square footage per Front Lot Line Calculation from attached plat: $1638 + 920 + 400 + 400 + 436 + 600 + 526 = 4920$ sf

2 primary development signs total (200sf per sign): 400 sf

2 primary development signs may have the Anchor Tenant on the top of the sign with a reader board below showing the remaining tenants for the development (see example on attached image)

Each lots signage allocation to be reduce by $400/4920 = .08$ or 8% (or 92% revised allocation)

Lot 1:

Frontage on 33rd = 819'

Signage Allocated per City Calculation = 1638sf

Revised allocation per PUD/Development Sign need ($1638 \times 92\% =$) 1507sf

Lot 2 & 3 Combined:

Frontage on 6th = 460'

Signage Allocated per City Calculation = 920sf

Revised allocation per PUD/Development Sign need ($920 \times 92\% =$) 847sf

Lot 4:

Frontage on 32nd = 200'

Signage Allocated per City Calculation = 400sf

Revised allocation per PUD/Development Sign need ($400 \times 92\% =$) 368sf

Lot 5:

Frontage on 32nd = 200'

Signage Allocated per City Calculation = 400sf

Revised allocation per PUD/Development Sign need ($400 \times 92\% =$) 368sf

Lot 6:

Frontage on 32nd = 218'

Signage Allocated per City Calculation = 436sf

Revised allocation per PUD/Development Sign need (436 x 92%=) **401sf**

Lot 7:

Frontage on 32nd = 300'

Signage Allocated per City Calculation = 600sf

Revised allocation per PUD/Development Sign need (600 x 92%=) **552sf**

Lot 8:

Frontage on 32nd = 263'

Signage Allocated per City Calculation = 526sf

Revised allocation per PUD/Development Sign need (526 x 92%=) **484sf**

Lots 4, 5, 6, 7 and 8 shall be restricted to the size and area of their free standing signs only (all other signage for these lots shall follow the West Fargo Sign Regulations)

Max height: 20'

Max area: 100sf

Parking:

Shared Parking shall be allowed on Lots 4, 5, 6, 7 and 8 only.

Shared Parking for said lots may reduce the required parking by 15% on each lot

The remaining 15% parking requirement can only be fulfilled (shared) from use of required parking on lots 1 & 3

Nate Vollmuth

Director of Development Services

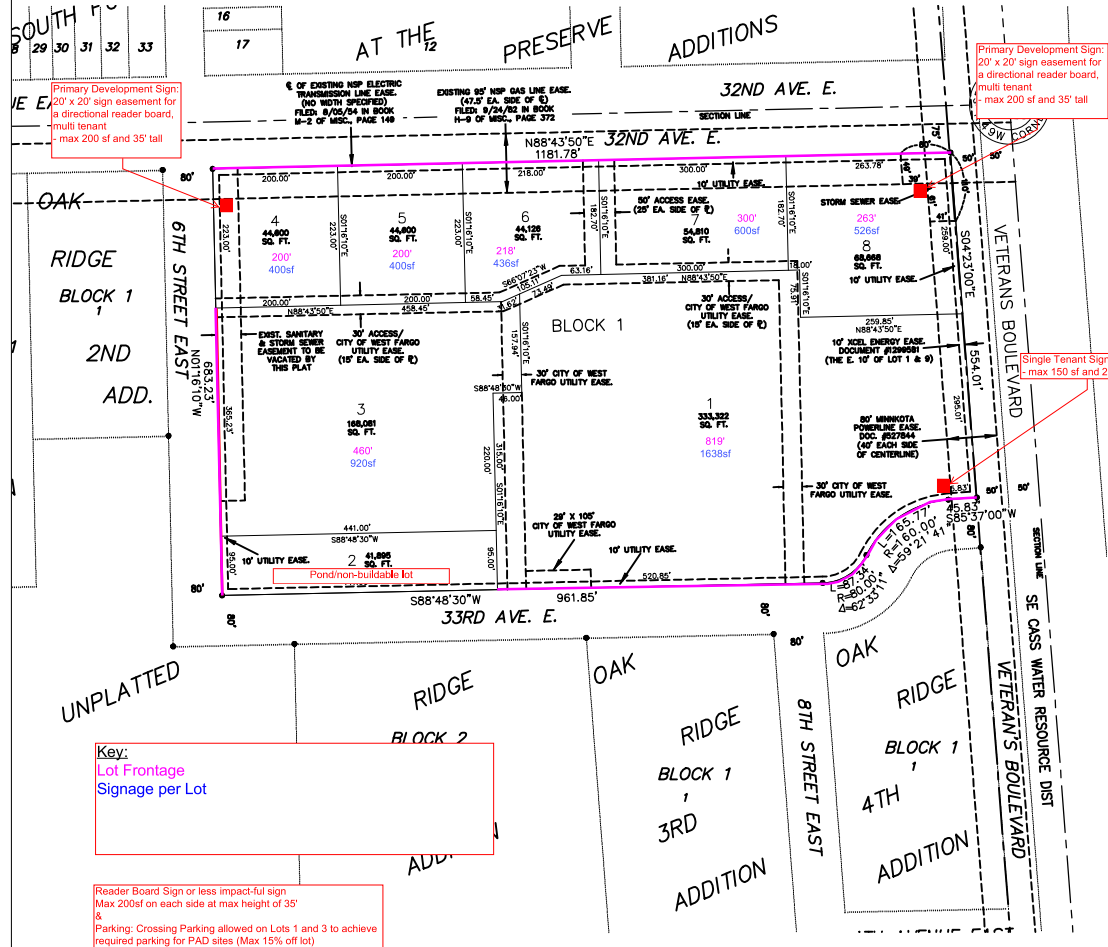
PACES Lodging Corporation

701-499-3895 O

701-388-3635 C

nv@paces.co

PLAT OF **OAK RIDGE SIXTH ADDITION**
TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 1, OAK RIDGE 5TH ADDITION
TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA.



CERTIFICATE

DAVID S. HEYER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "OAK RIDGE SIXTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 1, OAK RIDGE 5TH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE BOUNDARY SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOT 1, BLOCK 1, OAK RIDGE FIFTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA.
SAID TRACT CONTAINS 18.37 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



DAVID S. HEYER
REGISTERED LAND SURVEYOR
ND REG. NO. LS-2086
STATE OF NORTH DAKOTA)
COUNTY OF CASS
ON THIS _____ DAY OF _____, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED DAVID S. HEYER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "OAK RIDGE SIXTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 1, OAK RIDGE FIFTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF DAVID S. HEYER, REGISTERED LAND SURVEYOR; AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY, ACCESS AND DRIVEWAY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.
OWNER: LOTS 2-8, BLOCK 1: OSSGOOD INVESTMENTS, LLC. OWNER: LOT 1, BLOCK 1: 32 HOLDING, LLC.

KEVIN CHRISTIANSON, PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS
ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED KEVIN CHRISTIANSON, PRESIDENT OF OSSGOOD INVESTMENTS, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF OSSGOOD INVESTMENTS, LLC.

KEVIN CHRISTIANSON, PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS
ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED KEVIN CHRISTIANSON, PRESIDENT OF 32 HOLDING, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF 32 HOLDING, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

MORTGAGEE: BREMER BANK, NATIONAL ASSOCIATION

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

DAVID L. JOHNSON, VICE-PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS
ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED DAVID L. JOHNSON, VICE-PRESIDENT OF BREMER BANK, NATIONAL ASSOCIATION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF BREMER BANK, NATIONAL ASSOCIATION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

TOM McDUGALL, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS
ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED TOM McDUGALL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

WEST FARGO COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION

STATE OF NORTH DAKOTA)
COUNTY OF CASS
ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNLEE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

JAMES BROWNLEE, CITY AUDITOR

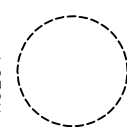
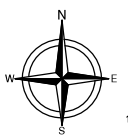
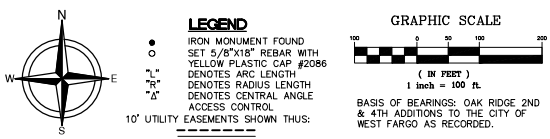
CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

KEVIN J. BUCHOLZ, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS
ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KEVIN J. BUCHOLZ, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____



NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

STAFF REPORT

A24-28 ZONING ORDINANCE AMENDMENTS	
Zoning Ordinance Amendment to Title IV of the City Ordinances (Zoning Regulations)	
Applicant: City of West Fargo	Staff Contact: Aaron Nelson
City Commission directs staff to explore policy options for short-term rentals:	8-5-2024
City Commission directs staff to develop ordinance and licensing structure for short-term rentals:	9-16-2024
Planning & Zoning Commission discussion on draft ordinance:	1-14-2025
City Commission discussion on draft ordinance:	2-24-2025
Planning and Zoning Commission Public Hearing:	03-11-2025
City Commission Public Hearing & 1 st Reading:	
City Commission 2 nd Reading:	

PURPOSE:

The purpose of the proposed zoning amendment is to incorporate references within the zoning code to the proposed Chapter 10-16 of the City Ordinance relating to short-term rentals of residential property, which is currently under consideration for approval.

DISCUSSION AND OBSERVATIONS:

- At the direction of the West Fargo City Commission, staff has drafted a short-term rental ordinance to be incorporated into the City Ordinances as Chapter 10-16.
- Chapter 10-16 outlines the standards and licensing structure for the regulation and oversight of short-term rental of residential property.
- A “short-term rental” is defined as “the rental of a dwelling unit or any portion thereof for a period of twenty nine (29) or fewer consecutive days. Short-term rentals are intended for temporary lodging and do not constitute a primary or long-term residence for the guest(s).”
- Only the rental of residential property for periods of 29 or fewer days would be regulated by the standards of Chapter 10-16. Rental of residential property on a monthly or longer basis is considered standard residential occupancy, the same as an owner-occupied dwelling unit.
- In addition to the establishment of Chapter 10-16, minor amendments to Title IV zoning regulations are proposed to ensure compatibility between these two sections of the City Ordinances. In summary, short-term rentals that are licensed in accordance with Chapter 10-16 will be allowed within any legal dwelling unit.
- The draft short-term rental ordinance is attached for reference. The ordinance establishes Chapter 10-16 and makes minor modifications to Title IV.
- In summary, the short-term rental ordinance would:
 - Require short-term rentals to be licensed with the City in order to legally operate. The license would need to be renewed annually.
 - Restrict short-term rentals to the owner’s primary residence. “Primary residence” being a dwelling unit in which the owner resides for more than one-half of the year. (I.e., at least 183 days of the year.) This is intended to allow citizens to rent their homes, but to prevent commercial-scale year-round lodging within residential neighborhoods.
 - Establishes standards and requirements for short-term rentals, including tax collection, insurance coverage, occupancy limits, minimum parking, nuisance standards, operator’s contact information, etc.

STAFF REPORT

- Require a safety inspection of the premises by the West Fargo Fire Department prior to issuance of a license.
- Establish penalties for violation, including legal remedies, fines, and/or suspension or revocation of license.
- Provide for a transitional period for existing short-term rentals to come into compliance with the new ordinance.
- Amend Title IV zoning standards to specify that short-term rentals licensed in accordance with Chapter 10-16 are allowed within any legal dwelling unit.
- The attached ordinance and license processing structure has been developed with input and guidance from multiple City departments, including Planning/Inspections, Police, Fire, Finance, Economic Development, Administration, and the City Attorney's office.

NOTICES:

Sent to: Notice of public hearing published in The Forum newspaper.

Comments Received:

- Staff has received one comment from the public regarding concerns with too much restriction of short-term rentals.

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

- The West Fargo 2.0 Comprehensive Plan does not speak directly to the topic of short-term rentals. However, the Plan does include two "Big Ideas" that are relevant to the proposed ordinance:
 - "Grow The Economy" – This City goal is geared towards growing the commercial tax base of the City in relation to the residential tax base.
 - "Strengthen Neighborhoods and Expand Housing Chose" – This City goal recognizes the key role neighborhoods play in society and the lives of citizens and seeks to improve the quality and neighborhoods and the opportunities for a diversity of housing options.
- The proposed ordinance seeks to balance the interests of property owners, residents, and the community by ensuring that short-term rental properties are operated safely, responsibly, and in a manner that is consistent with the residential character of the neighborhoods in which they operate.
- The proposed amendments to Title IV do not make major substantive changes to the existing ordinances and are consistent with the Comprehensive Plan.

RECOMMENDATION:

It is recommended that the City approve the proposed short-term rental ordinance on the basis that it is consistent with City plans and ordinances.

Attachments

- Proposed Short-Term Rental Ordinance
- Overview of Licensing Process & Fee Structure
- Example of Short-Term Rental License Application
- Comments Received

ORDINANCE NO. 1254

AN ORDINANCE TO CREATE AND ENACT CHAPTER 10-16 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO SHORT-TERM RENTALS, AND TO AMEND AND REENACT SECTION 4-0402.2 RELATING TO THE DEFINITIONS OF DWELLING UNIT AND SHORT-TERM RENTAL.

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

SECTION 1. Chapter 10-16 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

CHAPTER 10-16

SHORT-TERM RENTALS

SECTIONS:

- 10-1601. Purpose and Intent
- 10-1602. Definitions
- 10-1603. Annual Licensing Requirements for Short-Term Rentals
- 10-1604. Operational Standards for Short-Term Rentals
- 10-1605. Penalties for Violations
- 10-1606. Severability
- 10-1607. Transitional Provisions for Existing Short-Term Rentals

10-1601. PURPOSE AND INTENT.

1. The purpose of this ordinance is to establish regulations for the operation of short-term rental properties within the City of West Fargo. This ordinance aims to balance the interests of property owners, residents, and the community by ensuring that short-term rental properties are operated safely, responsibly, and in a manner that is consistent with the residential character of the neighborhoods in which they operate.

10-1602. DEFINITIONS.

1. *Short-Term Rental (STR)*: The rental of a dwelling unit or any portion thereof for a period of twenty nine (29) or fewer consecutive days. Short-term rentals are intended for temporary lodging and do not constitute a primary or long-term residence for the guest(s).

2. *Dwelling Unit*: A structure or portion of a structure designed for residential occupancy, including single-family homes, apartments, condominiums, and other similar residential structures; but not including hotels or motels.
3. *Party*: Any gathering, event, or social activity occurring at a short-term rental property that exceeds the intended use of the property for lodging and residential purposes, typically involving a significant number of guests who are not residential occupants of the rental, and may include amplified sound, music, food, drink, and/or other activities likely to disturb the peace, create a nuisance, or violate local ordinances.
4. *Licensed Premises*: A dwelling unit that has a valid license issued pursuant to this chapter allowing short-term rental of such dwelling unit.
5. *Primary Residence*: A dwelling unit in which the owner resides for more than one-half of the year or a dwelling unit in which the owner is able to demonstrate that a person affiliated with the owner, e.g., a trustee of a trust, a member of a company, etc., resides for more than one-half of the year.

10-1603. ANNUAL LICENSING REQUIREMENTS FOR SHORT-TERM RENTALS.

1. **License Requirement**: No person shall operate a short-term rental within the City of West Fargo's zoning jurisdiction without first obtaining an annual Short-Term Rental License from the City of West Fargo for the licensed premises. The City Auditor, or their designee, shall be responsible for the administration of short-term rental licensing in accordance with this chapter.
2. **Application Requirements**: Property owners looking to become licensed shall submit a Short-Term Rental License application to the City. Along with other information deemed necessary by the City Auditor, the application shall include:
 - a. Address of the short-term rental unit.
 - b. Type of dwelling unit (e.g., single-family home, apartment, condominium).
 - c. Proof of property ownership.
 - d. Proof of liability insurance.
 - e. Proof of ND Sales and Use Tax Permit.
3. Number of bedrooms and/or sleeping areas available for rent, number and location of off-street parking spaces, and the maximum permitted occupancy pursuant to Section 10-1604.1, "Occupancy Limits."
4. Contact information for the property owner and all other applicable property representatives, such as property manager. The applicant must identify one (1) or

more persons who will be available to respond within two (2) hours at all times during which the dwelling unit is rented to any issues raised by the renter or the City. Any such person must have access to the dwelling unit and be authorized to make decisions regarding the dwelling unit.

5. A signed statement by the owner that the licensed premises is the owner's primary residence and that the owner will, at all times, comply with all the requirements of the license and this chapter. Failure to comply with said requirements will constitute a violation of the provisions of this chapter.
6. Payment of the applicable licensing fee, as determined by the Board of City Commissioners.
7. Ownership Residency: The licensed premises must be the owner's primary residence.
8. Safety and Compliance Inspection: The licensed premises must comply with all applicable federal, state, and local laws. A Short-Term Rental License shall only be issued upon successful completion of a safety inspection, including that the licensed premises complies with applicable fire, building, and health codes.
9. Taxes: Property owners operating a short-term rental are responsible for paying all applicable taxes, including applicable sales taxes in accordance with State law and lodging taxes in accordance with Chapter 10-05 of the City Ordinances. Property owners shall maintain tax records for a minimum of seven (7) years and shall make these records available to the City upon request for compliance purposes.
10. License Term: The term of a Short-Term Rental License shall be for a period of one (1) year; provided, however, that all licenses shall be prorated on a quarterly basis and expire on December 31 of each year unless sooner suspended or revoked.
11. License Renewal: Short-Term Rental Licenses, which have not been suspended or revoked, must be renewed annually, subject to payment of the renewal fee and compliance with all provisions of this chapter. Applications for renewal shall be made at least thirty (30) calendar days prior to the expiration date of the current valid license.
12. Transferability: A Short-Term Rental License is not transferable. A new license is required upon change of ownership of the Licensed Premises.
13. Insurance: Property owners operating a short-term rental must maintain general liability insurance for the licensed premises in the amount of at least \$500,000 at all times. Property owners must provide proof of the required insurance coverage to the City upon request.
14. Private Restrictions/Covenants: A license issued to a person whose premises is subject to private restrictions and/or covenants that prohibit the use of short-term

rentals is the sole responsibility of the person applying for the license. The interpretation and enforcement of the private restrictions and/or covenants is the sole responsibility of the private parties involved; the City is in no way responsible for interpreting or enforcing private restrictions and/or covenants.

10-1604. OPERATIONAL STANDARDS FOR SHORT-TERM RENTALS.

1. **Occupancy Limits:** Occupancy is limited to a family of persons related by blood or marriage or a group of not more than five (5) persons who need not be related by blood or marriage.

In no case shall occupancy exceed the maximum allowed by applicable building, fire, or zoning codes. Sleeping areas that are advertised for rent must meet all applicable building and fire code standards.

2. **Noise, Maintenance, and Conduct:** Short-term rentals shall comply with all applicable City ordinances, including, but not limited to, the City's ordinances relating to noise; snow removal; tall grass and weed control; trash, junk, and debris; nuisances; parking; and property maintenance.

There shall be no exterior signage and no change to the outside appearance of the premises that would reflect the presence of a short-term rental.

Short-term rentals may only be used for overnight accommodations and shall not be used for any gathering meeting the definition of a party.

3. **Parking Requirements:** Short-term rentals shall provide at least two (2) off-street parking spaces on the premises. These parking spaces must be open and available to short-term renters at all times during their stay. Any illegal parking of vehicles associated with the short-term rental is grounds for a violation of this chapter.

4. **Guest Recordkeeping:** Property owners shall maintain records of guest stays, including dates of occupancy, for a minimum of twelve (12) months and shall make these records available to the City upon request for compliance purposes.

5. **Advertising and Public Notice:**

- a. All advertising for a short-term rental unit shall include the City-issued Short-Term Rental License number in the listing, as well as the maximum occupancy permitted by this chapter.

- b. Every licensee of a short-term rental shall post the annual license issued by the City. The annual license shall be conspicuously posted by the licensee in the main entryway of the short-term rental for which they are issued and shall include contact information for the owner and other property representatives.

- c. Upon approval of a short-term rental license, the City Auditor shall notify by mail all owners of property within 150 feet of the licensed premises. The notification shall include the address of the licensed premises, information about the City's short-term rental standards, and information on how to report potential violations.

10-1605. PENALTIES FOR VIOLATIONS.

1. Enforcement and Penalties: Any violation of this chapter is an infraction as provided under Section 1-0211 of the City Ordinances and may also result in administrative fines and/or suspension or revocation of the Short-Term Rental License. Fines shall be established by resolution of the Board of City Commissioners and may increase with each repeated violation. Any repeat violations will be counted on a twelve (12) month basis, commencing on the date of the initial violation and extending for twelve (12) consecutive months thereafter. If additional violations are committed within the twelve (12) month period following the initial violation, then those additional violations will be added to the initial violation as repeat violations, and all violations committed during the twelve (12) month period will be counted toward the assessment of fines. If no additional violations are committed within the twelve (12) month period following the initial violation, then the twelve (12) month period will expire, and the initial violation will not be counted with any subsequent violations toward the assessment of fines. Another twelve (12) month period will commence if a subsequent violation is committed, and any additional violations committed within the twelve (12) month period thereafter will be added to the subsequent violation as repeat violations, and all of those violations will be counted toward the assessment of fines. Any violations committed during a prior twelve (12) month period will not be counted toward the assessment of fines in a current twelve (12) month period.

Properties identified as operating a short-term rental without a license may be given a compliance period of up to thirty (30) calendar days to apply for a license. After the compliance period, a short-term rental found to be operating in lieu of obtaining proper licensure requirements will be subject to penalties as set forth in this chapter.

2. Administrative Fines and/or Revocation or Suspension of License: The City may impose an administrative fine and/or revoke or suspend a Short-Term Rental License for any property that is found to be in violation of this chapter. Administrative fines shall be established by resolution of the Board of City Commissioners and may increase with each repeated violation. Repeat violations will be counted on a twelve (12) month basis as set forth in the prior subsection. Notice of revocation or suspension must be sent to the licensee by certified mail addressed to the licensee at the address set forth in the application. The Chief of Police shall be notified of the revocation or suspension of the license.
3. Appeals: The applicant and/or licensee may appeal a license denial, revocation, or suspension to the Board of City Commissioners and request a public hearing on such denial, revocation, or suspension. Such appeal must be made in writing to the

City Auditor within fourteen (14) calendar days of notification of the denial, revocation, or suspension of license. At the close of the public hearing, the Board of City Commissioners shall act to affirm, modify, or reverse the original decision.

10-1606. SEVERABILITY.

1. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the remaining portions of this chapter, which shall remain in full force and effect.

10-1607. TRANSITIONAL PROVISIONS FOR EXISTING SHORT-TERM RENTALS.

1. Purpose: The purpose of this section is to establish a transitional period for existing short-term rental operators to comply with the City's new requirement that short-term rentals may only be operated within an owner's primary residence. This transition period provides affected operators time to adjust their business operations while ensuring an orderly implementation of the new regulations.
2. Transitional Period: A short-term rental that was operating before the adoption of this ordinance and does not meet the primary residence requirement may continue operating for a limited time, provided that the owner applies for, and is granted, a Transitional Short-Term Rental Compliance License in accordance with the provisions outlined below:
 - a. Application for Transitional Short-Term Rental Compliance License: Within 180 days of the effective date of this ordinance, short-term rental operators must apply for a Transitional Short-Term Rental Compliance License with the City and provide proof that the short-term rental was in operation prior to the ordinance's adoption.
 - b. Expiration of Transitional Short-Term Rental Compliance Licenses: Transitional Short-Term Rental Compliance Licenses will expire twelve (12) months from the date of issuance. After expiration, all short-term rentals must comply with the primary residence requirement.
 - c. Operational Requirements During Transition Period: Short-term rentals operating under a Transitional Short-Term Rental Compliance License must adhere to all other applicable short-term rental regulations, including but not limited to occupancy limits, noise restrictions, and safety requirements.
 - d. Non-Transferability of Transitional Short-Term Rental Compliance Licenses: Transitional Short-Term Rental Compliance Licenses are not transferable to new owners or operators. If the property is sold or ownership is transferred, the license immediately expires.

SECTION 2. Section 4-0402.2 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and enacted by amending the definition of “Dwelling Unit” and creating the definition of “Short-Term Rental” to read as follows:

Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for (i) owner occupancy, ~~or~~ (ii) rental or lease on a ~~weekly~~, monthly, or longer basis, and (iii) Short-Term Rental licensed in accordance with Chapter 10-16 of the City Ordinances and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Short-Term Rental: The rental of a Dwelling Unit or any portion thereof for a period of twenty-nine (29) or fewer consecutive days, licensed in accordance with Chapter 10-16 of the City Ordinances.

SECTION 3. Chapter 4-200 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and enacted by amending the definition of “Dwelling Unit” to read as follows:

Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for (i) owner occupancy, ~~or~~ (ii) rental or lease on a ~~weekly~~, monthly, or longer basis, and (iii) Short-Term Rental licensed in accordance with Chapter 10-16 of the City Ordinances and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

President of Board of City Commissioners
of the City of West Fargo, North Dakota

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication:

DRAFT

DRAFT

Short-Term Rental Licensing Process

Departments & Roles:

1. City Auditor
 - a. Identified by ordinance as the administrator of the licensing process. May delegate authority to other staff.
2. Planning & Building Inspections
 - a. Application Review – Building Code & zoning compliance
 - b. Building Inspectors may support Fire Department with Safety Inspection, when needed
3. Fire
 - a. Application Review – Fire Code compliance
 - b. Safety Inspection
4. Police:
 - a. Application Review – Review of past violations/complaints
 - b. Code Enforcement
5. Finance:
 - a. Application Review – Confirmation of past lodging tax submittals
 - b. Receives lodging tax and maintains lodging tax records
6. Communications
 - a. Licensing Application Software Management
 - b. Website management, including Short-Term Rental information, Fact Sheet/FAQ, and application submittal page.

Overview of License Application Process Steps

1. Application Submittal
 - a. Applicant completes and submits licensing application on City website (same platform as backyard chicken licenses).
 - b. Applicant contacts Fire Department to schedule a Safety and Compliance Inspection and pay inspection fee.
 - c. Applicant pays fee online (using software platform). Fee is prorated based on quarter of the year at time of application.
2. Application Review
 - a. Application routed to reviewing departments for review & approval (routing automated by the software platform).
 - b. Safety and Compliance Inspection completed by Fire Department
 - c. Reviewing departments approve/deny/request additional information (using software platform).
3. Issuance of License
 - a. City Auditor or their designee issued license once all departments sign-off and fee is paid.
 - b. Copy of license emailed to applicant.
 - c. Application materials, license document, and all other documents archived (using software platform and/or as determined by City Auditor or their designee).

Post-Licensing Steps:

1. Sales & Lodging Taxes Submitted
 - a. Licensees required to submit lodging taxes to Finance Department on a monthly basis by the 10th of each month.
 - b. Finance Department maintains lodging tax records.
 2. Annual Renewal Reminder
 - a. City Auditor (or their designee) emails out license renewal reminder emails to current license holders on or around November 1st and November 15th of each year.
-

Proposed Fee Structure to be Adopted via Resolution¹

Annual license application and renewal fee shall be as follows:

- \$150.00

Fines for violations of the City's Short-Term Rental ordinance shall be as follows:

- \$250.00 for first offence
- \$500.00 for second offence
- \$1,000.00 for third offence

¹ Fees to be adopted by resolution in accordance with draft § 10-1605 of Title X of the City Ordinance.



[EXAMPLE]

SHORT-TERM RENTAL LICENSE APPLICATION

PERMIT IS VALID FOR ONE (1) CALENDAR YEAR BEGINNING JANUARY 1 AND ENDING DECEMBER 31.*

*Permits issued after January 1 in any given calendar year will also expire December 31 of that year. Annual license renewal is required.

OWNER/PROPERTY INFORMATION

Property Owner Name: _____

Phone #: _____ Email: _____

Address of Short-Term Rental: _____

Have you read and familiarized yourself with the City's short-term rental ordinance and licensing information? (Y / N)

Have you read and familiarized yourself with other City ordinances regarding such items as noise; snow removal; tall grass and weed control; trash, junk, and debris; nuisances; parking; and property maintenance? (Y / N)

Is the short-term rental property the owner's primary residence (i.e., the owner resides at this address most of the year)? (Y / N)

Type of dwelling unit (e.g., detached single-family home, duplex, condominium): _____

Will you be renting out the entire dwelling unit or specific rooms/areas within the unit? _____

If only specific rooms/areas within the unit, please describe. _____

What is the sleeping capacity of the rental area? _____

List the number and location of off-street parking spaces: _____

Do you have liability insurance for the property? (Y / N) Amount of coverage: \$ _____

POINT OF CONTACT

Provide at least one (1) point of contact who will be available to respond within two (2) hours to any issues raised by the renter or the City at all times during which the dwelling unit is rented. This may be the owner or an alternative representative. Any such person must have access to the dwelling unit and be authorized to make decisions regarding the dwelling unit.

Point of Contact #1

Name: _____

Phone #: _____ Email: _____

Address: _____

Point of Contact #2

Name: _____

Phone #: _____ Email: _____

Address: _____

Point of Contact #3

Name: _____

Phone #: _____ Email: _____

Address: _____

SAFETY AND COMPLIANCE INSPECTION

Prior to the issuance of a Short-Term Rental License, the property must undergo and pass a safety and compliance inspection conducted by the West Fargo Fire Department. Please contact the West Fargo Fire Department to schedule your inspection. You do not need to wait until after the inspection to submit your application. However, the application cannot be approved until the safety and compliance inspection has been passed.

West Fargo Fire Department: (701) 515-5600

ADDITIONAL APPLICATION MATERIALS

The following application materials must also be submitted to the City in addition to this application form.

INITIAL HERE	Review and Initial
	Proof of Residency (e.g., driver's license, utility bill statement, bank/credit card statement)
	Proof of Ownership (e.g., copy of deed, County tax statement)
	Proof of Liability Insurance
	Proof of ND Sales and Use Tax Permit
	Annual Licensing Fee - \$150.00 (checks made payable to CITY OF WEST FARGO)

OWNERS STATEMENT OF COMPLIANCE

By signing below, you certify that you are the owner of the dwelling unit for which you seek a Short-Term Rental License, that this property is your primary residence, that the information provided in this application is true and complete to the best of your knowledge, and that you will, at all times, comply with the requirements of the City's short-term rental standards and all applicable laws.

Owner's Signature: _____ Date: _____

Contact a City Commissioner - Bernie Dardis

02/26/2025 3:32 PM (CST)

Contact a City Commissioner - Bernie Dardis

First Name	Kyle
Last Name	Reedstrom
Address	5820 Ellis Drive West
City	West Fargo
State	ND
Zip Code	58078
Phone Number	
Email Address	

Message

Hello - My name is Kyle Reedstrom. I am a WF resident and also owner of 2 companies in West Fargo: Midwest Invest Realty Group and Guardian Property Management. I just wanted to comment on the potential of a proposed shut down to Short-Term Rental homes / airbnbs. I'd also like to propose 2 win-win solutions.

While some concerns have been raised regarding their impact, I strongly believe that STRs provide significant benefits to both our local economy and community. I would like to highlight five key reasons why short-term rentals can be a positive force for our city.

Boosting Local Economies:
Short-term rentals bring visitors who spend money at local businesses, including restaurants, shops, and entertainment venues. Unlike traditional hotels, which may have on-site dining and amenities, STR guests are more likely to explore and support small, locally owned establishments. This economic boost helps sustain businesses, create jobs, and generate tax revenue that benefits the city of West Fargo as a whole.

Providing Additional Income for Homeowners:
STRs offer homeowners a way to generate supplemental income, which can help cover mortgage payments, property taxes, and maintenance costs. For many residents, particularly retirees and middle-income families, this additional revenue provides financial stability and allows them to remain in their homes despite rising costs of living.

Expanding Tourism and Accommodation Options:
Airbnb and STRs diversify the city's lodging options, making travel more accessible to a wider range of visitors. Traditional hotels often cater to business travelers or luxury tourists, while STRs accommodate families, budget travelers, and long-term visitors who prefer a home-like setting. This inclusivity encourages more people to visit and stay in our city, further strengthening our tourism industry. All those families that are coming for concerts at The Lights or a hockey tourney at the rinks, lets keep them IN west Fargo.

Revitalizing Underutilized Neighborhoods:

Many STRs are located in residential areas that might not otherwise see significant tourism activity. By bringing visitors to these neighborhoods, STRs help distribute economic benefits more evenly across the city. Increased foot traffic and patronage of local businesses can lead to neighborhood revitalization and improved infrastructure without requiring large-scale development projects. The biggest one being the rise of West Fargo Downtown. How can we continue to drive traffic towards these areas when no lodging for guests exists?

Quality Is a Standard:

We run a professional management company and if we don't run our properties with the highest quality, we'll get poor reviews and be shut down. Airbnb doesn't joke around. So I would argue that our Airbnb properties are being upkeep at a level that's even higher than most of the neighboring homes. And when compared to long-term rental residences in West Fargo, our properties show a stark difference in higher quality. Are long-term rentals equally or more responsible for property damage & degradation?

I understand that it is important to address issues such as noise complaints, parking, and housing affordability. However, instead of outright restrictions, I urge the city to consider well-balanced regulations that allow STRs to operate responsibly while ensuring they enhance, rather than disrupt, our community. I believe the "complaints" people are making could be representative of a very few mismanaged STRs likely hosted by people that are not qualified. I'd hate for the sins of a handful to affect the large majority of us that are truly providing quality lodging for guests of our city.

WIN-WINS

Let's all be successful together.

SOLUTION 1: Generate Tax Revenue for Public Services:

Many cities have implemented fair taxation policies on STRs, allowing them to contribute directly to municipal revenues. These taxes can be allocated toward public services, such as road maintenance, emergency services, and affordable housing initiatives. Rather than banning STRs outright, the city can implement reasonable regulations that ensure they contribute to community well-being while addressing potential concerns.

SOLUTION 2: Let's Cut Out the Bad Apples, Not the Whole Tree.

Let's stop generalizing Airbnb as the whole and calling "the model" the enemy. Why don't we narrow in on which houses are getting complaints and have a 3 strikes policy and then completely shut them down. Or even a 0-tolerance policy leading to probation for 1 year. We've never received a complaint on any of our properties and it's because we enforce a strong NO PARTYING policy. We screen guests. We essentially just conduct a quality business. Can we simply hold these poor-hosts to a higher standard?

Thank you for your time and consideration. I appreciate your dedication to making our city a great place to live, work, and visit. I would welcome the opportunity to discuss this matter further and explore ways to implement fair and effective STR policies.

Sincerely,
Kyle Reedstrom

MEMORANDUM

TO: West Fargo Planning & Zoning Commission
FROM: Aaron Nelson, Planning Director 
MEETING DATE: March 11, 2025
SUBJECT: Planning & Zoning Commission Annual Work Program

At the February 11, 2025 meeting, the Planning & Zoning Commission held discussion and voted to update its bylaws. One of the items discussed was the creation and discussion of an annual work program. In the future, the Planning & Zoning Commission will review, discuss, and provide input on the work program annually at the first regularly scheduled meeting of the year.

For now, staff has created a first draft work plan which will be presented to the Planning & Zoning Commission at the March 11, 2025 meeting for initial discussion and input. The current draft includes many items that staff is/will be engaged in over the next couple of years. The items listed and the format of the document is still a work in progress and will evolve over time. Additionally, some of the projects listed may not directly relate to the work of the Planning & Zoning Commission.

This is a discussion only topic. Staff is requesting discussion and input from the Planning & Zoning Commission.

Attachment

Draft Planning & Zoning Commission Work Plan

2025-2026

Project	Priority Level	Anticipated Timing	Project Description
Short-Term Rental Ordinance & Licensing	High	2024-2025	Drafting of short-term rental ordinance & licensing structure, as directed by City Commission.
Code Enforcement Reorganization & Process Development	High	2025	Restructuring of municipal code enforcement activities from the Police Department to a multi-departmental team.
2026 Department Budget	High	2025	Development of Planning/Building Inspections annual budget for year 2026
Growth Area Master Plan	High	2025-2026	Growth Area Master Plan to be adopted as addendum to West Fargo 2.0 Comprehensive Plan, to guide development of City's growth area upon completion of FM Diversion project.
Growth Area Master Plan Implementation Items (TBD)	High	2026+	(It is anticipated that specific projects/action steps will be identified and recommended at the conclusion of the Growth Area Master Plan process.)
Comprehensive Code Updates	High	2027-2028	Identified as mid-term priority in Planning Needs Assessment. Purpose would be to integrate development-related ordinances into a single unified development code (UDC) and to update regulations to reflect current policy (Comprehensive Plan, Growth Area Master Plan, and others).
CDBG Admin & Environmental Review	Medium	2024-2025	Administration and oversight of Environmental Review required for Community Development Block Grant award for Elson Shores Senior Housing Project.
Interdepartmental Building Permit Review Process Updates	Medium	2024-2025	The purpose of this project is to streamline the commercial building permit review and approval process across all reviewing departments to ensure timely and accurate reviews and approvals, clarity in process and communications, and a focus on customer service and satisfaction.
Development application and permitting fee updates.	Medium	2025	Application fees were last updated in 2017. Fees should be updated periodically in response to inflation and to reflect associated costs to the City.
Fee-in-lieu Policy & Procedure updates	Medium	2025	Formalize policy and procedure for the tracking and disbursements of fee-in-lieu payments for public dedication.
Subdivision Development Agreement Policy & Procedure Updates	Medium	2025	Develop and formalize policy and procedure for the drafting and review of subdivision development agreements between Planning, Engineering, & City Attorney's office.
Establishment of internal downtown coordination group	Medium	2025	Coordinated effort with multiple departments and stakeholder groups to establish regular coordination meetings to collaboratively address issues and advance City goals relating to downtown.
Addressing Process Update	Medium	2026	Coordination with GIS staff to automate assignment of property addresses.

Draft Planning & Zoning Commission Work Plan

2025-2026

Subdivision Text Amendments	Medium	2026	Potential updates to the subdivision ordinance include establishment of administrative platting process for simple lot splits/mergers and integration of process improvements for the handling of subdivision development agreements and the processing of land dedication/fee-in-lieu of dedication.
Digitization of physical case files	Low	2024-2025	Scanning and digital filing of the City's historic physical development entitlement records.
House Moving and Mobile Home Park Licensing & Permitting Process Updates	Low	2024-2025	Updating licensing processes to be streamlined and handled through City's virtual permitting system.
Exploration of Development Entitlement Process and Data Tracking Software	Low	2025-2026	Explore opportunities for entitlement review and approval process automation and related data management software for purposes of efficiency and record keeping.
Lagoon Strategy (REOI) project initiation	Low	2026+	TBD. Currently incorporated into the Growth Area Master Plan scope of work.

Other Projects & Assistance Provided:

- Metro COG Projects
 - FM Housing Study Implementation
 - West 94 Area Transportation Plan
 - West Metro Perimeter Highway Study
 - MATBUS Transit Development Plan
- Launch of MuniCode online ordinance platform – Admin/Communications
- Special Events Permit process – Admin/Communications
- Renaissance Zone Plan update – Economic Development
- Economic Development Strategy – Economic Development
- Capital Improvement Plan (CIP) infrastructure planning – Engineering