



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

www.westfargond.gov

West Fargo Planning & Zoning Commission Agenda
Tuesday, May 13th, 2025 - 5:30 p.m.

- A. Call to Order
- B. Approval of Order of Agenda
- C. Approval of Minutes- April 15th, 2025
- D. Commission Membership Introduction
 - 1. Welcome Alyssa Ommen as our new Planning & Zoning Commissioner!
- E. Regular Agenda
 - 1. Election of Commission Chair
 - 2. 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style apartments (Lot 3, Block 3 Brooks Harbor 5th Addition)- Sankey ***(continued from the March 11, 2025 meeting; withdrawn)***
 - 3. Public Hearing- A25-8 Greenworks 1st Addition a request for Subdivision and Planned Unit Development at the SE corner of 40th Ave W and 15th St W for a retail nursery and landscaping services (a portion of Section 31, T139N, R49N)- Nelson ***(continued to the June 10, 2025 meeting)***
 - 4. Public Hearing- A25-10 Gateway West Addition, a request for a Conditional Use Permit at 1950 Sheyenne Street to allow for an illuminated sign facing a residential district (Lot 8, Block 1 Gateway West Addition)- Sankey ***(continued to the June 10, 2025 meeting)***
 - 5. Public Hearing- A25-9 Halverson's Industrial Park 6th Addition, a request for a Major Subdivision at 1154 3rd Ave NW (Lot 3, Block 1 Halverson's Industrial Park 2nd Addition)- Sankey
 - 6. Public Hearing- A25-11 Zoning Ordinance Amendment to Title IV relating to encroachment of the building control line in the CO-SR: Sheyenne River Corridor Overlay District- Nelson
- F. Non-Agenda Items
 - 1. A public open house for the West Fargo Growth Area Master Plan will take place 5:00pm – 7:00pm in the Commission Chambers at West Fargo City Hall on Wednesday, May 21st.
- G. Adjourn from Regular Agenda



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West Fargo Planning & Zoning Commission Meeting Minutes
Tuesday, April 15th 2025 - 5:30 p.m.

Members Present: Joe Kolb, Mike Thorstad, Dave Gust, Matt Kopp, Kathi Schwan, Chris Wehri, 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 Kopp seconded. No opposition. Motion passed.

Commissioner Kopp moved and Commissioner Schwan seconded the motion to approve the meeting minutes from March 11, 2025. No opposition. Motion passed.

Chair Kolb welcomed Chris Wehri as a new Extraterritorial Planning & Zoning Commissioner.

Chair Kolb opened a public hearing for- A24-28 Zoning Ordinance Amendment to Title IV regarding short-term rentals. This item was continued from the March 11, 2025 meeting. Chair Kolb asked for public comment. Three members of the public brought forth comments. One was in favor of the original version of the ordinance that contained the primary residence restrictions. The others made comments regarding the tracking of complaints and enforcement of ordinance restrictions. Chair Kolb closed the public hearing. Commissioner Kopp motioned to approve the revised ordinance amendment. Commissioner Schwan seconded. Motion passed 6-1 with Commissioner Gust voting nay.

Chair Kolb opened a Public Hearing for 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). This item was continued from the March 11, 2025 meeting and the applicant has requested it be continued until the May 13, 2025 meeting. Chair Kolb asked for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Commissioner Gust motioned to approve the request to continue this item until the May 13, 2025 meeting. Commissioner Schwan seconded. Motion passed. No opposition.

Chair Kolb opened a Public Hearing- A25-6 McMahon Estates 2nd Addition, a request for a Conditional Use Permit to construct an oversized accessory structure within the R-1E: Rural Estates zoning district and a request for a variance to reduce the required minimum building control line of the CO-SR:



Sheyenne River Corridor Overlay District at 126 49th Ave E (Lot 11, Block 1 McMahon Estates 2nd Addition). Chair Kolb opened the floor for public comment. No comment brought forth. Chair Kolb closed the public hearing. Discussion held. Commissioner Gust motioned to approve with three conditions listed. Commissioner Thorstad seconded. Motion passed on 6-1 vote with Commissioner Dodds voting nay.

Chair Kolb opened a Public Hearing for A25-7 Section 7, T139N, R49W, a request for Conditional Use Permit at 320 8th St W to allow for light industrial uses (shop condos) in the HC: Heavy Commercial Zoning District (a portion of Section 7, T139N, R49N). Chair Kolb opened the floor for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Discussion held. Commissioner Gust moved to approve with the six conditions listed by staff. Commissioner Kopp seconded. No opposition. Motion passed.

Chair Kolb introduced A25-4 Oak Ridge 20th Addition, a request for PUD Detailed Development Plan within a Planned Unit Development at 825 32nd Ave E for an oil change business (Lot 1, Block 1 Oak Ridge 20th Addition). Discussion held. Commissioner Gust moved to approve the detailed development plan. Commissioner Schwan seconded. No opposition. Motion passed.

Chair Kolb opened the floor for non-agenda items. None were brought forth.

Chair Kolb asked for a motion to adjourn from the regular agenda. Commissioner Kopp moved to adjourn. Commissioner Wehri seconded. No opposition. Motion passed. Chair Kolb adjourned from the regular agenda at 6:38pm.

Chair Kolb opened the discussion agenda. Director Nelson stated that the May 13, 2025, meeting agenda may include a zoning ordinance amendment to Title IV relating to the CO-SR: Sheyenne River Corridor Overlay District. A review of the ordinance has been requested by the Southeast Cass Water Resource District.

Director Nelson thanked Chair Kolb for his ten years of service on the Planning & Zoning Commission and presented him with a plaque honoring his commitment.

Chair Kolb closed the discussion agenda.

STAFF REPORT

A25-9 REPLAT	
Halverson's Industrial Park 6 th Addition	
Lot 3, Block 1 of Halverson's Industrial Park 2nd Addition (1154 3rd Ave NW), City of West Fargo, North Dakota	
Owner: Ryan Restad Applicant: Alex Thiel, Moore Engineering	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	05-13-2025
City Commission Final Plat Approval:	

PURPOSE:

Replat one lot into three for development.

STATEMENTS OF FACT:

Land Use Classification:	G-3: Employment Growth Sector
Existing Land Use:	Vacant/Semi truck parking
Current Zoning District(s):	LI: Light Industrial
Zoning Overlay District(s):	None
Proposed Zoning District(s):	Unchanged
Proposed Lot size(s) or range:	27,514 – 109,367 ft ²
Total area size:	4.036 Acres
Adjacent Zoning Districts:	LI: Light Industrial
Adjacent street(s):	3 rd Avenue NW (Local); 12 th Avenue NW (local)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	Main Avenue multi-use path located about ¼ mile to the south.
Land Dedication Requirements:	The property has been previously platted and developed therefore will not require land dedication.

DISCUSSION AND OBSERVATIONS:

- The applicant is proposing to divide one lot into three.
- The applicant proposes to develop proposed Lot 2 with shop/warehouse space similar to the other buildings to the west in Halverson's Industrial Park 2nd Addition.
- Third Ave NW is unimproved right of way east of 12th Street NW. There is no intention for improving the surface of the roadway from the City or from adjacent properties.
- Access to the development is via an existing north/south 50-foot cross access/sewer and watermain easement, as well as a proposed 50-foot east/west easement for Lot 3.
- The proposed lot sizes adequately meet yard requirements for development in the LI: Light Industrial zoning district

STAFF REPORT

NOTICES:

Sent to:	Public Hearing Notice Published in the Official Newspaper. Applicable agencies and departments
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Comments Received:

- None

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

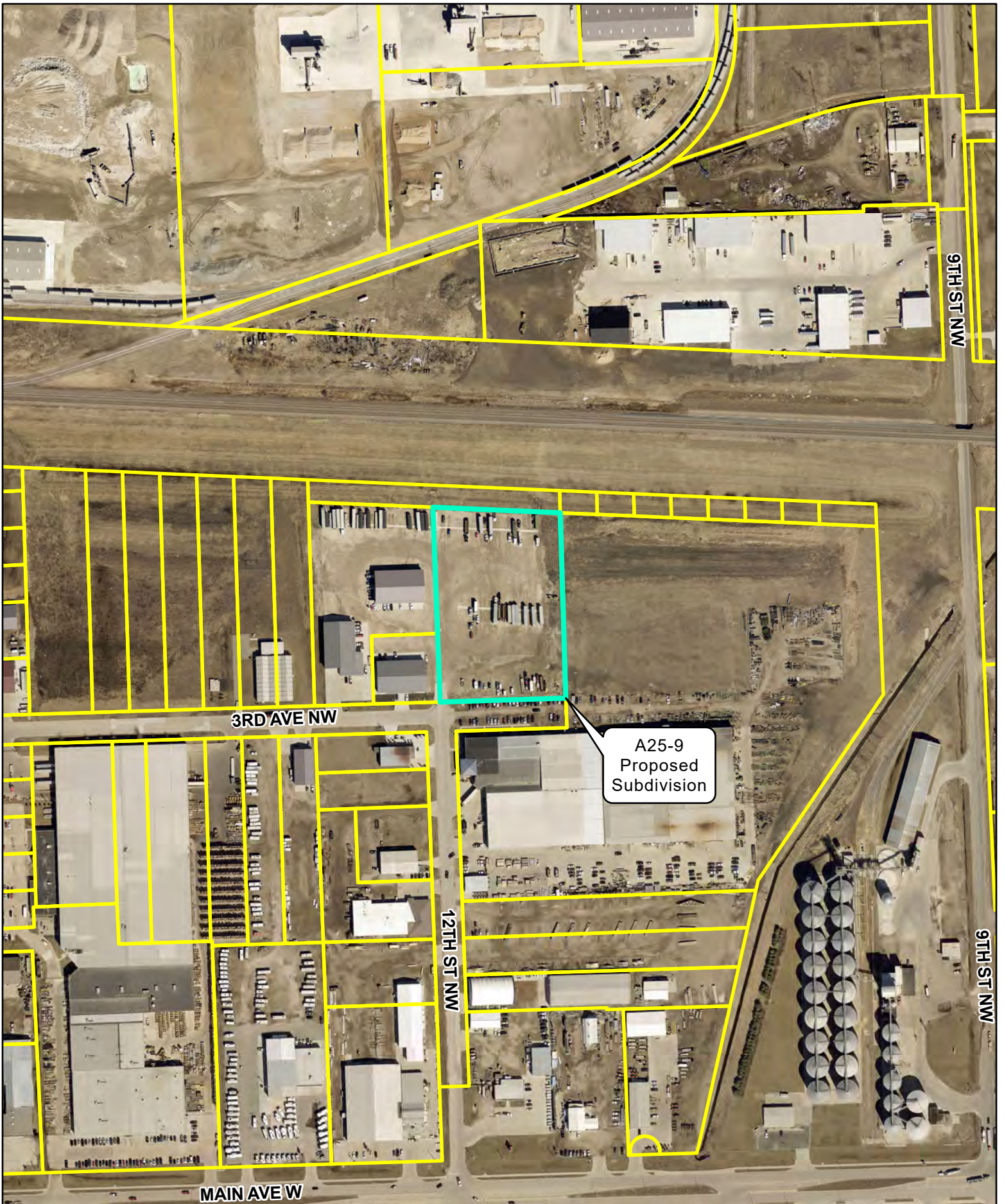
- The proposed application is consistent with the City plans and ordinances.

RECOMMENDATIONS:

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

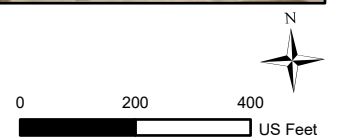
Attachments:

1. Location Map
2. Zoning Map
3. Preliminary Plat
4. Drainage/Site Plat



Features

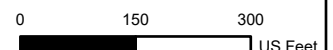
 Agenda Zone  Lots



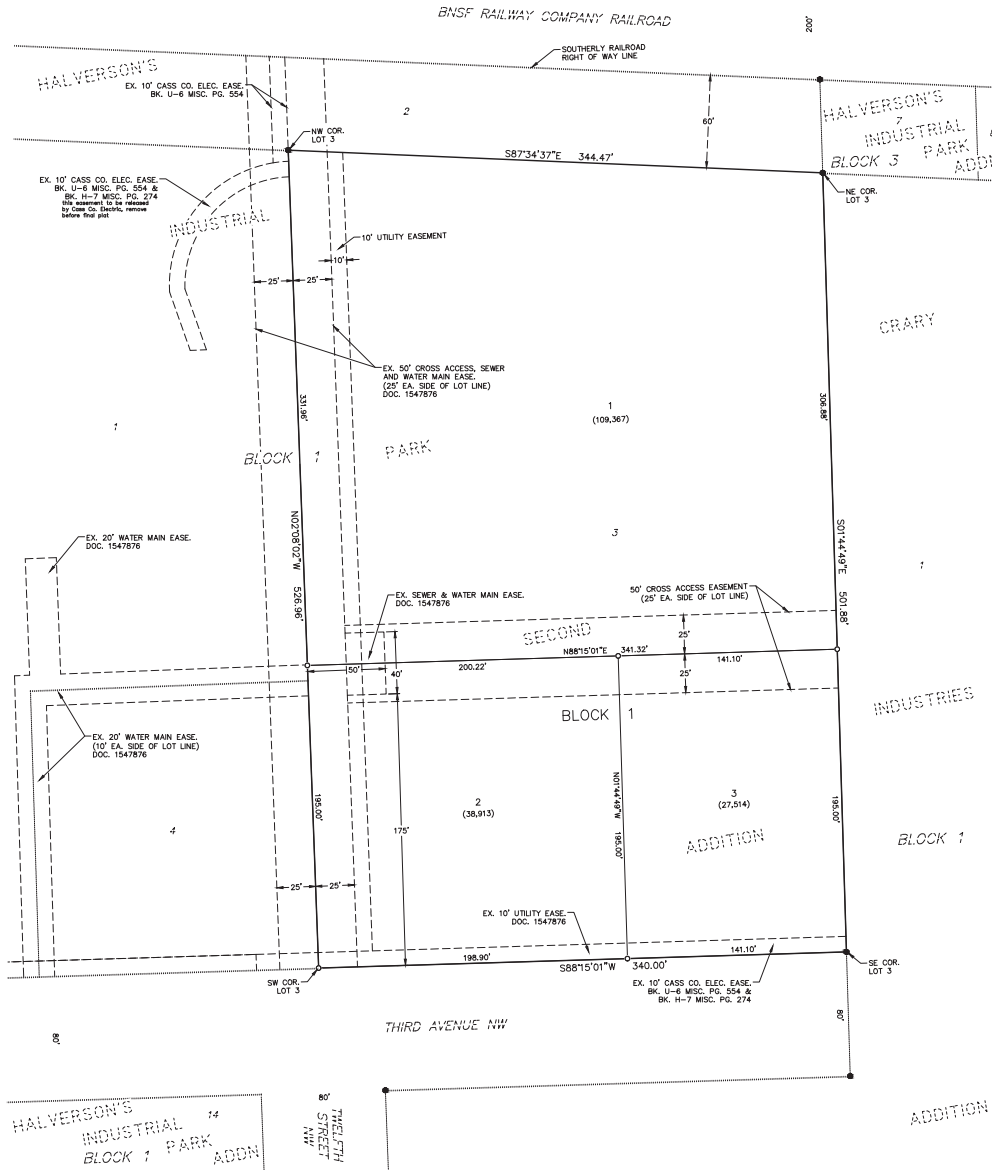


West Fargo Zoning

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



PLAT OF HALVERSON'S INDUSTRIAL PARK SIXTH ADDITION
TO THE CITY OF WEST FARGO, A REPLAT OF LOT 3, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND ADDITION
TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA



CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "HALVERSON'S INDUSTRIAL PARK SIXTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 3, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND 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:

LOT 3, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 4.036 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



STEVEN W. HOLM
 REGISTERED LAND SURVEYOR
 REG. NO. LS-6571

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 STEVEN W. HOLM, 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

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "HALVERSON'S INDUSTRIAL PARK SIXTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 3, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND 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 STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE THE UTILITY EASEMENT AND CROSS ACCESS EASEMENT SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: RESTAD INDUSTRIAL PARK, LLC

RYAN RESTAD, PRESIDENT

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 RYAN RESTAD, PRESIDENT OF RESTAD INDUSTRIAL PARK LLC, KNOWN TO ME TO BE THE PERSON THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF RESTAD INDUSTRIAL PARK LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MORTGAGEE: U.S. SMALL BUSINESS ADMINISTRATION

NAME: _____
 TITLE: _____

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 _____ OF THE U.S. SMALL BUSINESS ADMINISTRATION, KNOWN TO ME TO BE THE PERSON THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF THE U.S. SMALL BUSINESS ADMINISTRATION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MORTGAGEE: BELL BANK

NAME: _____
 TITLE: _____

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 _____ OF BELL BANK, KNOWN TO ME TO BE THE PERSON THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF BELL BANK.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



0 40
 Scale in Feet

BASIS OF BEARINGS:
 HALVERSON'S INDUSTRIAL PARK
 SECOND ADDITION ACCORDING TO
 THE RECORDED PLAT THEREOF.

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x10" REBAR WITH YELLOW PLASTIC CAP #6571
- (134,298) LOT AREA IN SQUARE FEET
- PLAT BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- EXISTING LOT LINE

NOTE:

1. THIS PLAT FALLS WITHIN SHADED ZONE "X" ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 38017C05680, EFFECTIVE JANUARY 16, 2015. THIS AREA IS ALSO NOTED AS BEING PROTECTED BY THE 1 PERCENT ANNUAL CHANCE OR GREATER FLOOD HAZARD BY A LEVEE SYSTEM. OVERTOPPING OR FAILURE OF ANY LEVEE SYSTEM IS POSSIBLE.



SHEET 1 OF 2
 PROJ. NO. 30197

PLAT OF HALVERSON'S INDUSTRIAL PARK SIXTH ADDITION
TO THE CITY OF WEST FARGO, A REPLAT OF LOT 3, BLOCK 1, HALVERSON'S INDUSTRIAL PARK SECOND ADDITION
TO THE CITY OF WEST FARGO, CASS COUNTY, 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 IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2025.

BERNIE L. DARDIS, 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. DARDIS, 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 IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 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, 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

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

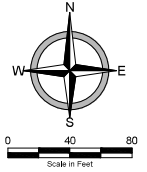
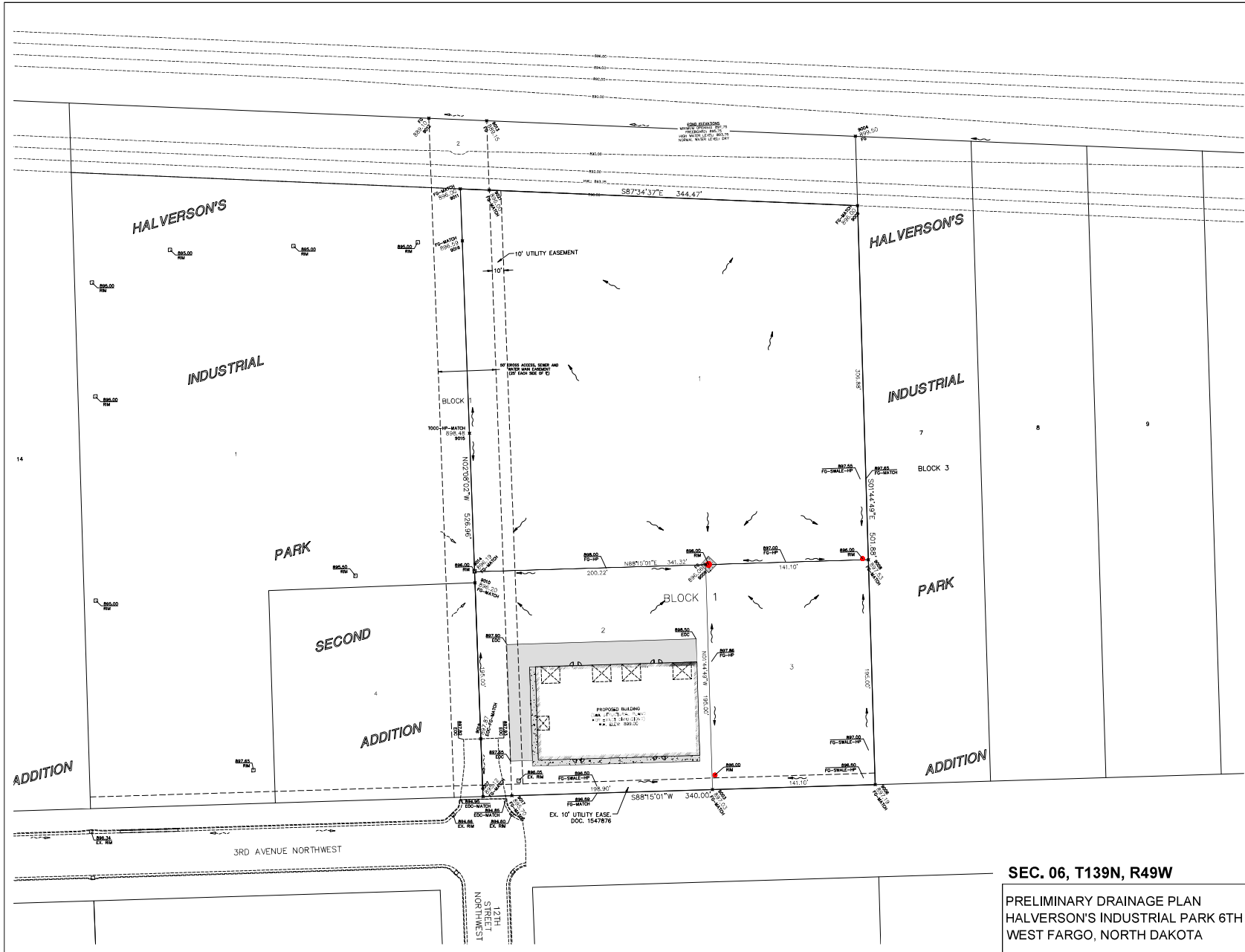
ON THIS _____ DAY OF _____, 2025, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DANIEL R. HANSON, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ENGINEER.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



moore
engineering, inc.

SHEET 2 OF 2
PROJ. NO. 30197



- LEGEND**
- EXISTING CURB AND GUTTER
 - EXISTING PAVEMENT EDGE
 - EXISTING STORM CATCH BASIN
 - NEW DITCH/SWALL CENTERLINE
 - NEW PAVEMENT EDGE
 - NEW SIDEWALK/MULTI-USE PATH
 - NEW CURB AND GUTTER
 - NEW STORM CATCH BASIN
 - DRAINAGE DIRECTION
 - PAVEMENT AREA
- GRADE ELEVATIONS**
- EX = EXISTING
 - EDC = EDGE OF CONCRETE
 - EOP = EDGE OF PAVEMENT
 - EL = EXISTING GRADE
 - FL = FLOWING GRADE
 - CG = CATCH BASIN
 - HP = HIGH POINT
 - LP = LOW POINT
 - W = WATER EXISTING GRADE
 - W = WATER EXISTING GRADE
 - PC = POINT OF CURVATURE
 - PI = POINT OF INTERSECTION
 - RM = RM OF STRUCTURE

NOTES:

1. IF EXISTING ELEVATIONS SHOULD CHANGE, POSITIVE DRAINAGE SHOULD BE MAINTAINED THAT DOES NOT IMPEDE SURROUNDING DRAINAGE.

BENCHMARK LIST - 1929 DATUM			
NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	APPROX. 100' NORTH OF THE INTERSECTION OF 3RD AND 12TH N.W. & 12TH ST. N.W.	888.33
2	TOP NUT ON HYDRANT	SW QUADRANT OF 3RD AND 12TH N.W. & 12TH ST. N.W.	889.42

SEC. 06, T139N, R49W

PROJECT No. 30197

SHEET 1 OF 1

**PRELIMINARY DRAINAGE PLAN
HALVERSON'S INDUSTRIAL PARK 6TH ADDITION
WEST FARGO, NORTH DAKOTA**

PROJECT NO.	30197
DATE	04.17.25
REVISION	
DRAWN BY	BJP
REVIEWED BY	MJP



STAFF REPORT

A25-11 ZONING ORDINANCE AMENDMENT	
Zoning Ordinance Amendment to Title IV of the City Ordinances (Zoning Regulations)	
Applicant: City of West Fargo	Staff Contact: Aaron Nelson
Planning and Zoning Commission Public Hearing:	5-13-2025
City Commission Public Hearing & 1 st Reading:	
City Commission 2 nd Reading:	

PURPOSE:

The purpose of the proposed zoning amendment is to protect the integrity of the Sheyenne River corridor, including the stability of soils along the riverbank as well as the risk of damage to property caused by inevitable sloughing and erosion associated with a meandering river.

DISCUSSION AND OBSERVATIONS:

- The City established the CO-SR (Sheyenne River Corridor Overlay) zoning district in 2012 to restrict buildings and land disturbing activities that could impact or be impacted by soil stability along the riverbank, which is prone to sloughing and erosion over time.
- The CO-SR district establishes a “building control line” located 100 feet from the established riverbank on either side of the Sheyenne River throughout the City and the City’s extraterritorial zoning jurisdiction.
- The current CO-SR standards allow for encroachments of up to 50 feet into the 100-foot building control line area upon approval of a variance by the City Commission if it can be demonstrated that soils are sufficiently stable based on a soils analysis conducted by a qualified professional engineer.
- Historically, the City has allowed such encroachments into the building control line, based on the findings of individual soils analyses prepared by qualified professional engineers.
- While historically rare, the City has seen an increase in applications for encroachment into the building control line of the CO-SR district in recent years.
- In February 2025, Southeast Cass Water Resource District submitted a letter to the City requesting that the City take steps to update its ordinances in order to limit encroachments into the building control line area of the CO-SR district.
- As such, the proposed zoning ordinance amendment seeks to:
 - remove the option for deviation to the building control line based on soils analysis;
 - clarify and detail the types of development activity that are acceptable within the building control line area;
- By removing the specific option for variance based on soil survey that is contained within the CO-SR district standards, property owners wishing to deviate from the 100-foot building control line would need to apply for a standard variance. The standard variance process is outlined in Section 4-566 and requires demonstration of the following criteria:
 - That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - That the special conditions and circumstances do not result from the actions of the applicant;

STAFF REPORT

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- The requirement for a soil survey for a variance to the building control line has been relocated to the variance section of Title IV, Section 4-566.

NOTICES:

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

Comments Received:

- No comments received to date.

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

- One of the eight “Big Ideas” of the West Fargo 2.0 Comprehensive Plan is to “Increase Community Resiliency.” This City goal is specifically geared towards improving the City’s ability to respond and recover quickly from natural disasters, and to reduce vulnerabilities to future disasters.
- The proposed ordinance amendment seeks to reduce vulnerability of development adjacent to the river.

RECOMMENDATION:

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

Attachments

- Letter from SE Cass Water Resource District
- Draft zoning ordinance amendment language



February 28, 2025

**Southeast Cass
Water Resource
District**

Daniel Hanson, PE
Senior Director of Community & Development
City of West Fargo
2515 6th Street E
West Fargo, ND 58078

Dear Mr. Hanson:

RE: City of West Fargo River Setbacks

Keith Weston
Chairman
Fargo, North Dakota

Dave Branson
Manager
Fargo, North Dakota

Rick Steen
Manager
Fargo, North Dakota

As a partner in managing the water resources in and around the City of West Fargo, the Southeast Cass Water Resource District (the District) appreciates the opportunity to review items going before the West Fargo Planning and Zoning Commission.

There have been many requests over the years for variances to the City's 100-foot building control line as a minimum setback from the riverbank. We understand the ordinance allows for structures to be placed as close as 50 feet from the riverbank. In these cases, a professional engineer must conduct a soils analysis stating the soils can accommodate the type of structure proposed and does not increase risk of future damage to the riverbank.

As we have seen over the years, the Sheyenne River is quite dynamic. Bank failures and movement are occurring all the way from upstream of Baldhill Dam to the confluence with the Red River. River Mitigation projects are expensive and permits from both the state and federal level are difficult to obtain.

The District respectfully encourages the City of West Fargo to consider an update to your planning and zoning ordinance that would limit variances on future applications except cases of hardship as determined by the City. This would take future bank sloughing and erosion into account.

Melissa Hinkemeyer
Director, Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrld@casscountynd.gov
casscountynd.gov

Sincerely,

SOUTHEAST CASS WATER RESOURCE DISTRICT

Keith Weston
Chairman

4-431-C. "CO-SR" DISTRICT OR SHEYENNE RIVER CORRIDOR OVERLAY DISTRICT

4-431-C.1. STATEMENT OF INTENT. The provisions of the "CO-SR" District are intended to promote orderly, safe and desirable development patterns along the Sheyenne River where unstable soil conditions exist. The "CO-SR" Districts shall extend along the entire Sheyenne River Corridor and shall be approximately 100 feet from the established river bank.

4-431-C.2. BUILDING CONTROL LINE AND USE RESTRICTIONS. The City hereby establishes a building control line along the Sheyenne River within the Corporate limits of the City of West Fargo and within the Extraterritorial Jurisdiction limits of the City. The building control line shall be 100 feet from the established riverbank as determined by the City Engineer. The building control line shall be the minimum setback line for any primary and accessory structures requiring permits, in-ground pools, septic systems & drain fields, irrigation systems, parking lots, excavation, placement of fill, and other development activities which may cause increased riverbank destabilization.

4-431-C.3. EXCEPTIONS TO THE BUILDING CONTROL LINE. The following development activities are allowable within the building control line:

1. Accessory structures with a building footprint of 120 square feet or less, provided they are located at least 50 feet from the top of the riverbank and are not affixed to a permanent foundation. Such accessory structures may be placed on an aggregate foundation surface.
2. Fences, provided they are located at least 50 feet from the top of the riverbank.
3. Decks, provided they are elevated and supported on piers with minimal soil disturbance and are located at least 50 feet from the top of the riverbank.
4. Patios and similar flatwork, provided it abuts a residence or primary structure and does not extend more than 25 feet from the building.
5. Driveways or road crossings, if no feasible alternative exists and are property permitted.
6. Parking lots, provided they are located at least 50 feet from the top of riverbank, where it can be demonstrated through a soils analysis that soils are stable within the building control area. The soils analysis shall be conducted by a qualified professional engineer and demonstrate that the soils can accommodate the parking lot without sustaining future damage or degrading the stability of the riverbank. The soils analysis shall be reviewed and approved by the City Engineer.
7. Public facilities, such as sidewalks, bike paths, stormwater pipe, utility lines, and the like that are property permitted.

8. Flood protection levees or walls where it can be demonstrated through a soils analysis that soils are stable within the building control area. The soils analysis shall be conducted by a qualified professional engineer and demonstrate that the soils can accommodate the flood protection levees/walls without sustaining future damage. The soils analysis shall be reviewed and approved by the City Engineer.

4-431-C.4. TREE PRESERVATION.

1. Property owners are encouraged to protect and preserve trees and native riparian vegetation in a healthy condition to maintain riverbank and soil stability of the river corridor.
2. If trees are removed, their stump and root system shall be left intact. Stump grinding and/or excavation of roots is prohibited within 50 feet of the riverbank, unless otherwise approved by the City Forester, the City Engineer, or Southeast Cass Water Resource District.

Source: Ord. 916, Sec. 65 (2012); Ord. 1029, Sec. 6 (2024)

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4-566. REQUIREMENTS FOR VARIANCES. A variance from the terms of this Ordinance, shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

In addition to the application criteria above, for variances to the building control line of the CO-SR District, a soils analysis conducted by a qualified professional

engineer must also be submitted. The soils analysis must demonstrate that the soils can accommodate the type of structure, parking lot, or other use without sustaining future damage.

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

2. The owner of the property for which a variance is sought or his/her agent and all abutting properties and properties extending one hundred and fifty (150) feet from the area, excluding streets, shall be notified at least 10 days prior to the hearing.
3. The Planning Commission shall hold a public hearing where interested parties shall have an opportunity to be heard. Notice of said hearing shall be published once a week for two successive weeks prior to the time set for said hearing in the official newspaper of the City. Following the hearing, the Planning and Zoning Commission shall forward their findings and recommendations to the Board of Adjustment.

Source: Ord. 916, Sec. 61 (2012)

4-431-C. “CO-SR” DISTRICT OR SHEYENNE RIVER CORRIDOR OVERLAY DISTRICT

4-431-C.1. STATEMENT OF INTENT. The provisions of the “CO-SR” District are intended to promote orderly, safe and desirable development patterns along the Sheyenne River where unstable soil conditions exist. The “CO-SR” Districts shall extend along the entire Sheyenne River Corridor and shall be approximately 100 feet from the established river bank.

4-431-C.2. BUILDING CONTROL LINE AND USE RESTRICTIONS. The City hereby establishes a building control line along the Sheyenne River within the Corporate limits of the City of West Fargo and within the Extraterritorial Jurisdiction limits of the City. The building control line shall be 100 feet from the established riverbank as determined by the City Engineer. The building control line shall be the minimum setback line for any primary and accessory structures requiring permits, in-ground pools, septic systems & drain fields, irrigation systems, parking lots, excavation, placement of fill, and other development activities which may cause increased riverbank destabilization.

~~4-431-C.3. RELAXATION OF USE RESTRICTIONS. Where it can be demonstrated through a soils analysis that soils are stable within the building control area, the City Commission may consider reducing the required minimum setback by variance. The soils analysis shall be conducted by a qualified professional engineer and demonstrate that the soils can accommodate the type of structure, parking lot or other use without sustaining future damage. No use may be closer than fifty (50) feet from the established riverbank.~~

4-431-C.43.—EXCEPTIONS TO THE BUILDING CONTROL LINE. The following development activities are allowable within the building control line:

1. Accessory structures with a building footprint of 120 square feet or less, provided they are located at least 50 feet from the top of the riverbank and are not affixed to a permanent foundation. Such accessory structures may be placed on an aggregate foundation surface.
2. Fences, provided they are located at least 50 feet from the top of the riverbank.
3. Decks, provided they are elevated and supported on piers with minimal soil disturbance and are located at least 50 feet from the top of the riverbank.
4. Patios and similar flatwork, provided it abuts a residence or primary structure and does not extend more than 25 feet from the building.
5. Driveways or road crossings, if no feasible alternative exists and are property permitted.
6. Parking lots, provided they are located at least 50 feet from the top of riverbank, where it can be demonstrated through a soils analysis that soils are stable within the building control area. The soils analysis shall be conducted by a qualified professional engineer and demonstrate that the soils can accommodate the parking lot without sustaining future

damage or degrading the stability of the riverbank. The soils analysis shall be reviewed and approved by the City Engineer.

7. Public facilities, such as sidewalks, bike paths, stormwater pipe, utility lines, and the like that are property permitted.

8. Flood protection levees or walls where it can be demonstrated through a soils analysis that soils are stable within the building control area. The soils analysis shall be conducted by a qualified professional engineer and demonstrate that the soils can accommodate the flood protection levees/walls without sustaining future damage. The soils analysis shall be reviewed and approved by the City Engineer.

~~EXISTING NONCONFORMING USES AND STRUCTURES.~~

~~Existing~~

~~nonconforming uses and structures shall not be expanded unless in conformity with the provisions of the "CO-SR" District. Where required setbacks cannot be achieved, relaxation of setbacks may be pursued according to Section 4-431-C.3. Nonconformities are subject to Section 4-470.~~

4-431-C.~~54~~. TREE PRESERVATION.

1. Property owners are encouraged to protect and preserve trees and native riparian vegetation in a healthy condition to maintain riverbank and soil stability of the river corridor.
2. If trees are removed, their stump and root system shall be left intact. Stump grinding and/or excavation of roots is prohibited within 50 feet of the riverbank, unless otherwise approved by the City Forester, the City Engineer, or Southeast Cass Water Resource District.

Source: Ord. 916, Sec. 65 (2012); Ord. 1029, Sec. 6 (2024)

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4-566. REQUIREMENTS FOR VARIANCES. A variance from the terms of this Ordinance, shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - b. That literal interpretation of the provisions of this Ordinance would deprive the

applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

- c. That the special conditions and circumstances do not result from the actions of the applicant;
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

In addition to the application criteria above, for variances to the building control line of the CO-SR District, a soils analysis conducted by a qualified professional engineer must also be submitted. The soils analysis must demonstrate that the soils can accommodate the type of structure, parking lot, or other use without sustaining future damage.

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

- 2. The owner of the property for which a variance is sought or his/her agent and all abutting properties and properties extending one hundred and fifty (150) feet from the area, excluding streets, shall be notified at least 10 days prior to the hearing.
- 3. The Planning Commission shall hold a public hearing where interested parties shall have an opportunity to be heard. Notice of said hearing shall be published once a week for two successive weeks prior to the time set for said hearing in the official newspaper of the City. Following the hearing, the Planning and Zoning Commission shall forward their findings and recommendations to the Board of Adjustment.

Source: Ord. 916, Sec. 61 (2012)

GROWTH AREA PLAN

**UPCOMING
COMMUNITY
ENGAGEMENT
OPPORTUNITY**



bit.ly/WestFargoGAP



WE WANT TO HEAR FROM YOU!

Come share your thoughts as we kick off the West Fargo Growth Area Plan. The purpose of this project is to establish a strategic framework to guide decisions regarding growth and development in West Fargo's Growth areas.



UPCOMING OPEN HOUSE

MAY 21, 2025

TIME: 5:00-7:00 PM

LOCATION: CITY HALL (2515 6TH ST E, WEST FARGO)

A short presentation will be shared at 5:15 PM and 6:15 PM. Please attend at any time that is convenient for you.

OTHER RESOURCES:



City Website

<https://www.westfargond.gov/>

Contact Info:



<https://www.facebook.com/CityofWestFargo>



<https://www.instagram.com/cityofwestfargo/>