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Sharon Schacher, Finance Director  
Larry M. Weil, Planning Director  
Wanda J. Wilcox, City Assessor  
Dorinda Anderson, Business Development Director  
Jim Brownlee, CPA, City Administrator

West Fargo Planning and Zoning Commission  
January 8, 2007 at 7:00 P.M.  
West Fargo City Hall

Members Present: Frank Lenzmeier  
Jason Gustofson  
Wayne Nelson  
Ross Holzmer  
Kim Keller  
Terry Potter  
Harriet Smedshammer

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten, Andrea Domaskin, Tom Martin, Duane Hazer, Roger Ellingson, Brian Johnson, Representative from Cenex Pipeline.

The meeting was called to order by Chair Lenzmeier.

The next item on the agenda was approval of the December 11, 2006 meeting minutes. Chair Lenzmeier stated that on page 5 the minutes should reflect the crushed concrete pile that currently exists. Commissioner Smedshammer made a motion to approve the December 11, 2006 minutes as corrected. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-1 Subdivision in the SW¼ of Section 5, T139N, R49W, City of West Fargo, North Dakota.

Steven Zimmer reviewed the following information from the staff report:

The property, which is located on the south side of 7<sup>th</sup> Avenue NE between Center Street and 9<sup>th</sup> Street NE, is zoned M: Heavy Industrial and it is currently unplatted. There is a Burlington Northern Santa Fe main line connection and a spur line located within this property. This property is bound on the east by Cass County Drain #45 and the Burlington Northern Santa Fe Railroad to the south. The proposed use conforms to the City's plans and ordinances.

The property has been used for agricultural purposes for a number of years. The applicant proposes platting the parcel into three (3) separate parcels separated by the BN spur lines located within the property. There are easements in place to call out and locate the railroad main and spur lines. Lots 1 and 2 will be used for Heavy Commercial/Industrial uses and Lot 3 is intended to be utilized by the West Fargo Fire Department as a training site.

The property does not have local street access, but rather the accesses are located on 7<sup>th</sup> Avenue NE which is designated as Minor Arterial street. Streets classified as Collectors and Arterials are designated as limited access streets to provide for better movement of traffic. Arterials should be oriented toward mobility (speed and capacity) rather than access, while local streets provide high levels of access. Appropriate access control preserves the capacity on arterial streets, reducing the need for traffic to divert to local streets.

Two existing accesses are proposed to continue into the property from 7<sup>th</sup> Avenue, which line up with those to the Cargill Oilseed Plant on the north side of 7<sup>th</sup> Avenue and were installed as part of the 7<sup>th</sup> Avenue NE reconstruction project. At the time of the street reconstruction there was no knowledge whether a street network would be developed south of 7<sup>th</sup> Avenue NE, so accesses were installed in the desired locations for future use. There is approximately 350' between the access to Lot 1 (farthest west) and Center Street.

The access to Lot 2 is approx. 280' from the Lot 1 access and approx. 650' from Center Street. The spacing between the two accesses does not meet the proper spacing standards of the City; however was approved previously because of the alignment with the Cargill access to the north. No accesses are proposed on Center Street. Access to Lot 3 was not been approved previously due to the fact that there is minimal room between the railroad main connection line and Cass County Drain #45; however, due to use and minute traffic levels entering this lot, the staff believes that the access should be approved off of 7<sup>th</sup> Avenue NE.

The Preliminary Plat shows 50' of right-of-way for the south side of 7<sup>th</sup> Avenue NE which is adequate and consistent with subdivisions to the east. The applicant proposes to donate Lot 3 for public use by the City for a Fire Department training site. Legal notice has been given in the paper and departmental reviews have been sent out. We have not received any comments of concern.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. Access control for 7<sup>th</sup> Avenue NE and Center Street is placed on the Final Plat.
3. Any necessary easements are shown on the Final Plat.
4. A drainage plan is received and approved by the City Engineer and Public Works Director.
5. A park dedication agreement is received.

There were no public comments. The hearing was closed.

Commissioner Gustofson made a motion for approval. Commissioner Keller seconded the motion.

Chair Lenzmeier asked if the parcel for the Fire Department would be considered a public use and if it could be part of the dedication process. Larry stated that yes. Currently the City owns the property, which was given back because of back taxes. The applicant, who is purchasing the entire property from the City, will dedicate it back to the City. Steven indicated that there really isn't any access available to the property.

The commission then voted on the motion on the floor. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-2 Conditional Use Permit for a compost facility, wood waste recycling program and contaminated soil treatment program located on a parcel in the NW¼ of Section 4, T139N, R49W, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the south side of 12<sup>th</sup> Avenue NE and east of 9<sup>th</sup> Street East. The City of Fargo owns about 80 acres of land adjacent to their existing municipal solid waste landfill which they would like to utilize for establishing a compost facility, wood recycling and contaminated soil treatment. The City of West Fargo and the City of Fargo have established an agreement to allow the West Fargo to utilize the compost facility which will be run by the City of Fargo. A Conditional Use Permit is required to establish a compost facility in West Fargo.

The applicant proposes to establish a compost facility. The City of Fargo owns about 83 acres of property in West Fargo which was purchased in 1995. The property is located immediately west of their existing municipal landfill. We have received a proposed site plan showing the layout of the facility. The yard waste compost facility, the waste wood recycling and contaminated soil treatment will be located along the east side of the property and would cover about 30 acres of the 83 acre parcel. The area plan also shows a 100-foot deep buffer along the north, west and south lot lines. Staff believes some sort of trees or bushes would be appropriate within this buffer. These buffers should help to minimize any potential nuisance from potential blowing debris or smell. Also, there is a fence shown around the 30 acres which will be actively used as part of the facility.

The site plan does not show where the access(es) would be located, which would need to be approved prior to installation. Staff believes that the property should be platted as a use for the property is being established. With regards to the general criteria for reviewing conditional use permits, the following observations are noted:

- Ingress and egress to the property has not been identified as of yet, but access from 12<sup>th</sup> Ave NE and/or 9<sup>th</sup> Street NE should be identified and approved prior to use.
- Parking and loading facilities are not required for the facility.
- The types of screening and buffering proposed include a chain-link security fence on the perimeter of the entire 30 acre compost site. Access gates would remain locked during non-business hours. A 100-foot wide buffer is proposed to be constructed on all sides of the property. A landscape plan should be developed for review and approval by the City showing tree plantings along the public streets.
- With regards to general compatibility with adjacent properties and other property in the district, the proposed site is located in a Heavy Industrial Zoning district as is most of the surrounding property. Generally the major issues associated with compost facilities are odors and debris. Both of these issues have been a major concern of both cities and have been addressed. The buffer and fence will greatly limit any type of debris and if run correctly the compost facility should produce very little if any odor.

We have sent out notices to adjacent property owners and city departments and have received one phone call in regards to the Cenex Pipeline location within this property. The applicant is aware of this pipeline and limitations for construction, excavation or other usage over the pipeline easement. Calls were also received from a property owner to the northwest, who indicated representatives would be present at the meeting.

Staff recommends approval with the following conditions:

1. A landscape plan is submitted for approval for trees/bushes to be planted within the 100-foot buffer.
2. Access locations from 12<sup>th</sup> Ave NE and/or 9<sup>th</sup> Street NE are identified and submitted for approval according to the City's spacing standards.
3. A subdivision plat is submitted for the property.

Larry stated that the City of Fargo intends to clarify some issues – pipeline, landscaping and possibly platting. So they are requesting that the public hearing be held and continued until the next meeting.

Brian Johnson, President of Operations for Integrity Windows, distributed a letter with concerns regarding debris, odor, increased traffic... Their facility along 9<sup>th</sup> Street NE has the potential to employ over 600 people with possible growth to 1,200. They are concerned for their employees. They had an opportunity to purchase land in Fargo and chose not to because of proximity to the landfill.

A representative from Cenex pipeline stated that they don't want anything on their pipeline or easement – no permanent structure, no digging. Plus it's important to have accessibility for maintenance of the line.

Roger Ellingson stated that he lives near the proposed site and when he drives by the current compost site in Fargo his lungs constrict, he can hardly breathe it smells so bad. He also stated concern with decreased property values.

Commissioner Nelson asked what the advantages would be to have this here. Larry stated that waste wood and contaminated are permitted uses as long as the Health Department approves it. He stated that as far as the compost site – there is a need for this facility in the metro area. The community can save money and increase the lifespan of the landfill. He asked if the effects, concerns with odors can be mitigated?

Steven stated that Fargo is looking at the possibility of having a gas collection system to decrease the odor. They're working with NDSU.

Commissioner Smedshammer asked about the current compost site in Fargo. Larry stated that they're looking at closing that site and reusing additional landfill space to the east of 45<sup>th</sup> Street. Commissioner Smedshammer asked what the use for the remaining area to the west would be? Larry stated that they haven't indicated a use for the remaining area.

Commissioner Holzmer asked about the current compost site not being properly managed. Steven stated that currently they only turned the piles when they had the time and didn't always turn them when they should. Commissioner Holzmer stated that it would be nice to know if they would be operating this site properly.

Commissioner Gustofson asked about the type of buffering – berm, plantings? Larry stated that we have asked them to submit

a landscaping/buffering plan. Commissioner Gustofson also asked about storm drainage. Assistant City Engineer Brock Storrusten stated that storm drainage would probably go to Drain 45.

Discussion was held regarding the waste wood grinding.

Larry stated that staff recommends platting, especially with the 2-3 pipelines which go through the site.

Chair Lenzmeier asked if it would be possible to get a concept of the remaining property. He also stated that there should be firmer language to insure that this site will be run properly.

Larry stated that under the conditional use permit process conditions could be added such as timeframes, sunset clauses...

Commissioner Smedshammer made a motion to continue this item until the next meeting. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

The next item on the agenda was continued from the last meeting, A06-67 Planned Unit Development Amendment and Land Use Plan Amendment from Office Park to Retail Commercial for Lot 2 Block 3 of Eagle Run 8<sup>th</sup> Addition, City of West Fargo, North Dakota.

Larry stated that this item was continued to allow time for a traffic study to be conducted. Staff hasn't heard from the applicant.

Commissioner Nelson made a motion to continue this item. Commissioner Potter seconded the motion. No opposition. Motion carried.

Commissioner Gustofson made a motion to adjourn. Commissioner Keller seconded the motion. No opposition. Motion carried.