

MEMORANDUM

TO: Fargo Human Relations Commission

FROM: Karin Flom, Assistant Planner

DATE: August 14, 2020

RE: Human Relations Commission Meeting on August 20, 2020

The next meeting of the Fargo Human Relations Commission will be held on Thursday, August 20, 2020 at 12:00 p.m., in the **Sky Commons meeting room at the Fargo Civic Center**. If you are not able to attend, please contact staff at 701.241.1474 or Planning@FargoND.gov.

HUMAN RELATIONS COMMISSION Thursday, August 20, 2020 at 12:00 p.m. **Sky Commons – Fargo Civic Center**

AGENDA

1. Welcome & Introductions
2. Approve or Amend Agenda Action Item
3. Approve Minutes Action Item
4. Public Comment – Citizens to be Heard
5. 2020 Human Relations Commission Budget.....Action Item
6. Sponsorship Request: Tudeako GroupAction Item
7. 2021 Human Relations Commission Budget Changes
8. Presentation: Land Development Code Diagnostic (Aaron Nelson, City of Fargo)
9. Old Business
 - a. Sponsorship Event Update
 - b. 2020 Work Plan – Update on Work Groups
10. Discussion: Anti-LGBTQ Language in North Dakota GOP Platform Resolution
11. Staff Update
12. Announcements
13. Adjourn

This meeting of the Human Relations Commission will not be broadcast live and will not be livestreamed. However, the meeting video will be uploaded to the City of Fargo website at www.FargoND.gov/humanrelations and will rebroadcast each Thursday at 12:00 p.m. on cable channel TV Fargo 56. Minutes are also available on the City of Fargo Web site at www.FargoND.gov/humanrelations.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

MEMORANDUM

TO: Fargo Human Relations Commission
FROM: Karin Flom, Assistant Planner
DATE: August 14, 2020
RE: Meeting Report

Item 4. Public Comment – Citizens to be Heard

Vice Chair Cody Severson will open the floor to public comment.

Item 5. 2020 Human Relations Commission Budget

A draft 2020 Human Relations Commission budget is included in the agenda packet.

Recommended Motion: To approve the 2020 Human Relations Commission budget as proposed.

Item 6. Sponsorship Request – Tudeako Group

The Tudeako Group submitted a sponsorship request for its back to school event which was held on August 15 in Lindenwood Park. The request for 2020 is \$300. The HRC supported last year's event for \$250. The sponsorship application and supporting materials are included in the packet.

Recommended Motion: To approve a \$300 sponsorship request for the Tudeako Group Back To School event.

Item 7. 2021 Human Relations Commission Budget Changes

Planning and Development Director Nicole Crutchfield will discuss potential changes to the 2021 HRC budgeting process and answer initial questions from commissioners.

Item 8. Staff Presentation: Fargo Land Development Code Diagnostic

Long Range Planning Coordinator Aaron Nelson will present a summary of work done to date on an analysis of Fargo's Land Development Code (zoning code) as well as how HRC members and members of the public can get involved.

Item 9a. Old Business: Sponsorship Event Update

Community member Faith Dixon will present a brief update on the JoyFest event. The HRC approved an event sponsorship of \$940 at its July 16 meeting.

Item 9b. Old Business: Update on 2020 Work Plan Work Groups

At the July 16 meeting, the HRC approved the 2020 Work Plan. This agenda item is provided as space for the commission to provide an update on organizing HRC members into work groups to focus on strategies and goals outlined in the work plan.

Item 10. Anti-LGBTQ Language in North Dakota GOP Platform Resolution

At the end of July, media reported the North Dakota GOP's platform which was submitted to delegates for an approval vote included a resolution containing anti-LGBTQ language. This agenda item is presented as a discussion item for the HRC.

Item 11. Staff Update

Vice Chair Cody Severson will open the floor to commission members for any questions or discussion related to the July Staff Update, which is included in the agenda packet.

Item 12. Announcements

Vice Chair Cody Severson will open the floor to commission members for any announcements.

BOARD OF HUMAN RELATIONS COMMISSIONERS MINUTES

Regular Meeting:

Thursday, July 16, 2020

The Regular Meeting of the Board of Human Relations Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 12:00 p.m., Thursday, July 16, 2020.

The Human Relations Commissioners present or absent were as follows:

Present: Matuor Alier, Cheryl Schaeffle, Adam Martin, Barry Nelson, Hamida Dakane, Cody Severson

Absent: Abdiwali Sharif-Abdinasir, Laetitia Hellerud

Item 1. Welcome and Introductions

Chair Nelson welcomed Members to the meeting and introductions were made.

Item 2. Approve Order of Agenda

Chair Nelson proposed an amendment to the Agenda to add an Item prior to Item 9 – Presentation by Jim Shaw regarding the renaming of Woodrow Wilson High School.

Member Schaeffle moved the Order of Agenda be approved as amended. Second by Member Alier. All Members present voted aye and the motion was declared carried.

Item 3. Approve Order of Minutes

Member Alier moved the minutes of the June 18, 2020 Human Relations Commission meeting be approved as presented. Second by Member Severson. All Members present voted aye and the motion was declared carried.

Item 4. Reflections on June 18 Public Comment and Next Steps

Chair Nelson thanked those that appeared at the June 18 meeting and noted that discussion prompted a large number of conversations going forward. He noted honest conversations have taken place and one issue that has stood out to him was the conversation on what kind of training was needed for law enforcement and other parts of our City. He stated the importance of that conversation to continue.

Chair Nelson noted that equipment for Police Officers (body cams) is a topic in the current budget talks.

He shared that work will be happening to organize committees and subgroups to work within the community.

Item 5. Statement of Intent and Agreement (“WeAreOne”)

Wess Philome and Ritchell Aboah, representatives of OneFargo, provided an overview of the Statement of Intent that was drafted by the City with input from OneFargo. Mr. Philome noted the main purpose of it being committing to having leaders meet on a

consistent basis, creating dialogue, and striving for a more inclusive community in Fargo, West Fargo, and Moorhead. This will also show accountability in the community.

Mr. Philome explained the background of the name update to WeAreOne.

Member Dakane inquired if Black Lives Matter and OneFargo were included in the selection of the Police Chief Selection Committee.

Ms. Aboah stated that OneFargo was not included in the conversation of picking the committee.

Faith Dixon, Black Lives Matter, stated they were not included either.

Member Martin clarified the main things OneFargo is looking for with the Statement of Intent is transparency and clarity with reports.

Member Alier moved to endorse and recommend to the City Commission approval of the Statement of Intent and Agreement proposed by WeAreOne. Second by Member Dakane. All Members present voted aye and the motion was declared carried.

Member Severson noted in the reporting section that he would like to see concrete timelines included in the agreement.

Item 6. 2020 Human Relations Commission Work Plan

Chair Nelson provided an overview of the background and process to develop the Human Relations Commission work plan. He noted this plan will continue to encourage community input, and that the plan has been shared with the OneFargo and Black Lives Matter groups.

Member Schaeffe moved to approve the Human Relations Commission work plan as presented. Second by Member Martin. All Members present voted aye and the motion was declared carried.

Chair Nelson reminded each commissioner of their commitment to one of the priority areas in the work plan to focus on. He asked each commissioner to connect with City staff on which area they will focus on.

Item 7. Sponsorship Requests

a. JoyFest

Faith Dixon, Faith4Hope, provided a background of the JoyFest event scheduled for July 25 from 12:00 p.m. to 8:00 p.m. in Island Park. She noted the request is for \$940.

Member Dakane noted concern regarding protection measures that will be in place for the event due to COVID-19.

Ms. Dixon stated masks, social distancing, and sanitizer will be present and they will be following CDC (Center for Disease Control) guidelines.

Member Alier questioned if a sponsorship cap was in place for the Board to approve funding.

Director of Planning and Development Nicole Crutchfield and Assistant Planner Karin Flom, stated funding is available in the Human Relations Commission budget to accommodate the request.

Member Martin questioned if this request will be reoccurring or a one-time sponsorship.

Ms. Dixon noted this will be a one-time request, but the event will be an annual event.

Member Dakane moved to approve the \$940 sponsorship request for the JoyFest event. Second by Member Martin. All Members present voted aye and the motion was declared carried.

b. Liberian Independence Day

Chair Nelson noted that a sponsorship request was received from the United Liberian Association of North Dakota for an event to be held on July 25 from 5:00 p.m. to 9:00 p.m. at Johnson Park.

Ritchell Aboah and Augustine Zulu spoke on behalf of the request, noting they are requesting \$1000. They shared that the Liberian community has been hit hard due to COVID-19 and this event will bring joy. Ms. Aboah gave an overview of protection measures that will be in place for the safety of attendees.

Discussion was held on the details of the event and number of expected attendees.

Member Martin inquired about the Board's history of approving sponsorship funding without an attached budget.

Ms. Crutchfield noted that Mr. Zulu presented an overview of the event budget to City staff, and that staff has worked with the group on the amount of the request. She also provided an overview of the sponsorship process, and shared that work is being done to establish a more clear guidance for sponsorship requests.

Member Schaefle moved to approve the \$1000 sponsorship request for the Liberia Independence Day event. Second by Member Alier. All Members present voted aye and the motion was declared carried.

Chair Nelson noted that the Human Relations Commission would have a booth at both events.

Item 8. 2020-21 Chair and Vice Chair Elections

Chair Nelson noted that his term as chair has ended, and elections are needed for a new Chair and Vice-Chair for the Human Relations Commission. He shared the Member Alier has been recommended by the nominating committee to serve as Chair and Member Severson as Vice Chair.

Member Schaeffle moved to approve Member Alier as Chair, and Member Severson as Vice Chair. Second by Member Dakane.

Member Dakane inquired if these recommendations were discussed with all Board Members.

Member Martin requested the vote for each position to be done separately.

Member Schaeffle moved to appoint Member Alier to serve as the Chair of the Human Relations Commission. Second by Member Severson. All Members present voted aye and the motion was declared carried.

Member Schaeffle moved to appoint Member Severson as Vice-Chair of the Human Relations Commission. Second by Member Alier. Majority of Members present voted aye. Member Martin voted nay. The motion was declared carried.

Added Agenda Item – Jim Shaw presentation

Jim Shaw gave a presentation regarding our Nation coming to grips with racism. He noted areas of the country recently have been removing images of the confederate flag, renaming professional sports teams, and schools removing names of known racists. He stated that recently Princeton University removed the name of Woodrow Wilson from its Public Policy School.

Mr. Shaw noted that Fargo has a high school named after Woodrow Wilson and he is asking the Board to go on record to ask for the removal of his name. He provided an overview of Woodrow Wilson's racist background and stated that Fargo needs to stand on the right side of history.

Mr. Shaw asked the Board to make a stand in our community.

Ms. Aboah thanked Mr. Shaw for his presentation, and noted that a name change has great meaning.

Member Severson stated he is in support of the removal of the name, and hopes that we can rename all the schools in the area named for oppressive figures.

Ms. Dixon stated that Black Lives Matter wanted to address this issue as well. She wants voices to be heard, and children to be raised to know who people are and what they stand for.

Rebecca Knutson, Fargo Board of Education President, spoke noting there is a meeting June 23 at 7:30 a.m., of the Governance Committee. She shared the purpose of the group is to help decide items that move on to the agendas for the regular school board meetings, and the policy deciding school naming will be discussed. She noted that if there were a consensus at that meeting, then the discussion would be moved on to the larger board level.

Precious Dwah spoke for the New American and Immigrant Community. She stated there are issues when it comes to sponsorship. She noted equipment is needed to help with the spread of the COVID-19 virus, but that funding has not been able to be secured to obtain the equipment. She wanted to the Board to know that frustration is occurring due to not being able to secure loans or funding for grassroots organizations and help is needed.

Member Alier noted that the New American and Immigrant Community did reach out to the City and United Way of Cass and Clay County when the pandemic happened. He stated that the City partnered with United Way and about six New Americans were hired and are working out of the Somalian Community Development Center to cover different languages in the City. He noted a grant is in the process for New American businesses and more information can be obtained through him or Ms. Crutchfield.

Ms. Crutchfield noted Ms. Dwah could connect with her.

Member Alier moved to recommend to the Fargo Public Schools to remove the Woodrow Wilson name from the Fargo Public School facility. Second by Member Schaeffe.

Discussion continued on the recommendation to remove the Woodrow Wilson name from the Fargo Public School facility.

Member Severson inquired if the Governance Committee meeting is open to the public. Ms. Knutson noted that currently meetings have been held via Zoom for the committee meetings and the Fargo School Board meetings have been held in person. She shared that comments for the Board can be submitted to her or any of the other school board members, and that all of the School Board Members email addresses are available on the Fargo School District's website.

Member Dakane inquired if discussion will be held on the recent hire of the Director of Diversity of Equity Position. She would like to see it on the Agenda.

Ms. Knutson stated any comments, concerns, or questions the public may have that relates to the business of the Fargo School District can contact the Administration and School Board Members directly. She noted regular school board meetings are open to the public, but there are a few current challenges due to COVID-19 and space constraints.

Chair Nelson noted that a motion and second has been made to recommend to the Fargo Public Schools to remove the Woodrow Wilson name from the Fargo Public School facility. All Members present voted aye and the motion was declared carried.

Item 9. Old Business

a. Juneteenth Holiday Discussions Update

Chair Nelson stated at the June 18 Human Relations Commission meeting, a motion was made to carry forth efforts to create a Juneteenth as a holiday within the City of

Fargo. He noted that Senator Tim Mathern is bringing forth a bill to the North Dakota Legislature to declare Juneteenth as a state holiday as well.

Senator Tim Mathern read his proposed bill to the Board. He noted that he is looking for political support of the measure and stated the Legislative session begins in January.

b. HRC Appointment to Police Chief Selection Committee

Chair Nelson noted that Member Alier will be serving on the committee as the representative from the Human Relations Commission, and that a meeting is being held today, July 16 at 2:00 p.m. in the Commission Chambers.

Item 10. Public Comment - Citizens to be Heard

Chair Nelson noted a recent Supreme Court ruling, which covers sexual orientation and gender identity to now be covered under Section XII of the Civil Rights Act of 1964. He stated as of June 15 it is also protected under the North Dakota Department of Labor and Human Rights. Individuals who feel they have been discriminated against can now file a complaint.

Faith Dixon, Black Lives Matter, wants to address the prone restraint. She provided an overview of what the prone restraint is. She requested the Fargo Police Department to move to ban this type of restraint as well.

Member Alier absent.

Ms. Dixon additionally noted they will be working with Fargo Public Schools regarding the recent hiring for the position of Director of Diversity of Equity. She stated there are many questions to be answered. She requests the Human Relations Commission to look into the matter, as it is an issue the community wants answers on.

Wess Philome noted OneFargo was not aware that the vote on banning chokeholds would be happening at the last City Commission meeting. He stated that the chokehold should be banned outright without any exceptions. He would like to see both topics to be discussed. Mr. Philome provided a brief overview of the difference between a chokehold and prone restraint.

Member Martin noted that this has been a hot topic and there is a lot of fear in the community. He would like a survey done on when and who chokeholds have been used, to identify trends and total numbers. He stated that there needs to be momentum and we need to start outlawing things that create hostile environments.

Mr. Philome shared about an event from his past regarding a traffic stop. He stated a study needs to be done also on "stopped by" demographics. He wants to see if our local law enforcement has a racial bias, and if it is happening, what we can do to get that corrected.

Chair Nelson noted the meeting packet contains a document listing the concerns that were voiced at the June Human Relations Commission meeting. He stated gathering data is important and to know what we are dealing with.

****NOTE:** The following below remark was not heard at the meeting, but was received via telephone call during the meeting.

Victoria Johnson called and wanted to ask the Human Relations Commission if the data (numbers and percentages) of minority children and Native American children being sent to the juvenile justice center through the school system could be released to the public. She said she was interested to see this data.

Item 11. Announcements

Chair Nelson noted that Member Sharif-Abdinasir was unable to attend today's meeting due to a funeral.

Ms. Dixon shared that Black Lives Matter received many complaints regarding the hiring of the Director of Diversity of Equity Position, and why people of color were not called back for an interview. She questioned why other people of color were not chosen or even offered an interviewed. She noted concerns of how diversity could be taught when there is a lack of it present.

Member Dakane shared that she personally knew an applicant for the position. She stated there is an issue of getting people of color in the schools, and action needs to be taken.

Ms. Dixon also shared additional details regarding the use of prone restraints.

Chair Nelson ask the Board if there is an action they would like to take regarding the hiring of the Director of Diversity of Equity Position with the Fargo Public Schools.

Member Dakane moved to write a letter to the Fargo Public Schools noting the public has concerns, how to slow down the process, and to reopen the position to give people of color a second chance. Second by Member Severson. All Members present voted aye and the motion was declared carried.

City Commissioner John Strand extended his thanks to Chair Nelson for his time served as the Chair of the Human Relations Commission.

Item 12. Adjourn

The time at adjournment was 1:33 p.m.

HRC 2020 CURRENT EXPENDITURES - 8.4.2020

\$ 16,000.00

Description	Budgeted	Actual	
MLK Event (2020 Expenditures - for January 2020 and 2021 events)	\$ 7,000.00	\$ 4,977.11	
MLK January 2020 Event Expenditures			
ASL Interpretation	\$ 360.00	\$ 300.00	
Sir Speedy (programs, surveys, nom slips)	\$ 60.00	\$ 286.37	
Entertainment - Latter Rain Ministries	\$ 250.00	\$ 250.00	payment pending
Entertainment - Kwaician Traylor	\$ 250.00	\$ 250.00	
Entertainment - RBNK Dance Group	\$ 250.00	\$ 250.00	
MC - Fred Edwards, Jr.	\$ 250.00	\$ 250.00	
Fargo Theatre	\$ 1,118.75	\$ 1,118.75	
Crown Trophy	\$ 250.00	\$ 151.90	
Advertising - Radio	\$ 1,320.00	\$ 1,320.00	
Advertising - Facebook	\$ 50.00	\$ 50.09	
Advertising - Distribution (George)	\$ 400.00	\$ 150.00	
Advertising - Fargo Forum	\$ 600.00	\$ 600.00	
MLK January 2021 Event Expenditures			
Sponsorships	\$ 3,000.00	\$ 1,940.00	
JoyFest (Faith4Hope)		\$ 940.00	
Liberia Independence Day (ULAND)		\$ 1,000.00	
Professional Services (e.g. planners, coordination, research, etc.)	\$ 1,000.00	\$ -	
Marketing/Outreach (General HRC)	\$ 2,000.00	\$ -	
Training	\$ 1,000.00	\$ -	
Supplies & Food	\$ 1,000.00	\$ -	
Contingency	\$ 1,000.00	\$ -	
TOTAL	\$ 16,000.00	\$ 6,917.11	\$ 9,082.89
	(Budgeted)	(Actual)	(Remaining)

 2019 MLK TOTAL COST: \$6, 079.51
 2020 MLK TOTAL COST: \$6,836.29

CITY OF FARGO HUMAN RELATIONS COMMISSION

Sponsorship Application

Please complete this application to apply for City of Fargo Human Relations Commission sponsorship funds. You may be contacted by City staff if additional information is required.

The Fargo Human Relations Commission (FHRC) assists in funding events that fit within its mission to encourage acceptance, respect for diversity and eliminate discrimination. If the FHRC commits funds to an event, it should be listed as a sponsor in all publicity. The FHRC will consider written funding requests monthly, with a deadline of the 28th of each month. Applications must include an event budget or detailed description of how funds will be used. While, on average, funding is provided in the amount of \$500 or less, all appropriate funding requests will be reviewed with consideration of FHRC budget constraints and established line items. If you would like more information about the FHRC sponsorships, please contact Willard Yellow Bird Jr., Cultural Planner, at 701-476-4116 or wyellowbird@cityoffargo.com.

ORGANIZATION NAME: Tudealco group

PROGRAM/PROJECT NAME: Back To School

DATE SUBMITTED: 7/19/20

AMOUNT REQUESTED \$ 300.00

PLEASE ATTACH A PROJECT SUMMARY, INCLUDING A DESCRIPTION OF WHAT THE FUNDS WILL BE USED FOR (on the back of this page or on another sheet)

BASIC INFORMATION:

Address: 1521 STS #103 FARGO ND 58103

Contact Name: Gadi Edward Phone: 701-200-8264

Fax: _____ E-mail: gadi.edward@yahoo.com

Legal structure of organization (ex. non-profit or for-profit, 501(c)(3), etc.) 80-0588933

Mission and Actions (What are you planning to do? Please attach additional information if applicable)

Tudealco recognizes the youth programming and education are important
1- Rental Fee \$250 Lindenwood Park
2- Prizes and small gift for students \$150

Join us in celebrating

BACK TO SCHOOL

August 15, 2020

Food
Encouragement



Hosted by: Tudeako Group

Cultural
Dance

Prizes



Supplies

singing

Story
Tell

Games

Lindenwood Park

Rotary 1925 Fargo, ND

Hosted by: Tudeako Group

August 15th, 2020

Time: 10 am - 9 pm

Phone: 701-280-8264



T'UDEAKO (TCGO)

New American Community

15 21st Street S, #103
Fargo, ND 58103

Tel: 701-850-0512
www.tudeakogroup.org
Email: tudeakogroup@gmail.com

July, 18 2020

Re: Summer School and back to school event for New American children

To City of Fargo

Tudeako is an African term for a person who helps other people

On behalf of the tudeako community group, I ask for your help in making possible Tudeako's 2020 Summer School program end with Back to School event on August 15, 2020. This event in Lindenwood park is the concluding highlight of our summer program for new American children K-12. On that day the children and their parents/friends come together to celebrate their native cultures as well as their new American culture with song, dance, music, storytelling, games, and conversation. We would welcome your support of this summer program and the Back to School event through a donation, for instance, gift cards, school supplies, of bottle water, cash is welcomed to

About our organization: Tudeako group is a 501 c (3) organization, incorporated in 2010, which serves new Americans in Fargo-Moorhead area, regardless of their faith, nationality, ethnicity, or culture. Many of these new Americans were refugees fleeing decades of war, violence, and internal dislocation in their countries of origin. Tudeako's mission is to build a community in which the basic education and other needs of these new Americans families are met. To this end, Tudeako runs a small food bank and organizes and after school program for children

It is important to mention that once the essential refugee resettlement services have been provided, these new Americans are on their own to find their own way, which is to a great degree the reason for some of the difficulties they encounter, which impact the well being of the children. Tudeako recognizes that youth programming and education are particularly important to escape a potential cycle of poverty. We greatly appreciate your consideration of our request for assistance in making the summer program and back to school event a success

With gratitude!

Gadi Edward

Executive Director, Tudeako group

Tel. (701) 200-8264

Non-Profit id# 80-0588933

MEMORANDUM

TO: Human Relations Commission

FROM: Aaron Nelson, Planning Coordinator *AN*

DATE: August 12, 2020

SUBJECT: Land Development Code Diagnostic – Project Update

At the August 20th meeting of the Human Relations Commission, Planning Department staff will provide a brief project update, including a high-level overview of the primary findings outlined within the LDC Diagnostic Report. This is an informational item and no action is being requested.

Background

The City of Fargo is in the process of conducting an evaluation of its development regulations. Last year, the City hired Lisa Wise Consulting (LWC) to conduct a diagnostic study of the Fargo Land Development Code (LDC). The main objectives of this study are to identify and better understand the strengths and weaknesses of the current LDC, and to build consensus around a preferred set of action steps towards addressing identified issues.

The process kicked-off last fall and was front-loaded with stakeholder input during the listening and learning phase of the project. This included a public conversation with the Planning Commission in November 2019, as well as input from 23 interviews with 39 individual stakeholders, small group discussions with City staff, and 34 attendees to a public open house. LWC has drafted a diagnostic report, which details their findings from these efforts. A copy of the Land Development Code Diagnostic Report was previously emailed to Human Relations Commissioners and is also attached for your reference.

At the August 4th meeting of the Planning Commission, the project consultant team presented an overview of the Diagnostic Report, including their key findings, and facilitated discussion with the Planning Commission and stakeholders in attendance at the meeting. Many of the City's boards and commissions, including the Human Relations Commission, were invited to participate in the August 4th discussion, and/or to otherwise review the Diagnostic Report and provide feedback.

The final phase of this project will include the development and evaluation of potential options for how the City could address the issues and concerns outlined within the Diagnostic Report.

Attachment



City of Fargo Land Development Code Diagnostic Report

Public Review Draft

June 05, 2020



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***Lisa Wise Consulting Inc.
983 Osos Street
San Luis Obispo, CA 93401***



***SRF Consulting
2370 Vermont Avenue
Bismarck, ND 58504***

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Executive Summary

The objectives of the Land Development Code Diagnostic Report are to analyze the Land Development Code (LDC) based on its effectiveness as tool to achieve the land use and development goals expressed in Fargo's Comprehensive Plan, *Go2030*, whether it provides a user-friendly set of regulations that provide clear direction about the City's expectations, a predictable development review process, legal consistency with relevant State and Federal laws, how it could impact City finances, and to assess its ability to facilitate the development of quality projects that advance City goals while offering best practices as models.

This Report has two purposes. First, it analyzes existing challenges and shortfalls with Chapter 20 (Land Development Code) of the City of Fargo Code of Ordinances (Municipal Code), considering zoning districts, development regulations, organization, form, and style. Second, it helps prepare the City to evaluate alternatives, develop appropriate recommendations, and establish clear priorities for future LDC revisions or amendments.

The Report identifies several issues with the existing LDC that need to be addressed. The issues range from the Code having certain identified conflicts and ambiguities including a lack of available up-to-date information; an unpredictable discretionary application process; inclusion of subjective standards; and, not being coordinated with the City's *Go2030* Comprehensive Plan Vision for future development. As part of the overall analysis, LWC was tasked with providing an analysis of the economic and fiscal implications of the existing Code. The diagnostic review found that the current Code inhibits the development of economically productive spaces within Fargo. Further, the LDC does not take advantage of the opportunity to produce dense urban spaces that are more efficient in terms of their use of infrastructure or the delivery of public services. Additionally, the lack of suitable land use designations that support mixed-use or denser projects can be seen as discouraging the private investment that would be required to meet the goals of the *Go2030* Comprehensive Plan.

Key takeaways to expand upon include:

- Absence of built-form standards
- Parking and building location (Creating a pedestrian friendly streetscape)
- Parking regulations
- Infill development
- Paving standards in industrial areas
- Creation of new parks, public spaces, and open spaces
- Mixed-use and affordable housing development
- Landscaping standards

- Subdivision regulations
- Lack of graphics and diagrams
- Zoning Map discrepancies
- Planned Unit Development and Conditional Overlay approval processes
- Residential Protection Standards
- Discretionary review process
- Availability of information (Zoning Map, Site Plan Application etc.)
- Subdivision Parkland Dedication
- Sign Code
- Economic and fiscal implications of LDC policies.

As the next step, LWC and City staff will work together to create a list of alternative actions to address the issues identified within the LDC. In coordination with the City planning staff, Planning Commission, Board of City Commissioners, residents, and stakeholders, LWC will create preferred alternatives for how the LDC may be updated, as well as a work plan for implementation.

Section 1 Introduction

Subsections:

- 1.1 Summary of the Project
- 1.2 What are Land Development Codes
- 1.3 Why Analyze the Land Development Code
- 1.4 Overview of this Report
- 1.5 Next Steps

1.1 Summary of the Project

The City of Fargo (City) hired Lisa Wise Consulting, Inc. (LWC) to evaluate the City's Land Development Code (LDC) and related ordinances, document any deficiencies or opportunities for improvement, and develop a preferred alternative to remedying any noted deficiencies. The Land Development Code Diagnostic Report is the first step in this project.

This Report has two purposes. First, it analyzes existing challenges and shortfalls with [Chapter 20 \(Land Development Code\)](#) of the City of Fargo Code of Ordinances ([Municipal Code](#)), considering zoning districts, development regulations, organization, form, and style. Second, it helps prepare the City to evaluate alternatives, develop appropriate recommendations, and set clear priorities for future LDC revisions or amendments. The topics covered in this report were borne out of conversations with City officials, City staff, stakeholders, residents, and industry best practices based on LWC's experience writing Code Diagnosis reports for cities and towns throughout the country.

1.2 What are Land Development Codes?

While *Go2030* establishes a wide-ranging and long-term vision for the City, the LDC specifies how each individual property can be used to achieve those objectives. Land development codes are the body of rules and regulations that control what is built on the ground, as well as what uses can occupy buildings and sites.

The use regulations and development standards established in land development codes provide adjacent and nearby property owners with assurance of which land uses are permitted and the scale to which they may be developed. Developers benefit from knowing exactly what they can build. City staff benefit too since the need for case-by-case discretionary review of development applications is reduced.

1.2.1 What Land Development Codes Can Do.

Land development codes implement the community goals expressed in a Comprehensive Plan and other long-term policy documents. Land development codes include the following:

- **Development and Design Standards.** Land development codes reflect the desired physical character of the community by providing development standards that control the height and bulk of buildings, building placement on a lot, and landscaping and open space requirements. Land development codes can also provide design, streetscape, building frontage, and building form standards.
- **Use Regulations.** Land development codes specify which uses are permitted, prohibited, or require specified standards or limitations. In this way, land development codes determine the appropriate mix of compatible uses.
- **Performance Standards.** Land development codes often include standards that control the “performance” of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards typically address items such as noise, glare, vibration, and stormwater runoff.
- **Review Procedures.** Land development codes identify the level of review required for project approval, including the required number of hearings with the Planning Commission and/or City Commission.
- **Subdivision Regulations.** Subdivision and public improvement standards can also be included in Land Development Codes to capture all forms of development in one place within the Municipal Code.

1.2.2 What Land Development Codes Cannot Do.

There are things that land development codes typically cannot do. However, issues not addressed in a land development code are usually addressed by other planning tools, such as master plans and design guidelines. The land development code will not do the following:

- **Dictate Architectural Style.** Although land development codes can improve the overall physical character of the community, they typically focus on objective, quantifiable criteria when it comes to design. The architectural style of individual projects is usually addressed in master plans, neighborhood plans, historic guidelines, and design guidelines adopted separate from the land development code.
- **Dictate Market Demand.** Land development codes cannot create a market for new development. For example, they cannot determine the exact mix of tenants or number of units in a private development or require a grocery store to be built on a vacant lot. They can, however, create opportunities in the real estate market by removing barriers such as onerous review processes and offering incentives for desirable uses.

- **Establish Land Use Policy.** Land development codes are a tool for implementing land use policy, not setting it. As such, land development codes are not the appropriate means for planning analysis. Land development codes are informed by the policy direction in the *Go2030* and other relevant plans and policies.

1.3 Why Analyze the Land Development Code

Before beginning any updates or revisions to the LDC, it is important to first document its issues or deficiencies. This allows the City to understand the extent of the potential modifications to existing regulations, and to develop an approach in response that is most effective and efficient. The Land Development Code, [Chapter 20](#) of the Municipal Code, was last comprehensively updated 20 years ago. While it has been amended numerous times, including significant revisions in 1999, the LDC does not reflect best practices in the field of planning and development regulation. A thorough assessment will highlight opportunities for the City to improve the LDC, keep up with national trends and best practices, and more effectively implement *Go2030*.

Furthermore, the LDC may not completely align with current City goals or priorities. *Go2030* provides a vision for the future, establishes a framework for how the City should grow and change over the next decade, and addresses all aspects of City growth and development including economic development, housing, education, environmental sustainability, and transportation, among other topics. *Go2030* emphasizes:

- High quality, mixed-use and infill development in the downtown area;
- The preservation and enhancement of residential neighborhoods;
- The creation of open space and resource protection;
- A vibrant local economy; and
- A community with a variety of housing options.

This Report observes and identifies areas of the LDC which are inconsistent with or ineffective in achieving the vision articulated in *Go2030*.

1.4 Overview of this Report

This Report documents the LDC's ability to achieve the type of development the City desires with the effective implementation of *Go2030* policies (see Section 2). Additionally, the report summarizes the principal findings and conclusions of an assessment of existing regulatory tools across a variety of topics based on best practices and discussions with code users and City staff (see Sections 3 through 6). Some topics, such as infill development, are addressed in more than one section.

The findings in this Report cover the following topics:

- Implementing the *Go2030* Comprehensive Plan;
- Land Development Code Overview and Analysis;
- Administration and Procedures;
- Legal Compliance; and
- Economic and Fiscal Implications.

1.5 Next Steps

The conclusions and recommendations included in this Report will be presented at a virtual work session of the Planning Commission to which members of the City Commission will be invited. The work session will focus on the major issues identified with the current regulations, review *Go2030*'s direction for new/modified regulations, and any other key issues that need to be addressed. After the work session and a call with City staff to discuss alternative approaches to the identified issues, the LWC team will prepare a memo summarizing up to three primary alternative approaches to addressing issues identified within the LDC Diagnosis Report. This memo will eventually lead to another work session with the Planning Commission and City Commission to develop a preferred alternative and work plan.

Section 2 Implementing the Comprehensive Plan

Subsections:

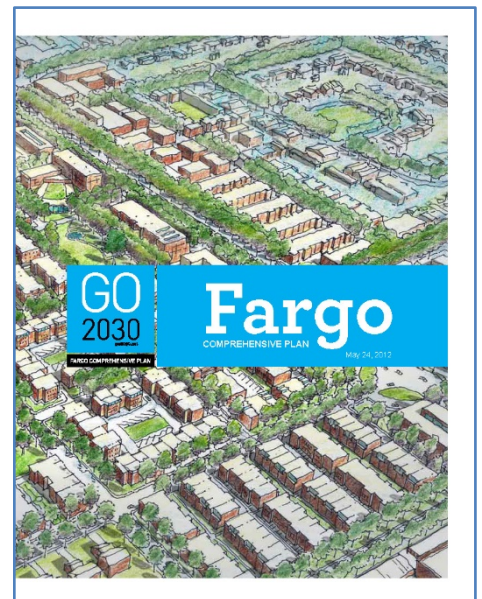
- 2.1 Comprehensive Plan Overview
- 2.2 Other Policies Overview
- 2.3 Effectiveness in Policy Implementation

2.1 Comprehensive Plan Overview

2.1.1 Comprehensive Plan Policy Objectives

[*Go2030*](#) is Fargo's current Comprehensive Plan that was adopted in 2012. It covers a wide range of elements that guide how the City should grow and change through the year 2030. These elements are called "guiding principles" and build on the Plan's vision. The guiding principles listed below demonstrate the comprehensive nature of the Plan:

- Water and Environment
- Energy
- Arts and Culture
- Health
- Transportation
- Economy
- Neighborhoods, Infill, and New Development
- Education
- Safety.



Go2030 Comprehensive Plan

Each guiding principle is described in a chapter of the Plan and includes multiple initiatives with recommendations on how to implement each initiative.

Go2030 does not include a stand-alone guiding principle or chapter focused solely on land use policy. Rather, *Go2030* integrates land use policy throughout all the guiding principles, where applicable. The guiding principle that provides the most direction to the City's land use policy is Neighborhoods, Infill, and New Development. Example initiatives that follow from this guiding principle and most impact land use policy include the following:

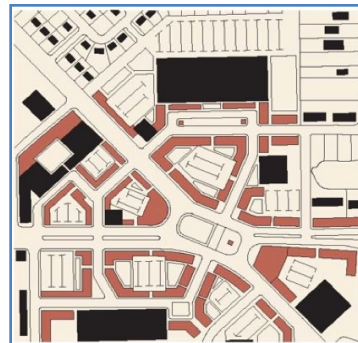
- **Promote Infill** - Develop policies to promote infill and density within areas that are already developed and are protected by a flood resiliency strategy. Control sprawl and focus on areas outside of the floodplain.

- **Design Standards** - Develop a Commercial Design Zone District and continue to follow the [Design Guidelines for Growth Areas of the City of Fargo](#) (2007) for infill and new residential development. Improve quality of new housing by fostering strong relationships with the development and building community to promote dense, walkable communities with neighborhood centers.
- **Quality New Development** - Support homebuilders and developers that construct high quality, energy efficient buildings, and require new development to meet site design standards that result in well-designed new neighborhoods.

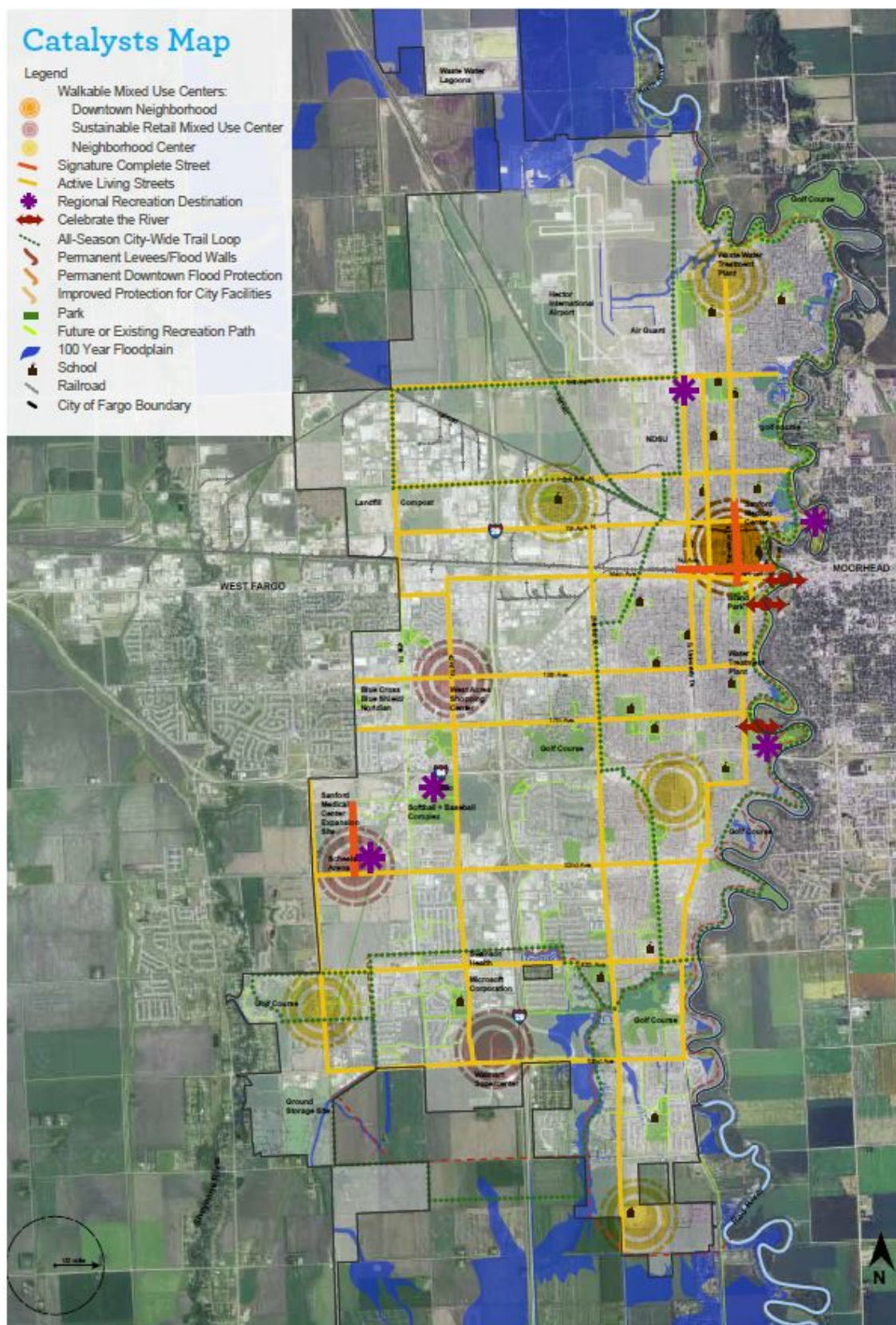
Land use policy in the Plan is also envisioned through many of the “catalysts.” The catalysts are ideas that “...have the biggest potential to impact Fargo as it continues to grow and develop.” (pg.33). The catalysts are visually established in the Catalysts Map below, showing the areas of the City where these catalysts should be applied. Some of the catalysts that most impact land use policy includes walkable mixed-use centers, signature streets, and active living streets. “Walkability” is a key term used throughout *Go2030* as a strategy create a vibrant pedestrian realm and its associated positive effects of increased retail sales due to patrons spending more time in commercial areas, lessening automobile traffic, increasing overall public health. A walkable area has wide-ranging effects on its population and the land use goals in *Go2030* are centered on this as a driving force in new development. *Go2030* also indicates which catalysts are tied to the initiatives. For example, the Design Standard initiative of the Neighborhoods, Infill, and New Development guiding principle can be applied through the mixed-use centers



Automobile-Oriented Development



Walkable, Mixed-Use Development



2.2 Other Policies Overview

In addition to the *Go2030 Comprehensive Plan*, there are several other policies and plans which define the long-term vision for Fargo. These include:

Downtown InFocus

Downtown InFocus is an implementation-focused plan for the revitalization of Downtown Fargo. The plan lays out seven specific goals with multiple strategies to accomplish each goal. Specifically, the City wants Downtown to become an active neighborhood beyond the normal weekday business hours and a cultural destination in the region, particularly for the arts. To turn Downtown into a true neighborhood, the Plan focuses on housing and transportation, all through the lens of an inclusive development process that limits displacement and gentrification. In addition, creating a vibrant sense of place is key to the long-term success of Downtown which can be achieved through investments in streetscape improvements, new parks/public spaces, and high-quality development that accentuates the pedestrian experience by creating attractive storefronts, ground-floors, and building façades.

The Plan also highlights the need for middle-income housing due to the dominating presence of both affordable housing and expensive housing. Various plans and studies from years prior were utilized to inform the overall strategies including the *Go2030 Comprehensive Plan*, 2015's *Riverfront Design Study*, 2015's *Fargo Housing Study*, 2016's *Bicycle and Pedestrian Plan*, among others. Overall, the Plan serves as a guidebook for the community's vision of a future Downtown and how to make that vision a reality.

Fargo/West Fargo Parking & Access Plan

The *Fargo/West Fargo Parking & Access Plan* assesses existing conditions in terms of development patterns, roadway classifications, zoning procedures, parking utilization, and incorporating stakeholder feedback. The Plan establishes seven different street types that take a holistic view of the factors that must be incorporated into a street such as land use, pedestrian crossings, and speed limits. The goal in creating these street typologies is to align the street design with the surrounding land uses. The study lays out a number of achievable goals as next steps for both cities which include a more in-depth look at parking minimums and maximums along with the associated land uses, promoting alternative modes of transportation by requiring more pedestrian amenities, Transportation Demand Management plans for new developments, exploring a fee in-lieu of parking programing, and shared parking provisions for new developments. The Plan creates a path for establishing development typologies based on land use (e.g. commercial, mixed-use, or residential) that have best practices associated with connectivity, parking ratios, building orientation, and traffic flow.

Public Art Master Plan

The City of Fargo's Arts and Culture Commission completed a *Public Art Master Plan* that provides action items for the City and its residents to foster its growing arts scene. The Plan enables the *Go2030* goal of more art and culture in the City and to use art to transform public spaces as well as increase public gathering and community interaction. The Arts and Culture Commission identifies public art not only as a cultural benefit but also an economic benefit for the City's ability to attract and retain professionals, students, and creative talent.

Fargo-Moorhead Metropolitan Council of Government's Bicycle and Pedestrian Plan

In 2016, the City of Fargo participated in the creation of a Plan to develop action items which will foster an increase in bicycle and pedestrian activity throughout the City. The Plan is a vital element in the overall land use and transportation planning process for the City and will ensure that transportation-related bicycle and pedestrian needs are considered eligible for future federal funding. The Bicycle and Pedestrian Plan is intended to enhance the bicycling and pedestrian experience in the metropolitan area and improve the health, safety, and quality of life for all citizens.

Roosevelt/NDSU Neighborhood Plan

The City of Fargo's Planning Commission and Community Development Committee together with the citizens of the Roosevelt Neighborhood and NDSU completed the Roosevelt/NDSU Neighborhood Plan in 2004. The purpose of the Plan was to bring residents of the area together to discuss shared concerns and develop shared goals for the neighborhood. Primary goals developed in the Plan include stabilizing the neighborhood housing stock, making the neighborhood a safe place to live, and preserving the neighborhood's rich history and overall quality of life. In addition, the City is currently in the process of creating a new plan that will encompass the City's Core Neighborhoods, including the Roosevelt Neighborhood.

City's Analysis of Impediments to Fair Housing Choice

In 2010, the City prepared this document to fulfill a HUD requirement to certify compliance with the Consolidated Plan Final Rule. It serves several purposes: as a housing and community development document; a strategy to help carry out HUD programs; an action plan providing the basis for assessing performance; and as an

application for a variety of HUD grant programs. The Analysis of Impediments document is used by HUD to establish the measure of fair housing for CDBG grantees such as the City of Fargo.

2.3 Effectiveness in Policy Implementation

2.3.1 - Initiatives: Promote Infill

Overview

Go2030 identifies the following initiatives related to infill.

1. Promote Infill. Develop policies to promote infill and density within areas that are already developed and are protected by a flood resiliency strategy. Control sprawl and focus on areas outside of the floodplain.
2. Promote Connections and Infill within Strip Commercial Developments. Direct future development around strip commercial areas to increase the amount of retail space, density, and promote walkability to increase the competitiveness of these shopping destinations.

Related Initiatives

In addition to *Go2030*, the City's *Analysis of Impediments to Fair Housing Choice* (2010) includes an initiative focused on infill:

- Review zoning to determine the effect on housing affordability and new neighborhood development.
 - Examine zoning requirements for the redevelopment of "non-conforming" infill residential land.

The *Fargo-Moorhead Metropolitan Council of Government's Bicycle and Pedestrian Plan* (2016) also includes initiatives focused on infill:

- **Improve bikeability/walkability within the region.**
 - Promote infill, increase density, and enhance urban design in order to encourage livability and more bicycle and pedestrian use.
- **Urban Design/Planning.**
 - Local jurisdictions should revisit current planning standards to allow and encourage more density, mixed-use developments, infill, and complete streets to encourage livability and encourage more bicycle and pedestrian use.

Analysis/Findings

Recognition and direction on how infill lots can be developed helps to promote infill. The term “infill” is only used once in the LDC where it is not used as a descriptor of any type of development but rather in the description of a type of design standard.

In addition to not addressing infill directly, the Code includes a limited set of zoning-related tools to promote infill in developed portions of the City. Two zoning districts, Downtown Mixed Use (DMU) and University Mixed Use (UMU), provide considerable flexibility that has proven to promote and facilitate development on older City lots in Downtown and south of North Dakota State University (NDSU). Outside of both the DMU and UMU districts, residential, commercial, and industrial district regulations provide little if any flexibility to develop older lots. With the lack of flexibility, developers are forced to request zoning changes, density modifications, and variances to setbacks, lot coverage, and parking. Many developers have relied upon negotiated zoning (Planned Unit Development and Conditional Overlay Zoning) to secure needed flexibility, density, and protections often necessary to develop on older lots. For more detail, see Section 3.4.3 (Land Use & Housing Development).

The LDC’s subdivision regulations can also create impediments to the infill process. Unwritten Engineering Department standards not listed in the Code (or provided with a link/reference to another document), such as utility placement requirements ([Section 20-0608.A](#)), can also pose challenges to the development of infill lots that may be smaller or shaped differently than conventional suburban lots. Infill development that proposes to create lot sizes and associated rights-of-way similar to historic development in the City core may not be feasible using existing subdivision standards. For example, traditional residential development with alley access poses challenges with current right-of-way standards and easements requirements. For more detail, see Section 3.4.4 (Subdivisions).

As envisioned in *Go2030*, infill is also an opportunity within suburban strip commercial development. Commercial retail parking requirements are high, especially for big box retail and shopping centers. These uses are grouped under “All other Retail Sales & Service uses not specifically listed” in [Section 20-0701.B.1](#), requiring one space per 250 square feet. A reduction in parking requirements for retail commercial uses such as big box retail and shopping centers could open parking lots within strip commercial areas of the City to infill opportunities.

2.3.2 - Initiatives: Design Standards and Quality New Development

Overview

The *Go2030* Comprehensive Plan highlights the desire for design standards for new development as well as standards that produce high quality new development. The intent of new standards would be to improve the quality of housing and also create well-designed, higher intensity, and walkable communities with neighborhood centers.

Analysis/Findings

The majority of the LDC's base zoning districts do not include design standards intended to control building form (i.e. the standards pertaining to the building envelope, including features such as materials, transparency, and overall building articulation), which leads to unpredictable built results throughout most of the City. The two districts that do include building form standards are the Downtown Mixed-Use (DMU) and University Mixed Use (UMU). See also 3.4.2 (Development Standards) for more details. In addition, the use of Planned Unit Developments (PUD) and Conditional Overlays (CO) also add a layer of unpredictability to development in the City. PUDs and COs have an equal number of examples that either show developers requesting changes to certain LDC provisions or adding provisions to support their development, such as design standards. For example, PUD's can be used by a developer to make sure that all aspects of approval are to benefit them or to add additional design provisions that are not reflected in the LDC.

Similarly, COs are utilized to add certain protections to mitigate impacts on surrounding properties, such as design provisions or Residential Protection Standards. See also Section 3.4.1 (Zoning Districts) and Section 4.1 (Legal Compliance) for more information.

Furthermore, when Conditional Use Permits (CUPs) are approved with conditions recommended by staff and approved as part of a CUP the conditions often include standards intended to control site design and/or building form. While there are no City-wide or neighborhood-specific design standards, CUPs tend to be used as a tool to implement design standards. Since CUPs are approved on a case-by-case basis, design standards included as conditions tend to be subjective and vary from one development to another. Given the lack of codified design standards, CUPs are a convenient way to bridge the gap where the existing Code's standards do not meet the needs of a project.

2.3.3 – Initiative: Historical Preservation

Overview

Go2030 identifies one initiative related to historic preservation.

- *Historical Preservation*. Strengthen historical preservation incentives.

Related Initiatives

In addition to *Go2030*, the City's Roosevelt-NDSU Neighborhood Plan (2004) includes a goal related to historic preservation:

- *Goal 3 – Quality of Life*: Preserve the neighborhood's rich history and general quality of life.

Analysis/Findings

The LDC supports a well-established historic preservation program. The Code establishes the [Historic Preservation Commission \(Section 20-0804\)](#) to oversee the program for the preservation, protection, and regulation of historic properties and to serve other functions related to historic preservation. Historic Overlay Districts are also in place as a zoning tool [\(Section 20-0305\)](#) requiring additional effort in conserving historic structures and the historic character of designated areas.

Multiple financial incentives are available and promoted by the City for historic preservation incentives. These include: Federal Historic Tax Credits (20 percent credit), Fargo Renaissance Zone (property and state income tax exemptions), and Residential Remodeling program (tax exemption). Another incentive not specifically tied to the structure's historic qualities but that is available for existing housing stock is the Neighborhood Revitalization Initiative which provides low-interest loans. The LDC itself does not provide financial or non-financial incentives. For more details, refer to Section 5 (Economics and Fiscal Implications).

2.3.4 – Initiative: Housing

Overview

Go2030 identifies two initiatives related to housing.

- *High Quality Affordable Housing Near NDSU*. To develop higher quality affordable housing near the North Dakota State University campus.

- *Housing for Workforce and Low-Income Residents*. To pursue strategies to increase access to housing for workforce and low-income residents.

Related Initiatives

In addition to *Go2030*, the City has other policies regarding housing, including the following from the City's *Analysis of Impediments to Fair Housing Choice* (2010):

- Study how regulations, such as zoning regulations, may cause impediments to fair housing.
- Review zoning to determine the effect on housing affordability and new neighborhood development.
 - Examine zoning requirements for the redevelopment of “non-conforming” infill residential land.
 - Make allowances in the City Code for mixed density/mixed income residential developments.
 - Actively promote creative use of the LDC to facilitate affordable and diverse housing development,

The *Roosevelt-NDSU Neighborhood Plan* (2004) includes policies regarding housing particularly for the neighborhood area:

- Promote improved landlord and tenant behaviors.
- Facilitate the maintenance and rehabilitation of existing housing units.
- Address parking concerns associated with neighborhood housing.
- Develop planning policies that encourage a balanced mix of quality housing.

The *Downtown InFocus* Plan (2018) includes policies regarding housing particularly for the Downtown area:

- Encourage a mix of housing types for a range of price points.
- Preserve existing single-family housing in near neighborhoods.
- Provide a range of housing options within Downtown, at a range of price points.

Analysis/Findings:

The LDC does not allow for high-quality affordable housing near North Dakota State University (NDSU) in a straightforward manner. Some zoning districts, such as University Mixed Use (UMU), allow a certain degree of design flexibility and density for projects that can provide high quality, affordable housing units. Other districts that allow multi-family housing near NDSU limit development opportunities due to suburban-style dimensional standards on lots originally designed to accommodate narrower buildings with less restrictive dimensional

standard constraints (in an area platted prior to the advent of conventional suburban development and zoning control). For more details, refer to Section 3.4.1 (Zoning Districts) and Section 3.4.2 (Development Standards).

The LDC provides a straightforward and predictable path for the review and approval of multi-family and small lot single-family housing (including housing for workforce and low-income residents) in new parts of the City outside of Downtown and the core neighborhoods through the provision of base zoning districts planned in accordance with a future land use map and lot sizes that conform to base zoning districts. As a result, the need for negotiated zoning through tools such as PUD or CO zoning is greatly diminished, and the approval process is generally predictable.

However, in regard to housing in the older parts of the City where there is a demand for redevelopment or infill projects (such as in the Core Neighborhoods), the LDC does not provide a straightforward or predictable path for multi-family and small lot single-family development. In older residential neighborhoods there are many cases where lot sizes do not easily accommodate the standards of the existing base zoning districts. As a result, many multi-family and small lot single-family projects have relied upon negotiated zoning tools such as PUD or CO zoning. For more details, refer to Section 3.4.1 (Zoning Districts).

Regarding negotiated zoning tools, the negotiations required to effectuate a PUD, for example, require a protracted process between the developer and the neighborhood. The process is unpredictable for all parties involved and does not always lead to a satisfactory outcome. Based on stakeholder feedback, neither the developers nor the residents see this method as an effective tool for development.

The LDC lacks any mandates or incentives for new development to provide affordable housing. The Bonus Density provision ([Section 20-0505 \(Bonus Density\)](#)) allows added density but includes qualifying standards, such as a minimum open space requirement of 40 percent and requiring that 70 percent of the building footprint contain tuck-under or underground parking. These requirements may be counterproductive to increasing development density and the potential for affordable housing. For more details, refer to Section 3.4.2 (Development Standards).

Setback constraints, both through district standards and easement constraints increase development cost and ultimately housing affordability by increasing the minimum lot size needed to accommodate housing. Comments from stakeholders often noted that minimum

setback regulations in residential districts, especially in South Fargo, are too large. Unique to Downtown, constraints associated with the accommodation of utilities can impact opportunities for affordable housing. Housing cost can be impacted in many cases where utilities along the edge of the right-of-way requires the use of expensive shoring techniques. In many cases, it is more cost effective to move back the building façade and to build less than the code allows. For more details, refer to Section 3.4.2 (Development Standards).

City staff and stakeholders noted an increasing market demand for smaller single-family housing types that offer more affordable home ownership options. This has resulted in the use of PUD and CO zoning to accommodate housing types and associated neighborhood design that do not fit the design parameters established by the City's base zoning districts. The market demand for housing compatible in scale with detached single-family housing, often referred to as "missing middle housing", is not directly or easily allowed by the LDC. For more details, refer to Section 3.4.1 (Zoning Districts).

"Missing Middle Housing" is defined as lower-scale housing development such as a duplex, triplex, or fourplex that are generally affordable to most income groups. These low-unit multi-family structures can seamlessly integrate into most neighborhood types without the impacts associated with high-rise multi-family developments. The "missing" refers to the fact that this type of housing is not being coded for or developed in today's housing market. Most housing being is either low-income, affordable housing or high-end, luxury housing. The graphic below illustrates how "missing middle housing" integrates into the built environment within the overall spectrum of housing types.



Missing Middle Housing Types

It is also important to weigh the impact of other LDC have on housing cost and affordability. Parking, subdivision, and other “ancillary standards” can increase development and associated housing cost. For more details, refer to Section 3.4.2 (Development Standards).

It is also important to weigh the impact other LDC standards on housing cost and affordability. Parking, landscaping, subdivision, and other “ancillary standards” can increase development and associated housing cost. For more details, refer to Section 3.4.2 (Development Standards).

2.3.5 – Initiative: Parking

Overview

Go2030 identifies one initiative related to parking.

- *Parking.* Pursue creative parking strategies to fund and activate parking structures, explore reducing minimum parking standards, and share parking between daytime and nighttime uses.

Related Initiatives

In addition to *Go2030*, the Fargo-Moorhead Metropolitan Council of Governments has established the following parking recommendations from the *Fargo/West Fargo Parking and Access Study* (2018):

- Adopt parking maximums in combination with minimum requirements.
- To provide parking above the maximum requirement, development should provide a Transportation Demand Management (TDM) or shared parking analysis to prove the need for additional parking.
- To provide parking below the minimum requirement, development should provide a fee-in-lieu of parking to fund alternative transportation initiatives, creating additional shared parking supply, or upgrading existing parking assets.
- Take steps that encourage the use of shared parking including variance alterations, establishing parking management districts around key commercial nodes, and encouraging the use of on-street parking.

The *Roosevelt-NDSU Neighborhood Plan (2004)* includes policies regarding parking particularly for the neighborhood area:

- Address parking concerns associated with neighborhood housing.

The *Downtown InFocus Plan (2018)* includes policies regarding parking particularly for the Downtown area:

- Create a tiered parking management approach.
- Advocate for metered parking.
- Make it easy for visitors to park once, when spending the day in Downtown.
- Make desirable parking spaces available to customers, even at night.
- Pursue a shared parking model.
- Work with willing local employers to incentivize alternative modes of commute.
- Create an on-street parking permit for Downtown employees.
- Consider implementing parking maximums.
- Beautify parking lots.

Analysis/Finding

The LDC is not effective in implementing parking-related initiatives from *Go2030*, the *Fargo/West Fargo Parking & Access Plan*, and related policy documents. The off-street parking tables for parking space requirements ([Section 20-0701.B \(Off-Street Parking Schedules\)](#)) only include minimum space requirements and do not include maximum requirements. Also, the minimum parking requirements have not been reduced or adjusted since the adoption of the LDC, and they do not reflect current trends and practices. Interviews with City staff and community stakeholders revealed that some land uses have a minimum parking requirement that is too high (e.g. large retail stores) and other uses (e.g. offices) may have a minimum parking requirement that is too low. Also, parking needs vary geographically or within different contexts. For more details, refer to Section 3.4.2 (Development Standards).

The LDC does provide a limited degree of flexibility from the minimum parking requirements. The “Alternative Access Plans” provision ([Section 20-0701.E \(Alternative Access Plans\)](#)) lists several methods to achieve a reduction in required parking, including Transportation Demand Management (TDM), off-site parking, shared parking, bicycle parking, and valet parking. “Schedule C” is another tool available ([Section 20-0701.B \(Off-Street Parking Schedules\)](#)) for uses that “have widely varying parking demand characteristics” where a parking study can be used to determine parking needs. City staff and stakeholders have noted that this tool has been widely used in recent years, but some have questioned whether there may be a better option to determining parking needs for unique uses. Input from stakeholders indicated that the Alternative Access Plan provision for large parking facilities ([Section 20-0701.E](#)) was less utilized due to the requirement to obtain a Conditional Use Permit, which adds additional time and cost to gain approval. For more details, refer to Section 3.4.2 (Development Standards).

The application of maximum parking requirements in addition to minimums could have the effect of forcing some uses to apply alternative strategies as allowed by the Alternative Access Plan provision. Maximum parking requirements may increase the use of alternative parking strategies as envisioned in *Go2030* and related policy documents.

A pattern of development that has continued to promote an auto-centric environment, especially in newer parts of Fargo, has been how off-street parking has been incorporated into development site design. For example, some recent mixed-use development in South Fargo includes parking located between the building and the street, degrading the pedestrian realm in favor of automobiles. Concerns were expressed by City staff and stakeholders that existing regulations do not provide guidance to best locate off-street parking within a site, creating the potential to impede City initiatives focused on creating active, walkable, or multi-modal environments. For more details, refer to Section 3.4.2 (Development Standards).

Despite the promotion of funding and activating parking structures identified in *Go2030*, the LDC does not provide design guidance for parking structures, such as how they should interface with the street or required placement to maximize use. For example, the DMU district already includes several parking structures, with the potential for more as growth and activity increases in Downtown Fargo. However, the DMU district provides no standards on the preferred location of parking structures and adjacent uses. While [Section 20-0212 \(DMU, Downtown Mixed-Use\)](#) does include a section on screening of parking lots and structures, the standards are minimal and could produce different results per project due to lack of design specificity. For more details, refer to Section 3.4.2 (Development Standards).

2.3.6 – Initiatives: Trees, Landscaping, and Green Stormwater Infrastructure

Overview

Go2030 identifies one initiative related to landscaping and the LDC.

1. *Tree Canopy*. Increase the amount of trees in Fargo by preserving and planting new trees in new developments, planting trees in parks, and increasing the number of street trees along Fargo's main corridors.

Related Initiatives: In addition to *Go2030*, the Downtown InFocus Plan (2018) includes policies regarding parking particularly for the Downtown area:

- Beautify parking lots.

Analysis/Finding:

The LDC includes clear but inconsistent requirements for providing trees and landscaping in greenfield developments, adaptive reuse sites, and for infill projects. The Code stipulates requirements for trees and landscaping along streets, for open space areas in most zoning districts, and in parking lots ([Section 20-0705 \(Trees and Landscaping\)](#)). City staff and stakeholders noted that tree and landscaping planting requirements were satisfactory and supported city initiatives for a greater tree canopy. However, stakeholders noted that tree and associated landscaping requirements were not right-sized to appropriate zoning districts and areas of the City with unique needs. Stakeholders also highlighted a lack of functionality/practicality with the application of some landscaping and tree requirements. For more detail, please see Section 3.4.2 (Development Standards).

2.3.7 - Initiatives: Parks, Public Gathering Spaces, Festivals and Events

Overview

Go2030 identifies three initiatives related to parks, events, and open space:

- *Parks, Open Space, and Habitat.* To ensure all neighborhoods have access to safe and well-maintained neighborhood parks, improve quality and amenities of parks, and protect habitat and open spaces.
- *Public Gathering Spaces.* To develop space for public gathering or neighborhood centers.
- *Festivals and Cultural Events.* To develop space for festivals and events.

Analysis/Findings:

The LDC is not effective in implementing the parks, open space, and habitat initiative as well as the public gathering spaces initiative. The LDC defines 'open space' as "an outdoor, unenclosed area, located on the ground or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel" while it does not have specific definitions for parks, habitats, or public gathering spaces. Through discussions with City staff, there is a parkland dedication procedure in all subdivision applications, but this process is not codified in the LDC. While the creation of parkland in subdivision developments is a viable way of creating new park space in the city, it is not standardized and done on an ad hoc basis. Also, there are codified open space requirements and habitat protection provisions, they are only required in very specific circumstances such as a new cluster development or a multi-family development utilizing the [Bonus Density](#) program. In addition, there are no

requirements for the creation or development of public gathering spaces within the LDC. For more details, refer to Section 3.4.2 (Development Standards).

While the LDC does not specifically address the development of space for festivals and cultural events, the City does have permit applications for "[General Special Permit/Street Closing/Block Party Request](#)" and "[Outdoor Amplified Sound Permit Request](#)" available on the website. These permit applications are not Planning Department initiatives and they are managed by either the Engineering Department or the Police Department, respectively. Existing right-of-way sidewalk space and streets can be utilized for events via the "General Special Permit/Street Closing/Block Party Request" permit. While the existence of these processes does not guarantee there will be more festivals and cultural events, the fact that the City has official processes set up to make them happen, is notable. For more details, refer to Section 3.4.2 (Development Standards).

2.3.8 - Catalyst: Walkable Mixed-Use Centers

All walkable mixed-use centers are defined by:

- A pedestrian-oriented streetscape with wide sidewalks, street furniture, appropriately scaled lighting, amenities such as bicycle parking etc.
- A density of destinations with a range of uses including residential, commercial, and office.
- Block sizes ranging between 200 and 400 feet to keep walking distances short, creating a streetscape for pedestrians with smaller storefronts. Ideally, pedestrians would encounter a different storefront every 40 feet.
- Transparent storefronts with minimal blank walls.
- Building orientation standards that ensure walkability by building to the sidewalk or a very low setback and locating any parking lots behind buildings or within them rather than in front.
- Requiring public spaces to be constructed with new developments, for more people-oriented spaces along the street that encourage walking such as pocket parks.
- Connecting these mixed-use centers to greenspace, such as Island Park or Pioneer Prairie, providing pedestrians with open space and recreation space within walking distance of their residence.

Analysis/Findings:

The characteristics listed above are only possible within the Downtown Mixed-Use (DMU) district and the University Mixed-Use (UMU) district. Many stakeholders expressed the desire for more walkable mixed-use centers, but these are hard to develop given the limitations of

the base zoning districts outside of the DMU and UMU zones. Other than the two mixed-use zones, the only way to achieve these goals would be with a PUD rezoning. For more analysis on the zoning tools to achieve walkability and the challenges of mixed-use development outside of downtown and the UMU district, see Section 3.4.1 (Zoning Districts) and Section 3.4.2 (Development Standards).



Typical Urban Mixed-Use Building



Typical Walkable, Mixed-Use Neighborhood (Credit: CNU-Atlanta)

Section 3 Land Development Code Overview and Analysis

Subsections:

- 3.1 LDC Organization and Structure
- 3.2 Zones Overview
- 3.3 Standards and Allowed Uses Overview
- 3.4 Diagnosis and Findings

3.1 LDC Organization and Structure

The LDC consists of 13 Articles (see Table 3-1 (Land Development Code Articles)). Each Article is divided into Sections and Subsections for an overall hierarchy as shown below:

Chapter > Article > Section > Subsection

The Chapter number is the first number to appear in the titling sequence. Articles are numbered sequentially in increments of one. (e.g. Article 20-01, Article 20-02). Sections are also numbered sequentially, with the two-digit section number added to the article number (e.g. Section 20-0101, Section 20-0102, etc.).

Table 3-1 – Land Development Code Articles	
Article	Title
20-01	General Provisions
20-02	Base Zoning Districts
20-03	Overlay and Special Purpose Districts
20-04	Use Regulations
20-05	Dimensional Standards
20-06	Subdivision Design and Improvements
20-07	General Development Standards
20-08	Review and Decision-Making Bodies
20-09	Development Review Procedures
20-10	Nonconformities
20-11	Violations and Enforcement
20-12	Definitions
20-13	Fargo Sign Code

The LDC is a traditional use-based, or “Euclidean”, code. Use-based codes, which originated in the early twentieth century out of a need for cities to protect public health, welfare, and safety by regulating incompatible uses, are characterized by an emphasis on separation of uses. While use-based codes regulate building form to some degree (e.g. with setbacks, FAR, lot coverage, and building height) , the use inside the building is prioritized over the shape or size of the building. By focusing on use regulations rather than the built form and development pattern, communities often struggle to achieve predictable built results that better respond to changing market trends.

3.2 Zones Overview

[Article 20-02 \(Base Zoning Districts\)](#) establishes 20 unique use-based base zoning districts for the City. The following sixteen sections in the [Article \(20-0201 – 20-0216\)](#) contain descriptions of each zoning district, references to the allowed use table for each district, and references to the standards within [Article 20-05 \(Dimensional Standards\)](#). The base zoning districts include 10 residential districts, five commercial districts, two mixed-use districts, two industrial districts, and one agricultural district. [Article 20-03 \(Overlay and Special Purpose Districts\)](#) establishes three overlay and two special districts along with their respective applicability, use regulations, and dimensional standards.

3.2.1 Base Zoning Districts

Table 2-3 (Base Zoning Districts) lists the purpose and intent for each base zoning district organized by the overall zoning district category.

Table 3.2.1 (Base Zoning Districts)		
Zoning District		Purpose and Intent
Agricultural Zoning District		
AG	Agricultural District	The AG District is intended to accommodate agricultural land uses and provide an interim zoning classification for lands pending a determination of an appropriate permanent zoning designation
Residential Zoning Districts		
SR-O, SR-1, SR-2, SR-3, SR-4, SR-5	Single-Dwelling Residential	The SR Districts are intended to preserve land for housing and to provide housing opportunities for individual households. The regulations are intended to create, maintain, and promote single-dwelling neighborhoods. The regulations accommodate a variety of single-dwelling housing styles and residential densities. The dimensional standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.
MR-1	Multi-Dwelling District	The MR-1 District is primarily intended to accommodate household living in detached houses, attached houses, duplexes and small multi-dwelling structures. The district allows up to 16 dwelling units per acre

Table 3.2.1 (Base Zoning Districts)

Zoning District		Purpose and Intent
		of land. Development within the district will be characterized by one- and two-story buildings with relatively low building coverage.
MR-2	Multi-Dwelling District	The MR-2 District is primarily intended to accommodate household living in detached houses, attached houses, duplexes and multi-dwelling structures. The district allows up to 20 dwelling units per acre of land. Development within the district will be characterized by one- to three-story buildings with slightly higher building coverage than in the MR-1 district.
MR-3	Multi-Dwelling District	The MR-3 District is primarily intended to accommodate household living in detached houses, attached houses, duplexes and multi-dwelling structures. The district allows up to 24 dwelling units per acre of land. Development within the district will be characterized by one- to five-story buildings with higher building coverage than in the MR-2 district.
MHP	Mobile Home Park District	The MHP District is intended to accommodate mobile home park developments.
Commercial Zoning Districts		
NO	Neighborhood Office District	The NO District is primarily intended to accommodate very low-intensity office uses on small sites in or near residential areas or between residential and commercial areas. The district regulations are intended to ensure that allowed uses do not adversely affect nearby neighborhoods. Development is intended to be of a scale and character similar to nearby residential areas in order to ensure compatibility.
NC	Neighborhood Commercial District	The NC District is primarily intended to accommodate small retail sales and service uses on small sites in or near residential neighborhoods. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be compatible with the scale of nearby residential areas.
GO	General Office District	The GO District is primarily intended to accommodate office development. The GO district regulations help to prevent the appearance of strip commercial development by allowing office uses but not other commercial uses.
LC	Limited Commercial District	The LC District is primarily intended to accommodate low-intensity office and retail sales and service uses.
GC	General Commercial District	The GC District is primarily intended to accommodate commercial uses. It allows a full range of retail, service, office, and commercial uses.
Mixed-Use Zoning Districts		
DMU	Downtown Mixed-Use District	The DMU district is intended to preserve and enhance the City's downtown area. The district allows a broad range of uses in order to enhance downtown Fargo's role as a commercial, cultural, governmental, and residential center. Development is intended to be

Table 3.2.1 (Base Zoning Districts)

Zoning District		Purpose and Intent
		pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.
UMU	University Mixed-Use District	<p>The UMU district is intended to provide for the location and grouping of compatible uses. The appropriate location for this district will meet three factors. 1) The location will be in close proximity to a university or campus setting. The term campus includes large medical or business settings. 2) The location will have access to public transportation routes and alternative transportation corridors. 3) The location will be in a setting where the neighborhood is in transition from owner-occupied housing to rental housing or where blighted conditions are present.</p> <p>The objective of the zoning district is to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To achieve this objective, the University Mixed-Use zoning district allows higher overall residential density and limited commercial uses while incorporating design standards to achieve quality housing. Development is intended to be pedestrian oriented and neighborhood friendly.</p>
Industrial Zoning Districts		
LI	Limited Industrial District	The LI District is primarily intended to accommodate manufacturing, wholesale, warehousing, and distribution related uses.
GI	General Industrial District	The GI district is intended to serve as an exclusive industrial district and to protect manufacturing and industrial operations from encroachment by lower intensity, incompatible uses.

3.2.2 Overlay and Special Purpose Districts

[Article 20-03 \(Overlay and Special Purpose Districts\)](#) establishes five unique overlay and special purpose zoning districts for the City. Given the nature of these districts, they have separate and distinct applicability, land use, development, and approval requirements. Noteworthy is [Section 20-0303 \(C-O Conditional Overlay\)](#) which allows limited modification and restriction of the standards of the underlying base zone. While the P/I (Public and Institutional) zoning district is listed as a Special Purpose District within Article 20-03, City staff have indicated that it is considered as a base zoning district.

Table 3-3 (Overlay and Special Purpose Districts) lists the purpose and intent for each overlay and special purpose district.

Table 3.2.2 (Overlay and Special Purpose Districts)

Zoning District		Purpose and Intent
Overlay Districts		
H-O	Historic Overlay	The H-O district may be applied in areas of historic or cultural significance that have been designated by the U.S. Department of the Interior, the North Dakota State Historical Society, or the Board of City Commissioners.
HIA-O	Hector International Airport Overlay	The HIA-O, Hector International Airport Overlay district is intended to reduce airport hazards that endanger the lives and property of users of the Hector International Airport and of occupants of land in its vicinity
C-O	Conditional Overlay	By providing for flexible use or property development standards tailored to individual projects or specific properties, the C-O, Conditional Overlay district is intended to: <ul style="list-style-type: none"> - Ensure compatibility among incompatible or potentially incompatible land uses; - Ease the transition from one zoning district to another; - Address sites or land uses with special requirements; and guide development in unusual situations or unique circumstances
Special Purpose Districts		
P/I	Public and Institutional	The P/I, Public and Institutional district is intended to accommodate uses of a governmental, civic, public service or quasi-public nature, including major public facilities. It offers an alternative (versus residential) zoning classification for public and institutional uses, thereby increasing development predictability within residential neighborhoods.
PUD	Planned Unit Development	The PUD, Planned Unit Development district is an overlay zoning district that permits greater flexibility of land planning and site design than conventional zoning districts.

3.3 Standards and Allowed Uses Overview

[Article 20-04 \(Use Regulations\)](#) and [Article 20-05 \(Dimensional Standards\)](#) specify development standards and permitted use regulations for each individual base zoning district.

3.3.1 - Land Uses

The LDC includes 39 use categories that are organized in five groups, including residential, commercial, institutional, industrial, and other uses.

The land use table in [Section 20-0401\(Use Table\)](#) establishes permit requirements for each land use, by zoning district, regulated as follows:

P - Permitted By-Right

C - Conditional Uses

/C - Uses Subject to Specific Conditions

- - Uses Not Allowed

See [Article 20-09 \(Development Review Procedures\)](#) for more information on review and approval procedures

Some uses (e.g., Adult Entertainment Center, Household Living/Group Living, and Bed and Breakfast) are subject to additional requirements established in [Section 20-0402 \(Use Standards\)](#).

3.3.2 – Zoning District Standards

[Article 20-05 \(Dimensional Standards\)](#) establishes development standards for residential uses (Table 20-0501) and nonresidential uses (Table 20-0502), including standards for height, setbacks, minimum lot size, density, building coverage, open space, and floor area ratio. These standards vary by zoning district and apply to any development or use located within the given zoning district.

3.3.3 – Citywide Standards

[Article 20-07 \(General Development Standards\)](#) establishes development standards applicable to uses and zoning districts Citywide. The standards include parking and loading, roadway access and driveways, residential protection standards, trees and landscaping, and corner visibility.

3.4 Diagnosis and Findings

3.4.1 – Zoning Districts

Findings from the review and analysis include:

- The Code does not have the right zoning tools to implement *Go2030*;
- The City relies on negotiated zoning (PUDs, COs, etc.) for flexibility, increased density, additional protections, etc.; and
- There is a limited applicability of the UMU and DMU zones.

Achieving the goal of walkable mixed-use centers is only possible through the University Mixed-Use (UMU) and the Downtown Mixed-Use (DMU) districts. The UMU and DMU are only applied in a very limited area of the City. The land area these districts represent is roughly one square mile out of an estimated 48 square miles throughout the entire City. Eventually, these two districts will be fully built-out and there will not be opportunities to create these centers in

the remaining 47 square miles of the City. See Section 3.4.2 (Development Standards) below for details on LDC regulations that help create walkable mixed-use centers.

PUDs are frequently utilized to provide flexibility that does not normally exist within the LDC because the base zoning districts make it difficult to achieve walkable neighborhoods. The negotiations required to effectuate a PUD, for example, require a protracted process between the developer and the neighborhood. The process is unpredictable for all parties involved and does not necessarily always end up with the desired result. Based on stakeholder feedback, neither the developers nor the residents see this approach as an effective tool for development.

3.4.2 – Development Standards

Absence of built-form standards

The LDC does not contain many built-form standards, such as building and frontage requirements. Two base zoning districts, out of 21 (including the Public and Institutional Zone), contain some standards that would ordinarily produce more predictable results in terms of how the building will integrate into the existing urban fabric, i.e. the DMU district and the UMU district. The DMU district incorporates no minimum front setback, specific facade materials, ground-floor transparency standards, while the UMU incorporates building orientation standards, specific facade materials and articulation standards, and ground-floor articulation standards.

Most of the City contains no built-form standards to promote walkability, especially within the residential neighborhoods. *Downtown InFocus* specifically highlights a goal to “Tweak the DMU” by developing form-based requirements that guide the placement of buildings, parking, and other key design considerations of for Downtown (Page 35, [Downtown InFocus](#)). This goal is detailed by including recommendations for standards such as transparency, pedestrian access, height, parking, setbacks, and street trees. Lastly, there is also a proposed Build-to-Zone (BTZ) in with

City of Las Vegas Form-Based Code

19.09.050.E.012 T5 Main Street Zone (T5-M5)

Key for Diagrams

- Lot Line
- Buildable Area
- Building Setback Line
- Facade Zone

E. Building Placement

Setback Distance (Distance from ROW/Lot Line)	Front ^{1,2}				Side ^{1,2}	Rear
	L	M	N	O		
Min.	10 ft	10 ft	0 ft ³	10 ft		
Max.	20 ft	20 ft	--	15 ft		

Primary Building Facade within Facade Zone

Front (min.)	70%
Side Street (min.)	60%

Miscellaneous

A building form with a chamfered corner is only allowed on corner lots and only if a corner entry is provided.

Notes:

- ¹ Additional setback and/or easement may be required where street ROW or a utility easement is needed.
- ² Sidewalk must be extended into the setback area to meet the building.
- ³ Buildings and structures located ≤ 5 feet from a property line must comply with all applicable Building and Fire Code requirements.

F. Building Form Standards

Building Height	Stories	P
Primary Building	2 min. - 7 max.	
Accessory Building	2 max.	

Primary Building

Ground Floor Finish Level ^{1,2}	Q
Residential	1.50 ft min.
Service or Retail uses	0.50 ft max.

Ground floor lobbies and common areas in multi-unit buildings may have a ≤ 0.50 ft ground floor finish level.

Floor-to-Ceiling

Ground floor	14 ft min.	R
Upper floors	9 ft min.	S

Footprint

Lot coverage	70% max.
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Depth

Ground floor space	30 ft min.	T
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Notes:

- ¹ Buildings existing at the time of adoption of the Form-Based Code and additions to those buildings that are less than 50% of the existing gross floor area are exempt.
- ² Primary buildings located on lots sloping down and away from the street are exempt.

Key for Tables

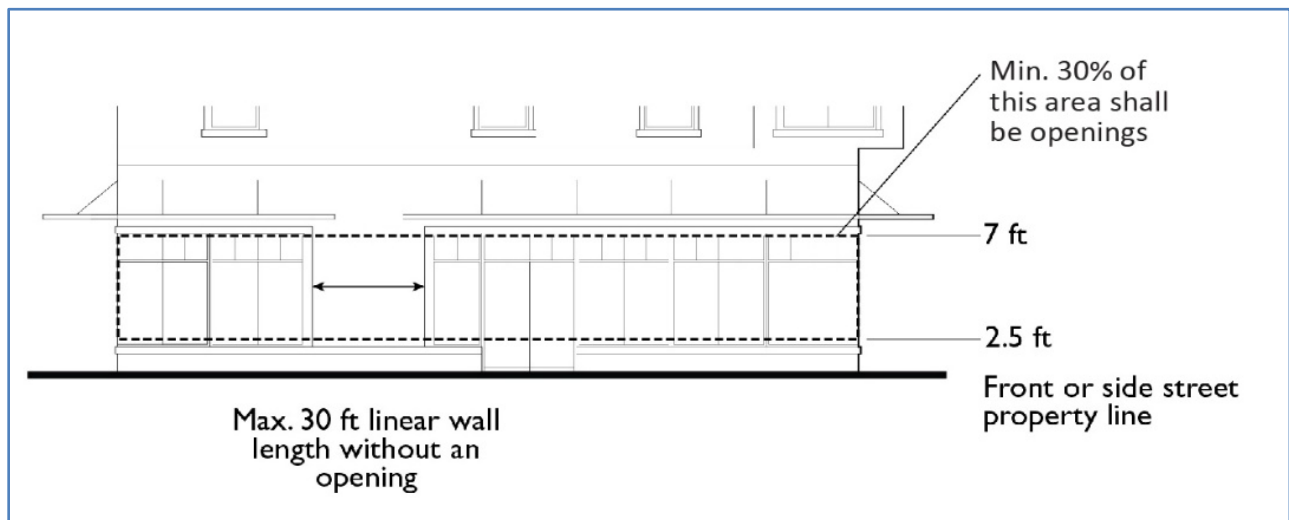
- No Requirement

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An Example of a Page From a Form-Based Code

a percentage of the façade must be located along primary (and secondary) streets, establishing a maximum setback to ensure that buildings are placed closer to the sidewalk edge, and establish guidelines for parking location in the rear or side of the lot. These proposed regulations are in line with form-based best practices and could solve the problem of a lack of built-form standards in the LDC.



A Typical Building Transparency Diagram

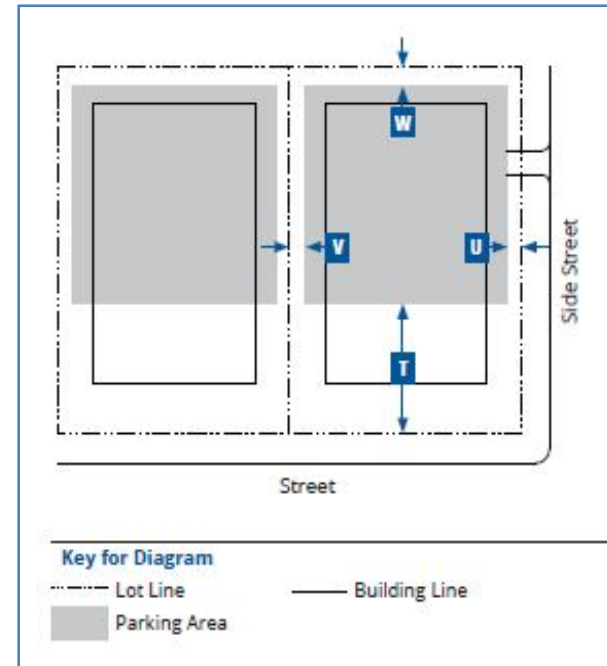
Even in the DMU district and the UMU district regulations are difficult to implement. For example, stakeholder feedback indicated that, new developments in the DMU are rarely built to the sidewalk edge, due to challenges with utility placement and access. As the requirements for utilities are typically inflexible, buildings tend to be pushed away from the street which further erodes the potential for a quality pedestrian-friendly environment that the standards intend to promote. While coordination between the Planning Department and the Engineering Department to find a solution to the utility placement issue would need to occur, best practices dictate that the base zoning districts, for example, include requirements for buildings to be placed at the sidewalk edge and to integrate similar built-form standards, (e.g. ground-floor transparency standards), into the other commercial districts outside of downtown and the University area. Fostering walkable commercial areas through built-form standards can be achieved by adding these types of regulations.

Parking and Building Location (Impact on Pedestrian Friendly Streetscape)

Many stakeholders and residents reported that the current regulations create large expanses of surface parking in nonresidential areas. While the LDC's minimum required parking standards are one factor, the required placement of parking on the site is also an issue. The required large front setbacks typically tend to influence the placement of parking in front of

buildings along the fronting street. Parking placed in front of buildings severely limits an area's walkability due to the distance of the buildings from the street and the prioritization of automobiles over pedestrians.

[Section 20-0701 \(Parking and Loading\)](#) does not apply any standard for parking location relative to the primary building. One exception is within [Section 20-0701.D \(Location of Required Parking\)](#) which has a parking location requirement within Single-Family Districts. The combination of large minimum setbacks ([Section 20-0502](#)), high minimum parking standards ([Section 20-0701](#)), and the lack of parking location standards leads to an unfriendly pedestrian streetscape with large parking lots occupying most of the properties. As mentioned in the previous section, *Downtown InFocus* recommends establish guidelines for parking location in the rear or side of the lot. Best practices to remedy the issue include requiring parking to be located behind buildings or to the side of a building when possible or establishing a maximum front setback. Either of these regulations would reduce the negative impact of parking lots on the pedestrian streetscape.



A Typical Building and Parking Area Location Diagram from a Form-Based Code

Parking Regulations

The existing parking regulations do not account for how parking needs might vary based on location or context within the City. Instead, uniform requirements are provided. For example, the restaurant parking requirement of 1 space per 75 square feet for “Restaurant, General, Bars, Taverns and Lounges”) near NDSU where a range of transportation options are viable should not be the same as the amount of parking for a restaurant on the southern suburban fringe adjacent to Interstate 29 where driving is the most viable option of transport ([Section 20-0701.B.1 \(Parking and Loading\)](#)). Some areas, such as adjacent to NDSU and other areas where the existing land use context promotes walkability and other viable forms of transportation, the demand for off-street parking may be lower than for other more auto-centric parts of the City.

The increasing use of “Schedule C” to identify alternative parking requirements indicates that the listed requirements (Schedules A and B) may not be adequate and that other alternatives

to the parking requirements may be needed. The original intent of the provision documented in [Section 20-0701.B.3 \(Parking and Loading\)](#) is for “uses that have widely varying parking demand characteristics, making it impossible to specify a single off-street parking standard.” Heavy use of Schedule C shows that the listed parking requirements do not reflect the current (and possibly the projected) development market. Overuse of Schedule C creates an added administrative burden on City staff and adds time and cost to development proposals.

Regarding the location of off-street parking within a development site, design guidance is lacking in zoning districts where the City has planned for active streets, or in other words, a walkable environment. “Walkable Mixed-Use Centers” are envisioned in *Go2030* throughout the City and the same concept is promoted throughout Downtown as documented in the *Downtown InFocus Plan*. In the absence of design criteria to better locate off-street parking on a development site, off-street parking has the potential to degrade walkability in Downtown Fargo or impede the creation of a more walkable environment in areas where *Go2030* envisions a walkable mixed-use center.

Challenges in Residential Compatibility (Standards and Consistency in Application)

[Section 20-0704 \(Residential Protection Standards\)](#) includes an extensive list of Residential Protection Standards that apply to all multi-dwelling developments located within 150 feet of any SR or MHP zoning districts and all nonresidential development when the development occurs on a site located within 150 feet of any SR, MR or MHP zoning districts.

The standards consist of additional setback provisions, screening, building height, landscape buffers, operating hours, lighting, and odors. Each standard is based on distances from the nearest residentially zoned property and can change depending on how close the development is to residential base zoning districts. [Section 20-0704.I \(Waivers\)](#) provides flexibility to reduce or waive one or more of the Residential Protection Standards. If any reductions or waivers are issued, a notice is sent to all properties within 300 feet of the development. Lastly, the LDC has a provision for residents to appeal the waiver. The appeal may be heard by either the Planning Commission or the City Commission.

Based on stakeholder and community feedback, it is evident that the Residential Protection Standards have been utilized frequently, especially due to the amount of new multi-family structures and industrial parcels within close proximity to single-family residential base zoning districts. Many stakeholders were split on the issue of Residential Protection Standards, either because they are not adhered to and developers consistently sought waivers, or the standards are too rigid and need to be better defined.

Infill Development

Infill is promoted in the City of Fargo through the application of two zoning districts, Downtown Mixed Use (DMU) and University Mixed Use (UMU). Key elements of both districts that promote infill that are unique from the rest of the LDC's base zoning districts include:

- DMU: The district allows 100 percent lot coverage and does not have any lot size, setback, or height requirements ([Section 20-0502 \(Nonresidential District Standards\)](#)).
- UMU: In comparison to the Code's other residential districts, UMU has the smallest minimum lot size requirement, some of the smallest setback requirements, has the greatest lot coverage allowance, and the greatest height allowance ([Section 20-0501 \(Residential District Standards\)](#)).

Other than DMU and UMU, all the LDC's base districts make development difficult on most infill lots in the City's core areas. The dimensional standards for the other districts are crafted for conventional suburban development ([Sections 20-0501 \(Residential District Standards\)](#) and [20-0502 \(Nonresidential District Standards\)](#)). For example, many existing lots in the Horace Mann neighborhood are approximately 40 feet by 140 feet and are zoned SR-2. The SR-2's district dimensional standards result in many existing lots in core neighborhoods being nonconforming. In addition, many existing homes and accessory structures in core neighborhoods do not meet current setback standards. Therefore, it is difficult for any property owner or developer to develop a vacant, nonconforming lot and to meet all current dimensional standard requirements to simply create development consistent with what currently exists throughout much of the neighborhood. As a result, many property owners/developers resort to negotiated zoning and related tools, such as variances, Planned Unit Development zoning, or Conditional Overlay zoning. Whether or not the use of negotiated zoning tools to allow infill development is the appropriate path the City should provide, a roadmap that explains how to successfully present an infill development project is missing from the Code or from general policy guidance provided by the City online or otherwise. An infill development "roadmap" is especially lacking for the City's core neighborhoods outside of the DMU and UMU districts.

Paving Standards in Industrial Areas

Multiple stakeholders commented on the paving requirements as being very costly, and potentially rendering projects infeasible. The stakeholders agreed that there should be more flexibility for allowing alternative materials, such as gravel or crushed concrete.

[Section 20-0701.G \(Parking and Loading\)](#) states that in the Limited Industrial district and the General Industrial district, "... rear yard vehicular circulation area, not including parking spaces, may be crushed concrete or similar material as approved by the Zoning Administrator." The key is that the parking areas may not be crushed concrete or another material, and the City is requiring it to be an "All Weather Surface", which consists of concrete, asphalt, paving blocks, brick etc. In addition, [Section 20-0704.3 \(Residential Protection Standards\)](#) states that any structural alteration of an existing building that increases the building footprint by more than 1,000 square feet or increases the height by 10 percent requires the property to come into full zoning compliance. These two standards have the effect of making some industrial-specific improvement projects financially infeasible. Industrial-zoned sites in Fargo tend to be much larger than almost all other properties in the City. The required paving of parking areas in industrial districts, rather than gravel or a similar material, has been a challenge for many business owners and could result in fewer properties being improved due to these regulations.

Inadequate Provisions to Create New Parks, Public Spaces, Open Spaces and to Protect Existing Habitats

Parks and Open Areas, defined in [Section 20-1203 \(Use Categories\)](#) as "natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares" are a land use allowed throughout the City except in the University Mixed Use (UMU) and General Industrial (GI) districts. However, neither parks nor open areas appear [in Article 20-12 \(Definitions\)](#). Further, there are no design or development criteria for parks to ensure adequate size, access, or amenities, and, the LDC does not include a requirement for parkland dedications within large developments or new subdivisions. City staff have confirmed that an unwritten process for requiring parkland dedications is utilized for these projects. Best practices going forward would be to codify the parkland dedication process as a part of subdivision approvals in order to ensure that new parkland will be created with each application and to provide clear requirements for applicants. [Section 20-0705 \(Trees and Landscaping\)](#) contains tree planting requirements based on the size of the lot (e.g. 3 plantings per 1,000 square feet of lot area). While these requirements ensure trees and shrubs are incorporated throughout a site, these regulations do not guarantee dedicated area for usable open space, recreation, or public gathering.

The LDC contains provisions for the creation of open space and the protection of existing habitats but only in limited circumstances. [Section 20-0302.F.3 \(PUD, Planned Unit Development\)](#) states that at least 10 percent of the gross land area in PUDs must consist of open space. The next provision, in [Section 20-0302.F.3](#) states that a PUD must preserve natural

features such as mature trees, vegetative cover, watercourses, and other natural site features “... to the greatest extent possible.” The question regarding the open space and natural features protection policies is how often developers seek and are granted waivers from this provision.

Uses such as religious institutions and schools are required to provide minimum of 35 percent of the site area as landscaped open space. Only the multi-family residential base zoning districts (MR-1, MR-2, MR-3) include Minimum Open Space requirements, as a percentage of the lot, at a minimum of 35 percent. The Bonus Density program contains the most stringent minimum open space requirement of 40 percent of the lot area as one of three standards for which compliance is needed in order to allow a maximum density of 30 dwelling units per acre.

[Section 20-0506 \(Alternative Residential Development Options\)](#) contains provisions for Open Space requirements, but only regarding Cluster Developments. In general, Cluster Developments are subject to the minimum on-site open space standards of the base zoning district. The Section contains separate requirements for Common Open Space which is defined as, “Open space within a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common Open Space does not include areas used for streets, alleys, driveways, or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be counted as common open space.” This provision represents a very specific case of open space being required for a new development but likely on a limited scale.



Typical Common Open Space in a Cluster Development

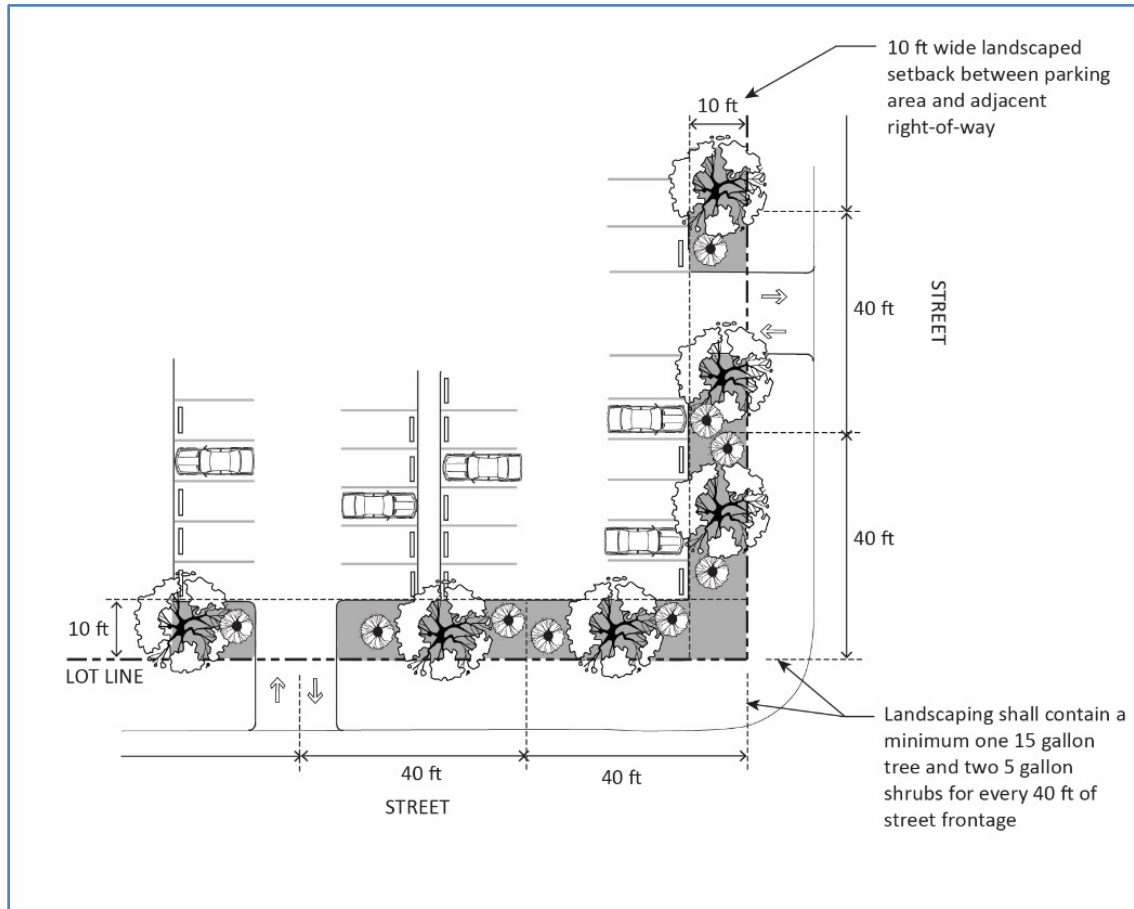
Inflexible Landscaping Standards

The Land Development Code’s tree and landscaping requirements for new commercial and residential development in greenfield areas are robust and understood through stakeholder and City staff input to work well and to result in high quality development. However, the tree and landscaping requirements lack flexibility when it comes to infill and adaptive reuse projects in older parts of the City. [Section 20-0705 \(Trees and Landscaping\)](#) of the Code contains one set of requirements for all new development in the City whether it is an infill,

greenfield, or adaptive reuse project. [Section 20-0705](#) does include some exemptions that are effective. Yet the flexibility afforded by these exemptions is limited when it comes to infill and adaptive reuse development outside of the University Mixed Use (UMU) district. Exemptions include development in the UMU district and improvements to existing development that does not involve more than 1,000 square feet or ten percent of the building, whichever is greater. Two examples regarding the Code's lack of flexibility pertaining to Section 20-0705 are outlined below:

- Trees and landscaping required through [Section 20-0704 \(Residential Protection Standards\)](#) cannot be counted toward the total tree and plant units required in [Section 20-0705](#). Since the Residential Protection Standards are often triggered with infill or adaptive reuse projects, this can have the effect of limiting development, especially those on smaller lots in the older parts of the City. The Code lacks a comprehensive recognition of the total planting requirements placed on a single development, based on all the individual standards that require landscaping.
- The required location of planting units can also limit development on smaller or irregularly shaped lots in older parts of the City. [Section 20-0705.C.4](#) requires a minimum of 70 percent of the required plant units to be installed along the development's street frontage. Such a high percentage may work well on wide suburban lots but presents significant challenges for older narrow lots common throughout the City's core.

Since much of [Section 20-0705 \(Trees and Landscaping\)](#) concerns spatial requirements (e.g. the location of required planting units, buffer standards, etc.), the lack of illustrations presents a challenge to the layperson, especially to those new to the Land Development Code.



A Typical Parking Area Landscaping Diagram

With regard to industrial development, especially large industrial sites involving expansive parking, loading, and circulation areas, stakeholders generally noted that the Land Development Code's requirements pertaining to landscaping and the improvement of parking/circulation areas were not practical and made some new development and additions cost-prohibitive. Since large industrial sites are typically planned and zoned to be located away from high-visibility corridors (such as arterial routes) and do not cater to the general public, some Code requirements for industrial development should not be the equivalent of requirements for commercial development. Outlined below is an assessment of how landscaping and parking requirements compare for new industrial and commercial development:

- Tree and Landscaping Requirements. [Section 20-0705.D](#) includes planting requirements for the parking lot perimeter that are the same for commercial and industrial development ([Section 20-0705.D](#)). However, [Section 20-0705.C](#) does require a lesser amount of planting units in industrial districts than for commercial districts.

- Parking and Loading Area Surfacing Requirements. [Section 20-0701.G](#) allows the rear yard circulation area in the Light Industrial and General Industrial Districts to be crushed concrete or similar material. Depending on development location and the context (i.e. existing buffers or landscaping), practical factors that may allow for crushed concrete or a similar material for industrial development are not considered in the section. Considerations for dust control and the mitigation of storm water runoff are also missing from the section.

3.4.3 – Housing Development

The LDC's predominant multi-family housing zoning districts are MR-1, MR-2, and MR-3. These districts are intended to allow development on large suburban lots. For example, front setback requirements are 25 feet and building coverage requirements range from 35 to 37.5 percent ([Article 20-05 \(Dimensional Standards\)](#)). Such restrictive dimensional standards push up development costs by requiring the use of larger lots and making infill or redevelopment in older portions of the City more difficult where smaller lots predominate. As a result, these restrictive requirements decrease the affordability of multi-family housing.

New multi-family housing development on infill or vacant property that requires a zone change or Conditional Use Permit is benefited in areas where the City has identified a future land use designation for the site. However, many developed areas of the City outside of the boundaries of the *Downtown InFocus Plan* and the *Roosevelt-NDSU Neighborhood Plan* do not have an adopted future land use map in place to guide zoning decisions. Therefore, in cases where applicants are seeking to develop higher density housing where a zone change or Conditional Use Permit is necessary, approval cannot be based on a future land use map. This lack of development predictability can easily jeopardize housing projects (such as multi-family and/or affordable housing) that are often supported by complex financing arrangements dependent upon certainty in local land use policies and regulations. The recent Craig's Oak Grove Second Addition proposal including townhomes and an apartment building is a good example of a situation where there was no future land use designation to help guide the proposed change in zoning. While the subdivision and zone change request was approved in late 2019 (for more information, refer to Planning Commission staff report and minutes from September 3, 2019), the lack of future land use direction added a substantial burden on the applicant to prove consistency with *Go2030*. The City is presently moving to provide future land use and policy direction for the City's Core Neighborhoods with the current development of the Core Neighborhoods Plan.

City staff and stakeholders noted the success of the UMU district in providing housing for the NDSU student population. As provided in [Section 20-0501 \(Residential District Standards\)](#), the UMU district allows multi-family housing without less restrictive dimensional standards than

the MR zones (10-foot front setback and 75 percent maximum building coverage). These standards provide an opportunity to create affordable units through development savings on lot size requirements, in addition to less restrictive parking requirements. However, areas zoned UMU are close to build-out, and the district is limited in its application throughout the City to areas “in close proximity to a university or campus setting” ([Section 20-0216 \(UMU, University Mixed Use\)](#)).

The Bonus Density provision ([Section 20-0505 \(Bonus Density\)](#)) as an incentive to increase density and the potential for affordable housing has less potential due to overly restrictive qualifying standards. The qualifying standards include requirements for tuck-under parking, provision of minimum open space of 40 percent, and no allowance for a height increase above the district standards. Combined, the standards have the potential to increase the necessary lot size to earn the added density and, thereby, significantly to increase development costs. The standards also limit the geographical application of the provision to properties large enough to accommodate these standards, making infill and redevelopment difficult.

Other ancillary standards have an impact on the potential for housing affordability. The cost of on-site parking should be considered as part of the cost of the associated housing. The UMU district stands out from other zoning districts that allow multifamily housing, as the district allows a 38 percent reduction in required off-street parking ([Section 20-0701\(Parking and Loading\)](#)). Comments from City staff and stakeholders were generally positive about the functionality of the UMU district, including parking. Subdivision regulations can also have a considerable impact on housing cost. Stakeholder comments related to the development of more affordable single-family housing noted that regulations pertaining to right-of-way improvement standards ([Section 20-0611 \(Streets\)](#)) create cost concerns and impediments to the design of smaller lot, higher density single family residential neighborhoods. As a result, some recent subdivisions have relied on private streets and alternative zoning mechanisms such as PUD or Conditional Overlay zoning.

3.4.4 – Subdivisions

Infill developments that involve a subdivision application to create new lots and rights-of-way in any of the City’s core neighborhoods, are subject to similar limitations noted with the LDC’s zoning regulations. The Code’s street standards ([Section 20-0611 \(Streets\)](#)) allow for a range of local street cross sections, but do not include allowances for alleys, or at least a right-of-way cross section similar to existing alleys in the City’s core neighborhoods. Another element critical to right-of-way cross sections is utility placement. City staff noted that utilities are typically placed in a corridor ten feet in width beginning on the outside edge of the sidewalk. The concern is that utility placement requirements are not referred to directly in the Code.

Rather, the City Engineer is referenced as providing utility “standards and requirements” ([Section 20-0608 \(Utilities\)](#)).

To modify subdivision requirements like the street and utility requirements, some projects in South Fargo have utilized Planned Unit Development (PUD) zoning and private access easements. Infill developers would be expected to use similar tools for subdivision development. The LDC lacks mechanisms that could better facilitate small lot subdivisions, such as greater right-of-way and utility placement flexibility. This flexibility would not only benefit greenfield development in South Fargo but also infill projects in the core neighborhoods.

3.4.5 – Code Usability and Format

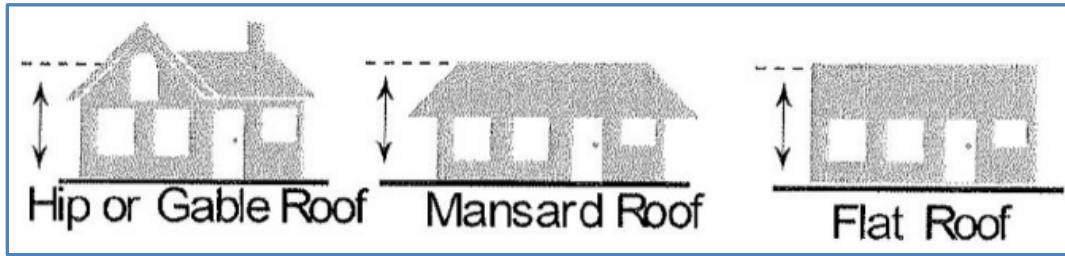
The ability to use and navigate a zoning code is vital to its effectiveness. Easy-to-use and understand land development codes are well organized and formatted, provide necessary cross-references, and utilize tables, graphics, and illustrations. This subsection provides a summary of the usability and format issues which are potential barriers to understanding and using the LDC.

Submittal Requirements on Application Forms

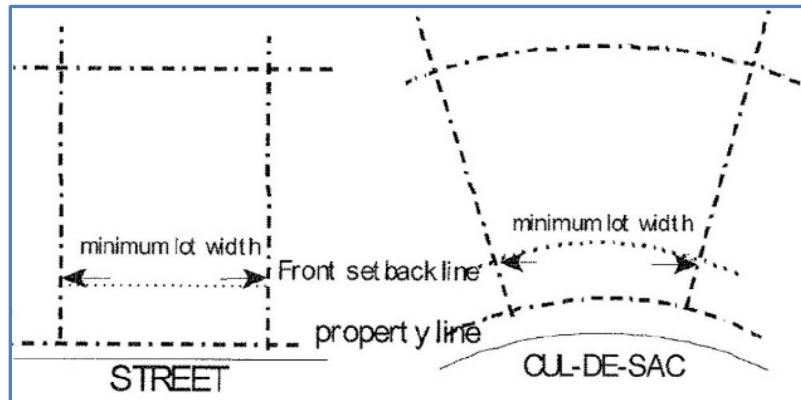
While [Article 20-09 \(Development Review Procedures\)](#) does not include specific submittal requirements for each application type, [Article 20-13 \(Fargo Sign Code\)](#) includes specific application requirements in [Section 20-1303 \(General Standards\)](#). An applicable best practice is to include all submittal requirements on applicable permit/application forms. The advantage of this approach is that if the submittal requirements change they can be adjusted administratively. However, if submittal requirements are included in the LDC, then any change to the requirements will require approval of a text amendment by the City Commission, a process that can be time consuming.

Need for More Graphics and Diagrams

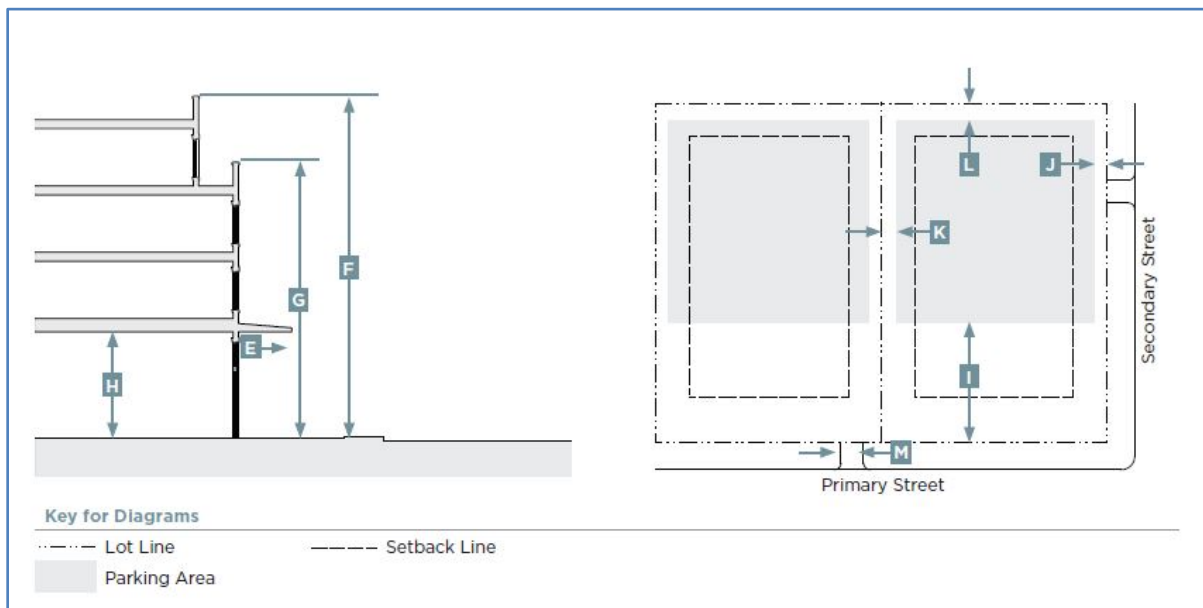
The LDC lacks graphics and diagrams to illustrate and explain its regulatory intent, particularly with dimensional regulations. While [Article 20-05 \(Dimensional Regulations\)](#) includes two graphics for lot width and building height (see diagrams below from [Section 20-0504](#)), it does not include any graphics for other standards such as setbacks and building coverage. Graphics or diagrams are important to illustrate how a setback is measured or how a single-family home can occupy only 25 percent of lot and must comply with minimum setbacks. Land development codes that include clear user-friendly diagrams frequently result in fewer calls to City staff by people seeking clarification of otherwise written code standards.



Building Height Diagram from the Fargo LDC



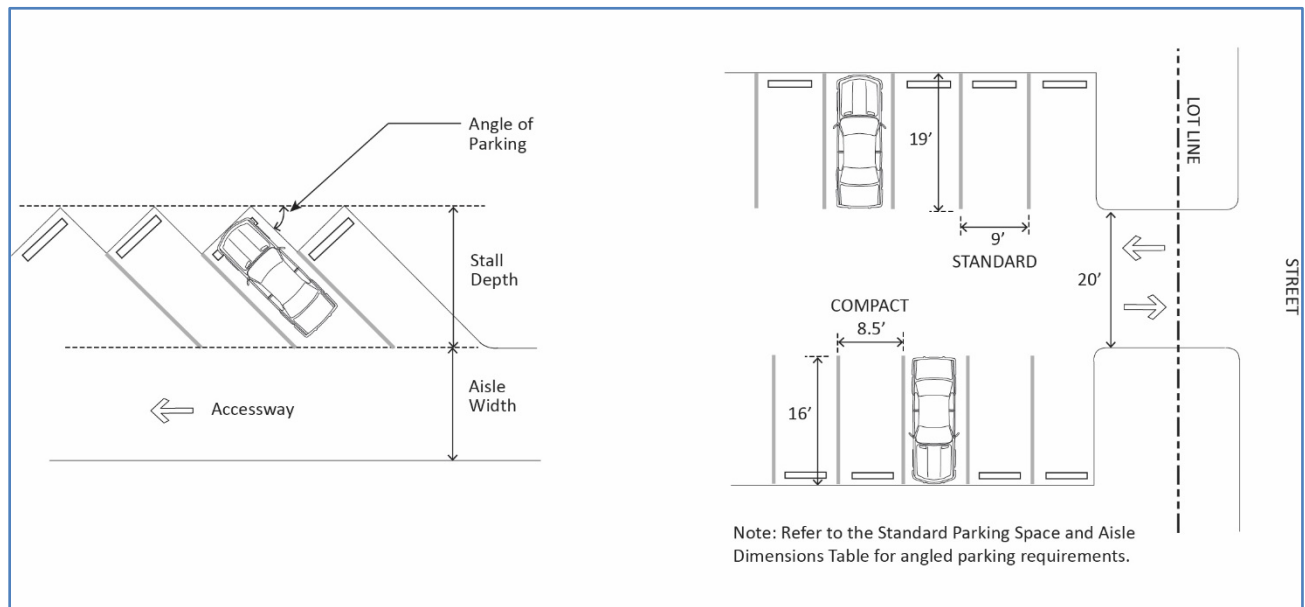
Lot Width Diagram from the Fargo LDC



A Typical Building Height and Setback Diagram

Another Article that would benefit from graphics and/or diagrams is [Article 20-07 \(General Development Standards\)](#). Like [Article 20-05 \(Dimensional Regulations\)](#), development standards tend to be inherently visual concepts such as the design and layout of an off-street parking lot. A scaled diagram for the off-street parking could display the dimensional requirements of each space, how a lot could conform to the vehicle stacking area requirements, the parking lot

landscape requirements by showing the dimensional areas that would require planting, and the corner visibility requirements for entry and exit in relation to the required landscaping.



A Typical Off-Street Parking Diagram

Section 4 Administration and Procedures

Subsections:

- 4.1 LDC Administration and Development Review Procedures
- 4.2 Diagnosis and Findings

4.1 Administration and Procedures

4.1.1. Permits and Approvals

The LDC establishes several procedural requirements that applicants must follow depending on the proposed use, configuration, site design, or if a variance or other exceptions are requested. Procedures include legislative processes, such as rezoning and LDC amendments, and administrative processes such as planning permits and approvals. Certain projects must undergo Site Plan Review in compliance with [Section 20-0910 \(Site Plan Review\)](#). The threshold for Site Plan Review varies by project type (e.g. residential, commercial, industrial) and other factors, such as the size or location of the development.

Table 4-1 (Permits and Approvals) identifies the responsible review authority and noticing and hearing requirements for all types of LDC procedures.

Type of Procedure	Review Authority					Notice Required	Hearing Required	Article/Section
	Staff	HPC	BOA	PC	BCC			
LDC Text Amendments	Review	-	-	Review	Decision	Yes	Yes	Article 20-09 (Section 20-0904)
Area Plan	Review	-	-	Review	Decision	Yes	Yes	Article 20-09 (Section 20-0905)
Zoning Map Amendments	Review	Review	-	Review ¹	Decision	Yes	Yes	Article 20-09 (Section 20-0906)
Subdivision								Article 20-09 (Section 20-0907)
Minor	-	-	-	Review	Decision	Yes	Yes	
Major	Review	-	-	Review	Decision	Yes	Yes	
Planned Unit Developments								Article 20-09 (Section 20-0908)
Master Land Use Plan	Review	-	-	Review	Decision	Yes	Yes	
PUD Rezoning	Review	-	-	Review	Decision	Yes	Yes	
Final Development Plan	Review	-	-	Decision	Appeal	Yes	Yes	
Conditional Use Permit	Review	-	-	Decision	Appeal	Yes	Yes	Article 20-09 (Section 20-0909)

Table 4.1.1 – Permits and Approvals

Type of Procedure	Review Authority					Notice Required	Hearing Required	Article/Section
	Staff	HPC	BOA	PC	BCC			
Site Plan Review	Decision	-	-	Appeal	Appeal ²	No	No	Article 20-09 (Section 20-0910)
Institutional Master Plan	Review	-	-	Decision	Appeal	Yes	Yes	Article 20-09 (Section 20-0911)
Certificates of Appropriateness	Review & Decision ³	Decision & Appeal ³	-	-	Appeal ²	No	No	Article 20-09 (Section 20-0912)
Building Permits/Certificates of Occupancy	Decision	-	Appeal	-	-	No	No	Article 20-09 (Section 20-0913)
Variances	-	-	Decision	-	Appeal	Yes	Yes	Article 20-09 (Section 20-0914)
Written Interpretations	Decision	-	Appeals	-	-	No	No	Article 20-09 (Section 20-0915)
Appeals of Administrative Decisions	-	-	Decision	-	Appeal	Yes	Yes	Article 20-09 (Section 20-0916)

Key:

HPC – Historic Preservation Commission;

BOA – Board of Adjustment;

PC- Planning Commission;

BCC- Board of City Commissioners

Notes:

1) Historic Preservation Commission is involved only on H-O District applications, pursuant to Section 20-0305

2) Appeals are not required to go to Planning Commission and Board of City Commissioners. Board of City Commissioners acts as appellate body only if the Planning Commission's decision is appealed.

3) Review, Decision Making and Appeals process is different depending on nature of request. See Section 20-0912

4.1.2. Review Process

The Fargo Planning Department manages the review process from application submission until the review authority's final decision. All applications must be on a form required by the Department and accompanied by applicable fees. Detailed review procedures are established for each permit or approval type, ([Sections 20-0904 - 20-0916](#)), and include information regarding application requirements, review and approval criteria, and any post decision procedures such as appeals and expiration.

Apart from a Site Plan application, the City's website offers all applications regarding land use and zoning, variances, subdivisions, and administrative review along with their associated fees.

4.2 Diagnosis and Findings

4.2.1 Zoning Map Discrepancies

The City's website contains two different zoning maps, one is a PDF that was last updated in May of 2017 and the other is an interactive GIS map that seems to be updated regularly. While neither the North Dakota Century Code nor the LDC contain any specific requirement for an 'up-to-date and accurate zoning map', keeping only one zoning map on the website will provide more clarity to residents visiting the website. It is a common best practice to have a single zoning map on a City's website that can be updated regularly with ease, not only with new property information but new layers such as Planned Unit Development designations and Renaissance Zones, which is a State program that incentivizes development in certain areas via tax credits. Given that the interactive GIS map contains much more information and is up to date, it would be advantageous to eliminate the May 2017 PDF zoning map from the website entirely to avoid confusion.

4.2.2 Predictability and Clearer Thresholds in the PUD Approval Process

Many stakeholders commented on the unpredictability of the PUD approval process for both developers and residents. Some residents contend that the use of PUDs is too widespread and that they are not being implemented with the neighborhood context in mind. Residents also assumed that PUDs are a tool for developers to be able to build what they want, without having to follow the standards in the established base zoning district. Some of the recent PUDs were approved after lengthy negotiations with neighborhood groups, but this important part of the process is not reflected in the LDC. On the other hand, some developers said that the PUD allows them to build denser, mixed-use developments with abundant on-site parking, and that the approval process is lengthy, contentious, and political. Both groups agreed that the process does not work for either side; residents feel that PUDs erode their neighborhood character while developers see it as the only tool to build denser residential or mixed-use buildings outside of the UMU and DMU districts. Despite disagreement on the use of PUDs, both sides agree that the process is inherently unpredictable and there are no discernable thresholds within the LDC when utilizing the PUD process as a zoning tool.

4.2.3 Consistency in Implementation of Residential Protection Standards

Like PUD's, stakeholders identified the Residential Protection Standards as needing more clarity, not only in the approval process but also with enforcement. Residents stated that the standards are not being followed and developers regularly obtain waivers for some standards.

On the other hand, developers said that the standards are not clear enough, which presents issues with interpreting the regulations, and they do not have enough built-in flexibility.

[Section 20-0704 \(Residential Protection Standards\)](#) of the LDC lays out all the additional standards for non-residential properties adjacent to residential zoning districts. These standards serve as buffers between the residential and non-residential properties in addition to the setback required by the property's base zoning district. The Residential Protection Standards consist of requirements for additional setbacks, visual screening of dumpsters and outdoor storage areas, building height, landscape buffers, additional light and odor provisions, and reduced operating hours for refuse and loading. Each standard has a level of specificity that would make it difficult for every project to be fully compliant without a waiver. For example, "Residential Protection Landscape Buffers must be installed or preserved along lot lines adjacent to any SR-, MR-, or MHP-zoned property. Plantings in Residential Protection Landscape Buffers are not counted toward the plant unit requirements of the Open Space Landscaping Requirements of [Section 20-0705.C.](#)" The Landscape Buffer standards, in addition to the Landscaping Requirements, may make compliance difficult due to several limiting factors including lot sizes, lot occupation, setbacks, and cost. As a result, an applicant is forced to abide by two sets of standards, which opens the door for inconsistency in implementation. The Residential Protection Standards make the base zoning district standards seem inadequate or irrelevant in many parts of the City. In addition, if waivers are being granted on a consistent basis, it is indicative that many of these standards cannot be practically applied in the way they were intended.

4.2.4 Transparency with the Creation and Management of Conditional Overlays

Conditional Overlays (CO) are a zoning tool intended to provide additional protections to properties to ensure compatibility among incompatible uses, ease the transition between zoning districts, address sites or uses with special requirements, and to aid development in unique circumstances. While COs can act as a safety-net for some projects, many stakeholders feel that the process to approval is arduous and can yield some unwanted results. [Section 20-0303](#) contains six specific standards for which restrictions and conditions could be imposed:

- Prohibiting otherwise permitted or conditional uses and accessory uses or making a permitted use a conditional use;
- Decreasing the number or average density of dwelling units that may be constructed on the site or limiting the size of nonresidential buildings that may be placed on a site;
- Increasing minimum lot size or lot width;
- Increasing minimum yard and setback requirements;

- Restricting access to abutting properties and nearby roads; and
- Creating and enhancing design standards, landscaping requirements, and pedestrian and vehicular traffic guidelines and standards for development within the district.

As part of the approval of a Conditional Overlay, a new allowable use that was otherwise prohibited may not be allowed nor can a CO reduce dimensional standards, such as a setback; Similarly through a CO, standards may only be increased and not decreased. Additionally, the [Section 20-0303.C](#) clearly states that “requirements of a C-O district are in addition to and supplement all other applicable standards and requirements of the underlying zoning district”. The concern with Conditional Overlays is that they inherently treat similarly situated properties differently and it can be hard to find a rational basis for the variation in applied standards. Conditional Overlays are often included as part of a negotiation between a property owner/developer and nearby residents in a zoning case in which the property owner receives the rezoning in return for agreeing to certain conditions, such as a prohibition of certain uses or a height limit on the building(s).

Despite how specific standards in a CO may be, many stakeholders felt a sense of an overall lack of transparency with how the CO standards are created and how they are enforced once a project is completed. In addition, CO’s are sometimes a request made by the City to an applicant, usually to implement design standards in commercial districts. According to City staff, most design standards are created without any references to the Code or based on any approved guidelines.

Typical best practices suggest that when a tool such as a CO is used to establish, for example, design standards in commercial districts, then it is preferred to adopt design standards for those commercial districts and to include them in the Code. Under this approach, all developments in commercial districts would be subject to the same standards and the need for COs would be eliminated, with the added benefits of reducing costs to both the City and developers, providing certainty for all parties, and consistency in the application of design standards.

4.2.5 Clear Thresholds for Discretionary Review

Both City staff and stakeholders expressed concern with unclear review processes, particularly with vague language embedded into approvals. One example is that Historic Overlay approvals frequently contain vague conditions such as, “... [buildings] must match the original building in design, dimension, detail, texture, and pattern.” None of the terms listed are defined in an objective way and are enforced subjectively as a result. The approval of a building in this

Historic Overlay could become confusing for an applicant given there are no specifically defined parameters for approval.

Similarly, many of the CO districts contain subjective design language that is difficult to enforce and vague for any potential applicant. For example, “All primary buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time...”. Terms such as ‘durability’ and ‘quality’ are subjective in nature and can only be determined by the Planning Director or his/her designee, leading to project approvals based on opinion-driven design decisions. Similarly, attempts to dictate the color of buildings by saying, “Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building” are inherently subjective. This regulation attempts to address cohesion and a unified rhythm to a building façade but without any sort of dimensional requirement or enforceable provision. While the idea of the Conditional Overlay is to provide more protections where they are necessary, they frequently result in widespread subjective approvals that are unlikely to be enforced later due to vague regulatory language.

4.2.6 Availability of Information

Official Zoning Map

As noted above, the City’s discrepancy between the PDF Zoning Map and the GIS Zoning Map could potentially be a source of confusion for applicants given that the PDF version has not been updated with the same regularity as the GIS version.

The location of the two Zoning Maps on the City website is also a noted issue for applicants or other members of the public. Ordinarily, zoning maps are located on the Planning Department page due to their departmental relevance. The City of Fargo’s website has a dedicated page labeled as “City Maps” that is meant to be a one-stop-shop for all City maps. Once on that page, it is not immediately clear where the zoning map would be located. A user must first assume that it would be found in the “PDF Maps” page and then find a link labeled “Fargo Property Zoning”. In addition, there are no other external links to the Zoning Map within the other pages of the website, and it can only be accessed through the City Maps page which is only on the front page of the website. City staff have mentioned the amount of public inquiries they receive regarding the location of the Zoning Map, which is likely due to its unapparent location within the website.

Site Plan Application

The internal practice of “Site Plan Applications” within the Planning Department is a crucial missing piece in information available to the public on processes and procedures. While, in [Section 20-09 \(Development Review Procedures\)](#), the LDC calls out Site Plan Review as one facet of the City’s Development Review Procedures, the Site Plan Application form is not available on the Land Use & Zoning Applications & Requests page. In addition, there is no physical Site Plan Application that is processed by the Planning Department as Site Plan Review is based on Building Permit Applications routed to the Planning Department after a discretionary decision that the application requires Site Plan Review. Although the LDC does establish thresholds for applications that require Site Plan Review in [Section 20-0910 \(Site Plan Review\)](#), it is unclear whether these are strictly adhered to. This is just one example of an established internal process that is not reflected in the LDC or any other available public document.

Subdivision Parkland Dedication

The Subdivision Park District dedication practice is another example of a process that is not codified. The subdivision regulations within the LDC do not require parkland dedication for each approval yet staff as an internal practice recommends the applicant negotiate with the Fargo Park District, which is a separate taxing entity not affiliated with the City, to dedicate parkland. An average of 8 percent of land ends up dedicated to parkland. In addition, an uncoded option allows an applicant to pay an in-lieu fee for parkland dedication.

Section 5 Legal Compliance

A review of the LDC, supplemented by information provided by City staff (Memorandum: Legal Considerations for Fargo Land Development Code Diagnostic, February 5, 2020) yielded some potential legal concerns relevant to the LDC Diagnostic Report. Important topic areas are identified in the narrative below that warrant further review and discussion with the City Attorney's office to ensure any update to the LDC is consistent with state and federal law.

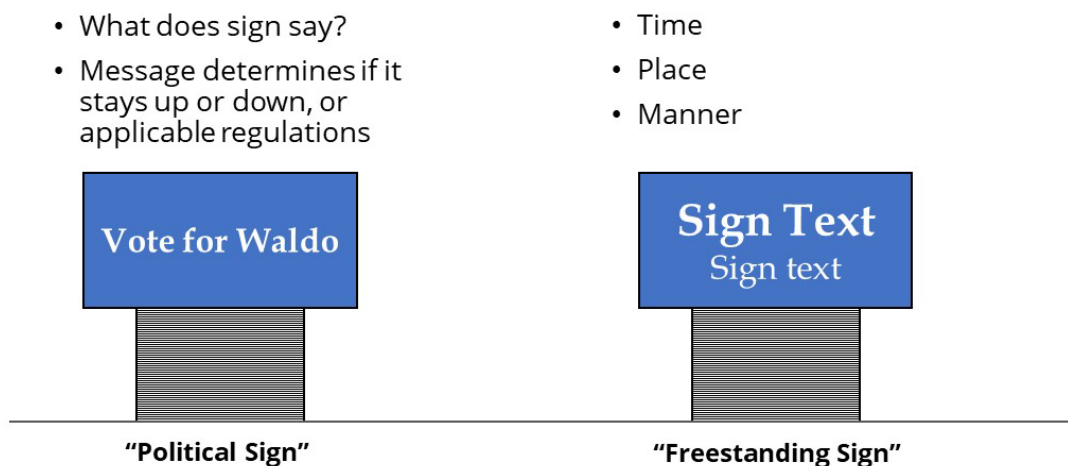
5.1.1 Compliance with *Reed v. Town of Gilbert*

The City's sign regulations are located in [Article 20-13 \(Fargo Sign Code\)](#). In June 2015, the U.S. Supreme Court decision in *Reed v. Town of Gilbert* (No. 135 S.Ct. 2218, 2015) affirmed that sign regulations generally must be "content-neutral" to survive a legal challenge. Content-based regulations are subject to what is called a "strict scrutiny" standard – that is, a compelling governmental interest must be demonstrated, and regulations must be narrowly tailored to serve that interest.

Since the *Reed* decision, several lower courts have invalidated content-based regulations of noncommercial speech, particularly those relating to political signs (*Marin v. Town of Southeast*). The lower courts have also upheld several examples of content-neutral time, place, and manner regulations, including restrictions on painted wall signs (*Peterson v. Village of Downers Grove*), murals (*Kersten v. City of Mandan*), and a New York City prohibition on illuminated signage extending more than 40 feet above curb level (*Vosse v. City of New York*). In *Central Radio, Inc. v. City of Norfolk*, the lower court looked unfavorably at incomplete exemptions for artwork, and flags of certain jurisdictions.

"Time, place, and manner" restrictions, as the name suggests, limit the length of time, the manner, and place or location of a sign. As an example, well-written sign regulations may include a limitation on the length of time the sign may be displayed, especially for portable or temporary signs, such as A-frames or banner signs; restrictions on the total area, maximum height, or illumination of a sign; and where the sign may be placed (i.e. so as not to encroach within the public right-of-way)

Content-Based Regulations vs. Content-Neutral Regulations



The Distinction Between a Content-Based and Content-Neutral Sign

5.1.2 Conditional Overlays

See Section 4.2 (Diagnosis and Findings) for more on Conditional Overlays.

Conditional Overlays are used in a number of US cities of all sizes, yet there is growing concern that while conditional overlays are a tool to promote development, and potentially to allow surrounding property owners to be involved in the development to ensure they too benefit from it.

It is recommended that further discussions with City staff and the City Attorney's office should be conducted to determine how best to address those Conditional Overlays that are already approved and in place, and whether Conditional Overlays should be allowed in the future.

5.1.3 Exactions for the Dedication of Parklands

See Section 4.2 (Diagnosis and Findings) for more on Exactions for the Dedication of Parklands.

It is recommended that the LDC include a new section that specifically authorizes and establishes procedures for the dedication of parkland and circumstances and procedures for the payment of in-lieu fees.

5.1.4 Increasing the Notification Boundary Beyond 300 Feet

The LDC (e.g. [Article 20-09.F \(Notices\)](#)) requires that letters be sent to owners of property within 300 feet of the boundary of a new development that may be subject to, for example, development review, conditional use permit approval, or a zone change. Like most jurisdictions, City staff will increase this boundary when deemed appropriate to ensure that additional property owners are notified, especially in rural locations where the parcel size is large or when a development application is expected to be controversial so that as many people as possible may be informed.

It is recommended that the noticing section of the LDC include specific language that grants the Director of Planning & Development authority to expand the notification boundary subject to specific conditions and/or criteria. This is a typical best practice utilized by many planning jurisdictions across the country.

5.1.5 Telecommunications Regulations

The Telecommunications Act of 1996 as amended (47 U.S.C. § 332(c)(7)(B)) limits state or local governments' authority to regulate the placement, construction, and modification of personal wireless service facilities. State or local governments must not unreasonably discriminate against the providers of functionally equivalent services and not prohibit or effectually prohibit the use of personal wireless devices. Further, state or local governments must not regulate the placement, construction, and modification of personal wireless service facilities based on the environmental effect of radio frequency emissions, to the extent that such facilities comply with FCC regulations. With regard to development applications for telecommunication facilities, state or local governments must act on applications within a reasonable time. If the application is denied, the reason(s) for the denial must be in writing supported by substantial evidence.

It is recommended that a thorough review of the LDC existing provisions for telecommunications facilities ([Section 20-0402.N \(Telecommunications Facilities\)](#)) be conducted to ensure that all new requirements are included in the Code, including for example, for small cell wireless (which may be located in the City's Public Works or Engineering Standards instead) and any updated notification procedures.

5.1.6 Zoning of State and Federal Land

In most US states, local zoning regulations, such as the City's LDC, do not apply to land owned and managed by the state or the federal government. It is our understanding that this is also true in North Dakota. Therefore, while agreements may be established between federal agencies such as the US Post Office or state agencies such as North Dakota State University, that permit the City to apply all or a portion of its zoning regulations on these properties, technically they are exempt from zoning regulation.

The applicability chapter of the LDC should include a statement(s) clarifying the applicability of the City's zoning regulations on federal and state lands.

5.1.7 Overly Vague Language in Conditional Overlays

City staff have identified some provisions in the Historic Overlay and Conditional Overlay Districts that are overly vague, subjective, and difficult to apply. This is typical of many older zoning codes like the Fargo LDC that has received many incremental updates over time. And as noted previously, one of the concerns with Conditional Overlays is that they may impose similar yet varying requirements (e.g. design standards) from one property to another.

5.1.8 Overly Vague Language in Historic Districts

It is recommended that all design standards must be reviewed and updated using established best practices to ensure that they are written as objectively as possible. Statements like "...additions over XX square feet must match the original building ..." can be rewritten as "...additions over XX square feet must be designed using the same materials, form, window treatments, and architectural details of the original building ...

Section 6 Economic and Fiscal Implications

6.1.1 Introduction

As part of the overall analysis of the LDC, LWC has been asked to provide information on economic and fiscal implications of the existing development code. As specific recommendations for modifications to the Code will be provided after the diagnostic phase of this assignment, it is useful to contextualize the economic and fiscal implications of the typologies that are identified in *Go2030* and its implementing documents. This section provides overview information about the economic performance of urban design standards and the creation of walkable mixed-use developments and districts from a general perspective.

6.1.2 Benefits of Urban Design

A comprehensive and balanced approach to urban design can produce a number of benefits for a community. In general, spaces that are conducive to longer term use and convivial public life can create several economic benefits, namely, the desire for people to congregate in pleasing and comfortable spaces leads to an increased length of stay within a district. The extended stay results in economic premiums for businesses and residents located within these areas. Overall, desirable spaces create economic returns. Beyond increased rents, land values and economic activity, many other kinds of 'value', both tangible and intangible, can be considered including environmental, social, or cultural benefits. The benefits of good urban design often accrue to the wider community; therefore, many stakeholders have an interest in what takes place at both the scale of an individual project and the scale of the community's over all distribution of land use. This logic is supportive of the goals of the North Dakota Main Street Program that seeks to assist economic competitiveness by creating spaces in communities that will be attractive to new investment and employment.

Experience in communities throughout the United States and internationally lead to some broad conclusions that are relevant for Fargo. Examples that illustrate the opportunities and benefits that can come from integrated mixed-use approaches are described below.

The Aksarben village neighborhood in Omaha, NE was developed between 2006 and 2010. This mixed-use neighborhood integrates a variety of residential typologies along with commercial uses. The community was an infill project that reused the site for a former horse racing track.

Aksarben Village has evolved into a major employment center and is the locations of the headquarters for Blue Cross Blue Shield of Nebraska, First Data, a leading Omaha based technology firm, and several other key professional service companies. Within the village itself



Aksarben Village - Mixed-Use Buildings and Public Plaza (Credit: Lamp Rynearson)

Aksarben Village has evolved into a major employment center and is the locations of the headquarters for Blue Cross Blue Shield of Nebraska, First Data, a leading Omaha based technology firm, and several other key professional service companies. Within the village itself there are multifamily residential buildings that are integrated into the overall site plan of the district. Other amenities within the Aksarben development include a Marriott Hotel, and a multiplex cinema. The University of Nebraska-Omaha is also a major presence within the neighborhood having contributed a student housing and an arena to the site. The development has been an important catalyst in the overall growth and development of Omaha.

Stapleton, CO in Denver, is seen as a national model for an integrated, mixed-use approach to community development. Located on the site of Denver's former international airport, the community's design standards focused on creating a walkable mix of energy-efficient residential neighborhoods, retail districts, schools, offices connected by a network of parks and open spaces. Stapleton has seen some of the fastest appreciation for real estate in the metropolitan area since its development and has served as a model for Denver's approach of integrated neighborhood development.



Stapleton, CO - Walkable, Mixed-Use Development (Credit: Great American Country)

The experience of developments such as Aksarben and Stapleton have illustrated the following general themes:

- Good urban design integrates a mix of uses. This can offer significant benefits to the community in terms of economic returns, stability and improved adjacencies and synergies.
- Integrated mixed-use development approaches can sometimes require greater capital investment than conventional development. While this may be true at the level of the individual building, often it is a matter of intelligently considering the placement of structures on a development site, considering the relationships to the street and neighboring buildings or simply thinking creatively about the use of space within a project. In general, a well-produced project will generate better returns over the long run that will offset some initial costs that may be incurred. In addition, careful consideration of how sites are used can lead to a reduction in long-term costs.
- Communities tend to value the better quality of life that good urban design can deliver.

- Urban design can help make communities safer and more secure by creating active public spaces.

Urban design that promotes a higher density of buildings and public spaces (in conjunction with other conditions, such as mixed use, good building design and adequate open space) can:

- Provide cost savings in terms of land, infrastructure requirements and energy use.
- Reduce opportunity costs associated with congestion and additional vehicle trips.
- Support spaces for higher value economic activities, including retail districts and higher value employment spaces.
- Promote social connectedness and vitality.

Synergies can be created that offer increasing returns and create premium rents and land values stemming from increased economic performance. The performance increase can come through internalizing consumer expenditures within a mixed-use district from residents, employees, and visitors.

LDC issues

The current LDC does not allow Fargo to take advantage of the economic benefits that accrue from good urban design. The LDC's base zoning districts, other than DMU and UMU, do not include any reference to design standards. The approach of including design standards in a flexible and strategic manner can be an important feature that would be supportive towards the implementation of the goals that are included in *Go2030*. These development standards, when clearly articulated, can serve to support economic development by promoting higher quality development that is best suited to produce external benefits to the district and community at large while producing space that meets the requirements of the development program on site.

6.1.3 Benefits of Walkable Mixed-Use Districts

Walkable and mixed-use districts in urban centers have repeatedly been shown to lower some costs of local government associated with capital costs for infrastructure and service delivery. Mixed use and denser walkable cores are almost always linked to greater land values due to fundamental land use economics. When zoning allows for more programming to be placed in the same space, the underlying value of the land increases. The increase can establish a self-reinforcing system where higher land costs encourage greater density and compact development within urban nodes.



Typical Walkable, Mixed-Use Neighborhood (Credit: PlaceMakers)

Since the 1970s, significant research has studied the relationship between compact development and infrastructure costs. A series of reports by the federal government, including the seminal Cost of Sprawl report published in 1974 by the Real Estate Research Corporation, found that water, sewer, and road infrastructure cost was reduced on a per capita basis in denser developments. Later independent research has corroborated these findings. In general, a consensus has developed that compact development patterns substantially reduce infrastructure costs across a range of services including transportation capital investment, utilities, and infrastructure maintenance. Maintenance of existing infrastructure is also reduced in a compact development scenario.

Walkable Mixed-Use Centers can have the following benefits:

- Dense development lowers infrastructure costs because each mile of road or sewer line serves more development. Mixing uses also creates infrastructure efficiencies because it eliminates the need to provide parallel infrastructure systems to residential and nonresidential areas.
- In addition to lower infrastructure costs, dense, mixed-use development generates more revenue and fewer costs for the City budget. Multifamily housing produces more tax

revenue and requires less infrastructure and service costs per unit. Denser retail and office developments also produce more property and sales tax revenue.

- Dense development consumes less land and saves open space for agriculture and habitat. Studies from around the country have found that dense development alternatives consume between 10-40 percent less land.
- Higher density, mixed use areas are more aesthetically pleasing than homogenous, low density areas. Walkable mixed-use centers support promoting and cherishing places with distinct identities, character, and appearance.
- It has been well documented that a community viewed as having a high quality of life will attract and retain population and households within the City, which is in line with the goals of the North Dakota Main Street initiatives. Additionally, walkable mixed-use centers provide a greater range of local services and amenities and encourage people to walk, shop, and consume a meal.
- Denser areas are better able to support entertainment uses or cultural institutions. Savings on infrastructure and development costs leave more resources to invest in public art and cultural amenities.
- Dense, mixed use areas have more eyes on the street, which reduced opportunities for crime.

LDC Issues

Within the current LDC, mixed-use development is only envisioned as occurring within the Downtown Mixed-Use (DMU) and University Mixed Use (UMU) zones. This kind of space can also be produced through the use of Planned Unit Developments (PUD), Conditional Overlays (CO) and Conditional Use Permits (CUP). However, the application of these two tools have the possibility of creating irregular and uneven development standards and can introduce additional uncertainties and costs for a project. The lack of certainty within the LDC serves to disincentivize the production of walkable mixed-use projects.

6.1.4 Potential Economic Barriers

Although popular with many stakeholders and increasingly common in cities across the US, there are certain barriers to implementation for walkable mixed-use developments. Some of these barriers are related to inadequate or antiquated land use regulations but others are result of the financial and investment climate. The financing of mixed-use development can be more complicated than if each individual program element was to be developed independently. Lenders have been slow to accept the important change in the design and approach to mixed-use development especially in secondary markets, although an established track record of success can lead to increased investor interest. Lending institutions typically tend to overlook the unique circumstances of pedestrian-friendly projects and for these institutions, high parking requirements are typically a precondition of financing. Further

complicating this is the tendency for developers to concentrate on specific programs. For example, residential developers are often unfamiliar with the requirements for commercial projects and the same is true for developers who specialize in commercial projects. Similarly, a division exists between developers and investors who favor new greenfield sites as opposed to those comfortable working in an infill or redevelopment context. The recruitment and attraction of experienced developers can be a significant impediment to the successful implementation of walkable mixed-use projects.

Related to financing, capital construction costs can also be an issue. The main savings from the investment side in producing a mixed-used development project comes from the reduction in parking requirements. Structured parking, which is often required when projects are developed at urban destinies, can be prohibitively expensive. Shared parking programs, internal trip capture, and a reduction in off street parking requirements are often required as part of any strategy to produce mixed use projects. Other capital costs can increase as projects become denser. Projects that need to shift to from a modified Type V construction to Type I construction can be difficult to develop due to increased construction costs. When projects are developed at on an infill or redevelopment site, retrofitting of existing infrastructure or off-site improvements may be required. These costs can add to the complexity of successfully developing these projects. However, costs for new infrastructure improvements to the public realm and off-site requirements can be mitigated through public private partnerships and development agreements where there are opportunities for appropriate public investments.

Finding an appropriate tenant mix can also be a challenge within mixed-use development projects. Correctly sizing the retail and commercial mix to overall market demand can be a critical factor of success with these projects. Often, development codes can require more retail space than can be supported by the market. Allowing flexibility in programming within development codes can serve as an incentive for developers by allowing them to react more specifically to highly local conditions or in reaction to the competitive market. Development codes that focus on the form and performance of mixed-use developments tend to yield better results than codes that are focused on specific targets or requirements of specific program elements. For example, ground-floor retail requirements have been found to inhibit successful implementation of mixed-use projects particularly in contexts with height limitations or for projects that are located away from commercial areas. Smaller amounts of retail development can be successful in these contexts when they largely serve to amenitize the residential component. Codes that allow for live/workspace, commercial office, or other types of program on the ground floor can help encourage the production of mixed-use projects.

Related to issues of program mix within projects, is the need to identify suitable sites for walkable mixed-use projects. These projects typically require sites with high visibility and accessibility. Often, the best sites for these types of projects and districts require a redevelopment approach. This approach can include the need to assemble parcels to establish a site with enough scale to support a meaningful walkable mixed-use development project redistrict or an infill approach to insert the project within the existing urban fabric. This is less of an issue in greenfield development sites on the margins of an urban area, however frequently the most attractive locations for these types of projects require a level of urban intensity that is associated with existing commercial corridors and districts. The ability to assemble large enough sites to develop supportable projects along with the need to coordinate development with the needs of complex field of existing stakeholders and neighbors can also serve as an impediment towards implementation.

6.1.5 Summary and conclusions

The desire to create walkable mixed-use urban projects and districts within Fargo is likely to produce an increase in economic vitality, reduction in service delivery costs, and increasing returns on investment for successful projects. In order to realize these benefits, it is important to develop supportive policies that leverage the inherent advantage of mixed-use development programs within Fargo's development codes. Potential policies could include a strategy that recognizes the need to reduce the provision of structured parking spaces, opportunities to increase overall site density and flexibility on program within the building envelope. Additional supportive policies can include public-private partnerships for the provision of infrastructure and improvements to the public realm and where appropriate assistance with site assembly or redevelopment of existing property.

Developers face challenges with walkable mixed-use projects due to the complex nature and program mix. Communities generally find it is not enough to change development codes to attract this kind of investment. Additional supportive policies are a critical factor in success for implementation of these types of projects. Appropriate sites and districts must be identified that are suitable for higher intensity development with land use controls that allow for flexible and dynamic approach to market in order to attract the interest of investors.

The existing LDC can be modified to address the regulatory impediments to producing mixed use projects. Areas of particular concern include limited locations where these projects are clearly allowed as of right and the need to engage in an uncertain or lengthened process for CO or PUD based approvals. Beyond land use designations, future revisions to the Code should allow for value capture that can come from this type of development via reduced infrastructure costs—particularly for parking. Shared parking and reduced parking

requirements that recognize internal trip capture can serve as an incentive to develop these types of projects. Amending the LDC to provide a dependable and favorable regulatory framework will be required in order to allow for the production of the types of projects identified in *Go2030*.

Section 7 Conclusion

This Diagnostic Report evaluates the City of Fargo's Land Development Code and highlights problem areas. Diagnostic reports serve as a foundation for short-term and long-term revisions to the LDC, not only to fix issues that are uncovered, but also they provide a framework for updating and modernizing regulatory standards. Overall, the LDC fails to implement the goals of the *Go2030* Comprehensive Plan in certain key areas. For example, the goal of creating walkable, mixed-use centers is only possible in a small portion of the City whereas *Go2030* strives to make this possible in areas outside of downtown.

Moving forward, LWC and City staff will work together to create a list of alternative actions to address the issues identified within the LDC. In coordination with the City planning staff, Planning Commission, Board of City Commissioners, residents, and stakeholders, LWC will create preferred alternatives for how the LDC may be updated, as well as a work plan for implementation.

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MEMORANDUM

TO: Fargo Human Relations Commission

FROM: Karin Flom, Assistant Planner

DATE: August 14, 2020

RE: July Staff Report

This agenda item is an effort to summarize and memorialize issues, concerns, or staff action related to the work of the Human Relations Commission since the last meeting. During the meeting, the Chair may open for discussion or questions concerning these items.

Staff Items

1. Local COVID-19 Response

Planning and Development Director Nicole Crutchfield continues to lead in coordinating education and quarantine support efforts for special populations through the Red River Valley COVID-19 Task Force. We continue to contract with local non-profits that provide direct support to community members.

Meanwhile, Planning staff is conducting research in preparation to use Fargo's allocation of CDBG-CV money. Planning Coordinator Tia Braseth has conducted over a dozen interviews with agencies to analyze their priority needs. A summary report of findings is included in the August packet.

2. Recommendations to Fargo City Commission

Last month, the Human Relations Commission (HRC) made several recommendations to the City Commission, including:

- 1) To accept the recommendation from the HRC to approve the Statement of Intent as coordinated with WeAreOne.
- 2) To recognize the recommendation from the HRC to create Juneteenth as a holiday and to support further work from city leaders, members of the community, and Human Relations Commission to further explore the details of how the holiday is recognized.
- 3) To approve the HRC 2020 work plan and priorities.

Included in the August HRC packet is a memo and supporting materials from Nicole Crutchfield's presentation to the July 27, 2020 Fargo City Commission. The City Commission approved all three recommendations. The HRC should continue to take action related to these items. Particularly, the HRC should engage with the community to identify the best ways to move forward with the Juneteenth discussion. In addition, HRC Chair Matuor Alier, City Commission liaison John Strand, Planning staff, and Police are beginning to meet to improve collaboration and think about strategies related to ongoing community conversations and broadening board membership.

3. Letter to Fargo Board of Education Regarding Woodrow Wilson High School

During the July 16, 2020 meeting of the HRC, community member Jim Shaw presented about the racist past and actions of Woodrow Wilson High School's namesake. The HRC voted to submit to the Fargo School Board the Human Relations Commission's recommendation that the name of Woodrow Wilson be removed from the high school. The letter was submitted to the Board of Education on July 20. A copy of the letter is included in the August HRC packet.

4. Letter to Fargo Board of Education Regarding Director of Equity and Inclusion

During the July 16, 2020 meeting of the HRC, members of the commission expressed concern related to the hiring process of Fargo Public School's new position, Director of Equity and Inclusion. The HRC voted to submit a letter detailing the Human Relations Commission's concerns to the Fargo School Board. The letter was submitted to the Board of Education on July 22. A copy of the letter is included in the August HRC packet.

5. Racial Covenant Update

During the public comment period of the June 20, 2019 Fargo Human Relations Commission, Fargo resident Gini Duval raised the question of whether a law or ordinance existed about prohibiting African Americans from living around St. John's Church. This issue is likely the result of what is known as a *racially restrictive covenant*. A memo detailing the legal history of these now-unenforceable covenants will be distributed during the August 20 HRC meeting. This memo will be submitted to the City Commission at a future meeting as a receive and file motion.

6. Sweat Lodge Update

Chief Arvol Looking Horse, Keeper of the Sacred White Buffalo Calf Pipe Bundle, will visit the sweat lodge over a weekend in September to help with a ceremony for the lodge's disassembly.

Moving forward, NAC Member Anna Johnson will help coordinate community conversations to determine a plan for how a community sweat lodge can be sustainable for the future.

7. Native American Needs Assessment

In partnership with the Native American Development Center, NATIVE INC. recently received a \$200,000 grant from the Northwest Area Foundation to conduct community needs assessments among Native American communities in Bismarck, Fargo and Grand Forks.

The project seeks input from Native Americans who have lived or currently lived in those areas in regards to what programs, services, resources and infrastructures are needed in those areas. Currently interviews are underway with key Native American stakeholders and focus groups are being created with the Native American populations in these areas to assess community leaders. Leaders said they should have a report of these community needs by the end of next year.

8. Police Chief Selection Committee

The Police Chief Selection Committee will publicly interview the final three candidates for the police chief August 20. Community members can watch the broadcast and livestream across the City of Fargo's channels and multimedia platforms. Chair Matuor Alier continues to serve as the Human Relations Commission representative, along with four at-large community members and one Native American Commission member. Other members include Mayor Tim Mahoney, Commissioner Dave Piepkorn, Fargo Public Schools Superintendent Rupak Gandhi, Park District Executive Director Dave Leker, city staff, and police officers. The City of Fargo press release is included in the August HRC packet.

9. HRC Vacancy Update

The City of Fargo posted a call for applications on Monday, August 4 for interested Fargo residents to submit an application for the vacancy on the HRC. Residents who submitted an application prior to Monday, August 17 will be reviewed by City Commission liaison John Strand and Chair Matuor Alier. Finalists will be contacted to participate in a virtual or phone interview. It is the intention of the selection committee to have a name to recommend to Mayor Mahoney in advance of the September 8 City Commission meeting. The new member would then attend the September 17 HRC meeting.

10. Public Comment During City Commission Meetings

During the July 27 City Commission meeting, inability to make public comment at the meeting and a lack of clarity about which items were open for public input led to frustration among members of the audience. Members of the HRC also expressed concern over these events and wanted clarity from staff about public comment during the meeting. In the wake of the July 27 meeting, the City Commission has now instituted a new public comment procedure. This includes a dedicated agenda item for open public comment and designating agenda items that are open for public comment as "*Public Input Opportunity*." A news release detailing these changes is included in the August HRC packet.

11. Event Planning for Martin Luther King, Jr. Day Celebration

Around this time of the year, event planning is generally underway for the HRC's annual MLK Day event. Due to the uncertainties of whether an in-person event in January will be possible, City staff are looking for ideas and guidance from members of the HRC on what an event in January could look like. If time allows at the August meeting, the chair will open the floor for discussion. Otherwise, this will be brought forward to the September HRC agenda.

12. ULAND Sponsorship Request

The United Liberian Association of North Dakota (ULAND) event, which the HRC approved a sponsorship request at its July meeting, has been postponed at this time. Planning staff will update the HRC when a rescheduled date is known.

Covid-19 Summary of Community Needs

As part of the work of the Red River Valley Covid-19 Task Force Education and Outreach subcommittee, several organizations that work with special and low-income populations were contacted. They were asked how covid-19 has impacted their organizations, how they were responding, and what gaps they were seeing and hearing from employees, partners, and clients. The following is a summary of the gaps, needs, and concerns heard, as well as a brief summary of each organization's current status in terms of covid.

Gaps, Needs, & Concerns Heard

- 1. Homeless quarantine/triple wave may hit homeless community** – evictions, increase in coronavirus cases, and winter. With the potential of rising cases this fall and limited isolation options, where are people going to safely isolate? Churches United, the only shelter in the metro that takes families (unless single parent fleeing domestic violence – goes to YWCA), is already at their winter overflow numbers. The others are up and down with capacity. Only 5-9 quarantine rooms in all shelters, 5 of which are in New Life's medical respite unit. All shelters have had positive cases since March. Other shelters at lower numbers partially because people are afraid to go to shelters in the midst of covid-19. Several have noted that this is not a shelter issue, this is a public health issue. Shelters feeling the weight to take on things that should be addressed by public health. Once the shelters take on public health items, they are likely to remain in the shelter's responsibility permanently.

Possible solutions heard?

- Drop-in/isolation center – Would need metro-wide effort to fit-up old Family Fare building in Moorhead as a drop-in, isolation, and overflow strategy. Also has a kitchen.
- Hotels – buy building, rent floor or rooms, but problematic for staffing (linear architecture constraints – hard to staff) and costly.
- Housing – get more people housed or keep them housed.

- 2. Evictions and lack of funding for housing assistance and homeless prevention** – despite additional awards of funding. State of ND's Rent Bridge program has helped, but also hearing that not everyone can access, not easy for landlords to navigate or sign up, and the number of applications significantly outweighs the funding available.

Possible solutions heard?

- More housing assistance funding needed (for direct assistance and added staff) for rent, mortgages, and utilities

- 3. Homeless healthcare** – mobile healthcare outreach is desperately needed to ensure that people who are homeless are being treated, addressing chronic disease, getting prescriptions, being tested if needed.

Possible solutions heard?

- Buy mobile outreach unit equipped with medical, dental, covid-testing, and PPE. Find people who are unsheltered.

4. **Food insecurity uncertainties** – without knowing the corona forecast, it's possible that food levels may drop. Pantry unable to have two of its major spring food drives and is already at the lower food supply months they see in the fall.

Possible solutions heard?

- Additional funding may be needed for food. Contactless food drive?

5. **New American/refugee needs** – in addition to housing assistance, other major needs heard include financial assistance for businesses, childcare, employment searching services, education/outreach services on coronavirus (e.g., signage in different languages, over the phone education, food delivery, PPE), and remote communication tools like phones, computers, and internet. Also hearing that community is experiencing a lot of stigma and fear. Members of the community do not want to get tested for coronavirus as a result. Some also related to being afraid of citizenship questions and the fear of being deported.

Possible solutions heard?

- Additional funding for direct expenses and educational outreach.

6. **PPE/added cleaning expenses** – while not everyone is in need of additional PPE, some agencies have dwindling supplies, with limited funds to add more, including the food pantry, New American/refugee community, Adult Learning Center, Arbors at McCormick, and Youthworks. Also, every agency is spending additional time and funds on cleaning routines, whether it is hired out or in-house between supplies and staff time.

Possible solutions heard?

- Additional funding or reimbursement from City to organizations building their own PPE kits.

Other Information Heard

1. **Mass testing** – State of ND and Family Health are pulling away from it and it never really made it to Moorhead in Minnesota. NDSU will be doing mass testing 8/18-8/23 for students, staff, and faculty.
2. **Masks/face coverings** – NDSU, everyone required to wear one when in class. Not mandated yet, but definitely in classroom for face to face teaching. State of Minnesota mandated mask wearing. City of Fargo has citywide mask recommendation.

3. **Clay County Public Health & Moorhead** – Clay Health is working on building trust in New American/refugee community and other marginalized people. Doing overall staff training on historical trauma.
4. **Lutheran Social Services** – Received ORR \$30,000 grant, most of which will go to PPE and they are willing to partner with others if there are needs.
5. **City of Moorhead and State of ND** – EDA grants for small businesses.

Organization Discussion Summaries – July 2020

Arbors & McCormick (formerly Community Homes) – Cleaning routines have been amplified in the common areas of apartment buildings (gloves are \$1/pair, very costly and hard to come by), had to hire outside cleaning service (unbudgeted expense), only emergency maintenance is being performed in units (i.e., toilets, fixtures, kitchen appliances, etc.), PPE is not readily available for tenants, office still closed (open by appointment only), currently working on partnership with ESHARA to deliver onsite, outdoor covid education to residents. No one will lose their apartment due to loss of income or employment. Office staff busy with income change reporting. Set up hotline for residents for information on basic services (i.e., childcare, food, employment, healthcare, testing, rental assistance, etc.).

Needs: PPE for residents; gloves for maintenance staff; funding for outside cleaning service; A/C system cleanout for air quality, education for residents (planning in progress).

Point of Contact:

Sarah Bagley, ED of Chisom Housing Group, sbagley@chisomhousing.org, (202) 422-0947

Great Plains Food Bank – Nationwide food supply chain, safety measures, and decrease of volunteers and food drives have substantially impacted the food bank. Having to purchase semi-loads of food to meet demand (25k per truck, needed 12 so far). Unexpected costs, limited food storage options, inability to continue food choice model for beneficiaries because of social distancing requirements (had to pre-pack boxes). Through August, people are able to get a produce box at Fargo Dome without income verification (drive-thru service). This is a partnership with the USDA's Farmers to Families program for people in need as a result of covid-19. Overall lull at moment, expecting surge after added stimulus and food benefits end on July 31. Increase in first timers (25%) and 44-79% increase in clientele at partner food pantries and the GPFB Mobile Food Pantry. Hired temporary staff. Not sure how much the need will be, but anticipating a surge after July 31.

Needs: Funding for food, supplies, truck, trailer, lift gate, and possible temp staff.

Point of Contact:

Marcia Paulson, CDO, mpaulson@greatplainsfoodbank.org, (701) 476-9101

Family Health & Homeless Health – Had to change to new model of care for patients, particularly with telehealth. Response has been entirely on covid itself. Just now getting back to somewhat normal operations. Dentists are on full, other health providers coming back slowly. It will be several months before all providers are back on site. Over a million dollars in lost revenue because there was a hold on patients with chronic disease management. Homeless Health was closed to be used as an isolation triage location for patients with covid symptoms and unsure when Homeless Health will be available again. Nurses are in shelters and mobile medical/dental/testing outreach is being considered. Unsure where people who are homeless are now and if they are still getting their needed treatment, especially with all the general gathering spaces closed and social distancing requirements. Red River Task Force doing covid testing onsite and disseminating care kits for those in quarantine.

Needs: Homeless mobile outreach (including funding for ongoing supplies to stock), funding to make up for revenue loss.

Point of Contact:

Patrick Gulbranson, CEO, pgulbranson@famhealthcare.org, (701) 239-2285

Churches United – Already at their winter overflow numbers. Shelter full every night, many women, guests with serious, untreated mental illness with really problematic behaviors that take a lot staff supervision and time. With potential of increase in covid cases, winter, and evictions, it's likely that both homelessness and covid could increase. Ideally, there would be a drop-in/overflow/quarantine option, could be a metro-wide effort to purchase and fit-up existing building or build new. Unsheltered people need access to warm food, water, laundry, showers, toilets, and other resources. Currently, passing out 90 sack lunches per day because kitchen closed (was 150/month pre-covid). Some bottled water donated. Overall, already stretched to the maximum.

Needs: Homeless quarantine/winter overflow/drop-in center, homeless prevention assistance (via service providers, to help people stay housed and out of shelters), legislative needs include mass testing capabilities in MN and keeping eviction moratorium in place, funding (hiring temp. staff, lack of volunteers), needs two HVAC units replaced.

Point of Contact:

Sue Kosterman, ED, pastorsue@churches-united.org, (218) 236-0372 #238

Youthworks – Access to emergency beds and housing (for youth over 18) is more limited during this time. Youth shelter (under 18) is at 35-40% full, trying to keep distance between youth. Not uncommon being at 40% in the summer. Shelter is likely to see uptick if schools open this fall. Greatest challenges are the distance guidelines (for health safety) to meet with youth face to face, the need to provide a lot of education on covid, and the extra staff hours needed to implement additional procedures in place (i.e., temps, screening, cleaning, extra outreach shifts, staffing for separate quarantine shelter, etc.). Drop-in process has been modified and was moved outside. Offering drop-in services 3 days a week for food, hygiene supplies, flip phones for safety, and services (grocery drop-off upon request). With no school, accessing services has been more difficult for youth. Some hotel vouchers through federal funding. Quarantine shelter space available for youth under 18.

Needs: Funding for hotel vouchers, to hire more PT staff, to offer hazard pay to street outreach team and shelter staff, and to get more PPE and cleaning supplies.

Point of Contact:

Jessica Fleck, Assistant Executive Director, jfleck@youthworksnd.org, (701) 232-8558

Emergency Food Pantry – Doing curbside model in parking lot. Unable to do food choice option as used in past, pre-packed boxes. Concerns about food waste with people not selecting their own food. Serving about 800-1000 families each month, down from 1000-1500 families pre-covid. Concerned that after benefits end July 31, there will be a surge. Early on, pantry was able to give more food so clients could go longer between food pick-ups. Pantry plans to do this again when clients or covid cases increase. Decrease in volunteers, concerned about volunteers moving forward. Providing masks to volunteers (required to wear) and offer to clients. Would like to install pager/intercom system so fewer people would need to be working a shift (many in parking lot checking people in, plus inside prepping food orders and sorting deliveries). Technology could streamline. Missed two spring food drives, supply already at fall levels, which is less than summer. Food supply line is taking longer than usual. If client is positive for covid-19, food baskets are delivered to door step as coordinated with client.

Needs: Funding for technology and pager/intercom system, food, toilet paper, soap, PPE.

Point of Contact:

Stacie Loegering, ED, stacie@emergencyfoodpantry.com, (701) 237-9337

FM Coalition to End Homelessness – Policy action and organizing people to call governor on eviction moratoriums. Staying on top of what's going on in MN & ND. Finding new ways of building relationships, not being a direct service provider, found ways to alleviate workload of direct providers (i.e., coordinating, planning, organizing meetings, calls, etc.). State of ND moved all homeless quarantine response to local control, hotel is offline but could be brought back quickly if needed. Shelter facilities are ill-suited for pandemics, architecturally and operationally. Shelters thinking about how they can be better suited to quarantine in the future. Helpful that it is summer so people can be outside, but winter is a concern, particularly with evictions coming.

Needs: Funding to add staff and adapt training online, generally secure funding (fundraising events have not happened), and to identify how to help partners with gaps and how to prepare for the future.

Point of Contact:

Cody Schuler, ED, cody@fmhomeless.org, (701) 936-7171

Lakes & Prairies Community Action Partnership – Limited face to face visits with clients, generally outdoors. Provided phones and phone cards, food, toilet paper, and other hard to find items to clients. Also offering client delivery. Seniors still getting commodity boxes. For housing program, advocates going to units and showing clients remotely or have rental manager show remotely. Homeless/prevention program completely over the phone. Homeless outreach is outdoors or over the phone if in a shelter. Expecting surge in callers with evictions. Many new callers/first time crisis situations; unaware of how to access emergency resources. Seeing very high bills and rents due because people are so far behind. About 50% of callers are in crisis resulting from covid-19. Two summer classroom for children (limited access based on numbers to space out). Families also facing childcare needs. Just started senior rural bus route program to get seniors to medical appointments for example.

Rainbow Bridge running again. Added whole family resource navigator position, which knows a little about every program, integrated with front desk. Adding two more staff to the Homework Starts with Home program for Moorhead schools.

Needs: Flexible direct assistance for housing/utility bills, transportation, childcare, deposits, etc., navigating technology, long term to connect people with living wage jobs.

Point of Contact:

Emma Schmit, Housing Director, emmas@caplp.org, (218) 512-1564

SENDCAA – Not as busy as expected, likely due to Rent Bridge and unemployment stimulus still in effect. This is now changing as eviction notices and utility disconnections are being issued. In addition, households who have already exhausted rent bridge but are still in need are now applying. People in poverty are in limbo and need help applying for unemployment, getting help with rent, getting food and assistance with childcare. Navigating needs through the phone has been difficult. Existing utility, weatherization, rental assistance, childcare, housing/homeless, and case management have all ramped up. Contracted with 211 to screen callers, a lot of first time callers. Have delivered food to seniors, but not those who are covid-19 positive. Salvation Army and Presentation Partners in Housing are doing their best but are facing the same issues as SENDCAA.

Needs: Direct assistance on basic necessities (i.e., rent, food, utilities, transportation, etc.), additional capacity.

Point of Contact:

Sarah Hasbargen, Self-Sufficiency Coordinator, sarahh@sendcaa.org, (701) 232-2452

Lutheran Social Services – Ended all in person interactions with clients (i.e., counseling, group sessions, gambling, New American), some suspended and some online. Some online programming has been successful, while some has been marginally successful. Phased reopening process will begin soon. Covid has impacted refugee services and basically their entire support system. The impact is both on the business and family side and is likely contributing to mental health issues. Concerned about this and abuse at home. Relationships between employers and employee are a concern, trust issues. Covid has been a stigma for refugees. For businesses, not able to access payroll protection program because of bank partnership requirements. Additionally, programs for loans and services, interest is an issue for Muslim culture. Struggle assisting remotely with internet or device set-ups for people who have not been using the technology. Remote counseling services does not work for kids under a certain age. School support online, but not as effective as in-person. Some of the clients struggling with technology will be able to call ahead and get services/access. Doing home visits on special occasions. Doing contact tracing in partnership with health department, connecting directly with families, close contacts, employers for the past two months. ESHARA and quarantine support is great for response. Also, it may be indirect, but on a global scale, refugees not coming to communities. Not sure how long that will be, only on emergency basis right now or for reunification.

Needs: Funding in general, becoming more efficient in program delivery, and PPE.

Point of Contact:

Dan Hannaher, Interim Director, New American Services, danh@lssnd.org, (701) 271-1604

New Life Center – Increased staffing. Have isolation dorm for covid-positive guests. All staff and guests getting covid tested every week onsite by National Guard. Greatest uncertainty is homeless quarantine. This is a public health problem, not a shelter problem. Performing contact tracing to best of their ability, while working closely with Cass Public Health. Had to close thrift store, loss of \$35,000 a month as a result. Not sure if they can hold fall fundraiser in October, \$150,000 revenue budgeted for that event. Access to more mental health counseling for employees in this field would be ideal.

Needs: Funding for increased staff, handwashing station, and supplies (doing okay with PPE).

Point of Contact:

Rob Swiers, ED, rob.swiers@fargonlc.org, (701) 532-4441

Presentation Partners in Housing –

Housing Navigation Program: Services have not changed, just how they are provided. Mostly everything virtual, limited face to face. Internet and telephones provided to clients, with updated minutes each month. Assisted with prescription fills so they clients could stay home, delivered a lot of food in beginning, food cards and bus passes were also provided early on.

Financial Assistance Program: This service is being provided virtually and via phone. Many working poor people with 1-2 minimum wage jobs, denied unemployment. Single parent households had to quit work to homeschool, fallen behind on many months of rent. First Link referring clients, as well as Dakota Medical Foundation and local news at times. In June, 48% of applicants were first time applicants. There has been a drop in people applying, but the level of need people have is much higher. People are much farther behind on rents than in the past. Need to get prevention/diversion program up and running to get people housed. Unsheltered homeless will be the focus. Much funding has gone to shelters, food, and covid.

Needs: Funding for staff on front end prevention, direct assistance to clients (i.e., housing, rents, utility bills, food, communication devices, transportation, etc.), and more PPE.

Point of Contact:

Cheri Gerken, ED, cheri@fmppih.org, (701) 730-4556

YWCA – No volunteers onsite, lost revenue from thrift store, unable to take in-kind donations. There are a lot of added processes, at one point staffed a hotel site for quarantined people who were homeless and fleeing domestic violence. Need new quarantine space because State of North Dakota is backing away from engagement and need to come up with community solution. Has some quarantine space at shelter, but not with private showers and toilets. Uptick in domestic violence reports because people are stuck at home together, up 19% from same time period as last year. At quarantine capacity with CDC guidelines and expecting surge. Unable to do fundraising events. Offering food baskets and added pop up food pantries in West Fargo and Fargo. Offering transportation and boredom kits for kids and adults.

Needs: Quarantine space for homeless, storage space for apartment furnishings, exploring private bathroom/shower renovations to provide better quarantine options, increase capacity, funding to staff non-YWCA properties with case managers.

Point of Contact:

Erin Prochnow, CEO, eprochnow@ywcacassclay.org, (701) 232-2547

United Way – Has a coronavirus response fund. Raised 80k, all going to homeless diversion and prevention initiative. This is a partnership between CAP agencies and Presentation Partners in Housing. Proactively working on ways to ensure to share work with the community. If people do not go back to work or there is another shutdown, wants to ensure they can still share message and impact with people across community. Developing ways to engage companies with digital fundraising content. Goal is to prevent and divert families from homelessness and support the nonprofit community overall-a long term shut down will ripple effects in this sector, especially in terms of fundraising and nonprofits' ability to deliver services (i.e., health services, after school programming, homelessness, senior programs, food, etc.). ESHARA partners are helpful. General education for New Americans is lacking in response to covid. Concerned about shelters and winter overflow with Churches United at capacity now. Concerned about added benefits (federal unemployment, eviction moratoriums) ending and the impact it will have on individuals potentially experiencing homelessness.

Needs: Add staffing positions to the homeless prevention and diversion programs. Prevent onslaught of crisis. Employment, childcare, etc. Incentivize Landlord Risk Mitigation Fund.

Point of Contact:

Thomas Hill, VP Community Impact, THill@unitedwaycassclay.org, (701) 237-5050

Lake Agassiz Regional Council – concerned about smaller communities operating in a more “back to normal” way (i.e., open bars and restaurants, little PPE and mask wearing, etc.). Things are a lot different than in Fargo. This could lead to spikes in covid. Overall, agency is focusing on small business loans. Businesses that really need the funds are not the ones getting it due to access issues. They are trying to help those owners through loan processes. They see an uptick in people seeking their

programs. Added one staff member and plan to add another depending on a grant. Eventually wants to partner on micro lending for New American/refugee businesses.

Needs: Unrestricted loan funds, add staff member.

Point of Contact:

Amber Metz, ED, Amber@lakeagassiz.com, (701) 235-1197

City of Moorhead – Agency impact, relied on typical FEMA model as a response, but unsure if it was effective in getting the work done that needed to be done for a pandemic. Covid is not a cyclical problem like a flood, so planning and response was different than a previously experienced emergency. A covid command team was developed and it meets weekly. The team and those that updated the team on a regular bases include Moorhead Public Service, Downtown Moorhead Inc., Emergency Management, department leadership, and the City Manager. Trying to figure out how to re-open City Hall. Architectural barriers making it difficult (i.e., 2 elevators, high rise, small lobbies, small Chambers, etc.). Installing counter shields, supplying face masks, sanitation stations, sanitation services, etc.

In a public comment period until August 3 for CARES Act funding. Proposing 2 million of it goes to small business and community/non-profit organization support. Also seeing areas of need in childcare, housing payments, and food insecurity. Using CDBG-CV for housing assistance through Lakes & Prairies CAP and broadband access in partnership with Clay County HRA.

Did an emergency ordinance to house more than 4 unrelated in duplex next to Dorothy Day House operated by Churches United. More vulnerable populations were housed in duplex, not necessarily those with symptoms. Services next door at Dorothy Day. Churches United was able to send some guests needing quarantine to a hotel in Moorhead. City of Moorhead Police Department worked with the organization and security measures at the hotel.

Needs: Business support and re-opening City Hall.

Point of Contact:

Joshua Huffman, CD Program Administrator, joshua.huffman@cityofmoorhead.com, (218) 299-5375

New American Consortium –

Social Services Support: Seeing increasingly high need for day-to-day living expenses. Many people out of jobs, even more difficult with school starting up and kids needing more attention with distance learning. Unemployment Benefits not making ends meet, especially with larger household sizes; Leniency from landlords, utility companies, etc. no longer offered, and have had poor success with eligibility with other assistance programs.

A handful of clients have been COVID-positive, and is a growing concern as social gatherings increase. Some prefer home remedies to hospital treatment. If there are active cases in the community, knowing they can receive some assistance for their family during positive quarantine time with the criteria of

being tested and confirmed will motivate individuals to seek testing, and then they can get linked with ESHARA and help provide a safety net.

Distance Learning Support: To this point, all financial aid and effort has been focused toward working adults; youth have been forgotten; they are struggling immensely with academics and mental health, especially minority children. Through early-COVID \$10K grant from FMAF, the Consortium has been running one of only virtual mentoring programs. Many mentees early on expressed depression, so they quickly adapted to virtual programming. They want to pay stipend for mentors; dependent on volunteers but recruitment has been hard.

PPE: More masks, hand sanitizers, thermometers to distribute would be helpful. Within two days of August, they distributed 50 masks.

Needs: Flexible direct assistance for housing/utility bills, transportation, etc., funding to hire more case managers; funding to hire mentors for students; PPE for clients


Point of Contact:

Maryann Allen, Executive Director, Mallen@aipinitatives.org, 701-478-3636

Last updated 8.11.20

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR 

DATE: JULY 22, 2020

RE: HUMAN RELATIONS COMMISSION REPORT OF ACTION TO INCLUDE STATEMENT OF INTENT, JUNETEENTH HOLIDAY, AND 2020 WORK PLAN.

The Human Relations Commission has been involved in the ongoing community actions and discussions brought forward by concerned individuals and organizations such as WeAreOne (formerly "OneFargo") and Black Lives Matter. This report summarizes actions taken or recommended by the HRC at its last two meetings, including: approving the WeAreOne Statement of Intent, recommending Juneteenth as a holiday, and adopting the 2020 work plan.

Beginning in early June, community organizers and local government representatives identified a need for ongoing dialog and frequent information sharing with the community. The effort included representatives from WeAreOne, the City of Fargo Mayor's Office, and the cities of West Fargo and Moorhead. The parties collaborated on drafting a Statement of Intent, which is a pledge to this coordinated metro-wide effort as well as recognition of the additional work needed. The Human Relations Commission unanimously approved this Statement of Intent on July 16 and recommended its approval by the Fargo City Commission. Staff understands additional coordination will need to occur with West Fargo and Moorhead leadership.

On June 18, the HRC held its first meeting since the outbreak of the pandemic. While each HRC meeting holds a space open for public comment, the June 18 meeting was particularly well-attended and resulted in an hour and a half of public dialog. Over a dozen comments and questions were raised (a summary is attached). One of the comments was a call for the recognition of Juneteenth as a holiday. During the meeting, the HRC unanimously approved Juneteenth be recognized as a holiday.

The Human Relations Commission adopted its 2020 work plan at its July 16 meeting. The work plan is the result of strategic planning efforts which began in early 2019. The Planning Department conducted strategic planning sessions with the assistance of a consultant to update the Commission's mission and vision statements. Once this work was complete, Planning staff assisted the HRC in drafting a work plan through consensus building. The plan was ready to be adopted earlier in 2020 but was delayed due to the pandemic.

Attached for review is the Statement of Intent, June 18 HRC meeting public comment summary, and the HRC 2020 work plan.

The Planning Department is making the following recommendations:

Recommendation 1:

To accept the recommendation from Human Relations Commission to approve the Statement of Intent as coordinated with WeAreOne.

Recommendation 2:

To recognize the recommendation from Human Relations Commission to create Juneteenth as a holiday and to support further work with city leaders, members of the community and Human Relations Commission to further explore the details of how the holiday is recognized.

Recommendation 3:

To approve the Human Relations Commission 2020 work plan and priorities.

STATEMENT OF INTENT & AGREEMENT

“WeAreOne”

THIS STATEMENT OF INTENT & AGREEMENT is made and entered into by and between the CITY OF FARGO, a North Dakota municipal corporation (hereinafter “Fargo”), the CITY OF MOORHEAD, a Minnesota municipal corporation (hereinafter “Moorhead”), the CITY OF WEST FARGO, a North Dakota municipal corporation (hereinafter “West Fargo”), and the organizers of OneFargo (hereinafter “OneFargo”).

Acknowledging the Past

The cities of Fargo, Moorhead, and West Fargo acknowledge the past. There is a deep and complex history in the United States that has disproportionately – and at many times negatively – impacted members of our communities and citizens of this country. Fargo, Moorhead, and West Fargo acknowledge this past and pledge our steadfast commitment to ensuring the lessons learned from this past in our country, region, and cities are never forgotten.

Understanding the Present

The Fargo-Moorhead-West Fargo metropolitan community acknowledges recent national, regional, and local events in 2020 that have contributed to fractures in relationships between community members. Specifically, the event of May 30, 2020 serves as a reminder of our shared responsibility, as members of the community and citizens of Fargo, to bring its people together. At this time, more than ever, the metropolitan area requires healing and significant social change to bring our community back together and make it a better place for all of its citizens, regardless of race or national origin.

A Commitment to a Stronger, Unified Future

Unifying Fargo, Moorhead, and West Fargo, by bringing people together and committing to genuine, lasting social change, are the guiding principles of “WeAreOne”. In this regard, WeAreOne is not about a single moment in time, but rather a sincere commitment to ongoing dialogue, open communication, and trust building in the community.

NOW, THEREFORE, based upon these premises and mutual covenants herein stated, it is hereby agreed:

Section 1. Establishment of WeAreOne. For the purposes of communication, trust building, and productive future dialogue, the parties agree to establish the WeAreOne initiative. WeAreOne will serve as an organizing framework and venue to bring together the voices of governmental leaders in Fargo, West Fargo, and Moorhead with those from the historically underrepresented African American community of the metropolitan area.

Section 2. Regular Meetings.

- WeAreOne will meet regularly to identify topics of mutual interest in the community, particularly as they pertain to Black, Indigenous, and People of Color (BIPOC) including but not limited to:
 - Community policing
 - Safety
 - Outreach, communications, and inclusion
 - Economic opportunities
- Meeting agendas and discussion topics will be developed jointly by the organizers of OneFargo and the cities. Through a collaborative process, the committee members of WeAreOne will direct focus and attention on issues that are important for the community at large to discuss.

Section 3. Reports. Good faith efforts shall be used to communicate the progress of WeAreOne to the constituencies of the entities, including the Fargo City Commission, Moorhead City Council, West Fargo City Commission, the Fargo Human Relations Commission, and the greater metropolitan community. The WeAreOne initiative will continue in effect so long as the parties mutually consent and agree to dialogue through this framework.

Section 4. Effective Date of Statement of Intent & Agreement. This Statement of Intent & Agreement shall be deemed effective June 5, 2020.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

OneFargo Organizers

By: _____

By: _____

By: _____

By: _____

CITY OF FARGO, a North Dakota municipal corporation

By: _____

Timothy J. Mahoney, M.D., Mayor

ATTEST:

Steven Sprague, City Auditor

CITY OF MOORHEAD, a Minnesota municipal corporation

By: _____

Johnathan Judd, Mayor

ATTEST:

Christina Volkers, City Manager

CITY OF WEST FARGO, a North Dakota municipal corporation

By: _____

Bernie Dardis, Commission President

ATTEST:

Tina Fisk, City Administrator

Question	Action or Follow-Up Item	Action to Date Summary
TOPIC: FARGO POLICE DEPARTMNET POLICIES		
Why are there no body cameras in the Fargo Police Department?		
When will trainings for police take place that are more comprehensive than cultural diversity or “handling” people of color?		
Is there a way a police officer could anonymously report a colleague if they have a concern about their behavior?		
What are local policies about chokeholds and no-knock warrants?		
Does the gang task force still exist? What is the background of police department’s involvement?		
What is the police’s use of force policy and practices? What are the standards, how does that compare to other police departments?		
What does training look like for School Resource Officers? What are the policies? Who are contracts with? How can parents voice concerns?		
TOPIC: BUILDING TRUST BETWEEN COMMUNITIES OF COLOR AND THE POLICE AND GOVERNMENT		
How can the Fargo Police Department hire more people who are representative of the community? Can there be a Community Police Officer, someone who can translate and help immigrants feel more comfortable with police?		
How can trust be built between the police and the community?		
How can investigations of the Fargo Police Department or its officers be conducted independently?		
What does transparency in the Fargo Police Department, and local government generally, look like?		

How can government and police leadership engage the community on issues such as feeling unwelcome or feeling uncomfortable with police?		
How can local government engage student associations for students of color (for example the NDSU Black Student Association) in community conversations?		
TOPIC: RACIAL DISPARITIES IN JUSTICE AND POLICING		
What is being done about over-policing in black communities?		
What is being done about frequent traffic stops on immigrants?		
Why is there a racial disparity with the juvenile justice system in the Fargo area?		
What is the racial disparity in bail bonds locally?		
How can we include identities that intersect with race in the conversation, such as LGBTQ+?		
TOPIC: MOVING TO ACTION		
How can we move beyond having a conversation about these issues, and move to action?		
What does it look like for us to have a state holiday of Juneteenth, rather than just a celebration of Juneteenth?		
How can we act with urgency and intention to disparities in our community?		
What changes need to be made short, mid, and long term to improve inclusion at every level of our lives, society, and government? How can this process be accountable? What laws are needed at the state and national level to back this work?		
How can the Fargo Human Relations Commission take action on its good intentions?		
How can we engage K-12 education on these topics and issues?		

2020 Work Plan

Fargo
Human
Relations
Commission

Work Plan Framework

Goal 1: Create a more inclusive community via formally protected rights.

Strategy: Discrimination Complaint Audit

Goal 2: Increase and promote diversity, equity, inclusion, and anti-discrimination practices within City government.

Strategy: Bias Assessment Tool

Goal 3: Promote and grow community-wide efforts related to advancing diversity, equity, inclusion, and anti-discrimination.

Strategy: Inclusion & Equity Study

Strategy: Strategic Programming & Events

Goal 1:

Create a more
inclusive community
via formally
protected rights.

Discrimination Complaint Audit

Outcome: A clear process for the public and staff to follow when instances of discrimination occur.

Audit discrimination complaints in order to inventory the procedural steps available to the public leading to an inventory or database in order to obtain data and evidence of discrimination.

Who:

Multiple parties to conduct the work in phases. Conduct the work in subcommittees with volunteers with staff assistance.

Why:

Procedurally we need to be able to communicate to public members about the tools we have so that we can better understand roles and accountability. We also need to understand if we need better tools to identify room for improvement or change.

How:

Through audits and “secret shoppers” we can collaborate with our partners in police, state agencies, federal agencies, local non-profits and citizen groups.

When:

Monitor project quarterly. Sub-group meets and collaborates monthly through a board member liaison.

Discrimination Complaint Audit

Work Plan Items

- Hold task force kick-off meeting to assign tasks and establish timeline.
- Organize data in Human Relations “Discrimination Inquiries” digital folder

Research & interview community partners to gather information such as historical complaint data, complaint processing and referrals, outreach strategies, and gaps

- in recourse and enforcement options for discrimination complaints.

Potential organizations or agencies include:

Freedom Resource Center
ND Legal Services
State Bar Association
ACLU
FirstLink

High Plains Fair Housing
Fargo Police
Somali Community Development
ND. Dept. of Labor and Human Rights

- Research and interview best practices by similar cities to learn how they process and archive discrimination complaints; what enforcement tools they have; and what is working or not.

Moorhead, MN
Sioux Falls, SD

Grand Forks, ND
Minneapolis, MN

- Create flow chart demonstrating which complaints are best suited for which community resources, as the system currently exists. Create communication plan for general public to understand this process.
- Summarize findings on gaps in the current system, if any. How effectively do complaints get resolved? How aware is the public on the processes available?
- Draft report summarizing task force recommendations on which data archiving, complaint processing, communications, and/or enforcement tools the City of Fargo should implement.

Goal 2:

Increase and promote diversity, equity, inclusion, and anti-discrimination practices within City government.

Bias Assessment Tool

Outcome: Implement a bias/multicultural assessment tool within City departments.

A bias assessment tool identifies an individual's and organization's ability to operate in a multicultural setting and identifies areas for improvement.

Implementation of an assessment tool across City government would provide for better understanding of where we are with these best practices as an organization and brings opportunities for education and awareness.

Who:

Invite non-profits, government agencies and experts in our community to introduce these tools and collaborate with city leaders for use within the City of Fargo organization. City staff led in conjunction with board member liaison as champion/leader and city commissioner liaison.

Why:

By learning where our barriers are we can identify opportunities for change and improvement for a stable workforce that is representative of the community it serves. It can also be a demonstrative tool for our community partners.

How:

Invite leaders and knowledge experts in the community and from the HRC to demonstrate these tools to city leadership. Partner with local non-profits, local universities and local employer groups to lead in subject matter.

When:

Monitor project quarterly. Sub-group meets or reports back monthly and collaborates back to the HRC through a board member liaison.

Bias Assessment Tool

Work Plan Items

- Hold task force kick-off meeting to assign tasks and establish timeline.
 - Identify Fargo-area organizations that have utilized a multicultural or bias assessment tool.
 - Identify the most appropriate person(s) at these organization who are the most knowledgeable about the organization's use of the tool.
- Interview representatives of the companies identified in the previous step to gather information such as the particular assessment tool used; cost of the assessment; scale of the assessment within their organization; what goals did the organization have in implementing the assessment; results of using the tool; etc.
- Compile the findings as "case studies." This case study report should be made available to the public so other companies in the Fargo area can understand the value of a multicultural assessment tool and follow-up training.
 - Analyze the case study findings to learn the types of multicultural assessments available and what goals and priorities are best met by certain assessment tools.
- Work with City of Fargo Department of Human Resources to advocate for the importance and value of a multicultural assessment tool implemented across all City of Fargo departments.
- Work with City of Fargo department heads and other key governmental stakeholders to understand their goals and priorities with implementing a bias or multicultural assessment tool.
 - Implement the use of the assessment as a "pilot study" within Planning.
 - Scale implementation of the assessment within more City of Fargo departments.

Goal 3:

Promote and grow community-wide efforts related to advancing diversity, equity, inclusion, and anti-discrimination.

Inclusion & Equity Study

Outcome: Adopt a community-wide Welcoming Plan.

A welcoming and belonging-visioning plan that is created and adopted by year end 2021. The welcoming plan serves as a citizen led strategic plan for confirming a holistic embracement towards citizen belonging and citizen led community development.

Who: Staff led through consultant and academic knowledge experts. Partnering with private foundation sponsorship and national expertise for the purpose of a strategic plan that is representative of community members' vision for Fargo.

Why: A strategic plan focused on belonging and welcoming provides an opportunity for messaging and communication based on citizen focused needs to align city and public agency with the community-at large.

How: Staff will craft a specific work plan through partnership with a consultant. To include creative strategies and unique and customized public engagement.

When: Weekly staff meetings, bi-weekly subcommittee work, and monthly reporting to HRC.

Inclusion & Equity Study

Work Plan Items

- Bring together like minded groups who are taking on similar initiatives.
- Establish unique city's perspective to differentiate between the other interest groups (if needed).
- Bring forward priorities of the Kresge Foundation grant and other initiatives funding priorities.
- Create an awareness building symposium highlighting local leaders and knowledge experts for community wide conversation.
- Highlight city initiatives through public arts demonstrations.
- Highlight communication messaging.
- Conduct survey and needs assessment.
- Align messaging with MLK Event, and other city supported initiatives.
- Work with City and peer agencies on messaging.
- Through needs assessment integrate priorities into city-wide work plan.

Strategic Programming and Events

Outcome: Sustainable community events with a clarified role for the Human Relations Commission.

Coordinate with partners to determine future of annual cultural programming and events and strategize City of Fargo's and HRC's role in cultural programming and annual events.

Who: Board member led with staff support. Collaborating with Pangea, Cultural Resources Diversity Center, Police, Fargo Health, State agencies, and other community groups.

Why: Clarify roles of board members, liaisons and community needs as we grow into a larger city with more complex issues. Identify roles for the City, HRC, board member and staff as we collectively serve as partner, leader, or sponsor contemplating the larger metropolitan area and limited resources.

How: With a subcommittee of HRC members and staff support identify methodology for evaluating and recommending future structure for considerations. Inventory, schedule and strategize City of Fargo's and HRC's role in cultural programming and annual events. Determine sustainable and adaptable community structures based on standardizing roles (apart from individual personal roles and commitments) as best as possible. Itemize methods for supporting partners for their sustainability as well.

When: Report monthly or as needed to the HRC. Recommend future changes for consideration in 2020 and 2021.

Strategic Programming & Events

Work Plan Items

- Hold task force kick-off meeting to assign tasks, establish timeline, and identify key interview questions.
- Research City of Moorhead and City of West Fargo's level of involvement and funding in cultural events and possibly interview staff/officials.
- Interview program planners of local cultural programming and events to understand an organization or event's strengths, weaknesses, opportunities, and threats. Example events or organizations could include:

Pangea
Welcoming Week
MLK Day

Native American Festival & Education Series
Multi-Ethnic Summer Picnic
Community Table

- Interview the Mayor on his priorities for City involvement with cultural programming.
- Define criteria for possible tiers of involvement for City of Fargo, e.g. Primary Leader/Partner/Sponsor/Booth Runner. Criteria examples include:
 - 1) Impact: How well does the event directly execute the HRC's specific goals?
 - 2) Public Relations/Reach: How valuable is it to have City of Fargo's name attached to this event? How many people does it reach? Is it an audience that otherwise wouldn't know about HRC?
 - 3) Public Feedback: How possible is it for City/HRC to use this event to gather direct feedback from citizens on their needs? Is it an audience that otherwise wouldn't know about HRC?
 - 4) Equity: How equitable is access to the event? Who is the audience year after year?
- Using these criteria, complete attached ranking chart to evaluate the best level of involvement for the City of Fargo in each local cultural event for 2021 into foreseeable future.
- Draft short paper to summarize findings, criteria rankings, and recommendations.

July 20, 2020

Rebecca Knutson
President, Fargo Board of Education
415 4 St N
Fargo, ND 58102

RE: Woodrow Wilson High School Name

Dear President Knutson;

During the July 16, 2020 meeting of the Fargo Human Relations Commission, the commission heard a presentation from community member Jim Shaw regarding the name of Fargo Public Schools' Woodrow Wilson High School.

Mr. Shaw presented on the racist policies enacted by Woodrow Wilson during his presidency, particularly the segregation of Black and African Americans in the federal workforce. Racist sentiment and actions such as mobs and lynchings also increased during this time, emboldened in part by Wilson's policies. Mr. Shaw previously wrote a column on this topic which is attached to this letter as a brief summary of his presentation. Mr. Shaw's full remarks at the meeting may be viewed at the City of Fargo's Facebook page, YouTube channel, and directly on the City of Fargo's website (<https://fargond.gov/city-government/boards-commissions/human-relations-commission/meeting-videos>).

The last few months have seen renewed conversations in government and private organizations to address symbols of racism and hatred that exist in statues, monuments, and names. As a result of sustained demonstrations and advocacy, these conversations have resulted in action by some institutions. Recent examples include the retirement of the Washington NFL team's name and logo; the removal of Confederate statues in cities and government buildings across the U.S.; and the removal of Woodrow Wilson's name from Princeton University's School of Public and International Affairs.

At the conclusion of Mr. Shaw's presentation and after additional words and testimony and support by community members Faith Dixon and Ritchell Aboah, Matuor Alier motioned "to submit to the Fargo School Board [the Human Relations Commission's] recommendation that the name of Woodrow Wilson be removed from [the] high school." Cheryl Schaeffle seconded the motion. It was approved unanimously by the Human Relations Commission members in attendance.

The Fargo Human Relations Commission urges the Fargo Board of Education and Fargo Public Schools to join the many cities, states, and organizations across the country and recognize that racists do not deserve the honorifics of statues, monuments or having buildings or institutions named after them.

Sincerely,

Nicole PATA on behalf of

Matuor Alier

Chair, Fargo Human Relations Commission

cc: Superintendent Dr. Rupak Gandhi; Mayor Tim Mahoney; Commissioner John Strand

OPINION

Shaw: It's time for the Woodrow Wilson name to go

Written By: Jim Shaw | Jul 4th 2020 - 10am.

Accessed from: <https://www.inforum.com/opinion/6558134-Shaw-Its-time-for-the-Woodrow-Wilson-name-to-go>

It is terrific to see many symbols of racism come down in recent weeks. From banning the Confederate flag at NASCAR races to removing the statue of former Minnesota Twins owner Calvin Griffith to changing the name of Aunt Jemima pancake syrup, we're moving in the right direction. At Princeton University, they have rightfully removed the name of Woodrow Wilson from its public policy school.

Now, it's Fargo's turn. It's time to rename Fargo's Woodrow Wilson High School. I brought this up three years ago, but at that time, the country's history of racial injustice was not on the radar. Now, it is. Wilson was a despicable racist. Some will argue that Wilson was a product of his times, but that's not true. Wilson went far beyond the racial attitudes and policies of the 1910s.

African Americans had been working alongside white Americans in federal offices for decades when Wilson became president in 1913. Wilson changed that. He authorized the segregation of many government agencies. African Americans now had to work in screened-off work areas. Some Black employees were put in cages to work. Those Black workers were also no longer allowed to eat in the same lunchrooms as white workers or use the same bathrooms.

Many African Americans were demoted or fired from their jobs. Wilson himself refused to reappoint 12 Black Americans in patronage positions, and fired 15 Black supervisors in the federal service. He replaced them with white people. Federal departments refused to hire African Americans. Black leaders were furious about the changes, and met with Wilson to tell him segregation is humiliating. Wilson responded by saying, "Segregation is not humiliating, but a benefit," and told them to leave.

Beyond that, under Wilson, there were thousands of George Floyds in the U.S. Inspired by Wilson's policies, white mobs repeatedly attacked African Americans. In 1919 alone, there were more than three dozen race riots across the U.S. Wilson did virtually nothing to stop them. White men randomly beat African Americans and destroyed their businesses. Hundreds of African Americans were lynched, drowned or shot to death.

The worst incident was in Arkansas, where about 240 African Americans were killed. One of the victims was Leroy Johnston, who was wounded in the World War. Johnston and his three brothers were pulled off a train and shot dead. On top of that, 79 black people there were put on trial for alleged crimes. They were all convicted by all-white juries. The NAACP sent a telegram to Wilson, begging him to make a statement to condemn the mob violence. Wilson said nothing.

It is hypocritical for Fargo to have one high school, Davies, named after a man who ordered integration, and another high school named after a man, Wilson, who authorized segregation. Concerned citizens should take this issue to the Fargo School Board. Fargo school officials have now promised to emphasize racial equality. If they really mean it, they will remove the name of an ugly racist from one of our schools.

July 22, 2020

Rebecca Knutson
President, Fargo Board of Education
415 4 St N
Fargo, ND 58102

RE: Hiring of Director of Equity and Inclusion

Dear President Knutson;

The selection of the new position for the district – Director of Equity and Inclusion was announced by the Fargo Public Schools to be Tamara Uselman. While I don't doubt Ms. Uselman's work experience may be broad and have a good depth of understanding of education as a whole, the role of the job in question requires a depth of understanding that she likely lacks, and that is lived experience with racial inequity and racism.

The Director of Equity and Inclusion is responsible for developing, implementing, administering, and monitoring several programs that focus on equity, diversity, as well as inclusion for the Fargo Public Schools. The person responsible for handling these tasks should be an individual who represents said diversity and inclusion, who can display a lived experience that is similar to what is portrayed within the student body. It is not doubted that she is a consummate professional; however, that is not what is being called into question. BIPOC youth are absolutely accustomed to seeing faces unlike her own in roles such as this, and such hires often serve to further alienate them in a system that already puts them at a disadvantage.

If students experience microaggressions, hostility, or harassment due to their race, religion, gender identity, sexual orientation, or disability, why would they expect or trust Ms. Uselman to take these complaints seriously or give them the due diligence they deserve? Even if she is the best advocate in the world, there are people who will never set foot in her office because why would she be any different? We would like to see an individual in this role who has a proven track record of efforts made to create a safe space for marginalized populations, a person who they can look to and see themselves reflected.

According to our own data from the North Dakota Youth Risk Behavior Survey, approximately 24% of students are non-white, which means that between LGBTQ+, and non-white students, roughly 30% of the student population is not white, cisgender, or heterosexual. Also, more than half the students don't believe there are clear rules or consequences for behavior (i.e., bullying based on sexual orientation or gender identity). They do not believe there is accountability in the system that will protect them, and they have no reason to believe Ms. Uselman would be any different than the structures that are already failing them. The data shows that LGBTQ+ and BIPOC youth are more likely to experience bullying among many other negative outcomes, which shows the many ways our schools are already failing them.

The United States of America is a nation where issues of diversity have been in discussion for centuries. Right now, the country is embroiled in discussions addressing all of the systems which benefit white people over Black, Brown, and Indigenous people. Hard questions are being asked, and we are not immune to those questions. Racial and other forms of diversity in workplaces, recruiting & promoting individuals of color, and many other structures and the biases that impact them are rightly being scrutinized because our children need and deserve for us to give that due diligence.

The Director of Equity and Inclusion in the Fargo Public Schools should be a person of color. BIPOC youth have been vastly underrepresented in our school districts as a whole. For a key position such as this one to continue that pattern is unacceptable. As the position's description defines, this is a position where the individual in it should accurately represent equity and inclusion. This position belongs to a person of color. Lived experience with racial injustice and an understanding of the small and large ways that bias shows up in our daily lives is crucial for the children this position purports to serve. Several people of color with qualifications similar to Ms. Uselman's, as well as an established relationship with our BIPOC communities had applied for the position. This calls into question what the deciding factor was.

The message this selection sends to our diverse communities is one of disregard and lack of understanding of whom the school district actually serves. Marginalized groups have suffered denial of access to learning institutions with abundant academic resources. Historically, these people have been disadvantaged and oppressed. The Director of Equity and Inclusion needs to be a person who is responsible for closing these educational inequality gaps and who in addition to their qualifications, can intimately understand and relate with the struggles that students belonging to marginalized groups go through. Such disparities can lead to huge differences in educational efficiency, outcomes, and success of these persons, and ultimately impacts social and economic mobility.

Tamara Uselman is a qualified individual; however, she is not fit to be the Director of Equity and Inclusion in the Fargo Public Schools faculty. Hiring her as the director will only prove that the oppression of minority groups is not coming to an end.

Sincerely,  (on behalf of)

Matuor Alier
Chair, Fargo Human Relations Commission

cc: Superintendent Dr. Rupak Gandhi; Mayor Tim Mahoney; Commissioner John Strand

City News Room



The City of Fargo Police Chief Selection Committee Announces Three Finalists

08/07/2020



The Fargo Police Chief Finalists

The City of Fargo Police Chief Selection Committee is announcing three candidates for advancement as finalists.

John Franklin, Stacy Kelly and David Zibolski have accepted invitations to the multi-day in-person interview process, with the Selection Committee conducting public interviews on August 20 in the Fargo City Commission Chambers. These interviews will be broadcast and livestreamed across The City of Fargo's channels and multimedia platforms. The Police Chief Selection Committee will be asked to recommend a candidate to the City Commission at the conclusion of the interview process.

City of Fargo Human Resources Director Jill Minette stated, "The breadth of experiences and educational attributes of these candidates are of high caliber. In the next few weeks, we look forward to welcoming them to Fargo and assisting the Committee in its search to find the most qualified leader for the Fargo Police Department."

A total of 26 applications were received for the position and reviewed by the Police Chief Selection Committee. The committee virtually met in executive session with seven candidates this week to discuss their applications.

The fifteen members of the Police Chief Selection Committee will make no further comments about the process at this time. Biographies of the finalists are listed below.

John Franklin | Chicago, Illinois

John Franklin has worked in the law enforcement field for more than 30 years, beginning his career with the Chicago Police Department, serving as patrolman, sergeant, lieutenant and commander. Throughout his career as a Chicago Police Department supervisor, Franklin led several investigative units, such as Narcotics Conspiracy Teams, along with gang and gun investigative units. Upon his retirement from the CPD, he took up a new career as an adjunct professor of criminal justice at a college in Chicago. During that time, he was hired as the Chief of Police for the Village of Dolton, Illinois, a suburb of Chicago, where he served for two years. Franklin significantly lowered rates of burglaries and all incidents of violent crime in Dolton. In 2018, he accepted a new position as chief of police in the City of Jacksonville, a community in central Arkansas. Franklin led a progressive 60-person police agency in Jacksonville for 18 months. He holds a bachelor's degree in speech and media communications from Northeastern Illinois University, as well as a master's degree in social and criminal justice from Lewis University. Franklin is a graduate of Northwestern University's Center for Public Safety, School of Staff of Command.

Stacy Kelly | Scottsdale, Arizona

Stacy Kelly currently works in the private sector as a strategic project manager in Scottsdale, Arizona, assisting police departments establish body-worn camera and TASER programs. Prior to that, he served as the assistant chief of police for the Newport News (VA) Police Department, which serves a population of 180,000 with an authorized complement of 440 sworn officers and 153 non-sworn personnel. While holding the rank of assistant chief, Kelly served as the patrol bureau commander and the administration bureau commander. While holding the rank of captain, he served as the Central Precinct commander and the personnel and support commander. As lieutenant, Kelly served as the first academy director and accreditation manager for the Newport News Police Department Training Academy. Under his command, the police academy obtained accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA) and the Communications Division obtained initial accreditation leading to the agencies first ever Tri-Arc Award. Kelly is a graduate of the FBI National Academy and the Senior Management Institute for Police. He holds a bachelor's degree from St. Leo University and a graduate certificate from the University of Virginia.

David Zibolski | Beloit, Wisconsin

David Zibolski has served as the chief of police in Beloit, Wisconsin since June 16, 2015. During his tenure he led major organizational change within the department and its community that positively affected leadership and culture, strengthened community relations, and saw the integration of progressive technology and best practices, while making Beloit a safer city. He began his career with the Milwaukee Police Department where he served 27 years, working his way up the ranks and retiring at the rank of captain in 2011. He held a variety of patrol, investigative and specialty unit commands. As deputy administrator for Wisconsin DOJ's Division of Law Enforcement Services (2011-2015), he had operational responsibility of a statewide division that included training and standards for law enforcement. Zibolski is a graduate of Northwestern's School of Police Staff and Command #203, Police Executive Research Forum (PERF) Senior Management Institute for Police session #68, and is an International Association of Chiefs of Police (IACP) nationally certified Leadership in Police Organizations instructor. He holds a master's degree in organizational management and leadership from Springfield College. In 2020, he was appointed vice chair of IACP's Midsize Agencies Division and also serves on several community boards.

- [Download high resolution image - 'The Fargo Police Chief Finalists'](#)

City News Room



Fargo City Commission to Introduce Additional Public Input Opportunities and Dedicated Resident Comment Periods During Commission Meetings

08/06/2020

Beginning with the August 10 meeting, the Fargo City Commission agenda will feature defined clarifications as to which items on the agenda are open for public comment. These agenda items of considerable public interest will be denoted with the designator **“Public Input Opportunity.”** Items which may not have traditionally been considered public hearings in the past will now be open for comment under this public input opportunity.

In an effort to foster *additional* dialogue opportunities, the Fargo City Commission will be implementing a scheduled **“Resident Comment”** period during regular meetings of the City Commission. Fargo residents choosing to exercise their rights to comment will each be afforded two-and-a-half minutes for their comments; this ensures other residents have an opportunity to also comment in a timely manner. Only one person may utilize the podium at a time and will be required to supply their full name and address before commenting for purposes of the meeting minutes. The resident comment period will not exceed 30 minutes per meeting. This new opportunity will allow the ability to discuss topics which were not placed on that meeting’s agenda but are of importance to individual residents. Comments are encouraged on any applicable topic during this time period, but inflammatory or inappropriate language will not be allowed. The comment period is intended for listening and learning purposes; City Commission comment or action will not be undertaken during this comment session.