

**Cass County Planning Commission Meeting
Thursday, October 23, 2014 at 7:00 a.m.
Cass County Highway Department Conference Room
1201 West Main Avenue in West Fargo
Agenda**

1. Call to Order
2. Establish Quorum of Members
3. Approve Meeting Minutes of August 28, 2014
4. Public Hearing Item: Callies Run Subdivision – A Minor Subdivision in Section 1 of Pleasant Township
5. Other Business and/or Citizen Comments
6. Adjournment

People with disabilities who plan to attend the meeting and need special accommodations should contact the Highway Department at 298-2370 prior to the meeting to make arrangements.

**CASS COUNTY PLANNING COMMISSION
AUGUST 28, 2014**

1. MEETING TO ORDER

The meeting was called to order on August 28, 2014, at 7:00 AM in the Highway Department Conference Room with members present as follows: Ken Lougheed, Keith Monson, David Gust, Vern Bennett, Todd Ellig, Mark Brodshaug, Mark Wentz and Mark Williams. Melissa Sobolik was absent. Also present were County Planner Hali Durand and Election Coordinator DeAnn Buckhouse.

2. MINUTES, APPROVED

MOTION, passed

Mr. Gust moved and Mr. Ellig seconded to approve the minutes of the May 22, 2014 meeting as presented. Motion carried.

3. BAARSTAD SUBDIVISION (Minor Subdivision) – Final Plat Approved

Ms. Durand reviewed the details of the final plat report. The proposed subdivision is located in a part of the Northeast Quarter of the Southeast Quarter of Section 28, in Watson Township. The tract contains 2.08 acres of land, more or less. The proposed subdivision meets the goals, objectives and requirements of the Cass County Comprehensive Plan, and no issues have been raised by outside agencies.

Mr. Ellig questioned the lack of a deed restriction on 40 acres of the remaining quarter. There was discussion regarding that portion of the subdivision ordinance.

The public hearing was opened. As there was no comment the public hearing was closed.

There was additional discussion regarding the deed restriction on 40 acres. Mr. Gust asked to clarify who owns the remaining land in that section, as he was under the impression it was owned by the individual platting the 2.08 acres. Ms. Durand stated that the remaining land in section 28 is not owned by the same individual who owns the land on this plat. With that being the case, Mr. Gust agrees with Mr. Ellig that there needs to be a deed restriction on 40 acres in the remaining section.

MOTION, passed

Mr. Gust moved and Mr. Ellig seconded to approve the Final Plat for Baarstad Subdivision (Minor Subdivision) as presented as it meets the goals, objectives and requirements of the Cass County Comprehensive Plan, Cass County Subdivision Ordinance, Flood Damage Prevention Ordinance #1998-2 and Watson Township Zoning Ordinance on the condition that 40 acres of the remaining land in Section 28 of Watson Township be deed restricted. Motion carried.

4. OTHER BUSINESS

Ms. Durand has distributed a draft model zoning ordinance as an option for townships to use. She is looking for any feedback from the members of the planning commission. The draft has also been distributed to the townships for their input.

Mr. Bennett questioned why the wind generators were limited to 1 to every 10 acres. Ms. Durand stated that she has used the information she has gathered through research from other sources and this was fairly standard for other ordinances. Mr. Gust stated that to his knowledge 10 acres is really the minimum space needed for each wind generator due to air flow, disturbance, etc.

Mr. Bennett also questioned the section dealing with mobile home parks and asked if there was a particular reason for the 50 site minimum. Ms. Durand again stated that these are the standards she found in her research.

Mr. Lougheed stated that this should be brought to the townships as a model. This is a starting point for them to work from in developing what works for them. It was pointed out that Western North Dakota did not have zoning ordinances or subdivision ordinances in place prior to the oil boom and we have all seen how that has worked out for them. It is important for the townships to look at having something in place and this gives them something to work with.

Ms. Durand is looking at changes that need to be made to the Subdivision Ordinance as well as the Comprehensive Plan. She will be working on making the changes and will present them to the board for approval when completed.

Mr. Gust wanted to bring a property to the board's attention that was built in a township without a plat being approved by the county. He questions how to get ahead of this or what authority the board has in these cases when the ordinance isn't complied with. He feels we need to educate the townships on the ordinances that are in place, why they are in place and what steps they need to follow before they issue a building permit. Discussion was held on the options of a newsletter or letter to the township supervisors outlining the process. Mr. Gust questioned if the ordinances are not being complied with, do we need to go back to the County Commission to find out what we can do to add teeth to the ordinance? There was discussion on where to proceed from here. The board would like Ms. Durand to look into adding language to the ordinance requiring a plat before a building permit is issued. Education at the Fall Township Officers meeting may be a good idea in addition to a letter to all township supervisors letting them know the steps that need to be followed. The board feels this education needs to be done periodically as there is turnover within the township boards.

5. ADJOURNMENT

On motion by Mr. Brodshaug, seconded by Mr. Monson, and all voting in favor, the meeting was adjourned at 7:50 AM.

Final Plat Report

Title: Callies Run Subdivision
Owner(s): Vincent L Ulstad
Applicant: Vincent L Ulstad
Type of Request: Minor Subdivision
Status: Final Hearing at the October 23, 2014 Planning Commission Meeting

Proposal:

An application for a Minor Subdivision (plat) has been received by the Cass County Planning Office for approval of a tract of land located in part of the East Half of the Southeast Quarter of Section 1 in Pleasant Township for sale or lease. The said tract contains 4.36 acres of land, more or less.

Staff Analysis:

The owner of this property wishes to subdivide and sell or lease a portion of the property. The proposal is located in the staging area of the FM Diversion and therefore requires careful consideration as to the use of the land. The land is being sought to plant trees and shrubs for a landscaping company. Currently, private gravel roads, rural water, an on-site septic system, and ditches for storm sewer are being used and will continue as is. The ownership and maintenance responsibility of the subdivision will remain private.

Based on the proximity of the property to the diversion alignment (approximately 3800 feet) and the fact that the property lies within the staging area, leads to the suggestion that no permanent development should be allowed to occur on the property. A restrictive covenant has been drafted to stipulate development restrictions and conditions for approval.

Objectives and Policy Guidelines Considered:

Cass County Multi-Jurisdictional, Multi-Hazard Mitigation Plan
Cass County Comprehensive Plan
Flood Damage Prevention Ordinance
Cass County Subdivision Ordinance
Pleasant Township Zoning Ordinance

Agency Comments:

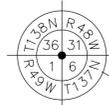
Township Chairman – Reiterated that any temporary structure placed on the property, over 120 square feet will require a permit. A restriction should be placed on the property to not allow additional permanent buildings due to the fact that the property is in the main water retention staging area and to reduce potential future mitigation costs to the county.

Recommendation:

To approve the Final Plat as presented with the attached Restrictive Covenants.

CALLIES RUN SUBDIVISION

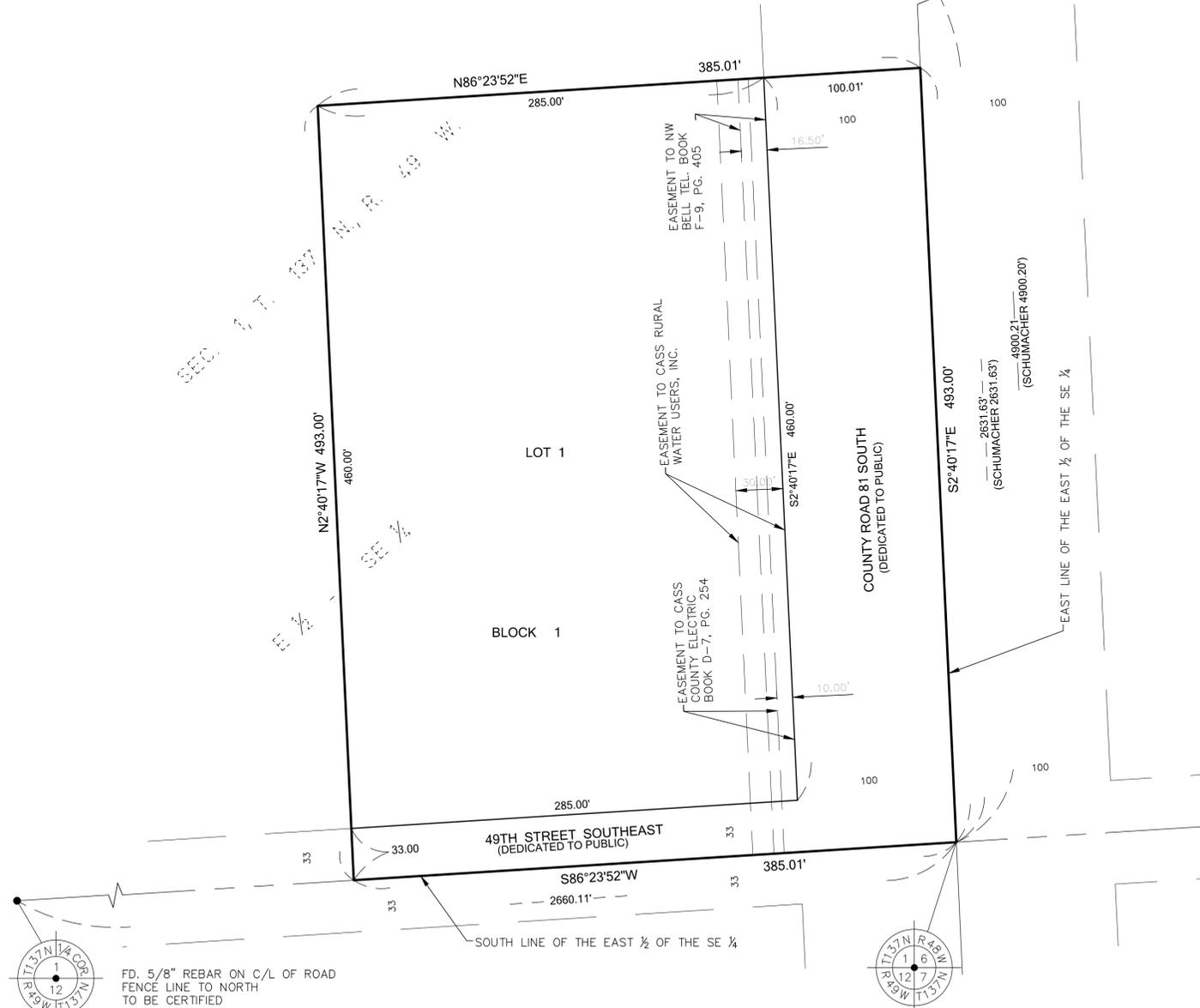
BEING A PLAT OF PART OF THE EAST HALF OF THE
SOUTHEAST QUARTER, SECTION 1, T137N, R49W, 5TH P.M.
CASS COUNTY, NORTH DAKOTA



MAGNETIC TONE UNDER NEW ASPHALT
SET SURVEY NAIL
COR. RECORD FILED



FD. NOTHING
SET SURVEY NAIL
PER SCHUMACHER SURVEY
DOC. NO 702083



FD. 5/8" REBAR ON C/L OF ROAD
FENCE LINE TO NORTH
TO BE CERTIFIED

MAGNETIC TONE UNDER NEW ASPHALT
SET SURVEY NAIL
COR. RECORD FILED

LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. IRON PIPE SET
- PLAT BOUNDARY
- LOT LINE
- SECTION LINE
- RIGHT OF WAY LINE

BEARINGS SHOWN ARE ASSUMED.



Owner's Certificate:

Know All Persons By These Presents: Vincent L. Ulstad, a single person, is the owner and proprietor of that part of the East Half of the Southeast Quarter of Section 1, Township 137 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota described as follows: Beginning at the Southeast Corner of said Section 1; thence South 86 degrees 23 minutes 52 seconds West, on an assumed bearing, along the south line of said East Half of the Southeast Quarter a distance of 385.01 feet; thence North 2 degrees 40 minutes 17 seconds West a distance of 493.00 feet; thence North 86 degrees 23 minutes 52 seconds East a distance of 385.01 feet to the east line of said East Half of the Southeast Quarter; thence South 2 degrees 40 minutes 17 seconds East, along said east line, a distance of 493.00 feet to the point of beginning. Subject to easements and rights of way of record. Contains 4.36 acres, more or less.

And that said party has caused the same to be surveyed and platted as **CALLIES RUN SUBDIVISION**.

In witness whereof I have set my hand and seal.

Owner:
Vincent L. Ulstad

Vincent L. Ulstad

Surveyor's Certificate:

I, Michael E. Cannon, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify on this _____ day of _____, 20____, that the plat hereon is a true and correct representation of the survey thereof, that all distances are correctly shown on said plat in feet and decimals of a foot, and that the monuments for the guidance of future surveys have been placed in the ground as shown.

Michael E. Cannon
North Dakota PLS No. 5066

Cass County Engineer:

Reviewed by the Cass County Engineer this _____ day of _____, 20____.

Jason Benson, Cass County Engineer

Cass County Planning Commission:

Reviewed by the Cass County Planning Commission this _____ day of _____, 20____.

Ken Lougheed, Chairman

Attest:
Secretary

Pleasant Township:

Reviewed by Pleasant Township, Cass County, North Dakota, this _____ day of _____, 20____.

Steve Brakke, Chairman

Attest:
MaryJane Nipstad, Clerk

Cass County Board Of Commissioners' Approval:

Approved by Cass County, North Dakota, this _____ day of _____, 20____.

Vern Bennett, Chairman

Attest:
Michael Montplaisir, Cass County Auditor

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Vincent L. Ulstad, a single person, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

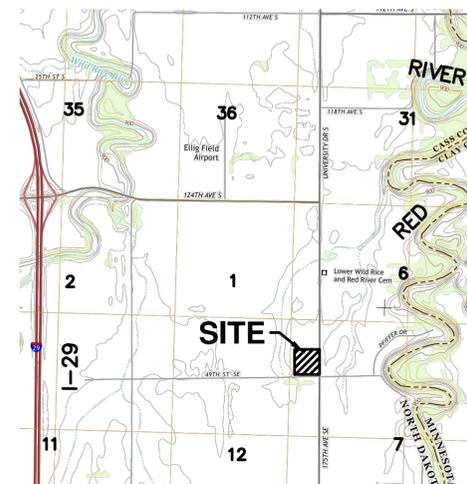
Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Michael E. Cannon, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

Notary Public: _____

VICINITY MAP NO SCALE



Callies Run Subdivision

Being a plat of part of the East Half of the Southeast Quarter,
Section 1, Township 137 North, Range 49 West
Pleasant Township
October 23, 2014 Planning Commission Meeting



Cass County Highway Department
1201 West Main Avenue
West Fargo, ND 58078

701-298-2370

Web: www.casscountynd.gov
Email: highway@casscountynd.gov