

# CASS COUNTY PLANNING COMMISSION AGENDA FOR JANUARY 27, 2011

Cass County Highway Department Conference Room  
7:00 AM  
1201 Main Avenue West, West Fargo, ND 58078

1. Call to Order  
Establish Quorum of Members  
Approve October 28, 2010 Minutes
2. 2011 Election of Officers  
Chair  
Vice Chair  
[Action]
3. 2011 Road Advisory Committee Appointment  
[Action]
4. 2011 Meeting Schedule  
[Action]
5. Christopher Gourde Subdivision  
Pre-Application  
[Information]
6. Other Business and Citizen Comment
7. Adjournment

***Additional copies of the agenda and Planning Commission materials are available at:  
<http://www.casscountynd.gov/county/Boards/PlanningCommission/>***

Planning Commissioners:  
Please call Highway Department Secretary  
at 298-2370 if you are unable to attend.  
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at 298-2370 if you are unable to attend.

**Persons with Disabilities needing accommodations should call 298-2370 prior to the meeting.**

**CASS COUNTY PLANNING COMMISSION  
OCTOBER 28, 2010**

**1. MEETING TO ORDER**

The meeting was called to order on October 28, 2010, at 7:00 AM in the Highway Department Conference Room with members present as follows: Ken Lougheed, Keith Monson, Todd Ellig, Mark Johnson, Brad Wimmer, and Chad Peterson. Lou Bennett, Mike Zimney, and Scott Wagner were absent. Also present were County Planner Tim Solberg and County Engineer Keith Berndt.

**2. MINUTES APPROVED**

***MOTION, passed***

**Mr. Peterson moved and Mr. Ellig seconded that minutes from the December 17, 2009, meeting be approved as written. Motion carried.**

**3. PUBLIC NOTIFICATION PROCEDURES**

Jill Hudson, resident of Gardner Township, was present. In 2008, she received written notification from the Planning Office regarding a proposed subdivision (Steinbergerville Subdivision) and was invited to appear before the board if she had any concerns. She stated that the letter implied the subdivision was zoned residential. The subdivision is located next to her property. Since that time, her neighbor received permission from Gardner Township to erect a wind tower, which she stated is located 300 feet from her house. The property was zoned agricultural by the township. She asked the county to clarify the language in notices sent to the public because she understood the subdivision to be residential, not agricultural.

Mr. Solberg said the letter did not state the subdivision was zoned residential rather the intended use was for residential purposes. The county notifies residents within 1000 feet of proposed subdivisions. He said the county has no zoning jurisdiction since all townships in Cass County are organized and have their own zoning regulations.

Mr. Wimmer asked about permits needed to construct a wind tower. Mr. Solberg said a building permit was needed through the township. Mr. Peterson said townships are taking on a liability by approving these types of structures. Brad Larsen, Gardner Township Chairman, was present and said wind towers less than 60 kilowatts like this one are not regulated by the State Public Service Commission and only require township approval.

Ms. Hudson thanked Mr. Solberg for his assistance. She said he supplied model ordinances for wind towers, which were forwarded to Gardner Township.

Mr. Johnson suggested this item be discussed at the next annual township officers meeting.

**4. COUNTY DEVELOPMENT UPDATE**

Mr. Solberg said the majority of development in Cass County is occurring in the metropolitan area. He said the county subdivision ordinance may be working because it has encouraged compact, orderly development, while discouraging urban sprawl; however, outside variables make it difficult to make that assumption with any degree of certainty. He reviewed Goal One, Objective A of the Cass County Comprehensive Plan and commented that he believes developers are finding it more efficient to build in locations where existing infrastructure is available, as there has not been a great deal of pressure for development in rural Cass County over the past three years.

**5. METRO FLOOD STUDY AND SALES TAX UPDATE**

Mr. Berndt provided a brief update on the progress made by the Metro Flood Study Committee, which has been meeting for the past 18 months. He said the committee studied flood reduction strategies and chose a North Dakota diversion as the preferred option. In 2009 Fargo voters approved a half-cent sales tax for flood control projects in the city. Next week, Cass County voters will consider a half-cent sales tax to cover the local share of the North Dakota diversion and other flood risk reduction projects within the county.

**6. NOVEMBER/DECEMBER MEETING DATES**

The next meeting will be held on Thursday, December 16<sup>th</sup> at 7:00 AM.

**7. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Johnson, seconded by Mr. Peterson, and all voting in favor, the meeting was adjourned at 8:25 AM.**

REGULARLY SCHEDULED CASS COUNTY PLANNING COMMISSION MEETINGS  
FOR THE YEAR 2011

January	27
February	24
March	24
April	28
May	26
June	23
July	28
August	25
September	22
October	27
Dece.0.mber	15

Meetings are held the 4th Thursday of each month at 7:00 AM in the Large Conference Room at the Cass County Highway Department Complex, 1201 Main Avenue West, West Fargo, ND 58078 (unless otherwise stated), with the exception of November and December where the meeting is combined and held on the third Thursday of December. Meetings may be cancelled and special meetings may also be called when deemed necessary.

## MEMORANDUM

TO: Cass County Planning Commission

FROM: Tim Solberg, County Planner

DATE: January 21, 2011

SUBJECT: January 27, 2011 Planning Commission Meeting

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During our January 27 meeting I'd like to introduce the Planning Commission to a situation that is likely to result in a proposed subdivision. A ten acre property located northwest of the City of Harwood along the Rush River has an existing single family dwelling with accessory structures. A couple of years ago the residence experienced a fire which resulted in the building of a new home. The new home required the property owner to obtain a new mortgage and letter of map revision. This creates a need to split the existing lot to separate the home from the existing structures otherwise flood insurance will be required for all structures on the property.

In considering the situation it appears that our Ordinance does not offer a specific solution to this situation. Therefore it is my recommendation that we consider a variance from the density restrictions outlined in Section 307 of Subdivision Ordinance #2006-1 whereby we would allow the property to be platted as a minor subdivision while deed restricting all lots that do not contain the existing single family residence.

I believe the situation is unique and therefore I bring it to your attention in this manner to give the resident an opportunity to gauge the Commission and their wishes prior to platting. The Ordinance requires an applicant to formally request the variance as part of the application for development which would then require platting. I have provided a map for your reference, and the resident, Christopher Gourde will attend our meeting to answer any questions you may have. Being this is not yet a formal request for variance and no application has been submitted, no action is recommended at the January meeting in this regard.



# Christopher Gourde - SE1/4, S 30, Harwood Township



Rush River

169TH AVE SE

Home Site

CASS COUNTY  
GOVERNMENT



Cass County  
Planning Commission  
January 27, 2011

