

CASS COUNTY PLANNING COMMISSION AGENDA FOR JANUARY 26, 2012

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 December 15, 2011 Minutes
2. Cass County Subdivision Ordinance
Initiated Revisions to Cass County Subdivision Ordinance #2006-1
Section 602.23 Underground Utility Lines
Section 308 Development Rights
[Action]
3. Other Business and Citizen Comment
4. 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.
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
DECEMBER 15, 2011**

1. MEETING TO ORDER

The meeting was called to order on December 15, 2011, at 7:00 AM in the Highway Department Conference Room with members present as follows: Ken Lougheed, Todd Ellig, Vern Bennett, Brad Wimmer and Mike Zimney. Keith Monson, Mark Johnson, Chad Peterson and Lou Bennett were absent. Also present were County Engineer Jason Benson and County Planner Tim Solberg.

2. MINUTES APPROVED

Mr. Wimmer asked for an update with regards to the American Crystal Subdivision, the new piling station. Mr. Solberg reported that he did not receive any complaints during harvest or during the time following. Mr. Benson reports that they are seeing a positive impact on County Road 20 due to the elimination of much of the truck traffic.

MOTION, passed

Mr. Wimmer moved and Mr. Zimney seconded that minutes from the March 24, 2011, meeting be approved as written. Motion carried unanimously.

3. Cass County Recording Requirements – Staff Initiated Revision to Cass County Subdivision Ordinance #2006-1

Mr. Solberg indicated that Mathison's in Fargo is the only source we have for photographic mylar and they are no longer supporting this product, therefore, there will be some changes in the process of recording at the Office of the Recorder. Jewel Spies, Cass County Recorder, was present to discuss how their office is changing to the e-recording of plats. This leads to the need for us to amend our Ordinance to accommodate the changes.

Mr. Solberg is proposing changing the ordinance to eliminate the reference to photographic mylar as well as changing the size of the plat, making it reduce down to 11x17 better. He is also proposing a cost adjustment to our base fee of \$50.00 across the board to our fee schedule, partly due to the increased cost of recording as well as staff time associated with the changes. Mr. Zimney questioned keeping the fee schedule itself in the ordinance. It may be better to simply have the ordinance state that a fee will be changed that will be determined by staff and the Planning Commission. This would allow the fees to be changed if needed without having to amend the ordinance.

MOTION, passed.

Mr. Wimmer moved and Mr. Ellig seconded to move forward with the recommended changes as outlined by the County Planner in attachment to the Cass County Commission for formal adoption as a revision to Cass County Subdivision Ordinance #2006-1, with a revision to handle the fee schedule administratively with approval from the board as opposed to in the ordinance. Motion carried unanimously.

4. Election of 2012 Officers

MOTION, passed

Mr. Wimmer moved and Mr. Ellig seconded to Reelect Mr. Lougheed as Chair and Mr. Ellig as Vice Chair of the Planning Commission. Motion carried unanimously.

5. 2012 Meeting Calendar

Mr. Wimmer would like to see the board meet on occasion on a more informal basis, when there is no other pressing business, to take a tour of areas of the county of concern or interest to the board or have a roundtable discussion to simply share relevant information and things happening throughout the county as it relates to planning. Mr. Ellig questioned the public notice required for a meeting of that nature. Mr. Solberg indicated that it would be no different than any of the other meetings of the Planning Commission. Mr. Ellig also questioned if there were other things that the board missing discussions on when they don't meet due to lack of action items. Mr. Solberg only calls a meeting if there is a subdivision to be considered or something of that nature that would need action from the board. Information things he simply includes with the notice of cancellation so that the board can review it. Mr. Wimmer stated that he sees on the city level that they rely on the opinion of the City of Fargo Planning Commission when decisions need to be made. Mr. Solberg stated that the County Commission values the opinion of the Cass County Planning Commission in the same way.

MOTION, passed

Mr. Wimmer moved and Mr. Ellig seconded to approve the 2012 meeting calendar as proposed by the County Planner. Motion carried unanimously.

6. OTHER BUSINESS AND CITIZEN COMMENT

The Board acknowledged Mr. Zimney's service on the Cass County Planning Commission and thanks him for his service. Mark Williams will be taking his place on the board beginning in January.

Mr. Ellig relayed information from the last Stanley Township Board of Supervisor's meeting with regards to the building of the new Dakota Boys & Girls Ranch.

7. ADJOURNMENT

MOTION, passed

On motion by Mr. Wimmer, seconded by Mr. Ellig, and all voting in favor, the meeting was adjourned at 7:40 AM.

MEMORANDUM

TO: Cass County Planning Commission

FROM: Tim Solberg, County Planner

DATE: January 24, 2012

SUBJECT: Revisions to Cass County Subdivision Ordinance #2006-1

At the December 15, 2011 Meeting, a motion was made to forward staff initiated revisions to Ordinance #2006-1, Cass County Subdivision Ordinance, to the County Commission. A first reading of those revisions was held on January 3, 2012.

Upon that first reading our office was contacted by Cass County Electric regarding a proposed revision that was discussed with the previous staff for the burial of electrical power lines. In reviewing the information I concurred with the proposed revision and would like to propose that the Ordinance also include those revisions.

Upon further discussions with previous staff on the Ordinance it was also considered to revise the language regarding development rights for lots which existed prior to the Ordinance being adopted. I am including a proposed revision to further clarify the use of development rights on lots that may not meet the ¼, ¼, Section (40 acre) requirement.

In light of these new revisions we consider it more efficient to cancel the second reading of the Ordinance scheduled for the February 6, 2012 Commission Meeting and combine the latest revisions with the previous. Upon approval of these revisions at the Planning Commission we would hold again a first reading at a County Commission Meeting for the additional and previous revisions combined.

Attached hereto you will find the existing sections of Subdivision Ordinance #2006-1 followed by the staff proposed amended versions of the sections.

Recommended Motion: Move to forward recommended changes as outlined by the County Planner in attachment to the Cass County Board of Commissioners for formal adoption as a revision to Cass County Subdivision Ordinance #2006-1.

Additional revisions proposed for January 26, 2012 Meeting

Existing Version of Section 602.23

602.23. Underground Utility Lines.

A. All electric, telephone, television and other communication facilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

B. Lots which abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground and installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

C. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines as follows: Alignments and pole locations shall be carefully routed to avoid locations along horizons; clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment; trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and alignments shall follow rear lot lines and other alignments.

Proposed Amended Version of Section 602.23:

602.23. Underground Utility Lines.

A. All electric, telephone, television and other communication facilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

(1) New electrical substation developments shall be exempt from this requirement; they are however encouraged to minimize the visual impact as much as is possible.

B. Lots which abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead

utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground and installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

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Existing Version of Section 308:

SECTION 308 Development Rights.

Except as noted below, every quarter-quarter section or Government Lot as of the effective date of this Ordinance is granted one (1) Development Right to create a buildable lot. Development Rights can be used, held or transferred to contiguous properties under common ownership. Development Rights may not be transferred if the land has any one of the following characteristics:

Proposed Amended Version of Section 308:

SECTION 308 Development Rights.

Except as noted below, every quarter-quarter section or **existing legally subdivided lot** as of the effective date of this Ordinance is granted one (1) Development Right to create a buildable lot. Development Rights can be used, held or transferred to contiguous properties under common ownership. Development Rights may not be transferred if the land has any one of the following characteristics:

Revisions approved at December 12, 2011 Meeting:

Existing Version of Section 304.02 (C.):

C. All Final Plat subdivisions approved by the Board of County Commissioners which have completed all improvements required by this Ordinance and installed all improvements in accordance with this Ordinance or have deposited a financial security pursuant to Article V of this Ordinance shall provide the office of the Cass County Recorder of Deeds two (2) photographic mylars (one containing original signatures, the other a copy of the signed original), plus three (3) full size, three (3) 11" x 17" reduced paper print copies of the signed original and the appropriate recording fee. All signatures on the plat shall be written with black ink, not ball point and all rubber stamps must be with black ink. The plat shall be twenty (20) inches by thirty (30) inches and shall have border lines ½ inch from the top, bottom and right sides and 1 ½ inches from the left side.

Proposed Amended Version of Section 304.02 (C.):

C. All Final Plat subdivisions approved by the Board of County Commissioners which have completed all improvements required by this Ordinance and installed all improvements in accordance with this Ordinance or have deposited a financial security pursuant to Article V of this Ordinance shall provide the Planning Office one (1) signed original mylar plat and the appropriate recording fee. All signatures on the plat shall be written with black ink, not ball point and all rubber stamps must be with black ink. The Planning Office may require the applicant obtain signatures necessary for recording. The plat shall be twenty-two (22) inches by thirty-four (34) inches and shall have border lines ½ inch from the top, bottom and right sides and 1 ½ inches from the left side.

Existing Fee Schedule:

MINOR SUBDIVISION FEE SCHEDULE		
Lots/Units	Base Fee	Minor Subdivision
1 to 4	\$50.00	\$35.00 each lot/unit

MAJOR SUBDIVISION FEE SCHEDULE	
Lots/Units	Major Subdivision
5 to 12	\$450.00
13+	\$600.00

Proposed Fee Schedule (to be set after removing from Cass County Subdivision Ordinance #2006-1):

MINOR SUBDIVISION FEE SCHEDULE		
Lots/Units	Base Fee	Minor Subdivision
1 to 4	\$100.00	\$35.00 each lot/unit

MAJOR SUBDIVISION FEE SCHEDULE	
Lots/Units	Major Subdivision
5 to 12	\$500.00
13+	\$650.00