

**Cass County Planning Commission Meeting  
Thursday, March 27, 2014 at 7:00 a.m.  
Cass County Highway Department Conference Room  
1201 West Main Avenue in West Fargo  
Agenda**

Business Items:

1. Call to Order
2. Establish Quorum of Members
3. Approve Meeting Minutes of February 27, 2014

Public Hearing Items:

4. Job Second Subdivision – A Minor Subdivision in Section 35 of Pleasant Township
5. Other Business and/or Citizen Comments
6. Adjournment

**CASS COUNTY PLANNING COMMISSION  
FEBRUARY 27, 2014**

**1. MEETING TO ORDER**

The meeting was called to order on February 27, 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 and Mark Wentz. Melissa Sobolik and Mark Williams were absent. Also present were County Planner Hali Durand, Cass County Engineer Jason Benson and Principal Secretary Cindy Stoick.

**2. MINUTES, APPROVED**

***MOTION, passed***

**Mr. Monson moved and Mr. Ellig seconded to approve the minutes of the December 12, 2013 meeting as presented. Motion carried.**

**3. JOB SECOND Subdivision – Final Plat Denied**

Ms. Durand reviewed the details of the final plat report. The proposed subdivision is a tract of land located in a part of the Northeast Quarter of Section 35, Township 137 North, Range 49 West for the purpose to plat 5 lots for residential development. The said tract contains 25.03 acres of land, more or less. The proposal meets the Cass County Comprehensive Plan as it relates to Goal One, Objective D. The density restriction has been met by a Deed Restriction entered into on September 27, 2006 to limit any further divisions, new residences or nonagricultural development on the restricted parcel described in the agreement. There is adequate access to all lots consisting of a private paved road and a Home Owner's Association will be created and will be responsible for maintenance.

The public hearing was opened.

John Youness, Eagle Ridge Development Company, LLC was present stating they have addressed the drainage issues and plan to create ditches and holding ponds to properly drain the property. Any additional drainage will be directed to drain to Highway 81 with no adverse effects; furthermore, with this project, they expect no other drainage issues for area farmers.

Mr. Ellig said he is concerned because he was of the understanding that Major Subdivisions would need to be connected to a sanitary sewer system. Ms. Durand said the County Sanitarian was contacted and said there is nothing to tap into. Mr. Youness said the septic and drainage will be done in accordance with engineering plans and they are willing to work with the County. Mr. Benson said he will have an engineer onsite to ensure everything is done properly. Mr. Youness said the covenant includes proper drainage.

Don Solberg was present and said he sold the land to Mr. Freier. He expressed concern for the ponds and the adjoining farmland. He said it is easy to deal with

one homeowner, however, when that multiplies so do the issues and he is concerned for issues in the future such as the diversion project.

Mr. Youness said the current property owner Mr. Freier lives on a portion of the property and will be part of the Home Owners Association in the subdivision. The covenant has been established to ensure that everything is handled in a proper manner. Mr. Ellig said there is no way to enforce a covenant until someone sues and that is always a high cost item.

Mr. Benson said an ordinance adopted in 2006 addresses subdivisions and ensures that all inspections are done.

The public hearing was closed.

Mr. Lougheed said if the application is approved the ordinance would need to be followed closely.

Mr. Ellig expressed concern for the drain fields as he said they always fail and the proposed lot size of 4 acres does not allow sufficient space for a proper drain field. Mr. Youness said the lots are much larger than required for a drain field. Mr. Ellig stated he is concerned for the future when this area becomes part of the City of Fargo's extra territorial area or if the diversion is built and the structures are in the staging area.

Mr. Bennett said the decision needs to be made on "there will be a diversion". Mr. Lougheed said the opinions on whether a diversion will be built are mixed and you cannot expect people to put their lives and businesses on hold because of the proposed diversion project.

***MOTION, passed***

**Mr. Brodshaug moved and Mr. Ellig seconded to deny the Final Plat for the Job Second Subdivision, Major Subdivision. Discussion: Mr. Brodshaug explained his reason for denying the plat in that it does not meet the comprehensive plan and ordinance. On roll call vote, the motion passed with Mr. Ellig, Mr. Bennett, Mr. Brodshaug and Mr. Wentz voting in favor. Opposed were: Mr. Lougheed, Mr. Monson and Mr. Gust.**

Mr. Ellig left the meeting at 7:50 AM.

**4. DOOLEY ACRES—Final Plat Approved**

Ms. Durand reviewed the details of the final plat report. The proposed subdivision is part of the Southwest Quarter of Section 23 and part of the Northwest Quarter of Section 26, Township 139 North, and Range 53 West in Gill Township for the purpose to add additional lands to an existing parcel, update an existing metes and bounds description, and dedicate a portion of the street to the public. The County Planner is recommending approval of the plat.

The public hearing was opened.

There were no public comments so the hearing was closed.

***MOTION, passed***

**Mr. Gust moved and Mr. Brodshaug seconded to approve the final plat for Dooley Acres, Minor Subdivision. Motion carried.**

**5. ADJOURNMENT**

**On motion by Mr. Gust, seconded by Mr. Brodshaug, and all voting in favor, the meeting was adjourned at 7:53 AM.**

Minutes prepared by Cindy Stoick Principal Secretary

## Final Plat Report

**Title:** Job Second Subdivision

**Owner(s):** Lance Freier

**Applicant:** Jon Youness, Eagle Ridge Development Company, LLC.

**Type of Request:** Minor Subdivision (1-4 lots)

**Status:** Final Hearing at the March 27, 2014 Planning Commission Meeting

### **Proposal:**

An application was originally submitted for a Major Subdivision and has been amended and re-submitted as a Minor Subdivision, a replat of Lot 1, Block 1, Job Subdivision. The application has been received by the Cass County Planning Office for final approval of a tract of land located in part of the Northeast Quarter of Section 35 in Pleasant Township for the purpose to plat 4 lots for residential development. The said tract contains 25.03 acres of land, more or less.

### **Staff Analysis:**

The proposal meets and takes into consideration the goals, objectives, and policies of the Cass County Comprehensive Plan, the general design standards of the Cass County Subdivision Ordinance, and the Flood Damage Prevention Ordinance. The proposal also goes beyond the minor subdivision requirements and incorporates a vegetative buffer planting along the western and southern borders. In addition, the proposal will use the USACE's full period of record hydrology as best available data when developing the elevations required for building structures on the proposed lots.

### *Density Restriction*

---

The density restriction has been met by a Deed Restriction entered into on September 27, 2006 to limit any further divisions or new residences, divisions, or nonagricultural development on the restricted parcel described in the agreement.

### *Streets, Access Drives, and Driveways*

---

Adequate access is provided to all lots consisting of a private paved drive and maintenance shall be the responsibility of the Home Owners Association as described in the "Declaration of Covenants, Conditions, Restrictions, Reservations, Easements, Liens, and Charges".

### *Storm Water Management*

---

According to the subdivision ordinance, open ditches are allowed and will be utilized for storm water conveyance.

### *Erosion and Sedimentation*

---

A Storm Water Pollution Prevention Plan site map and erosion and sediment control plan has been submitted and meets all applicable requirements.

### *Floodplain*

---

The proposed subdivision is not located within a special flood hazard area and lowest floor elevation as well as all drives and roads will meet the peak water elevations based on best data available.

### *Landscaping*

---

A three-row vegetative buffer planting shall be provided to exceed the minor subdivision requirement.

### *Sanitary Wastewater Treatment and Water Supply*

---

On-site septic systems will be utilized for the sanitary wastewater treatment system, along with check valves to prevent backup during possible water inundation. Soil testing will be completed when the weather permits prior to development. The water supply will be served by Cass Rural Water District.

### *Agency Comments*

---

Documentation has been received from:

Cass Rural Water District on 11-19-2013 stating “they have no concerns for the plat of Job Second Subdivision in the NE¼ of Section 35 in Pleasant Township.”

The County Sanitarian on 02-19-2014 stating “there are no soil tests on record for the Job Second Subdivision. Soil tests for the individual lots would be required before any on-site sewage treatment systems could be installed.”

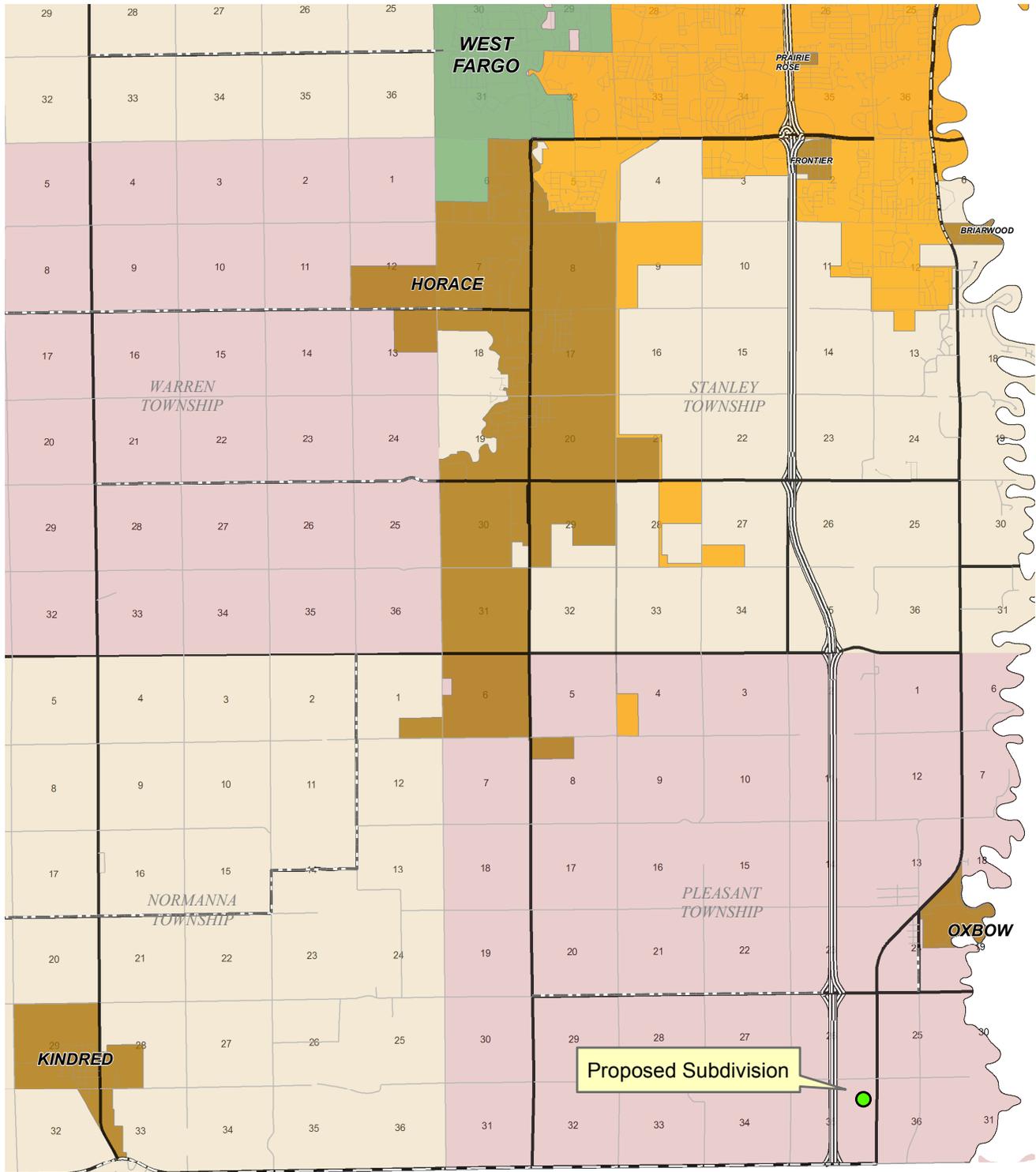
Southeast Cass Water Resource District on 02-24-2014 stating that “the final plat is located within the proposed staging area of the Metro Flood Diversion Project.”

CenturyLink on 03-17-2014 stating the “above mentioned plat looks good from CenturyLink’s standpoint”.

### **Recommendation:**

To approve the Final Plat as presented and recommend approval to the County Commission of the proposed subdivision plat, Job Second Subdivision, as the proposal is consistent with the Comprehensive Plan, the Subdivision Ordinance, the Flood Damage Prevention Ordinance, and all other applicable requirements.

**Job Second Subdivision - Minor Subdivision**  
Northeast Quarter of Section 35, Township 137 North, Range 49 West  
Pleasant Township  
March 27, 2014 Planning Commission Meeting



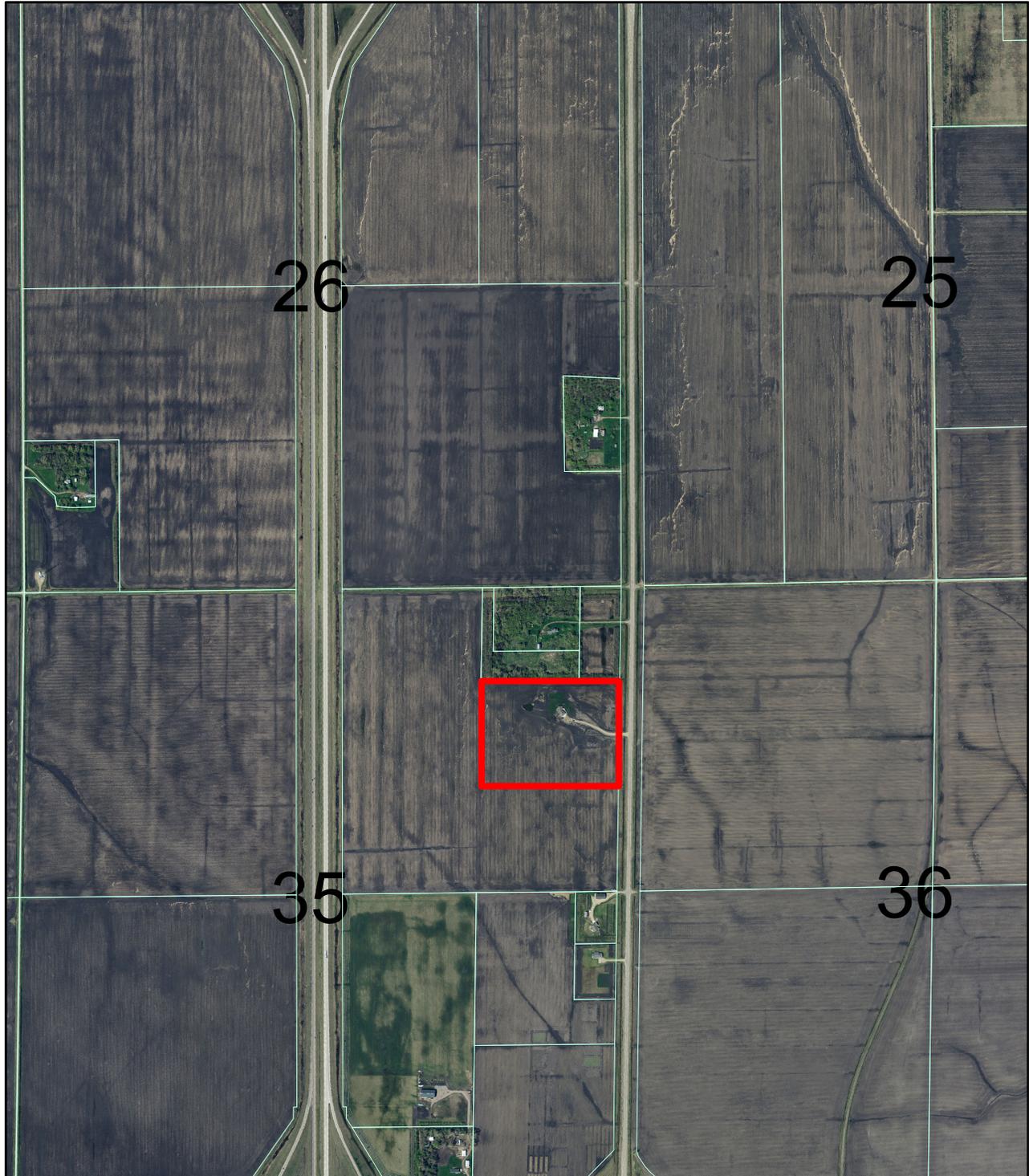
Cass County Highway Department  
1201 West Main Avenue  
West Fargo, ND 58078

701-298-2370

Web: [www.casscountynd.gov](http://www.casscountynd.gov)  
Email: [highway@casscountynd.gov](mailto:highway@casscountynd.gov)

# Job Second Subdivision - Minor Subdivision

Northeast quarter of Section 35, Township 137 North, Range 49 West  
Pleasant Township  
March 27, 2014 Planning Commission Meeting

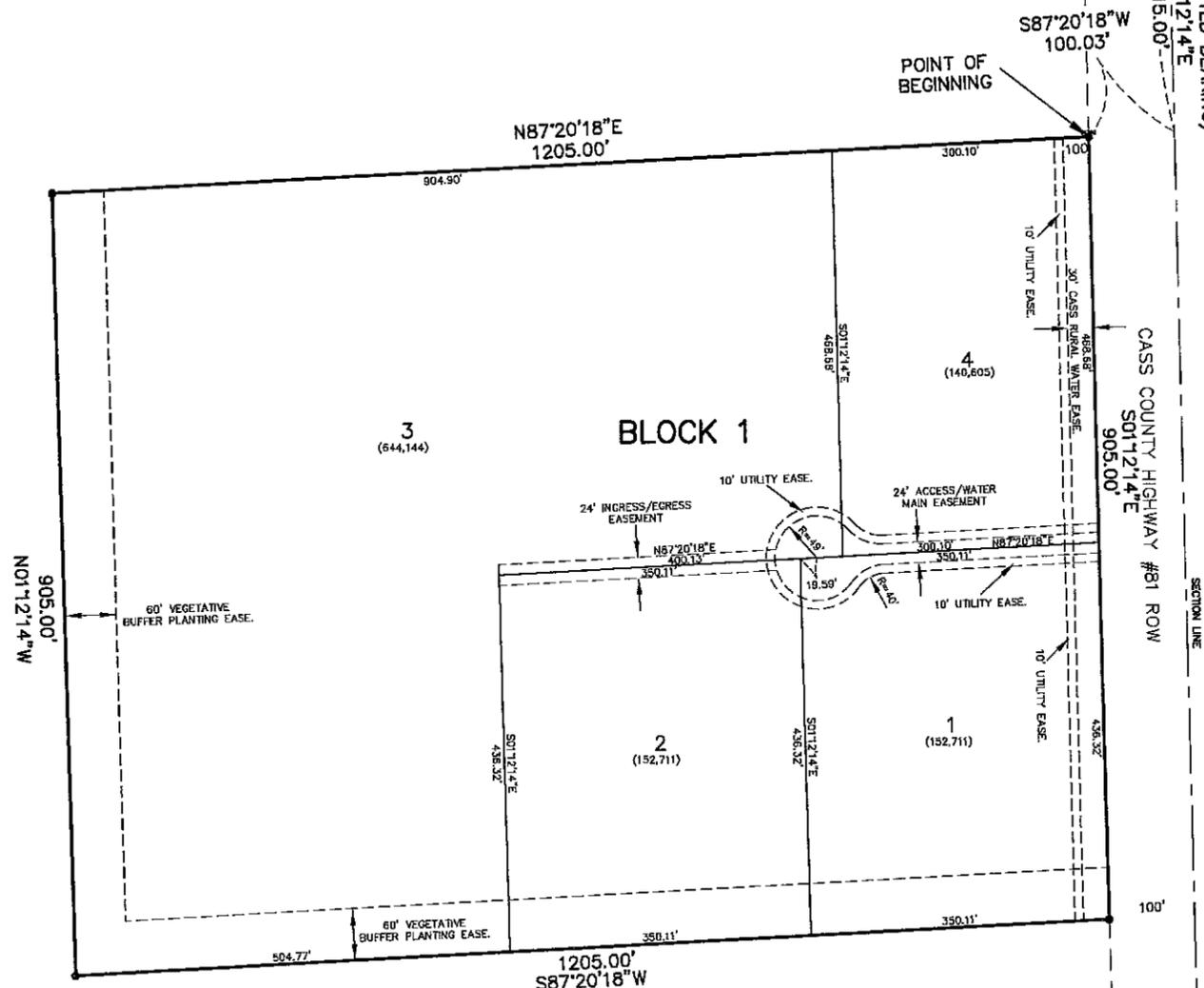


Cass County Highway Department  
1201 West Main Avenue  
West Fargo, ND 58078

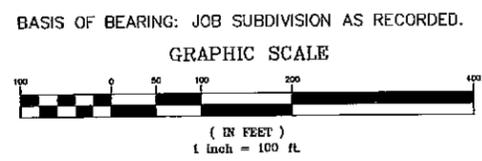
701-298-2370

Web: [www.casscountynd.gov](http://www.casscountynd.gov)  
Email: [highway@casscountynd.gov](mailto:highway@casscountynd.gov)

**PLAT OF  
JOB SECOND SUBDIVISION**  
A REPLAT OF LOT 1, BLOCK 1, JOB SUBDIVISION OF A PART OF THE  
NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 137 NORTH, RANGE 49  
WEST FARGO, CASS COUNTY, NORTH DAKOTA.



- LEGEND**
- IRON MONUMENT FOUND
  - SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #2086
  - (L) DENOTES ARC LENGTH
  - (R) DENOTES RADIUS LENGTH
  - (Δ) DENOTES CENTRAL ANGLE
  - (31,953) LOT AREAS IN SQ. FT.
  - ALL 10' UTILITY EASEMENTS SHOWN THUS UNLESS OTHERWISE NOTED:



PLATTED PROPERTY LIES WITHIN ZONE C: "AREAS OF MINIMAL FLOODING" AS SHOWN ON PLEASANT TOWNSHIP, CASS COUNTY, NORTH DAKOTA, FLOOD INSURANCE RATE MAP COMMUNITY PANEL #380263 0025 A, EFFECTIVE FEBRUARY 3, 1982.

**CERTIFICATE**

DAVID S. HEYER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "JOB SECOND SUBDIVISION", A REPLAT OF ALL OF LOT 1, BLOCK 1, JOB SUBDIVISION OF A PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 137 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS:

ALL OF LOT 1, BLOCK 1, JOB SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 137 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 25.03 ACRES, MORE OR LESS.



DAVID S. HEYER  
REGISTERED LAND SURVEYOR  
REG. NO. 2086  
STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED DAVID S. HEYER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

**DEDICATION**

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "JOB SECOND SUBDIVISION", A REPLAT OF ALL OF LOT 1, BLOCK 1, JOB SUBDIVISION OF A PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 137 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF DAVID S. HEYER, REGISTERED LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS, AVENUES, AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNERS: \_\_\_\_\_ MORTGAGE: GATE CITY BANK

LANCE FREIER                      NICOLE FREIER                      KEVIN HANSON, SENIOR VICE PRESIDENT

STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LANCE FREIER AND NICOLE FREIER, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KEVIN HANSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF GATE CITY BANK.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

REVIEWED BY PLEASANT TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

SIGNED: \_\_\_\_\_  
STEVE BRAKKE, CHAIRMAN

ATTEST: \_\_\_\_\_  
MARYJANE NIPSTAD, CLERK

REVIEWED BY THE CASS COUNTY ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

SIGNED: \_\_\_\_\_  
JASON BENSON, CASS COUNTY ENGINEER

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

SIGNED: \_\_\_\_\_  
KEN LOUGHEED, CHAIRMAN

ATTEST: \_\_\_\_\_  
DEANN BUCKHOUSE, SECRETARY

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

SIGNED: \_\_\_\_\_  
VERN BENNETT, CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: \_\_\_\_\_  
MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

