

Cass County Planning Commission Meeting
Thursday, May 22, 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 March 27, 2014

Public Hearing Items:

4. Minnkota Page Subdivision – A Minor Subdivision in Section 5 of Rich Township
5. Other Business and/or Citizen Comments
6. Adjournment

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

1. MEETING TO ORDER

The meeting was called to order on March 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 Wentz, and Mark Williams. Melissa Sobolik and Mark Brodshaug 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. Gust moved and Mr. Ellig seconded to approve the minutes of the February 27, 2014 meeting as presented.
Motion carried.**

3. JOB SECOND SUBDIVISION (Minor Subdivision) – Final Plat Approved

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 4 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 are no variances and the drainage issues have been addressed.

The public hearing was opened.

Mr. Ellig asked if structures should be built in the staging area for the diversion. Mr. Benson said the diversion project is not a federal project at this time; therefore, there are no restrictions. If the diversion project receives federal authorization, future projects may be subject to federal approval.

Don Solberg was present and stated he sold the land to Mr. Freier. He is concerned with homes being built in close proximity to farmland, saying the residents may have issues with run off from pesticides. He is also concerned with the drainage of the drain fields. He is opposed to any development of the property with the exception of the current house.

Jon Youness, Eagle Ridge Development Company, LLC was present stating people living in this development will have full access to Highway 81 in both a 100 year and 500 year flood event. He said when Mr. Freier purchased the property he also purchased the rights to subdivide.

The public hearing was closed.

MOTION, passed

Mr. Ellig moved and Mr. Gust seconded to approve the Final Plat for the Job Second Subdivision (Minor Subdivision). Discussion: Mr. Lougheed questioned since the subdivision is a minor subdivision is it still under the scrutiny of the County Engineer's Office. Mr. Benson said his department has less control over minor subdivisions; however, he will review the final plans. Mr. Gust said there is no authority which says that if the owner does not comply they cannot proceed. Mr. Ellig asked if the owner violates the ordinance, who has enforcement authority to ensure the owner is following the plan. Mr. Benson said the County Engineer will have contact with the owner. Ms. Durand said Article 5 in the ordinance would address any issues and enforcement could come through the ordinance. Mr. Benson said if there are issues with compliance, the county would hire a contractor and assess the improvements to the property. Motion carried.

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

4. ADJOURNMENT

On motion by Mr. Ellig, seconded by Mr. Wentz, and all voting in favor, the meeting was adjourned at 7:25 AM.

Final Plat Report

Title: Minnkota Page Subdivision

Owner(s): Neil and Patricia Munro, Gerald Suhr, Minnkota Power Cooperative, Inc.

Applicant: Brian Hoffart, Minnkota Power Cooperative, Inc.

Type of Request: Minor Subdivision (1 lot)

Status: Final Hearing at the May 22, 2014 Planning Commission Meeting

Proposal:

An application for a Minor Subdivision has been received by the Cass County Planning Office for approval of a tract of land located in a part of the Southeast Quarter of Section 5 in Rich Township to expand the existing substation as Cass County Electric requires additional power for the area. The said tract contains 1.71 acres of land, more or less.

Staff Analysis:

The proposed subdivision is consistent with the goals and objectives of the Comprehensive Plan and will provide citizens with essential services.

The ownership and maintenance responsibility of the subdivision will be private; roads will be public gravel roads, with 19th Street Southeast and 140th Avenue Southeast bordering the plat being dedicated to public; and ditches will be used for storm sewer drainage. In addition, the existing Minnkota substation will be removed and replaced with topsoil and grass.

The applicant has applied for a conditional use certificate and requested a variance of setback requirements to build the new substation 60 feet from the center of the township road to the chain link fence surrounding the substation. The conditional use certificate and variance were issued on April 30, 2014. In accordance to the conditional use certificate, damage to township roads for construction and maintenance shall be paid for by Minnkota Power as requested by the Township Board of Supervisors.

Agency Comments have been received from Cass Rural Water District, stating no infrastructure is located in the area.

Recommendation:

To approve the Final Plat as presented as it meets the goals and objectives of the Comprehensive Plan, the design standards of the Subdivision Ordinance, and the Flood Damage Prevention Ordinance #1998-2.

SECTION 5-142-54

SECTION 4-142-54

SECTION 8-142-54

SECTION 9-142-54

LAND OWNER:
GERALD SUHR
CONTRACT DEED:
NEIL AND PATRICIA MUNRO
PARCEL NO.:
61-0000-11122-010

LAND OWNER:
GERALD SUHR
CONTRACT DEED:
NEIL AND PATRICIA MUNRO
PARCEL NO.:
61-0000-11122-020
(REMNANT 5.23 ACRES INCLUDING 33' R.O.W.)

LAND OWNER:
MINNKOTA POWER
PARCEL NO.:
61-0000-11123-000
(0.36 ACRES EXTL R.O.W.)
(EXISTING
MINNKOTA PROPERTY)

PROPOSED AREA TO
BE PURCHASED
(1.20± INCLUDING R.O.W.)
(0.96± EXCLUDING R.O.W.)

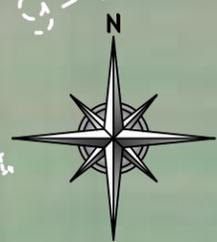
EAST LINE OF SE1/4
SECTION 5-142-54

SOUTH LINE OF SE1/4
SECTION 5-142-54

PROPOSED MINNKOTA
PROPERTY BOUNDARY

EXISTING TRACT

SE1SE1



					DRAWN B.S.H.	PAGE SUBSTATION SE1/4 OF SECTION 5, T. 142 N., R. 54 W. CASS COUNTY, NORTH DAKOTA
					DATE 04/21/14	
					APPROVED JE	
					PROJECT #	
DATE	PROJECT #	WO #	REVISIONS	BY	WO # 448409	SCALE 1" = 100' SHEET 1 OF 2
						DWG.NO.



MINNKOTA PAGE SUBDIVISION

PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 142 NORTH, RANGE 54 WEST OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CASS, STATE OF NORTH DAKOTA

OWNER'S CONSENT AND DEDICATION:

Know all men by these presents, that Neil Munro and Patricia Munro, husband and wife, of Page, North Dakota, Gerald Suhr, a widower, of Laporte, Minnesota, and Minnkota Power Cooperative, Inc., of Grand Forks, North Dakota being all the owners and lien holders of that part of the Southeast Quarter of the Southeast Quarter of Section 5, Township 142 North, Range 54 West of the Fifth Principal Meridian in the County of Cass, State of North Dakota, and more particularly described as follows:

That part of the Southeast Quarter of the Southeast Quarter of Section 5, Township 142 North, Range 54 West of the Fifth Principal Meridian, Cass County, North Dakota, more particularly described as follows: Beginning at the southeast corner of said Southeast Quarter of the Southeast Quarter of Section 5; thence South 87 degrees 42 minutes 47 seconds West, assumed bearing, along the south line of said Southeast Quarter of the Southeast Quarter, a distance of 300.00 feet; thence North 01 degree 54 minutes 47 seconds West, parallel with the east line of said Southeast Quarter of the Southeast Quarter, a distance of 248.00 feet; thence North 87 degrees 42 minutes 47 seconds East, parallel with said south line, a distance of 300.00 feet to the said east line; thence South 01 degree 54 minutes 47 seconds East, along said east line, a distance of 248.00 feet to the point of beginning.

Said owners have caused the above described tract of land shown on this plat to be surveyed and platted as "MINNKOTA PAGE SUBDIVISION" to the County of Cass, State of North Dakota and do hereby dedicate to the public, for public use all streets as shown on this plat. Said MINNKOTA PAGE SUBDIVISION, consists of one lot and contains 1.71 acres, more or less, and is subject to all easements and rights-of-way of record.

By _____
Neil Munro

By _____
Patricia Munro

STATE OF NORTH DAKOTA)
COUNTY OF _____)

Be it known that on this _____ day of _____, 20____, before me, a Notary Public, personally appeared Neil Munro and Patricia Munro, Husband and Wife, known to me to be the same persons described herein and who executed the within foregoing instrument and acknowledged before me that the executed the same.

Notary Public, _____ County
State of North Dakota
My Commission Expires: _____

By _____
Gerald Suhr

STATE OF NORTH DAKOTA)
COUNTY OF _____)

Be it known that on this _____ day of _____, 20____, before me, a Notary Public, personally appeared Gerald Suhr, a widower, known to me to be the same persons described herein and who executed the within foregoing instrument and acknowledged before me that the executed the same.

Notary Public, _____ County
State of _____
My Commission Expires: _____

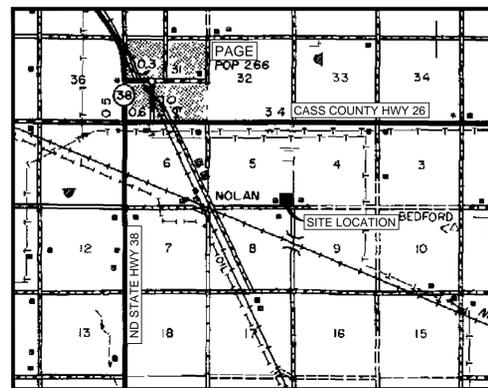
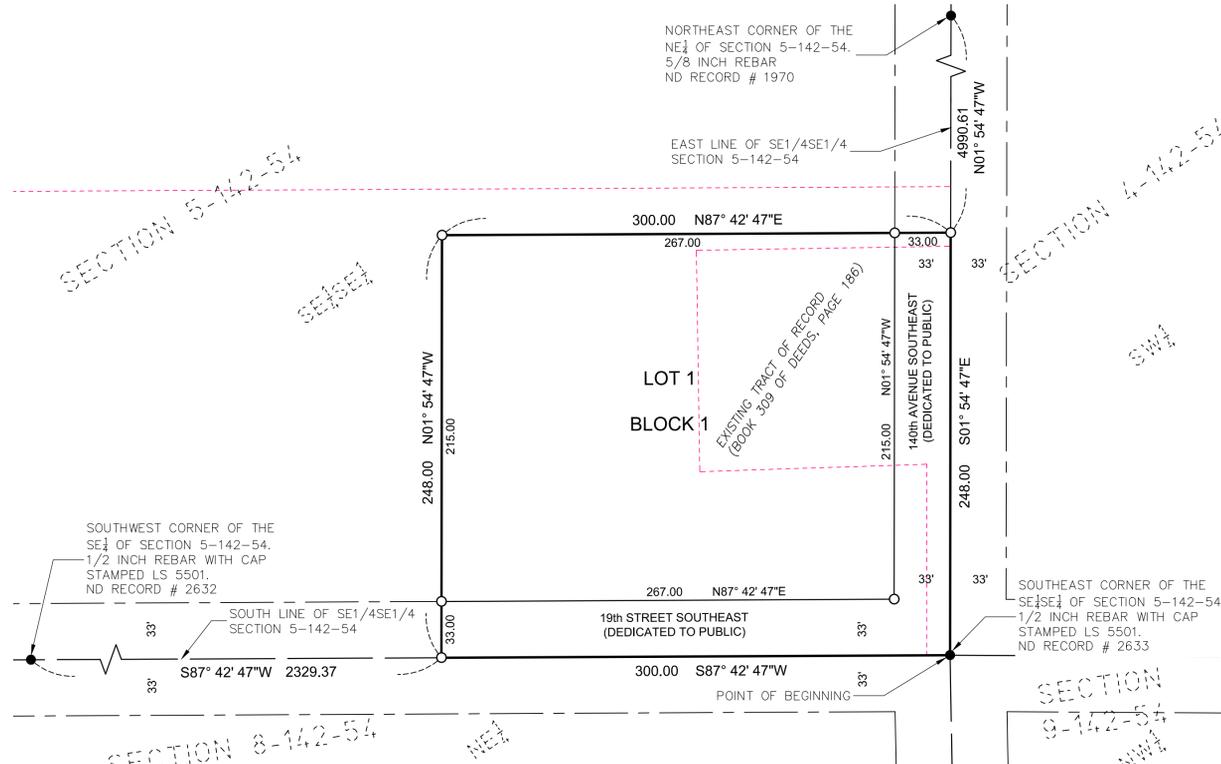
Minnkota Power Cooperative, Inc.

By _____
An Officer of Minnkota Power Cooperative, Inc.

STATE OF NORTH DAKOTA)
COUNTY OF _____)

Be it known that on this, the _____ day of _____, 2014, before me, a Notary Public, the undersigned officer, personally appeared _____, being an Officer of Minnkota Power Cooperative, Inc., who being duly sworn according to law, deposes this plan, that he is authorized to execute said plan on behalf of the corporation, that the plan is the act and deed of the corporation, that the corporation desires the same to be recorded and on behalf of the corporation further acknowledges, that all streets and other property identified as proposed public property are here by dedicated to the public use (excepting those area labeled "NOT FOR DEDICATION").

Notary Public, _____ County
State of North Dakota
My Commission Expires: _____



- LEGEND**
- SET 5/8" X 20" REBAR WITH ORANGE PLASTIC CAB #5071
 - FOUND IRON MONUMENT
 - PLAT BOUNDARY
 - LOT LINE
 - SECTION LINE
 - RIGHT OF WAY LINE
 - - - - - EXISTING PARCEL

SURVEYOR'S CERTIFICATE:

I, Brian S. Hoffart, Registered Land Surveyor in the State of North Dakota, do hereby certify that this map is a true and complete survey made by me or under my direct supervision and that all dimensions, angles and bearings are correct, the monuments are in place as shown on the plat and the outside boundary lines are correctly designated as shown on the plat in accordance with the statutes of the State of North Dakota and ordinances of Cass County to the best of my knowledge and belief.

Brian S. Hoffart, R.L.S.
North Dakota Registration No. 5071

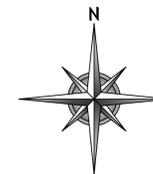
STATE OF NORTH DAKOTA)
COUNTY OF GRAND FORKS)

Be it known that on this _____ day of _____, 2014, before me personally appeared Brian S. Hoffart, North Dakota Registered Land Surveyor, to me to be the person described in and who executed the foregoing instrument and acknowledged the execution of the same as a free act and deed.

Notary Public, Grand Forks County
State of North Dakota
My Commission Expires: _____



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON SOUTH LINE OF THE SE 1/4 OF SECTION 5, T. 142 N., R. 54 W. BETWEEN THE SOUTHWEST AND SOUTHWEST CORNERS WITH A BEARING OF SOUTH 87 DEGREES 42 MINUTES 47 SECONDS WEST (ALL DISTANCE IN FEET)



CASS COUNTY ENGINEER:

Reviewed by the Cass County Engineer this _____ day of _____, 2014.

Jason Benson, Cass County Engineer

CASS COUNTY PLANNING COMMISSION:

Reviewed by the Cass County planning Commission this _____ day of _____, 2014.

Chairman, Cass County Planning Commission

ATTEST: _____

TITLE: _____

RICH TOWNSHIP:

Reviewed by Rich Township, Cass County, North Dakota this _____ day of _____, 2014.

Chairman, Rich Township

ATTEST: _____

TITLE: _____

CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

Approved by the Board of Cass County Commissioners, Cass County, North Dakota this _____ day of _____, 2014.

Vern Bennett, Chairman

ATTEST: _____

TITLE: _____