

**Cass County Planning Commission Meeting  
Thursday, August 28, 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 May 22, 2014

Public Hearing Items:

4. Baarstad Subdivision – A Minor subdivision in Section 28 of Watson Township
5. Other Business and/or Citizen Comments
6. Adjournment

**CASS COUNTY PLANNING COMMISSION  
MAY 22, 2014**

**1. MEETING TO ORDER**

The meeting was called to order on May 22, 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, and Mark Williams. Mark Wentz, Melissa Sobolik and Mark Brodshaug were absent. Also present were County Planner Hali Durand, Cass County Engineer Jason Benson, and Administrative Assistant Heather Worden.

**2. MINUTES, APPROVED**

*MOTION, passed*

**Mr. Gust moved and Mr. Ellig seconded to approve the minutes of the March 27, 2014 meeting as presented. Motion carried.**

**3. MINNKOTA PAGE 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 Southeast Quarter of Section 5, Township 142 North, Range 54 West. The purpose of the plat is to allow for an expansion of an existing power substation. The tract contains 1.71 acres of land, more or less. The proposed subdivision is consistent with the goals and objectives outlined in the Comprehensive Plan, and no issues have been raised by outside agencies.

The public hearing was opened.

The applicant has applied for a conditional use permit and requested a variance from setback requirements to build the new substation 60 feet from the center of the township road to a chain link fence surrounding the substation. Brian Hoffart from Minnkota Power Cooperative was present. He said Rich Township has approved the variance and conditional use permit for the subdivision.

Mr. Ellig does not have any issues with the plat if the township has approved it as presented. Mr. Gust questioned the setback variance and referred to the county subdivision ordinance requirements. Mr. Ellig said Stanley Township considers snow removal and road maintenance when variance requests are received. Mr. Lougheed said the township road is not close to the section line road, and the setback from the section line appears to be adequate. Mr. Hoffart said Minnkota would be willing to provide 50 feet of right-of-way on the west side and 30 feet of right-of-way on the east side of the township road.

Mr. Lougheed said county subdivision ordinance setback requirements were implemented to deal with urban developments, which does not apply in this situation. He said the township provides building permits and oversees zoning requirements, so he believes the planning commission should defer to the township.

The public hearing was closed.

There was discussion about a discrepancy in the location of the section line on the plat drawing. Mr. Gust said if the actual section line is where it appears to be, he supports the subdivision request.

***MOTION, passed***

**Mr. Ellig moved and Mr. Williams seconded to approve the Final Plat for Minnkota Page Subdivision (Minor Subdivision) as presented as it meets the goals and objectives of the Comprehensive Plan, and design standards of the Subdivision Ordinance, and Flood Damage Prevention Ordinance #1998-2. Motion carried.**

**4. MODEL ZONING ORDINANCE**

Ms. Durand has been working to draft a model zoning ordinance as an option for townships to use. She discussed the concept at the spring township officers' annual meeting, and has already been contacted by some townships that are interested in using the model. Once she has completed the draft, she will ask the planning commission to review the document.

Mr. Benson said townships will not be required to use the model—it will be an option available to them. He said the model will also incorporate any changes made in state law. Mr. Gust said this will be an excellent resource for townships.

Ms. Durand said the ordinance is all inclusive and has been drafted so urban and rural areas are able to use it as a guide.

**5. ADJOURNMENT**

**On motion by Mr. Ellig, seconded by Mr. Monson, and all voting in favor, the meeting was adjourned at 7:30 AM.**

## Final Plat Report

**Title:** Baarstad Subdivision  
**Owner(s):** Marvin Baarstad  
**Applicant:** Steven Ackerman  
**Type of Request:** Minor Subdivision  
**Status:** Final Hearing at the August 28, 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 the Northeast Quarter of the Southeast Quarter of Section 28 in Watson Township to plat one (1) lot for residential development. The said tract contains 2.08 acres of land, more or less.

### **Staff Analysis:**

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use public gravel roads, ditches for storm water management, private wells, an on-site septic system, and access will be off of 148th Avenue SE. The proposed subdivision is located within an unmapped flood area along the Maple River Tributary over 500 feet from a designated wetland area.

### **Agency Comments:**

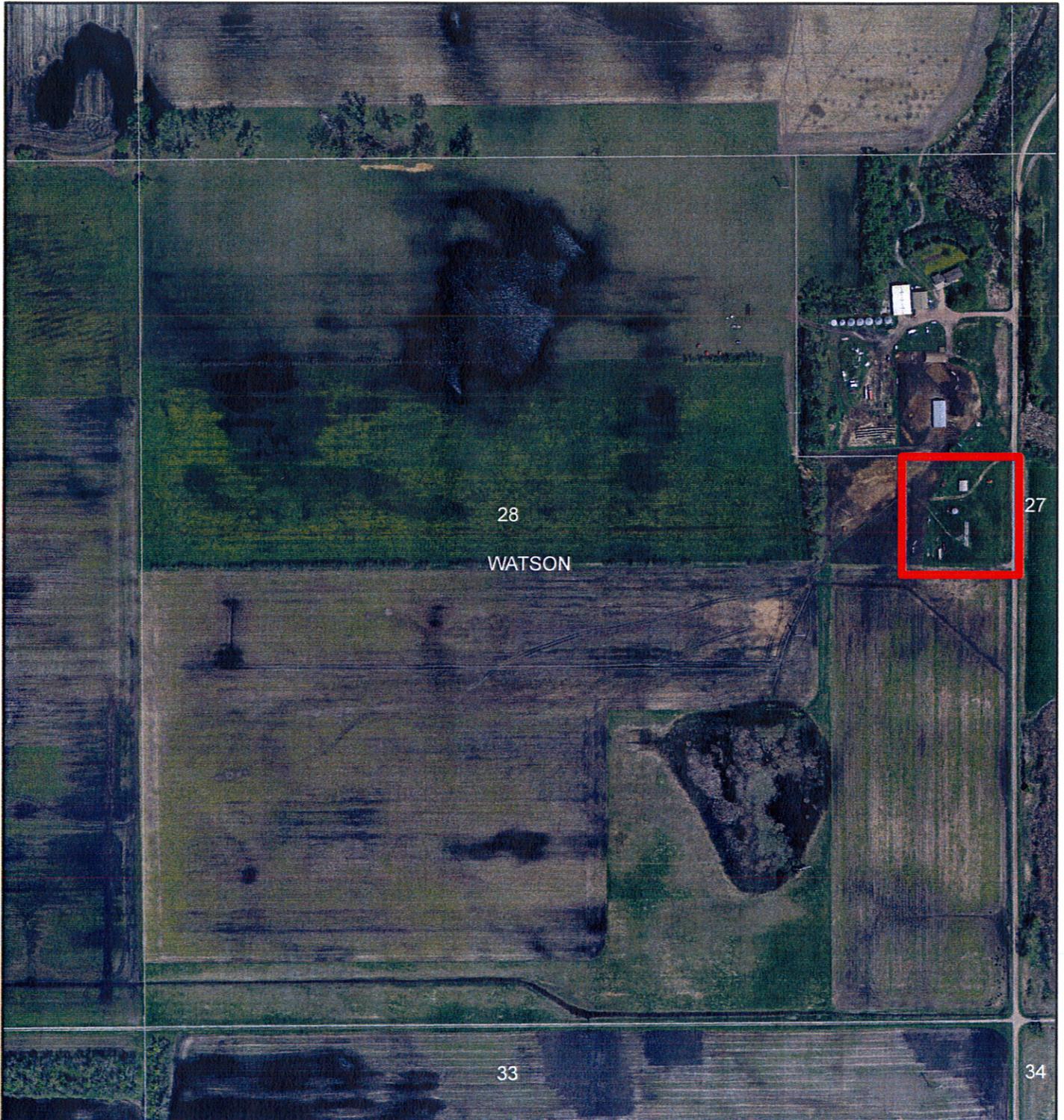
Cass County Engineer – Has no issues with the proposed subdivision.  
Water Resource District – Has no issues with the proposed subdivision.  
Cass County Electric – No comment has been received.  
Century Link – No comment has been received.  
Gas Company – No comment has been received.  
Cass Rural Water – No comment has been received.  
County Sanitarian – A soil sample will need to be performed.  
Township Chairman – Has no issues with the proposed subdivision.  
Public Comment – No public comment has been received.

### **Recommendation:**

To approve the Final Plat as presented as it meets the goals, objectives, and requirements of the Cass County Comprehensive Plan, Cass County Subdivision Ordinance, the Flood Damage Prevention Ordinance, and Watson Township Zoning Ordinance.

# Baarstad Subdivision

Part of the NE¼ of the SE¼ of Section 28, Township 137 North, Range 53  
Watson Township  
August 28, 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)

Preliminary Plat  
**BAARSTAD SUBDIVISION**

A part of the Northeast Quarter of the Southeast Quarter of Section 28, Township 137 North, Range 53 West of the Fifth Principal Meridian, Watson Township, Cass County, North Dakota

To:  
 E1/4 Cor. Sec. 28  
 T137N, R53W  
 RLS 2958  
 Rec. No. 3358

**OWNERS' CERTIFICATE AND DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that Marvin Boarstad whose address is 148th Ave. SE, Leonard, North Dakota, is the owner of a tract of land located in the that part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section 28, Township 137 North, Range 53 West of the 5th Principal Meridian, Watson Township, Cass County, North Dakota described as follows:

Commencing at the iron monument marking the East Quarter Corner of said Section 28 (Cass County Corner Record No. 3358); thence on an assumed bearing of South 00°04'45" West, on and along the east line of the said Southeast Quarter of Section 28, a distance of 915.00 feet to the POINT OF BEGINNING; thence continuing South 00°04'45" West, along the said east line of the Southeast Quarter of Section 28, a distance of 356.00 feet; thence South 89°43'39" West, parallel with the north line of the said Southeast Quarter of Section 28, a distance of 280.00 feet; thence North 04°43'21" East a distance of 213.85 feet; thence North 25°40'33" East a distance of 158.99 feet; thence North 89°43'39" East, parallel with the said north line of the Southeast Quarter of Section 28, a distance of 194.00 feet to the point of beginning, containing 2.08 acres, more or less.

Said party has caused the same to be surveyed and platted as BAARSTAD SUBDIVISION in Cass County, North Dakota, and does hereby dedicate to the public for public use the road identified as 148th Ave SE.

Marvin Boarstad  
 Owner of Lot 1, Block One, Baarstad Subdivision

STATE OF NORTH DAKOTA }  
 COUNTY OF CASS }

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, a notary public, with and for said County, personally appeared Marvin Boarstad to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as a free act and deed.

Notary Public  
 My commission expires \_\_\_\_\_, 2014

**COUNTY ENGINEER REVIEW**

Approved by Cass County Engineer this \_\_\_\_ day of \_\_\_\_\_, 2013.

Jason Benson, Cass County Engineer

**WATSON TOWNSHIP REVIEW**

Reviewed by Watson Township, Cass County, North Dakota this \_\_\_\_ day of \_\_\_\_\_, 2014.

Clayton Brown, Chairman

Attest:  
 Lori Torgerson, Clerk

**CASS COUNTY COMMISSION APPROVAL**

Approved by the Board of County Commissioners and ordered filed this \_\_\_\_ day of \_\_\_\_\_, 2014.

Ken Pawluk, Chairman

Attest:  
 Michael Montplaisir, Cass County Auditor

**CASS COUNTY PLANNING COMMISSION REVIEW**

Reviewed by the Cass County Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 2014.

Ken Loughheed, Chair

Attest:  
 Secretary

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT**

I, Steven A. Ackerman, Registered Land Surveyor, under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014.

Steven A. Ackerman, Registered Land Surveyor

STATE OF NORTH DAKOTA }  
 COUNTY OF RICHLAND }

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a notary public, with and for said county, personally appeared Steven A. Ackerman, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

Notary Public  
 My commission expires \_\_\_\_\_, 20\_\_

**FLOOD PLAIN STATEMENT:**  
 THERE ARE NO PUBLISHED FEMA FLOOD PLAIN MAPS FOR WATSON TOWNSHIP, CASS COUNTY, NORTH DAKOTA.

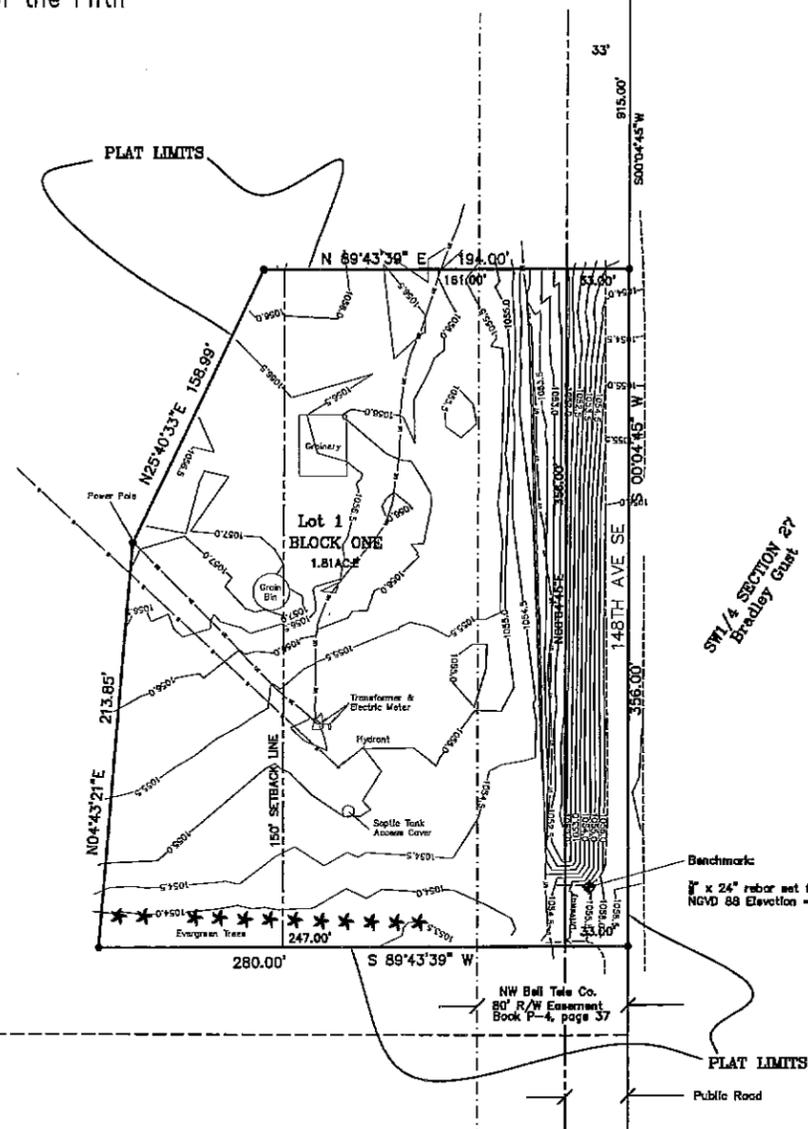
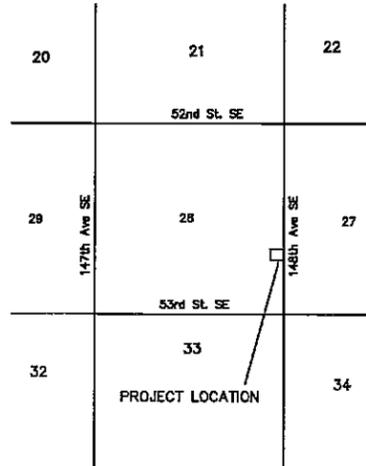
Existing easements of record within the area being platted:

1. Right of Way Easement to Northwestern Bell Telephone Co. in Book P-4 of Misc., page 37
2. Right of Way Easement to Northwestern Bell Telephone Co. in Book K-6 of Misc., page 443

OWNER/DEVELOPER: Marvin Boarstad, 148th Ave. SE., Leonard, North Dakota

**Notes:**

1. A new sanitary sewer system will be installed onsite.
2. The existing water line will be used.



SE1/4 SECTION 28  
 Marvin Boarstad

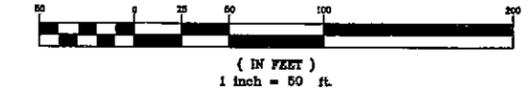
SW1/4 SECTION 27  
 Bradley Guset

NE1/4 SE1/4  
 SE1/4 SE1/4

**LEGEND**

- - CORNER MARKED WITH A 5/8" X 22" IRON REBAR WITH RED PLASTIC CAP MARKED "ND2958 SD5228"
- - EXISTING OR FOUND CORNER MONUMENT
- - FOUND EXISTING IRON DEEP IN GROUND AND SET
- ⊙ - NEW IRON, 5/8" X 22" REBAR WITH RED CAP MARKED "ND2958 SD5228" ABOVE FOUND IRON, LEFT FOUND IRON UNDISTURBED
- △ - STEEL FENCE POST
- REC. - RECORD OR ORIGINAL DISTANCE
- MEA. - MEASURED DISTANCE THIS SURVEY
- DOC. - MONUMENT RECORD ON FILE AT COUNTY REGISTER OF DEEDS
- \* NOTE: THIS SURVEY IS BASED ON AN ASSUMED MERIDIAN
- — — — — WATER LINE
- - - - - UNDERGROUND TELEPHONE LINE
- - - - - UNDERGROUND ELECTRIC LINE

**GRAPHIC SCALE**



SCALE: 1 inch = 50 feet



Steven A. Ackerman  
 107 South 2nd St.  
 Wahpeton, ND 58075  
 701-642-8404