

CASS COUNTY PLANNING COMMISSION AGENDA FOR DECEMBER 13, 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 October 11, 2012 Minutes
2. Lone Oak Farm Subdivision – A minor residential subdivision in Section 11 and 14 of Normanna Township – Plat Revisions
[Action]
3. Elect Chair and Vice-Chair for 2013
[Action]
4. Approve Meeting Calendar for 2013
[Action]
5. Appoint Member to Road Advisory Committee for 2-year term of 2013-2014
[Action]
6. Other Business and/or Citizen Comments
7. Adjournment

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

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

**CASS COUNTY PLANNING COMMISSION
OCTOBER 11, 2012**

1. MEETING TO ORDER

The meeting was called to order on October 11, 2012, at 10:45 AM in the Highway Department Vector Conference Room with members present as follows: Ken Lougheed, Chad Peterson, Keith Monson, Mark Williams, Mark Johnson, Mark Wentz and Brad Wimmer for Melissa Sobolik. Vern Bennett and Todd Ellig were absent. Also present was County Planner Tim Solberg.

Mr. Lougheed called the meeting to order and welcomed Mark Wentz as the new representative for the City of West Fargo.

2. MINUTES, APPROVED

MOTION, passed

Mr. Monson moved and Mr. Johnson seconded to approve the minutes of the June 28, 2012 meeting as presented. Motion carried.

Mr. Johnson moved and Mr. Williams seconded to approve the minutes Of the September 27, 2012 meeting as presented. Motion carried.

3. ANDVIK ACRES SUBDIVISION (NW ¼ Section of 34, Davenport Township) Plat Approved

Mr. Solberg said the public hearing was held at the September 27th meeting, however; due to the lack of a quorum no action was taken. Mr. Solberg reviewed the details of the application. The proposed subdivision is approximately 6.84 acres and would be divided into one lot, for residential development. The proposed access will be off of 53rd St., a gravel township road. The plat is currently unmapped on the Flood Insurance Rate Map. Davenport Township does not request assistance from FEMA for flood damaged roads so it cannot be verified if access has been available during past flood events however aerial imagery and local testimony suggests the subdivision would have had access during past events.

MOTION, passed

Mr. Johnson moved and Mr. Monson seconded to approve the plat for Andvik Acres Subdivision (NW ¼ Section of 34, Davenport Township) and forward to the Cass County Commission based on subdivision meeting the requirements of Cass County Subdivision Ordinance #2006-1 with the following conditions being met prior to signing and recording: Deed Restriction to be filed with plat. Motion carried.

4. C RUNCK SUBDIVISION (SW ¼ of Section 7, Mapleton Township) Plat Approved

Mr. Solberg said there was also no action taken on this plat due to the lack of a quorum at the public hearing. He reviewed the details of the application. The proposed subdivision is approximately 6.9 acres and would be divided into one lot, for residential development. The plat is currently within Zone A of the Flood

Insurance Rate Map so any building will require elevation and a floodplain development permit from Mapleton Township.

The County Engineer has recommended extending the right-of-way dedication to 75' on 163rd Ave. SE to the township road. The development meets the goals of the Comprehensive Plan with deed restriction which is recommended to be a condition of approval as well as properly providing building elevation and access above Base Flood Elevation.

MOTION, passed

Mr. Monson moved and Mr. Wimmer seconded to approve the plat for the C Runck Subdivision (SW ¼ of Section 7, Mapleton Township) and forward to the Cass County Commission based on subdivision meeting the requirements of Cass County Subdivision Ordinance #2006-1 with the following conditions begin met prior to signature and recording: Deed Restriction to be filed with plat. Motion carried.

5. LONE OAK FARM SUBDIVISION (SE ¼ of Section 11 and NE ¼ of Section 14 in Normanna Township) Plat Approved

Mr. Solberg reviewed the details of the application and said that due to the lack of a quorum at the public hearing, no action was taken. The proposed subdivision is approximately 36.36 acres and would be divided into 4 lots, for residential development (with deed restriction). The proposed access will be off of 50th St. SE which a portion thereof is being vacated as part of this plat (a process staff technically approves of based on inability to cross the river and oxbows on the west side of the plat). The plat is currently within Zone AE of the Flood Insurance Rate Map with a Base Flood Elevation of 925 and 926 so any new buildings would require being elevated along with a floodplain development permit from Normanna Township.

The roadway to the north of the property does wash out during flood events, however; there is access to the south and west. This property is in the City of Horace ET area but they had no comment. The set back of 276 feet from the Sheyenne River is delineated on the final plat and will be followed as required per Section 610 of the Subdivision Ordinance.

MOTION, passed

Mr. Wimmer moved and Mr. Williams seconded to approve the plat and forward it to the Cass County Commission for approval based on the subdivision meeting the requirements of Cass County Subdivision Ordinance #2006-1 with the following conditions being met prior to signature and recording: Deed restriction to be filed with plat. Motion carried.

6. ADJOURNMENT

The meeting was adjourned at 11:10 AM.

MEMORANDUM

TO: Cass County Planning Commission

FROM: Tim Solberg, County Planner

DATE: December 7, 2012

SUBJECT: Revisions to approved Lone Oak Farm Subdivision

At the October 11, 2012 Planning Commission meeting the board approved the plat of Lone Oak Farm Subdivision and forwarded a recommendation for approval to the County Commission. At their October 15, 2012 meeting the County Commission also approved the plat.

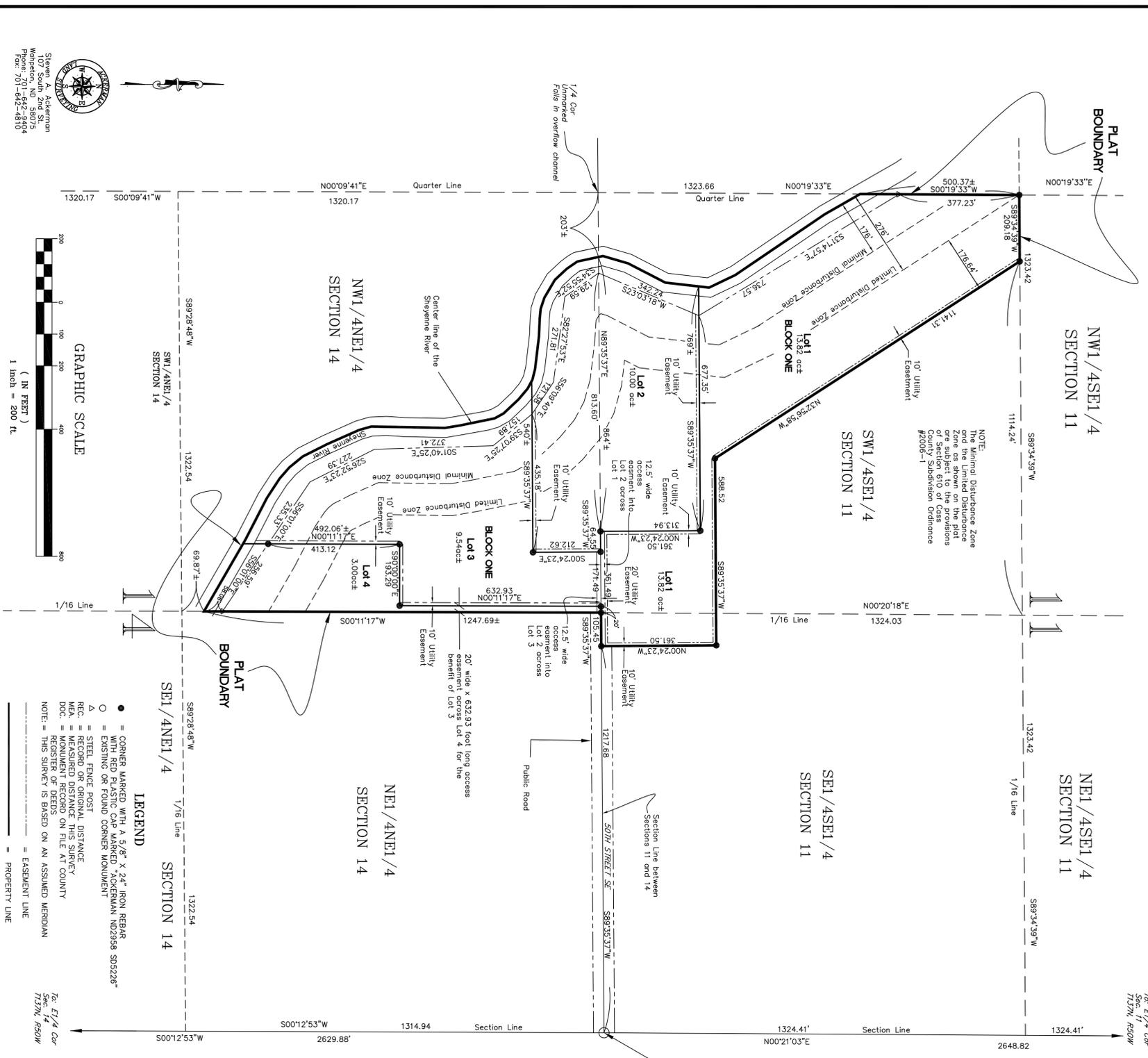
After signature the developer has not yet record the final approved plat, and has since made some revisions to the lot layout based on site preference for a new building site. Given the plat has not yet been recorded, a re-plat is not necessary, however I believe action is necessary to have the Planning Commission and County Commission sign the revised plat.

I've included the revised plat and will give a short report on the changes at the December 13 meeting. If you have any questions please contact me or bring them to the meeting.

Recommended Motion: Move to approve changes to approved Lone Oak Farm Subdivision and forward a recommendation for approval to the Cass County Board of Commissioners.

LONE OAK FARM SUBDIVISION

A part of the South Half of the Southeast Quarter of Section 11, and a part of the Northwest Quarter of the Northeast Quarter of Section 14 North, Township 137 North, Range 50 West of the Fifth Principal Meridian, Normanna Township, Cass County, North Dakota



To: E1/4 Cor
Sec. 14
T137N, R50W

OWNERS' CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Andrew J. Westby and Erin R. Westby, husband and wife, whose address is 4999 168th Avenue SE, Kinross, North Dakota, and Wells Fargo Bank, N.A., 101 North Phillips Avenue, Sioux Falls, SD 57104 are the owners and mortgagee of a tract of land located in the South Half of the Southeast Quarter (S1/2SE1/4) of Section 11 and the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section 14, Township 137 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Commencing at the iron monument marking the southeast corner of said Section 11, (Land Survey Monument Record No. 1933); thence on an assumed bearing of South 89°35'37" West, on and along the south line of said Section 11, a distance of 1217.68 feet to the POINT OF BEGINNING; thence North 00°24'23" West, perpendicular from the last described line of distance of 1217.68 feet, a distance of 588.52 feet; thence North 32°56'58" West, a distance of 1141.31 feet to a point on the north line of the Southwest Quarter of the Southeast Quarter of Section 11; thence South 89°34'39" West, on and along the said north line of the Southwest Quarter of the Southeast Quarter of Section 11, a distance of 209.18 feet to the southeast corner of said Section 11; thence South 00°19'33" West, on and along the said west line of the Southwest Quarter of the Southeast Quarter of Section 11, a distance of 500.37 feet, more or less, to its intersection with the center line of the Sneyeme River; thence Southeast, on and along the said center line of the Sneyeme River, a distance of 1377 feet, more or less, containing Southeast, on and along the said center line of the Sneyeme River, a distance of 1377 feet, more or less, to its intersection with the east line of the said Northwest Quarter of the Northeast Quarter of Section 14; thence North 00°11'17" East, Section 14, a distance of 1247.69 feet, more or less to the northeast corner of the said Northwest Quarter of the Northeast Quarter of Section 14; thence North 89°35'37" East, on and along the said common section line between Sections 11 and 14, a distance of 1054.4 feet to the point of beginning.

The above described tract contains 36.36 acres, more or less, and is subject to the public flowage rights of the said Sneyeme River.

Said owners have caused the above described tract of land to be surveyed and plotted as "LONE OAK FARM SUBDIVISION" in the County of Cass and the State of North Dakota, and do hereby dedicate and convey to the public for public use the utility easements as shown on this plat.

ANDREW J. WESTBY & ERIN R. WESTBY
OWNERS OF LOT 1, LOT 2, LOT 3, AND LOT 4, BLOCK ONE, LONE OAK FARM SUBDIVISION

Andrew J. Westby
Erin R. Westby

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 2012, before me, a notary public, with and for said county, personally appeared Andrew J. Westby and Erin R. Westby, husband and wife, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public
My commission expires _____ 20____

WELLS FARGO BANK, NA
MORTGAGEE OF LOT 2, BLOCK ONE, LONE OAK FARM

By: _____

STATE OF SOUTH DAKOTA
COUNTY OF _____

On this _____ day of _____, 2012, before me, a notary public, with and for said County, personally appeared _____ and _____ to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public
My commission expires _____ 20____

Existing easements of record within the area being platted:

- Right of Way Easement to Northwestern Bell Telephone Co. in Book 9-8 of Misc., page 357
- Right of Way Easement to Cass Rural Water Users, Inc. in Book V-6 of Misc., page 317

OWNER/DEVELOPER: Andrew J. Westby and Erin R. Westby, husband and wife, 4999 168th Ave SE, Kinross, ND 58051

COUNTY ENGINEER REVIEW

Approved by Cass County Engineer this ____ day of _____, 2012.

Jason Benson, Cass County Engineer

NORMANNA TOWNSHIP REVIEW

Reviewed by Normanna Township, Cass County, North Dakota this ____ day of _____, 2012.

Chairman _____

Attest: _____

Clerk _____

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of County Commissioners and ordered filed this ____ day of _____, 2012.

Chairman _____

Attest: _____

Michael Montplaisir, Cass County Auditor

CASS COUNTY PLANNING COMMISSION REVIEW

Reviewed by the Cass County Planning Commission this ____ day of _____, 2012.

Kent Lougheed, 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 show the guidance of future surveys have been located or placed in the ground as shown.

Dated this _____ day of _____, 2012.

Steven A. Ackerman, Registered Land Surveyor

STATE OF NORTH DAKOTA
COUNTY OF RICHLAND

On this _____ day of _____, 2012, before me, a notary public, with and for said county, personally appeared Steven A. Ackerman, to me known to be the person described in the foregoing instrument and acknowledged that he executed the same.

Notary Public
My commission expires _____ 20____

STATE OF NORTH DAKOTA
COUNTY OF RICHLAND

On this _____ day of _____, 2012, before me, a notary public, with and for said county, personally appeared Steven A. Ackerman, to me known to be the person described in the foregoing instrument and acknowledged that he executed the same.

Notary Public
My commission expires _____ 20____

LEGEND

- = CORNER MARKED WITH A 5/8" X 24" IRON REBAR
- = EXISTING OR FOUND CORNER MONUMENT
- △ = STEEL FENCE POST
- REC = RECORD OR ORIGINAL DISTANCE
- MEAS = MEASURED DISTANCE THIS SURVEY
- MEK = MEASURED DISTANCE ON FILE AT COUNTY REGISTER OF DEEDS
- NOTE = THIS SURVEY IS BASED ON AN ASSUMED MERIDIAN

____ = EASEMENT LINE
____ = PROPERTY LINE

GRAPHIC SCALE
(IN FEET)
1 inch = 200 ft.

Steven A. Ackerman
Registered Land Surveyor
Wahpeton, ND 58075
Phone: 701-642-4804
Fax: 701-642-4810

REGULARLY SCHEDULED CASS COUNTY PLANNING COMMISSION MEETINGS
FOR THE YEAR 2013

January	24
February	28
March	28
April	25
May	23
June	27
July	25
August	22
September	26
October	24
December	12

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 second Thursday of December. Meetings may be cancelled and special meetings may also be called when deemed necessary.



Cass County Planning Commission: 2012 Annual Report
December 2012

2012 was a quiet year in terms of development in the unincorporated portions of Cass County. Development continues in the Cities of West Fargo and Fargo and it has been reported that there are heavy numbers of building permits being issued in both cities. Growth pressures outside of city limits have been limited which I believe is both a result of availability of affordable lots in the cities and the strength of the County Subdivision Ordinance to prevent large-scale developments from occurring where the available infrastructure cannot support them, and the flood risk may be higher.

Flood Administrative Updates

- www.fmdiversion.com continues to provide the greatest amount of public information on the progress of the FM Diversion. County Engineer Jason Benson and County Administrator Keith Berndt serve as primary staff in technical issues related to the diversion. Planning Office participates as necessary and requested on various technical meetings and issues. Also currently sitting on Early Acquisition Sub-Committee reviewing potential issues of early acquisition for the Land Management Committee
- FEMA Digital Flood Insurance Rate Map (DFIRM) updates:
 - Eastern Cass Preliminary maps released – public appeal period will begin soon
 - Maps expected to become effective within a year
 - Western Cass study will include Sheyenne River, portions of Maple River, various drains, and the Red River from North of Metro to North County Boundary
 - This study is on hold
 - We provide information and any updates on our website: www.casscountynd.gov/county/depts/planning/Pages/FloodplainAdministration.aspx and also direct citizens to the information available at fargofloodinsurance.com
- Assisting Emergency Manager in process of updating 5 year Multi-Hazard Mitigation Plan
 - requirement of FEMA, but compliment to other plans and emergency response efforts that we currently have in place
- Awaiting approval on funding from Hazard Mitigation Grant Program (HMGP) through FEMA for construction of bridge at Lake Shure neighborhood and Acquisition Project of approximately 50 homes for flood buyouts in the County

Highway Planning

- 2013-2017 Comprehensive County Highway Plan completed and approved
 - Asset inventory being compiled to include better township road inventory and minor structures and low water crossings inventory
 - We've received the results of our 5 year pavement testing and will include on next year's 2014-2018 Plan

- 2013 planned construction projects map (Attachment 1)
- Mapping results of bi-annual DOT Bridge Inspections

GIS/Technical Update

- Updates to both public and internal interactive GIS coming this year
- Development of the interactive flood mapping application as a mobile app
- Planning Office completed a brochure-style County Highway Map for distribution (Attachment 2)

Township and Small City Technical Assistance

- Assistance to townships over 2012 included reviewing their current zoning regulations for permit applications and assisting on matters such as the CapX2020 Transmission Line and “Bison Substation”. There have also been a large number of questions and concerns related to permitting for building vs. zoning in the unincorporated County. In the smaller cities the Planning Office has been working with a couple of cities in reviewing new developments which has been primarily done as a response to potential safety and/or cost implications to the County.
 - Planning Staff has begun developing a “Model Zoning Ordinance” similar to that done by the County in 1990 which is intended to allow the township and/or cities to essentially fill in the blanks to adopt it as their own.

Development in Unincorporated County

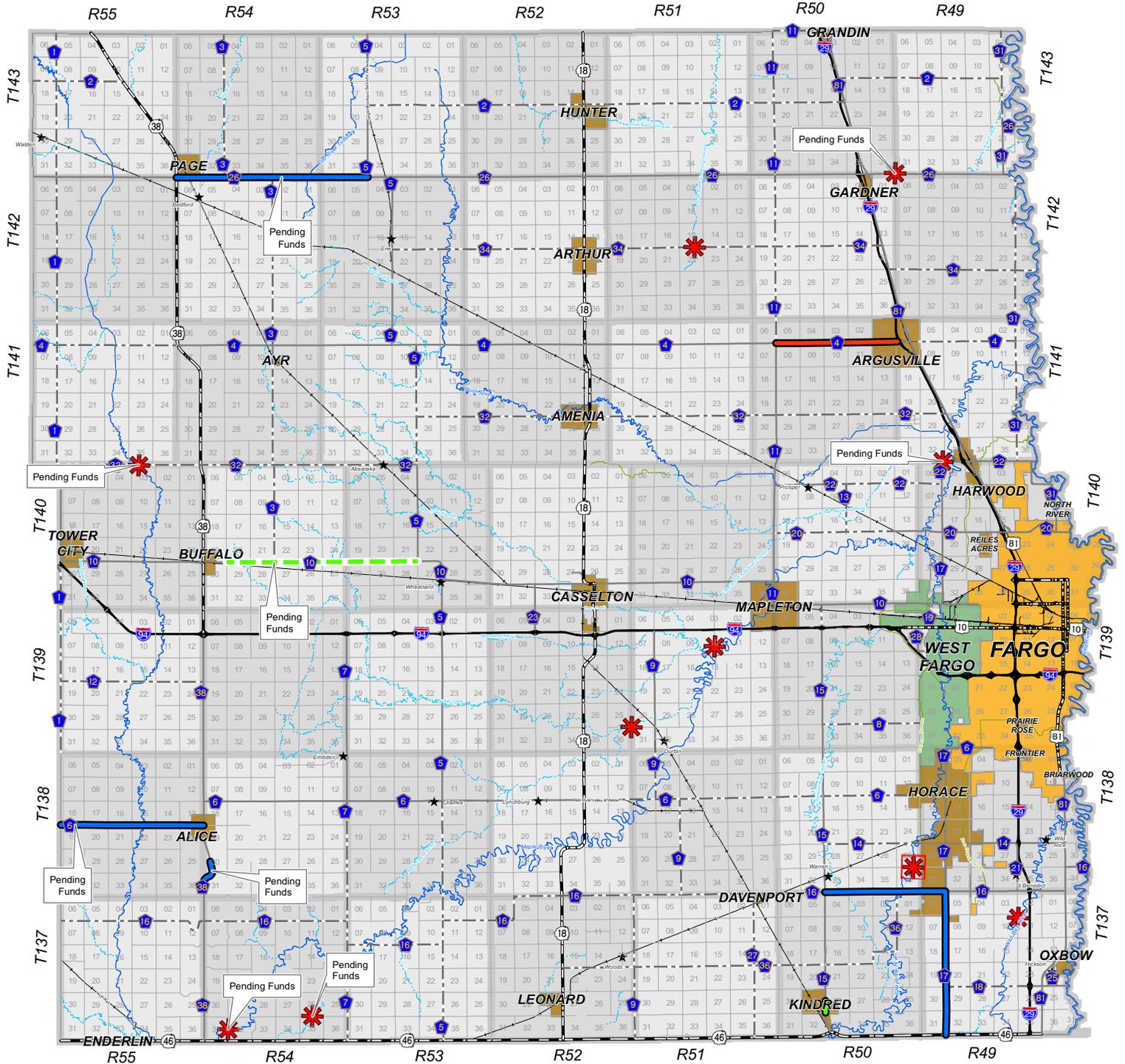
- Three applications for subdivision review received in 2012
- There were some lot splits identified of which residents were notified of violation of Cass County Subdivision Ordinance #2006-1

Planning Commission Information

- 2013 Meeting dates: (Attachment 3)
 - Membership Information
 - Chairman: Ken Lougheed, Rural County Resident – 4 year term (expires Dec. 31, 2014)
 - Vice Chairman: Todd Ellig, Rural County Resident – 4 year term (expires Dec. 31, 2015)
 - Ken Pawluk, Cass County Commissioner – 1 year term (expires Dec. 1, 2013)
 - Melissa Sobolik, City of Fargo Commissioner – 1 year term (expires Dec. 31, 2012)
 - Mark Wentz, City of West Fargo Commissioner – 1 year term (expires Dec. 31, 2012)
 - Mark Johnson, Cass County Township Officers Association appointee – 1 year term (expires Dec. 31, 2012)
 - Keith Monson, Rural County Resident – 4 year term (expires Dec. 31, 2012)
 - Mark Williams, City of Fargo Resident – 4 year term (expires Dec. 31, 2015)
 - Chad Peterson, City of Fargo Resident – 4 year term (expires Dec. 31, 2014)*
- *Mr. Peterson’s term will need to be filled as he was elected to Cass County Commission

Cass County Highway Department

Planned 2013 Highway Construction Projects



FILE: S:\GIS\Construction\2013\2013_Projects.mxd

Jason Benson
County Engineer, P.E.

Richard Sieg
Highway Superintendent

Prepared by
Cass County Highway Dept.
November 2012



Cass County Hwy. Dept.
1201 Main Ave. W
West Fargo, ND 58078

(701) 298-2370

Web: <http://www.casscountynd.gov>
Email: highway@casscountynd.gov



Projects

- Bituminous Surfacing
- Chip Seal
- Grading and Bituminous Surfacing
- - - Subgrade Repair
- ✳ Structure Removal
- ✳ Structure Replace

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