

Cass County Planning Commission Meeting
Thursday, January 28, 2016 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. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of December 17, 2015
5. New Business

A. Election of Chairman and Vice-Chairman

B. Public Hearing Items:

Piper First Subdivision – A Minor Subdivision in Section 17 of Addison Township

6. Old Business
7. Adjournment

**CASS COUNTY PLANNING COMMISSION
DECEMBER 17, 2015**

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on December 17, 2015, at 7:00 AM in the Highway Department Conference Room with members present as follows: Mark Brodshaug, Todd Ellig, David Gust, Ken Lougheed, Keith Monson, Rick Steen, and Mark Wentz. Melissa Sobolik and Mark Williams were absent. Also present were County Engineer Jason Benson, County Planner Hali Durand, and Oly Olafson.

2. MINUTES, APPROVED

MOTION, passed

Mr. Gust moved and Mr. Brodshaug seconded to approve the minutes of the October 22, 2015 meeting as presented. Motion carried.

3. MAPLETON JUNCTION SUBDIVISION (Minor Subdivision), Final plat approved

Mr. Lougheed opened the public hearing.

An application for a Minor Subdivision (plat) was received by the Cass County Planning Office for approval of a tract of land located in a part of Lot 1, Block 1, Leo's Subdivision in Section 9 in Mapleton Township to plat one lot for an accessory site associated with a proposed pipeline and storage tank facility. The said tract contains 1.000 acre of land, more or less.

Ms. Durand said the proposed plat is in conjunction with the Cenex Pipeline Subdivision. The City of Mapleton has approved the project, and the county has no issues. The West Fargo Planning Commission met to discuss the project and also has no issues. The Weed Control Board has submitted a Weed Control Action Plan for the project to prevent the spread of noxious weeds.

Ms. Durand said as the Cenex Pipeline Subdivision has already been approved, she also recommends approval of the Final Plat as presented.

The public hearing was closed.

MOTION, passed

Mr. Ellig moved and Mr. Brodshaug seconded to approve the Final Plat for Mapleton Junction Subdivision (Minor Subdivision) as presented. On roll call vote, the motion carried unanimously.

4. BY-LAWS, PLANNING FUNCTIONS, AND SUBDIVISION FEE SCHEDULE

Ms. Durand said septic regulations were updated to dictate that septic permit appeals come before the Planning Commission. This function must now be incorporated into Cass County Commission Policy Manual Section 24.20, Planning Function of Cass County. Ms. Durand also took this opportunity to update the Subdivision Fee Schedule and the Cass County Planning Commission By-Laws.

Mr. Steen said Article IV of the by-laws provides a regular meeting time and place that is not in concurrence with the current meeting time and location. Ms. Durand said she will update the section.

Ms. Durand said as the septic regulations have already been changed, she would like the group to approve the change to the planning functions as soon as possible to reflect this activity, in addition to the fee schedule.

AMENDED MOTION, passed

Mr. Gust moved and Mr. Ellig seconded to approve the addition of language pertaining to septic regulations appeals to the Planning Functions of Cass County; and to update the Subdivision Fee Schedule as presented. Discussion: Mr. Lougheed said perhaps all the changes presented by Ms. Durand should be approved at this time, in addition to changing Article IV of the Planning Commission By-Laws to concur with the actual meeting time and location of the Cass County Planning Commission, as suggested by Mr. Steen. Mr. Gust and Mr. Ellig agreed to amend the original motion. Motion carried.

5. SUBDIVISION ENFORCEMENT

Ms. Durand said a notice of violation and guidelines for subdivision enforcement was drafted from the subdivision ordinance. The notice is currently being reviewed by the State's Attorney Office, and Ms. Durand is waiting for feedback. It will then be presented to the Cass County Commission for final approval.

Mr. Gust asked if a statute of limitations exists for past violations. Ms. Durand said the State's Attorney Office has indicated that even though the language already exists in the subdivision ordinance and she has sent letters to violators in the past, the lack of enforcement up to this point has set a precedence.

Mr. Brodshaug clarified that once the language has been agreed upon and the commission has approved the document enforcement may begin.

6. K.R. VISTO INDUSTRIAL ADDITION

Ms. Durand provided an updated preliminary map of the proposed K.R. Visto Industrial Addition, which will be discussed at the January meeting. Ms. Durand said she would also like to bring the proposed subdivision to the City of Fargo and Stanley Township for discussion. It is a minor subdivision, but was originally a major subdivision; Ms. Durand believes it will need to be held to some major subdivision rules.

7. CENEX PIPELINE SUBDIVISION

Ms. Durand said Raymond Township has approved the zoning change for the Cenex Pipeline Subdivision, and the project will move forward to the county commission for approval.

The approval of the subdivision by this commission included language that required the access road to be moved to County Road 13. Ms. Durand said after consultation with the County Engineer, it became apparent that due to safety issues, this is not a possibility. The motion needs to be changed.

MOTION, passed

Mr. Brodshaug moved and Mr. Ellig seconded to approve the Final Plat for Cenex Pipeline Subdivision (Minor Subdivision) as originally presented at the October 22nd, 2015, meeting. Motion carried.

8. ADJOURNMENT

On motion by Mr. Ellig, seconded by Mr. Steen, and all voting in favor, the meeting was adjourned at 7:58 AM.

Minutes prepared by Brielle Edwards, HR Assistant

Final Plat Report

Title: Piper First Subdivision
Owner(s): David & Marie Piper
Applicant: David Piper
Type of Request: Minor Subdivision (2 lots)

Status: Final Hearing at the January 28, 2016 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 part of the Northwest Quarter of Section 17 in Addison Township to plat two lots to add a new residential structure. The said tract contains 16.116 acres of land, more or less. The subdivision (plat) will use public gravel roads, on-site septic sewer systems, ditches for storm sewer, and public rural water. The proposed plat is currently within an unmapped area therefore no flood determination has been made. No additional accesses will be created along County Road 6, but an easement will be utilized to share the drive.

Existing and Proposed Land Use: The existing land is and will remain Agricultural.

Staff Analysis:

The proposed subdivision is located south of County Road 6, east of 158th Ave SE, and east of the Maple River. The subject property is bound by a residential property and the remaining borders agricultural land. The proposed use is consistent with Township and County Ordinances.

The National Wetlands Inventory shows a freshwater emergent wetland on a portion of the plat. According to Section 613 of the Subdivision Ordinance, "requirements no subdivision shall involve uses, activities or improvements which would entail encroachment into, the regrading of, or the placement of fill in wetlands in violation of state or federal regulations. Applicants must submit evidence to the Planning Commission that, if wetlands are present on the site, the North Dakota Fish and Wildlife Service, the U.S. Fish and Wildlife and/or U.S. Army Corps of Engineers have been contacted to determine the ability of state and federal wetland regulations. Any approval of the Planning Commission shall be contingent on full compliance with any requirements of any regulatory agency and no action by the Planning Commission shall be relied on in lieu of a permit issued by the appropriate agency."

The addition of Lot 2 will create a new non-farm dwelling, which is defined as follows per Addison Township's Zoning Ordinance:

Dwelling, Non-farm: One and two-family dwellings and mobile homes located on a farm or otherwise of which the occupant does not derive at least 50 percent of his income from agricultural activities.

Based on Addison Township's Zoning Ordinance a non-farm dwelling is permitted by conditional use and the ordinance further states there shall be no more than two non-farm dwellings per 160 acres, except for pre-platted areas. Both these conditions have been met.

A deed restriction is also required for the remaining portion of 80 acres and will be drafted accordingly.

Agency Comments

Century Link	"The above mentioned plat looks good from CenturyLink's standpoint. "
Public Comment	Notices were sent to area property owners within a 1000 foot buffer range. No comments have been received to date.

Required Documents:

Deed Restriction

Title Opinion

Evidence of wetland review

Recommendation:

Upon receiving the required documents as stated above, the recommendation is to approve the Final Plat as presented as it meets the goals and objectives of the Township Zoning Ordinance, the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, and the Cass County Subdivision Ordinance



U.S. Fish and Wildlife Service

National Wetlands Inventory

Piper First
Subdivision

Jan 22, 2016

Wetlands

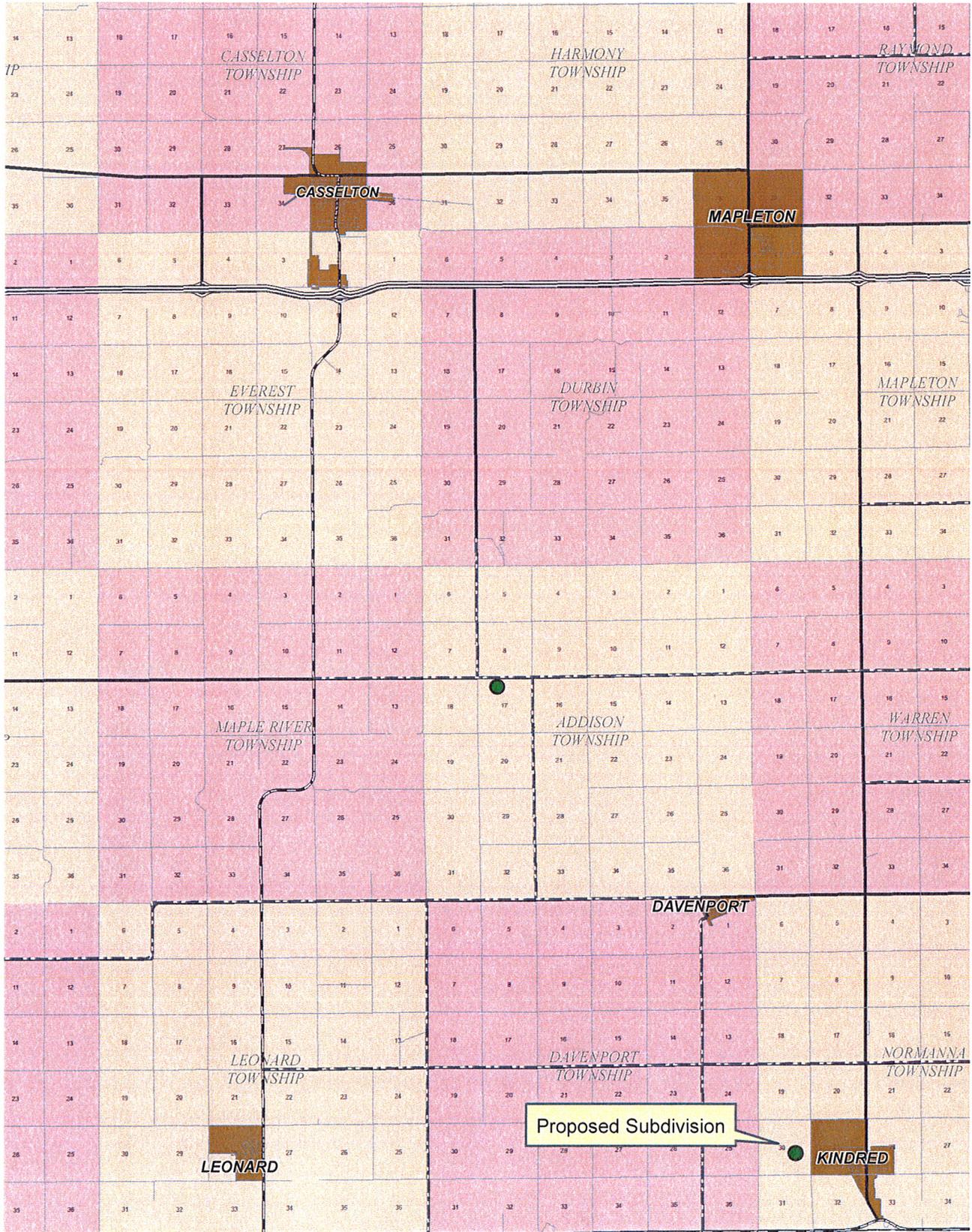
- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetland names should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

Piper First Subdivision - Minor Subdivision



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