

Cass County Planning Commission Meeting
Thursday, April 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 March 24, 2016
5. New Business

A. Public Hearing Items:

Strand Subdivision – A Minor subdivision in Section 25 of Leonard Township
Nelson Hest Subdivision – A Minor subdivision in Section 9 of Gill Township

6. Old Business
7. Adjournment

**CASS COUNTY PLANNING COMMISSION
MARCH 24, 2016**

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on March 24, 2016, at 7:00 AM in the Highway Department Conference Room with members present as follows: Mark Brodshaug, Todd Ellig, Kevin Fisher, David Gust, Ken Lougheed, and Keith Monson. Melissa Sobolik, Rick Steen, and Mark Wentz were absent. Also present were County Engineer Jason Benson, County Planner Hali Durand, County Weed Control Officer Stan Wolf, Gill Township Chairman Keith Schatzke, Gill Township Supervisor Todd Weber, Cindy Gray of SRF Consulting, and Adam Altenburg of Metro COG.

2. MINUTES, APPROVED

MOTION, passed

Mr. Brodshaug moved and Mr. Ellig seconded to approve the minutes of the January 28, 2016, meeting as presented. Motion carried.

3. LINDEMANN 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 part of the Northeast Quarter of Section 14 in Gill Township to plat one lot for residential development. The said tract contains 25.00 acres of land, more or less. The subdivision will use public gravel roads, on-site septic sewer systems, ditches for storm sewer, and public rural water.

Ms. Durand said the proposal is for a non-farm residential unit with one house and one outbuilding to be built on the parcel. A deed restriction will be required on the adjacent parcel to adhere to the density requirement. Ms. Durand recommends the approval of the Final Plat as presented as it meets all required regulations.

Todd Weber, Gill Township Supervisor, was present. Mr. Weber asked what the purpose and authority of the Cass County Planning Commission is. Ms. Durand said the North Dakota Century Code and additional state statutes give the county the authority to subdivide parcels; zoning authority remains with the townships. The Subdivision Ordinance was not put into place to infringe upon the power of the townships, but to assist with orderly rural development.

Mr. Brodshaug asked what the catalyst is for a subdivision. Ms. Durand said any new development on a parcel that has not been previously platted requires a subdivision.

Mr. Weber asked what the purpose of the shop hangar on the property in question will be as shown on the map and if any commercial enterprise is planned. Ms. Durand said all that was proposed in the application was a residential property.

Mr. Lougheed said the planning commission is only reviewing the subdivision process and if the current application under review meets the county's rules for subdividing. The township ordinance has zoning authority and the right to ask questions of the applicant on building issues and the intention for the use of the property.

Mr. Weber asked what the next step in the process is if the subdivision is passed by the planning commission. Ms. Durand said if the final plat is approved, the township must certify the proposed subdivision is consistent with all the township zoning regulations and provide additional comments as necessary within 60 days of notification. If no response is received within 60 days, a recommendation can be forwarded to the county commission for final action.

Mr. Weber asked what would happen if the township does not certify that the subdivision is consistent with zoning regulations but still issues a building permit. Ms. Durand said an applicant that is in violation of the subdivision ordinance could face a fee of \$1,000. Mr. Ellig said more issues would arise once an attempt was made to sell the parcel.

The public hearing was closed.

MOTION, failed for lack of a second

Mr. Gust moved to table the Final Plat for Lindemann Subdivision until the next regularly scheduled meeting in order to clarify the intended land use. Motion failed due to lack of a second.

MOTION, passed

Mr. Ellig moved and Mr. Brodshaug seconded to approve the Final Plat for Lindemann Subdivision (Minor Subdivision) as presented. Discussion: Mr. Gust asked if the Subdivision Ordinance has different specifications for commercial versus residential land use. Ms. Durand said she believes as long as the specifications of the ordinance are met, the same rules would apply for this particular parcel as it is just one lot. On roll call vote, the motion carried unanimously.

4. SOUTHWEST METRO TRANSPORTATION PLAN

Adam Altenburg of Metro COG and Cindy Gray of SRF Consulting were present to discuss the Southwest Metro Transportation Plan, which was initiated to prioritize the future roadway system network and needs south of 52nd Avenue South.

Ms. Gray said they worked with Fargo and Horace on their future land use plans, and stratified the study area into growth tiers to estimate future traffic volumes.

Ms. Gray provided a comprehensive overview of the plan. Ms. Gray said the intent is for the plan to be adopted to serve as a guide for future roadway planning.

Mr. Gust asked if the plan assumes the F-M Diversion will be built. Ms. Gray said it does.

Ms. Gray said Ms. Durand and Mr. Benson were both involved in the process of developing the plan.

Ms. Durand said the plan was thoroughly researched and fine-tuned, and the plan can be modified if assumptions change.

MOTION, passed

Mr. Monson moved and Mr. Ellig seconded to approve the concept of the Southwest Metro Transportation Plan. Motion carried.

5. AGENDA ITEM POSTPONED

Mr. Lougheed said due to time constraints the Weed Management Plan agenda item will be postponed until the next meeting.

6. OLD BUSINESS

Ms. Durand said Piper First Subdivision was approved by the county commission at their most recent meeting, which was held on Monday, March 21st.

7. ADJOURNMENT

On motion by Mr. Monson, seconded by Mr. Ellig, and all voting in favor, the meeting was adjourned at 8:12 AM.

Minutes prepared by Brielle Edwards, HR Assistant

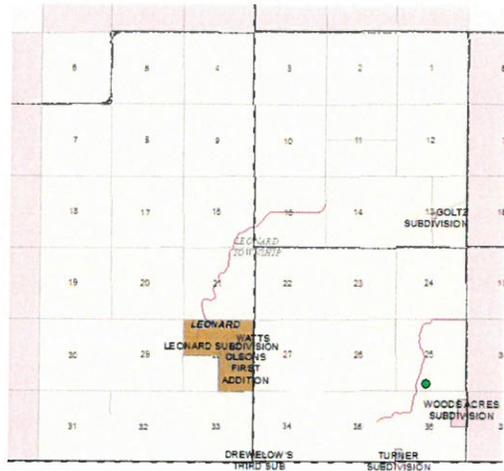
Final Plat Report

Title: Strand Subdivision
Owner(s): David & Deborah Strand
Applicant: David Strand
Type of Request: Minor Subdivision (1 lot)
Status: Final Hearing at the April 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 a part of the Southeast Quarter of the Southwest Quarter of Section 25 in Leonard Township to plat 1 lot for residential development. The said tract contains 3.00 acres of land, more or less. The subdivision (plat) will use public gravel roads, on-site septic sewer systems, ditches for storm sewer, and private well. The proposed plat is currently within an unmapped area therefore no flood determination has been made. According to the preliminary western cass flood study this area is within Zone X. No wetlands are present within the subject tract. The Maple River Tributary runs just west of the proposed plat.

Vicinity Map:



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

Staff Analysis:

The proposed subdivision is located north of 53rd Street SE and west of County Road 9. The subject property is bound by agricultural land and a residential property to the west. The proposed use is consistent with County Ordinances. The Leonard Township Ordinance states that no more than 1 non-farm dwelling per quarter section is allowed. A deed restriction will need to be recorded for land up to forty acres. A private water supply system may be utilized if is in accordance with the Subdivision Ordinance and all applicable state and federal regulations. A private water supply system well less than fifty (50) feet in depth shall not be less than one hundred (100) horizontal feet from any on-site sanitary wastewater treatment system. A private or on-site water supply system well greater than fifty (50) feet in depth shall not be less than fifty (50) horizontal feet from any on-site sanitary wastewater treatment system.

Agency Comments

Cass County Engineer	There are no concerns.
Water Resource District	There are no comments to submit.
Cass County Electric Cooperative	CCEC currently has an overhead line on the south side of the road from the described plat location. If electric service is needed an easement would be needed to serve the site.
Century Link	No comment.
Xcel Energy (Gas Company)	No comment.
Cass Rural Water	The applicant has individual that they wish to construct a private well. Consequently, we have no comment as we have no waterlines within ½ mile of this particular site.
County Sanitarian	A soil test will be needed.
Township Chairman	There are no concerns.
Public Comment	No comments have been submitted.

Final plat would need to include all the requirements for final plat, plus the following:

1. Deed Restriction

Recommendation:

To approve the Final Plat as presented as it meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance, and applicable Township Ordinances.

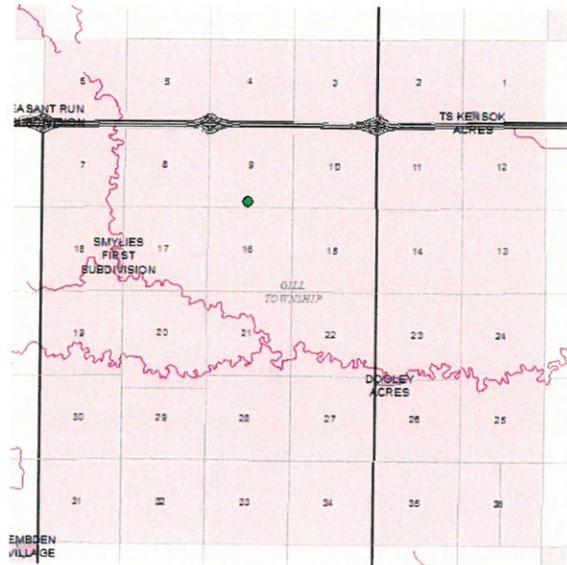
Final Plat Report

Title: Nelson Hest Subdivision
Owner(s): Nancy J Schroeder
Applicant: Brett Ryan Nelson
Type of Request: Minor Subdivision (1 lot)
Status: Final Hearing at the April 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 an unplatted portion of land located in the Southwest Quarter of Section 9 in Gill Township to plat 1 lot for residential development. The said tract contains 10.00 acres of land, more or less. The subdivision (plat) will use private gravel roads, ditches for storm sewer, public rural water, and on-site septic sewer systems. The proposed plat is currently within an unmapped area therefore no flood determination has been made. Wetlands are present within 575+ feet from the proposed property boundary.

Vicinity Map:



Existing and Proposed Land Use:

The existing land is and will remain A-1, Agricultural.

Staff Analysis:

The proposed subdivision is located north of 38th Street SE and east of 147th Avenue SE. The subject property is bound by agricultural land. The proposed use is consistent with County Ordinances. The Gill Township Ordinance states that no more than 2 dwellings are allowed per quarter section. A deed restriction will need to be recorded for land up to forty acres.

Agency Comments:

Cass County Engineer	There are no issues.
Water Resource District	There are no comments to submit.
Cass County Electric Cooperative	CCEC currently has an overhead line running on the north side of 38th Avenue SE through the described plat.
Century Link	No comments have been received.
Xcel Energy (Gas Company)	No comments have been received.
Cass Rural Water	No comments have been received.
County Sanitarian	A soil test will be needed.
Township Chairman	No comments have been received.
Public Comment	No comments have been received.

Final plat would need to include all the requirements for final plat, plus the following:

1. Deed Restriction

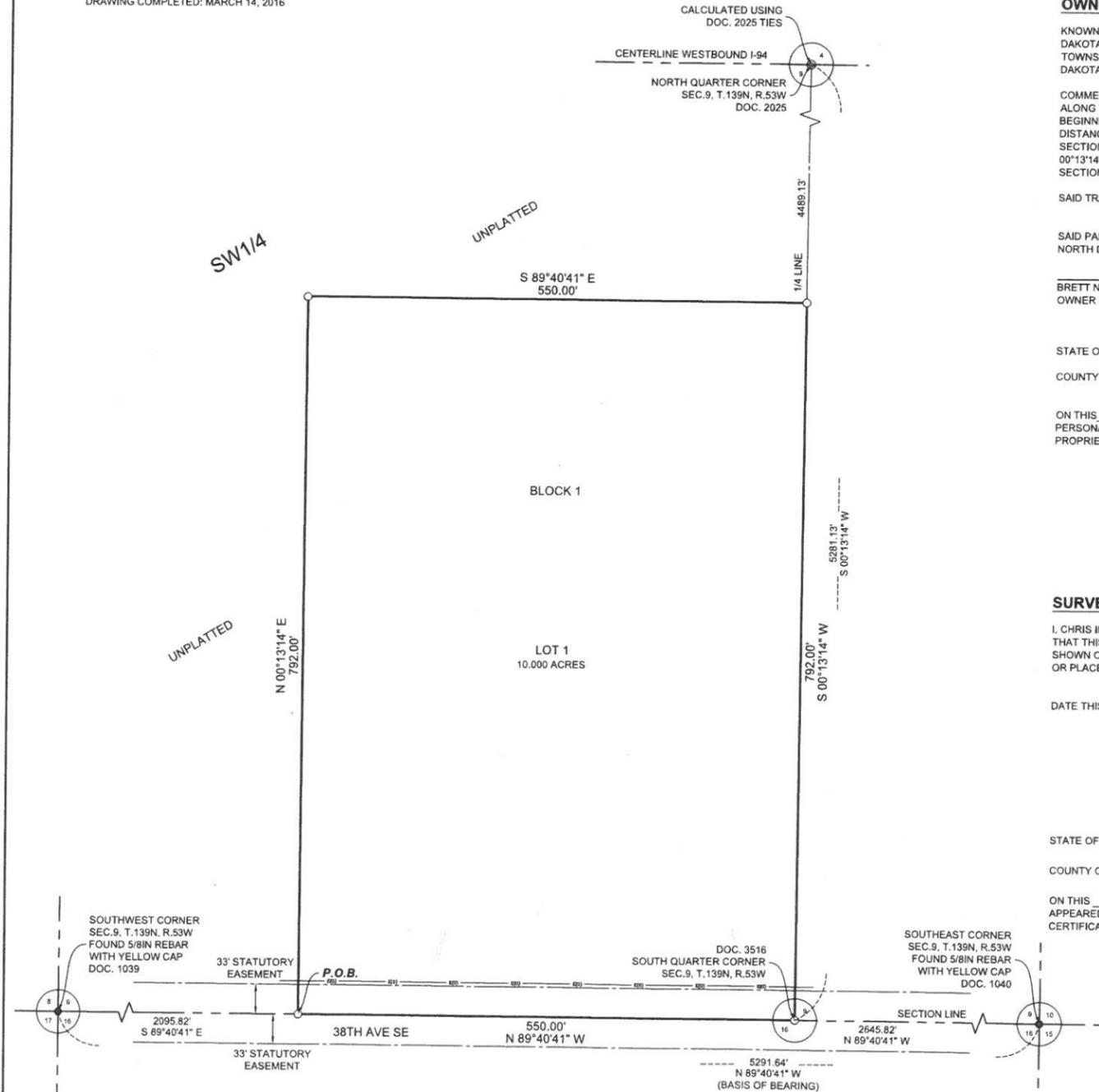
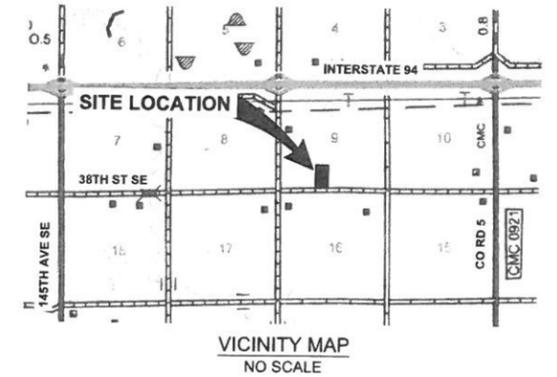
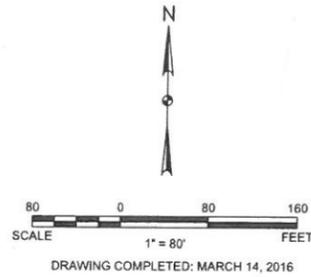
Recommendation:

To approve the Final Plat as presented as it meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance, and applicable Township Ordinances.

NELSON HEST SUBDIVISION

(A MINOR SUBDIVISION)

AN UNPLATTED PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 53 WEST, FIFTH PRINCIPAL MERIDIAN, GILL TOWNSHIP, CASS COUNTY, NORTH DAKOTA



OWNER'S CERTIFICATE

KNOWN TO ALL MEN BY THESE PRESENTS, BRETT NELSON, WHOSE ADDRESS IS 509 10 AVE. NORTH, CASSELTON, NORTH DAKOTA, IS THE OWNER OF A TRACT OF LAND LOCATED IN THAT PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 53 WEST OF THE FIFTH PRINCIPAL MERIDIAN, GILL TOWNSHIP, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE S 89°40'41" E, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 9, A DISTANCE OF 2095.82 FEET TO THE POINT OF BEGINNING; THENCE N 00°13'14" E, PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 9, A DISTANCE OF 792.00 FEET; THENCE S 89°40'41" E, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 9, A DISTANCE OF 550.00 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 9; THENCE S 00°13'14" W, ALONG SAID EAST LINE, A DISTANCE OF 792.00 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 9; THENCE N 89°40'41" W, ALONG SAID SOUTH LINE, A DISTANCE OF 550.00 FEET TO THE SAID POINT OF BEGINNING.

SAID TRACT CONTAINS 10.00 ACRES MORE OR LESS.

SAID PARTY HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS NELSON HEST SUBDIVISION IN CASS COUNTY, NORTH DAKOTA.

BRETT NELSON
OWNER OF LOT 1, BLOCK 1, NELSON HEST SUBDIVISION

STATE OF NORTH DAKOTA)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2016, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, BRETT NELSON, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING PROPRIETOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
CASS COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, CHRIS INGERSOLL, 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.

DATE THIS _____ DAY OF _____, 2016.

CHRIS INGERSOLL
REGISTERED LAND SURVEYOR
NORTH DAKOTA NO. 8887

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2016, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CHRIS INGERSOLL, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
CASS COUNTY, NORTH DAKOTA

NOTE:
SURVEY IS BASED ON A LOCAL SITE. US SURVEY FEET.
DISTANCES SHOWN ARE GROUND DISTANCES.

SAID TRACT OF LAND IS SUBJECT TO ANY EASEMENT
RESTRICTIONS OR RESERVATIONS, EITHER EXISTING OR
RECORD.

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS
PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.

- LEGEND**
- FOUND MONUMENT
 - 5/8IN REBAR WITH 2IN AC LS 8887 CAP SET
 - ⊙ CALCULATED CORNER

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

ENGINEER:
KLJ
1505 30TH AVE. S.
MOORHEAD, MINNESOTA 56560

OWNER:
BRETT NELSON
509 10 AVE. NORTH
CASSELTON, NORTH DAKOTA 58012

CASS COUNTY ENGINEER:

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2016.

JASON BENSON, CASS COUNTY ENGINEER

ATTEST: _____
SECRETARY

CASS COUNTY PLANNING COMMISSION:

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2016.

KEN LOUGHEED, CHAIRMAN

ATTEST: _____
SECRETARY

GILL TOWNSHIP:

REVIEWED BY GILL TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2016.

KEITH SCHATZKE, CHAIRMAN

ATTEST: _____
CLERK

CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2016.

MARY SCHERLING, CHAIRWOMAN

ATTEST: _____
MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

