

Cass County Planning Commission Meeting
Thursday, May 26, 2016 at 7:00 a.m.
Cass County Highway Department Vector 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 April 28, 2016
5. New Business

A. Public Hearing Items:

Kellerman First Subdivision – A Minor subdivision in Section 22 of Watson Township
Sproul Subdivision – A Minor subdivision in Section 8 of Buffalo Township

6. Old Business
7. Adjournment

**CASS COUNTY PLANNING COMMISSION
APRIL 28, 2016**

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on April 28, 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, Tim Mahoney, Keith Monson, and Mark Wentz. Melissa Sobolik and Rick Steen were absent. Also present were County Planner Hali Durand, County Weed Control Officer Stan Wolf, Minor Subdivision applicant Brett Nelson, Aaron Johnson of Fargo Cass Public Health, and Ken Tinquist of Fargo Cass Public Health.

2. MINUTES, APPROVED

MOTION, passed

Mr. Gust moved and Mr. Ellig seconded to approve the minutes of the March 24, 2016, meeting as presented. Motion carried.

3. STRAND 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 the Southeast Quarter of the Southwest Quarter of Section 25 in Leonard Township to plat one lot for residential development. The said tract contains 3.00 acres of land, more or less. The subdivision will use public gravel roads, on-site septic sewer systems, ditches for storm sewer, and a private well.

Ms. Durand said the proposal is to divide a parcel of land to sell to the daughter of the applicant. The proposed plat is in line with the township ordinance, and it is a straight-forward lot split that requires a deed restriction. Ms. Durand recommends the approval of the Final Plat as presented as it meets all required regulations.

Mr. Brodshaug asked if this commission approves the plat or recommends its approval to the county commission. Mr. Lougheed said this commission approves the plat before forwarding to the county commission for final approval.

The public hearing was closed.

MOTION, passed

Mr. Ellig moved and Mr. Brodshaug seconded to approve the Final Plat for Strand Subdivision (Minor Subdivision) as presented. Discussion: Mr. Gust asked if the deed restriction is included in the motion. Ms. Durand said it is. Motion carried.

4. NELSON HEST 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 an unplatted portion of land located in the Southwest Quarter of Section 9 in Gill Township to plat one lot for residential development. The said tract contains 10.00 acres of land, more or less. The subdivision 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.

Ms. Durand said the proposal is for one residential lot. One additional agency comment was received from Cass Rural Water with no issues cited. The proposed plat meets township regulations and the subdivision ordinance and will require a deed restriction. Ms. Durand recommends the approval of the Final Plat as presented as it meets all required regulations.

The public hearing was closed.

Dr. Mahoney asked what the required building elevation is. Ms. Durand said the elevation is dictated by the township via building permit. Most townships follow the county requirement of two-and-a-half feet above the base flood elevation. Mr. Loughheed said property owners are also encouraged to follow other recommendations based on previous area water flow and flood levels.

MOTION, passed

Mr. Gust moved and Mr. Ellig seconded to approve the Final Plat for Nelson Hest Subdivision (Minor Subdivision) as presented. Motion carried.

5. WEED MANAGEMENT PLAN

Stan Wolf, Weed Control Officer, was present to discuss a proposed county commission policy for weed management for construction and development sites. Mr. Wolf said he sometimes receives complaints concerning weeds at construction and development sites where it is the contractor's responsibility to control the weeds. Mr. Wolf has found that in most cases the contractors were not aware of their responsibility for weed control.

Mr. Wolf is proposing that developers and construction managers fill out a Weed Management Plan when applying for a building permit. The main focus will be to inform them of their responsibility to control noxious weeds. No new statutes will be created as this responsibility is already enforceable through North Dakota Century Code. The form will also provide Mr. Wolf contact information for the contractors and the locations of new building sites so he is able to monitor them.

Mr. Gust asked if fines can only be issued for failure to control weeds included on the state noxious weed list. Mr. Wolf said the Cass County Weed Board has the ability to add weeds to a county list, but approval is needed from the State Agriculture Commission and the NDSU Extension Office, and other certain criteria must be met.

Mr. Fischer asked why the cities of Fargo and West Fargo are excluded from the plan. Mr. Wolf said he excluded these cities at their own request as both entities are in the

midst of re-working their own policies and procedures for noxious weed control. Fargo has its own Weed Board with a Weed Officer who has the same enforcement authority as Mr. Wolf. West Fargo has devised a system to monitor weed control and if a developer refuses to comply they will contact Mr. Wolf for enforcement purposes.

Mr. Lougheed said Mr. Wolf should work with Ms. Durand to update the Subdivision Ordinance to reflect the addition of the Weed Management Plan.

6. UPDATED SEPTIC CODE

Ken Tinquist from Fargo Cass Public Health (FCPH) said the septic code has been updated and adopted by all of the counties in our region except Steele County. A state septic code is also being developed.

Aaron Johnson, FCPH, said if a state code was passed it would change things very little for most counties; however, reciprocity would exist over jurisdictional lines for contractors and a code would be put in place for counties that do not have one. There have been previous issues with getting a code passed, but ND Legislator Larry Luick has shown interest in sponsoring a bill during the next legislative session. The ND Environmental Health Association is also looking at using a lobbyist.

Mr. Ellig asked why there has been resistance to a statewide code in the past. Mr. Johnson said lack of funding and manpower to enforce the code have been the major issues cited.

Mr. Johnson said more homebuyers and mortgage companies are requesting information on septic systems, and if a code is passed local certification programs can be established to verify these systems.

7. OLD BUSINESS

Ms. Durand said a change to the Subdivision Ordinance to change the size of a plat was recently passed by the county commission.

Ms. Durand has attended several meetings discussing issues involving the Extraterritorial (ET) Zoning area and which jurisdictions are responsible for various aspects of maintenance. Ms. Durand said many of the matters have been addressed so that going forward there is a clear plan, but work is still being done to address current issues.

Ms. Durand said the Mapleton Junction Subdivision plat has been recorded; however, Raymond Township has now denied the zoning change for the Cenex Pipeline Subdivision, which is required for the project to move forward.

Mr. Gust said the township zoning board originally approved the zoning change, but it has now been denied by the township board. Mr. Ellig asked why it was denied. Mr. Gust said the project did not belong in the area and there is discussion on moving the project to the original site that was requested.

Ms. Durand said if the site is moved the entire project will essentially need to start over and the proper permits and certificates will need to be acquired.

Mr. Gust said as recent meetings have run long and displaced those who need the room for an adjacent meeting, perhaps the meeting time or place should be changed to allow this commission to give proper attention to agenda items.

Ms. Durand said she will look into using the Vector room for the meeting.

8. ADJOURNMENT

On motion by Mr. Ellig, seconded by Mr. Wentz, and all voting in favor, the meeting was adjourned at 8:06 AM.

Minutes prepared by Brielle Edwards, HR Assistant

Final Plat Report

Title: Kellerman First Subdivision
Owner(s): Larry D & Merry A Kellerman
Applicant: Larry D & Merry A Kellerman
Type of Request: Minor Subdivision
Status: Final Hearing at the May 26, 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 Southwest Quarter of Section 22 in Watson Township to plat 1 additional lot for residential development. The said tract contains 2.50 acres of land, more or less. The subdivision (plat) will use private gravel roads, ditches for storm sewer conveyance, rural water, and an on-site septic sewer system. The proposed ownership and maintenance responsibility of the subdivision will be private.

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

Staff Analysis:

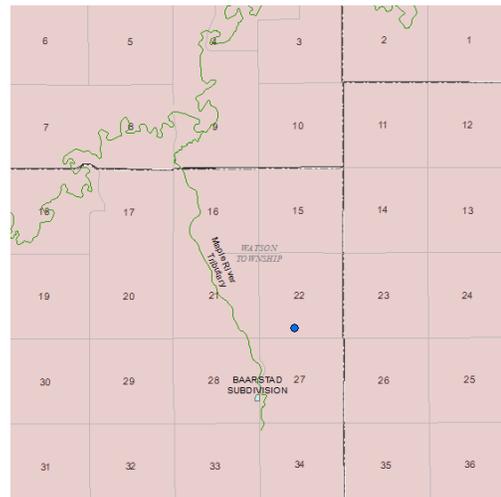
The proposed subdivision (plat) is located north of 52nd Street SE and west of County Road 5. The property is bound by agricultural land and is adjacent to another developed lot.

The proposed subdivision (plat) is currently in an unmapped flood area and preliminary Western Cass Floodplain maps show the area within a low risk, non-floodplain zone. No wetland are within a 500 foot boundary.

The proposed use is consistent with the Goals, Objectives, and Policies of the Cass County Comprehensive Plan, specifically Goal One: To achieve orderly, balanced, and sensible development; Goal Two: To provide the citizens of Cass County with essential public facilities, services, and infrastructure; Goal Three: To provide an efficient, safe, environmentally sensitive, and cost effective county transportation system to effectively meet citizen's current and future needs for personal mobility and movement of goods; Goal Four: To use and preserve natural resources in an environmentally sound manner; and Goal Five: To preserve and maintain Cass County's rural heritage.

The Watson Township Ordinance permits non-farm dwellings with a two acre minimum.

Vicinity Map:



Agency Comments

Cass County Engineer	There are no issues with the proposal.
Water Resource District	The subdivision is on the north side of 52nd Street SE. Drain #54 runs on the south side of that road. If any new culverts or drainage are added through the roadway into Drain #54, they may need permission from the Maple River Water Resource District.
Cass County Electric Cooperative	No comments have been received.
Century Link	The subdivision looks good to Centurylink.
Xcel Energy (Gas Company)	No comments have been received.
Cass Rural Water	The application has been reviewed. Water service has been requested at the site. Utility easements appear to be adequate.
County Sanitarian	According to Cass Public Health records, a soil test has not been conducted. A soil test would be required before a septic system could be designed, permitted, and installed.
Township Chairman	No comments have been received.
Public Comment	No comments have been submitted.

Additional Requirements:

1. Deed Restriction

Recommendation:

To recommend approval of the Final Plat to the Board of County Commissioners 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.

KELLERMAN FIRST SUBDIVISION

BEING A PLAT OF PART OF THE SOUTHWEST QUARTER, SECTION 22,
T. 137 N., R. 53 W., 5th P.M.

CASS COUNTY, NORTH DAKOTA

Owners' Certificate:

Know All Persons By These Presents: Larry D. Kellerman and Merry A. Kellerman, husband and wife, are the Owners and Proprietors of the Southwest Quarter of Section 22, Township 137 North, Range 53 West of the Fifth Principal Meridian, Cass County, North Dakota.

Beginning at the southeast corner of the Southwest Quarter of said Section 22; thence North 89°48'47" West (assumed bearing), along the southerly line of the Southwest Quarter of said Section 22, for a distance of 644.02 feet; thence North 00°07'14" West, parallel with the easterly line of the Southwest Quarter of said Section 22, for a distance of 1,160.65 feet; thence South 87°31'57" East for a distance of 644.67 feet to a point of intersection with the easterly line of the Southwest Quarter of said Section 22; thence South 00°07'14" East, along the easterly line of the Southwest Quarter of Section 22, for a distance of 1,135.00 feet to the point of beginning.

Said tract contains 16.970 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **KELLERMAN FIRST SUBDIVISION**, and do hereby dedicate to the public for public use the 33.00 foot wide Public Street and the 10.00 foot wide utility easement as shown on this plat, and do hereby dedicate to the present and future owners of Lot 1 and Lot 3, the 30.00 foot wide Access and Utility Easement as shown on this plat.

In witness whereof we have set our hand and seals

Owners:

Cass County Engineer:

Reviewed by the Cass County Engineer this _____ day of _____, 20____.

Jason Benson, Cass County Engineer

Larry D. Kellerman

Merry A. Kellerman

Cass County Planning Commission:

Reviewed by the Cass County Planning Commission this _____ day of _____, 20____.

Ken Lougheed, Chairman

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Larry D. Kellerman and Merry A. Kellerman, Husband and Wife, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Attest: _____
Secretary

Notary Public: _____

Watson Township:

Reviewed by Watson Township, Cass County, North Dakota, this _____ day of _____, 20____.

Clayton Brown, Chairman

Surveyor's Certificate:

I, Shawn M. Thomasson, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify on this _____ day of _____, 20____, that the plat hereon is a true and correct representation of the survey thereof, that all distances are correctly shown on said plat in feet and decimals of a foot, and that the monuments for the guidance of future surveys have been placed in the ground as shown.

Attest: _____
Lori Hegvick Torgerson, Clerk

Shawn M. Thomasson
North Dakota PLS No. 5900

Cass County Board Of Commissioners' Approval:

Approved by Cass County, North Dakota, this _____ day of _____, 20____.

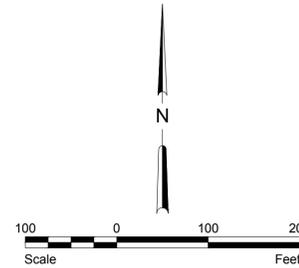
Chad M. Peterson, Chairman

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Shawn M. Thomasson, known to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

Attest: _____
Michael Montplaisir, Cass County Auditor

Notary Public: _____



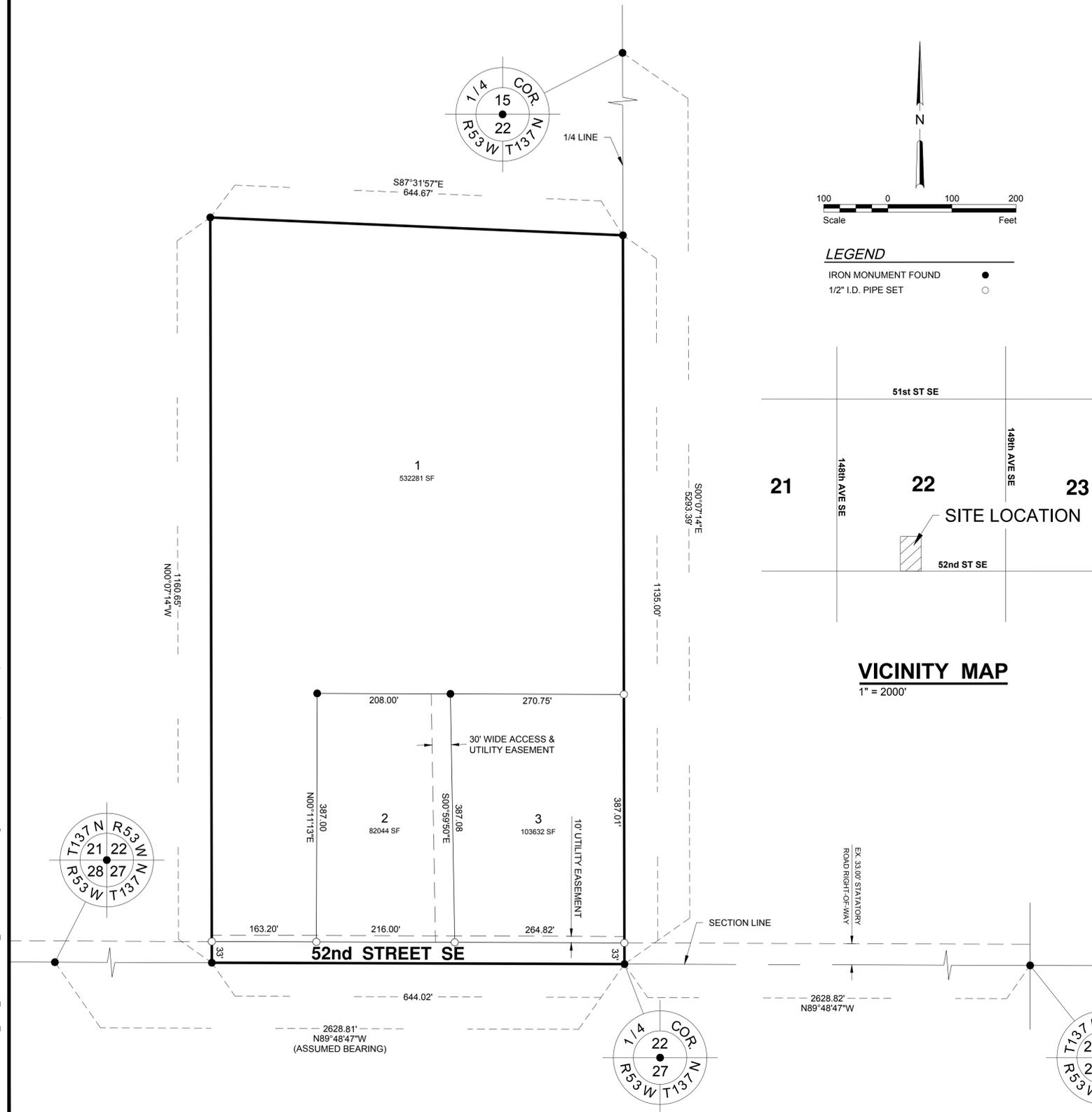
LEGEND

- IRON MONUMENT FOUND ●
- 1/2" I.D. PIPE SET ○



VICINITY MAP

1" = 2000'



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Final Plat Report

Title: Sproul Subdivision
Owner(s): Sproul Family Farm LLLP
Applicant: Otter Tail Power Company
Type of Request: Minor Subdivision
Status: Final Hearing at the May 26, 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 Northeast Quarter of Section 8 in Buffalo Township to expand an existing lot to add a substation for electrical equipment. The said tract contains 14.61 acres of land, more or less. The subdivision (plat) will use public gravel roads, utilize no water supply or on-site septic sewer system, and will utilize ditches for storm sewer conveyance. The ownership and maintenance responsibility of the subdivision will be private.

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

Staff Analysis:

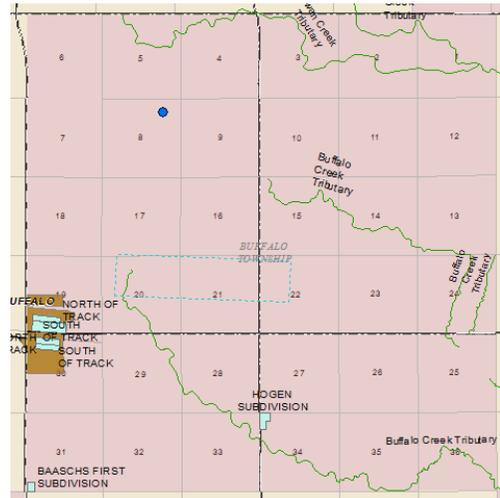
The proposed subdivision (plat) is located south of 31st Street SE and west of 141st Avenue SE. The subject property is bound by agricultural land and will be adjacent to an existing substation.

The proposed subdivision (plat) is currently within an unmapped area therefore no flood determination has been made. Wetland areas exist to the south approximately 700 feet and will not impact the proposal.

The proposed use is consistent with the Goals, Objectives, and Policies of the Cass County Comprehensive Plan, specifically Goal One: To achieve orderly, balanced, and sensible development; Goal Two: To provide the citizens of Cass County with essential public facilities, services, and infrastructure; Goal Three: To provide an efficient, safe, environmentally sensitive, and cost effective county transportation system to effectively meet citizen's current and future needs for personal mobility and movement of goods; Goal Four: To use and preserve natural resources in an environmentally sound manner; and Goal Five: To preserve and maintain Cass County's rural heritage.

The Buffalo Township Ordinance states that this will be permitted by use.

Vicinity Map:



Agency Comments

Cass County Engineer	There are no issues with the proposal.
Water Resource District	There is no comment on the application.
Cass County Electric Cooperative	No comment has been received.
Century Link	No comment has been received.
Xcel Energy (Gas Company)	No comment has been received.
Cass Rural Water	The application has been reviewed. No water source has been indicated. There is no water line in the quarter, consequently, there should be no conflict with the distribution system.
County Sanitarian	According to Cass Public Health records, a soil test has not been conducted. A soil test would be required before a septic system could be designed, permitted, and installed.
Township Chairman	The applicant has met with the township to discuss the proposal and there are no concerns.
Public Comment	No comments have been submitted.

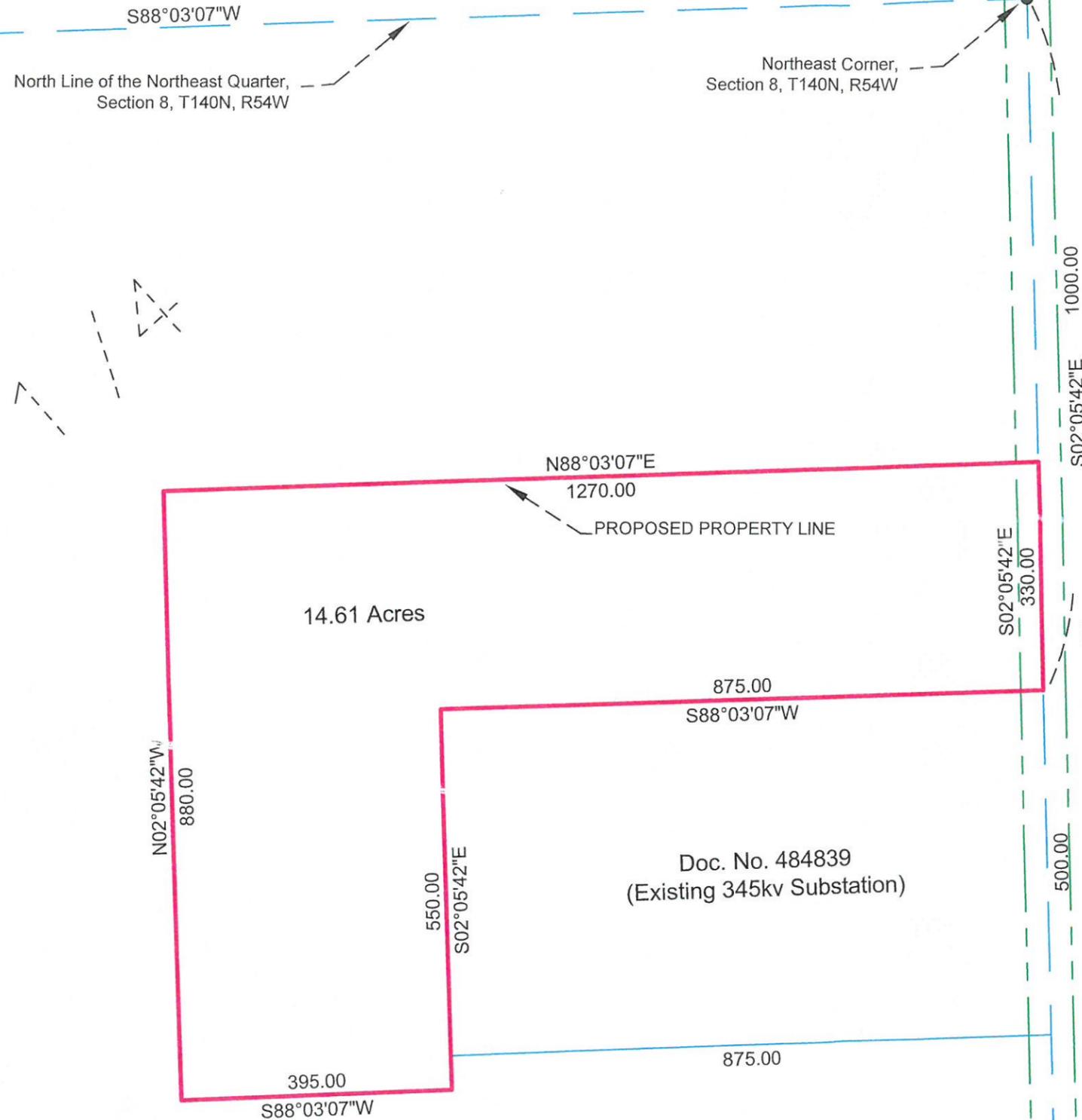
Additional Requirements:

1. Deed Restriction

Recommendation:

To recommend approval of the Final Plat to the Board of County Commissioners 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.

Preliminary Plat: BUFFALO 345KV SUB EXPANSION

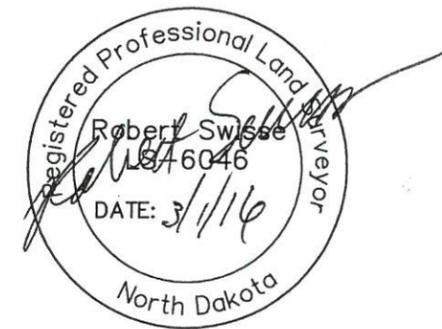


PROPOSED PROPERTY DESCRIPTION

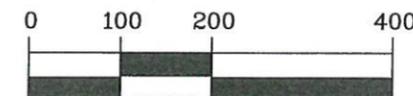
Part of the Northeast Quarter of Section 8, Township 140 North, Range 54 West, Cass County, North Dakota, more particularly described as follows:

Commencing at the northeast corner of the Northeast Quarter of said Section 8; thence South 02 degrees 05 minutes 42 seconds East, assumed bearing, along the east line of said Northeast Quarter a distance of 1000.00 feet to the Point of Beginning of the property to be described; thence South 88 degrees 03 minutes 07 seconds West a distance of 875.00 feet along the north line of the property described in Document Number 484839, of record and on file with the County Recorder for said Cass County; thence South 02 degrees 05 minutes 42 seconds East a distance of 550.00 feet along the west line and extension thereof, of the property described in said Document Number 484839; thence South 88 degrees 03 minutes 07 seconds West a distance of 395.00 feet; thence North 02 degrees 05 minutes 42 seconds West a distance of 880.00 feet; thence North 88 degrees 03 minutes 07 seconds East a distance of 1270.00 feet to the east line of the Northeast Quarter of said Section 8; thence South 02 degrees 05 minutes 42 seconds East a distance of 330.00 feet to the Point of Beginning.

Containing 14.61 acres more or less.



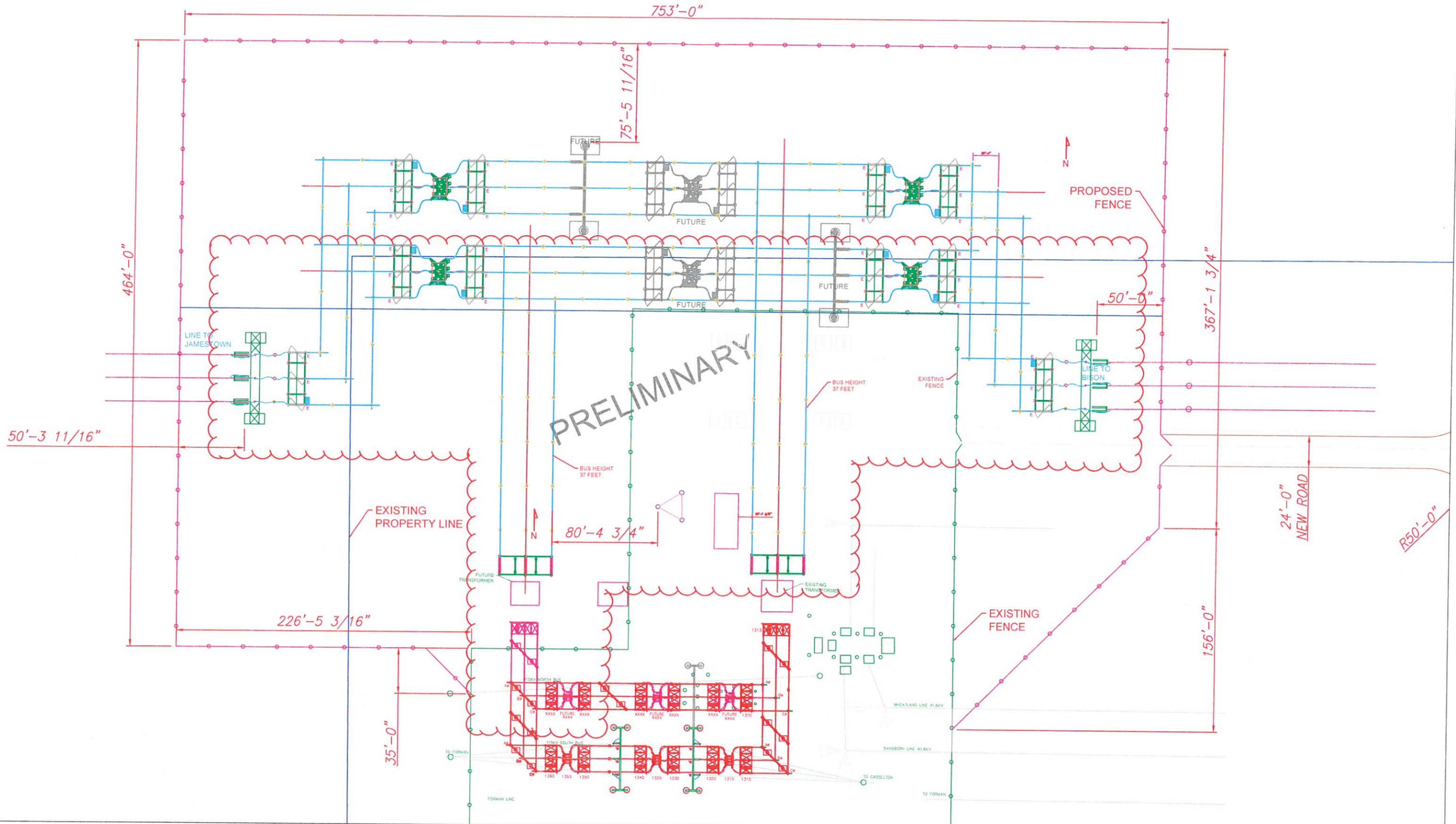
- DENOTES FOUND IRON MONUMENT
- DENOTES IRON MONUMENT SET AND MARKED WITH RLS 6046 CAP



1 inch = 200 ft.

VICINITY MAP





REV	DESCRIPTION	ENG	DWN	CHK	DATE	ENG: R. MUELLER	CLIENT/PROJECT:
A	FOR REVIEW	RJM	RJM		1/11/16	DWN: R. MUELLER	OTTER TAIL POWER BUFFALO 345KV SUBSTATION
						CHK:	TITLE: PRELIMINARY LAYOUT - 345KV BUS
						DATE: 1/26/16	SCALE:
							PROJECT NUMBER:
							PAGE NUMBER: EXHIBIT