CASS COUNTY PLANNING COMMISSION AGENDA
Thursday, January 25, 2018 at 7:00 a.m.

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of December 7, 2017
5. New Business
6. Public Hearing Items:
   a. Sunny Valley Acres Second Subdivision – a Minor Subdivision in Section 35 of Stanley Township
   b. Torgerson Third Subdivision – a Minor Subdivision in Section 16 of Normanna Township
   c. Hodgson Farm Subdivision – a Minor Subdivision in Section 28 of Gardner Township
7. Old Business
8. Adjournment

People with disabilities who plan to attend the meeting and need special accommodations should contact the Highway Department at 286-2370 prior to the meeting to make arrangements.
CASS COUNTY PLANNING COMMISSION
DECEMBER 7, 2017

1. MEETING TO ORDER
A meeting of the Cass County Planning Commission was called to order on December 7, 2017, at 7:00 AM in the Vector Control Conference Room with members present as follows: Todd Elig, David Gust, Mark Wentz, and Kevin Fisher. Keith Monson and Dr. Mahoney were present via conference call. Arland Rasmussen and Ken Lougheed were absent. Also present were Cass County Planner Hali Durand, applicant Timothy Wadeson and Adam LaPlante from Benjamin Custom Homes.

2. MINUTES, APPROVED
   MOTION, passed
   Mr. Gust moved and Mr. Fisher seconded to approve the
   minutes of the October 26, 2017, meeting as presented.
   Motion carried.

3. WADESON ACRES SUBDIVISION (MINOR SUBDIVISION), Final plat approved
Mr. Elig 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 the northwest quarter of Section 5, Walburg Township, to plat one lot for residential development. The said tract contains approximately 8.00 acres of land, more or less. The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use private gravel roads, ditches for storm sewer conveyance, rural water, and an on-site septic sewer system for waste water treatment. The existing land is and will remain Agricultural.

Ms. Durand recommends approval of the Final Plat 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 all other applicable regulations, with conditions for approval to include a Deed Restriction of land up to 40 acres and a copy of the soil test once completed.

In answer to Mr. Elig’s question, Ms. Durand stated a site plan for the construction of the home was included in the packet. She recommended updating the Subdivision Ordinance to include site plans as a requirement for applications. Discussion followed.

The public hearing was closed.
   MOTION, passed
   Mr. Gust moved and Mr. Wentz seconded to recommend
   approval to the Cass County Commission of the Final Plat
   for Wadeson Acres Subdivision (Minor Subdivision) as
   presented. Motion carried.
4. **OLD BUSINESS**
Ms. Durand informed the commissioners that final plats for the Teegarden Subdivision and Jordan Subdivision are ready for recording.

5. **NEW BUSINESS**
Ms. Durand stated that a meeting will be held this week to begin discussion and planning of the transportation component for the Comprehensive Plan update.

In response to a request from Warren Township, Ms. Durand has developed and updated ordinances relating to crew camps, adult entertainment, wind energy systems, and solar energy systems, and has begun creating an ordinance for medical marijuana for townships to use.

Ms. Durand attended Warren Township’s zoning commission meeting where there was discussion on construction plans for Jordan Subdivision and a proposal of an asphalt plant in the township.

6. **ADJOURNMENT**
   On motion by Mr. Gust, seconded by Mr. Fisher, and all voting in favor, the meeting was adjourned at 7:20 AM.

Minutes prepared by Hall Durand, County Planner
a. Sunny Valley Acres Second Subdivision
b. Torgerson Third Subdivision
c. Hodgson Farm Subdivision
Cass County Staff Report

Title: Sunny Valley Acres Second Subdivision
Owner(s): Brian & Teresa Sonsthagen
Type of Request: Minor Subdivision (2 lots)
Status: Planning Commission Public Hearing: January 25, 2018

Existing and Proposed Land Use:
The existing land is and will remain R-1, Single and Two Family Residential District.

Proposal:
The applicant is seeking approval of a Minor Subdivision to replat the current original plat of Sunny Valley Acres Subdivision, vacate the unneeded street, combine the four existing lots and vacated street into two lots that fit the existing use better.

The said tract contains 3.233 acres of land, more or less. The ownership and maintenance responsibility of the subdivision will remain private. The subdivision will use private gravel roads, ditches for storm sewer conveyance, rural water, and remain connected to the St. Benedict's on-site septic sewer system for waste water treatment.

Location:
11428 38 St S and 11518 38 St S, Horace, ND.

Legal Description:
Lots 1 & 2, Block 1 and Lots 1 & 2, Block 2, and the adjacent unnamed Avenue, all in Sunny Valley Acres Subdivision.

Agency Comments

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<tr>
<th>Agency</th>
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<tbody>
<tr>
<td>County Engineer</td>
<td>There are no issues with the proposal</td>
</tr>
<tr>
<td>Cass County Electric Cooperative</td>
<td>There is an overhead line serving the property crossing 38 Street South.</td>
</tr>
<tr>
<td>Century Link</td>
<td>Century Link has no comment on the proposal</td>
</tr>
<tr>
<td>North Dakota Department of Transportation</td>
<td>Since this proposed subdivision has no direct drainage or access to a state highway or interstate, there are no issues.</td>
</tr>
<tr>
<td>County Sanitarian</td>
<td>It appears that they will have enough room to the south in the case that a new septic system is necessary, and so the sizing of less than an acre should be allowed. We would recommend that they at least look at re-platting Lot 2 to an acre or more to comply with code, but the current proposal of 36,646 square feet will be allowed by the department.</td>
</tr>
<tr>
<td>Township Chairman</td>
<td></td>
</tr>
<tr>
<td>The City of Fargo</td>
<td>The proposed Sunny Valley Acres Second Subdivision, located in NW1/4 Sec. 35, T138N, R49W, in Stanley Township, is outside of city limits of Fargo and outside of Fargo's extraterritorial jurisdiction. We have no comment.</td>
</tr>
</tbody>
</table>
Staff Analysis:
The subject property is bound by residually zoned land and commercial land. The proposed use is consistent with Township Ordinances.

According to FEMA's National Flood Hazard Layer the proposed plat is within a Zone AE special flood hazard area and has had standing water in past events.

There will be no new development or access to the properties. No deed restriction is required.

Staff Recommendation:
To accept the findings and recommendations of staff and recommend approval to the County Commission of the proposed application as the proposal 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 all other applicable regulations.
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Sunny Valley Acres-Zone AE

Date: 1/17/2018

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.
Cass County Staff Report

Title: Torgerson Third Subdivision
Owner(s): Dale Torgerson
Type of Request: Minor Subdivision (2 lots)
Status: Planning Commission Public Hearing: January 25, 2018

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

Proposal:
The applicant is seeking approval of a Minor Subdivision to plat two lots for residential development.

The said tract contains 10.25 acres of land, more or less. The ownership and maintenance responsibility of the subdivision will be private. The subdivision will use private gravel roads, ditches for storm sewer conveyance, rural water, and an on-site septic sewer system for waste water treatment.

Location:
16557 51 Street SE, Kindred, ND.

Legal Description:
A part of the Southeast Quarter of Section 16, Normanna Township.

Agency Comments

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<tr>
<td>County Engineer</td>
<td>The proposal is ok as long as they move the existing west field approach each 150’ to the new 25 foot access easement.</td>
</tr>
<tr>
<td>Cass County Electric Cooperative</td>
<td>CCEC has no issues with the plat. The property is served by an underground cable.</td>
</tr>
<tr>
<td>Century Link</td>
<td>Century Link has no comment on the proposal.</td>
</tr>
<tr>
<td>North Dakota Department of Transportation</td>
<td>Since this proposed subdivision has no direct drainage or access to a state highway or interstate, there are no issues.</td>
</tr>
<tr>
<td>County Sanitarian</td>
<td>The proposal is approved by the department.</td>
</tr>
<tr>
<td>The City of Fargo</td>
<td>The proposed Torgerson Third Subdivision, located in SW1/4 Sec. 16, T137N, R50W, in Normanna Township, is outside of city limits of Fargo and outside of Fargo’s extraterritorial jurisdiction. We have no comment.</td>
</tr>
</tbody>
</table>

Staff Analysis:
The subject property is bound by agricultural land and a farmstead to the East with no adjacent subdivisions. The proposed use is consistent with Township Ordinances.

According to FEMA’s National Flood Hazard Layer the proposed plat is in Zone X, not in a special flood hazard area. The access will be constructed on the County Road 36 according to the County Engineer’s request as stated above. An access permit will be required.
A deed restriction will also be required up to 80 acres.

**Staff Recommendation:**
To accept the findings and recommendations of staff and recommend approval to the County Commission of the proposed application as the proposal 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 all other applicable regulations.
OWNERS DESCRIPTION AND DEDICATION:

KNOWN ALL MEN BY THESE PRESENTS, CAILLE Y. TORGESON AND TRUDY A. TORGESON, HUSBAND AND WIFE, ARE THE OWNERS OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 137 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA, AND HEREIN PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A IRON MONUMENT WHICH DESIGNATES THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 16, THENCE SOUTHWEST 175.5 FEET TO AN IRON MONUMENT; SAID IRON MONUMENT BEING THE SOUTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT FOR CASS COUNTY; DEED BOOK 70, PAGE 115, "NEAR NORTH 320 FT" OF WEST IRON MONUMENT TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 16; thence along the south line of said southeast quarter of said section 16, 1197.26 FEET TO AN IRON MONUMENT; SAID IRON MONUMENT BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 16, 72 FT.进城南 320 FT" OF EAST IRON MONUMENT, thence north of said section 16, 1197.26 FT to an iron monument; said iron monument being the south line of said southeast quarter of said section 16, thence along the south line of said southeast quarter of said section 16, 1380.90 FEET to an iron monument; said iron monument being the south line of said southeast quarter of said section 16, thence north 320 FT to an iron monument; said iron monument being the south line of said southeast quarter of said section 16, thence east 320 FT to an iron monument; said iron monument being the south line of said southeast quarter of said section 16, 1380.90 FEET to the point of beginning.

SAID TRACT OF LAND CONTAINS 19.25 ACRES, MORE OR LESS.

AND THAT SAID OWNER HAVING ACQUIRED THE SAME FROM THE PREVIOUSLY DESCRIBED TRACT FOR CASS COUNTY THIRD SUBDIVISION, AND HEREBY DEDICATE AND CONVEY TO THE PUBLIC, FOR PUBLIC USE, THE Clip DESCRIBED AS SHOWN ON THE HEREIN-ATTACHED PLOT PLAN.

COUNTY OF CASS

ON THIS 27TH DAY OF APRIL, IN THE YEAR OF 20__; BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED CAILLE Y. TORGESON AND TRUDY A. TORGESON, HUSBAND AND WIFE, TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR ACTS

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT:


DATED THIS _____ DAY OF ______, 20__.

SURVEYOR CHAD DAVID

CASS COUNTY ENGINEER:

REVIEWED BY THE CASS COUNTY ENGINEER:

DATED THIS _____ DAY OF ______, 20__.

JASON BODEN, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION:

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION:

DATED THIS _____ DAY OF ______, 20__.

CHAIRMAN

ATTORNEY SECRETARY

AUDITOR'S TAX RECORD:

REMARKS AND ATTACHMENT AS STATED:

REVISED AND ATTACHED.

CASS COUNTY BOARD OF COMMISSIONERS APPROVAL:

APPROVED BY CASS COUNTY, NORTH DAKOTA:

DATED THIS _____ DAY OF ______, 20__.

CASS COUNTY Recorder, CASS COUNTY AUDITOR/CLERK

NOTARY PUBLIC

NORMAN COUNTY TOWNSHIP:

RECOMMENDED BY THE NORMAN COUNTY TOWNSHIP, CASS COUNTY, NORTH DAKOTA:

DATED THIS _____ DAY OF ______, 20__.

Chairman

CLERK

CASS COUNTY BOARD OF COMMISSIONERS APPROVAL:

APPROVED BY CASS COUNTY, NORTH DAKOTA:

DATED THIS _____ DAY OF ______, 20__.

CASS COUNTY Recorder, CASS COUNTY AUDITOR/CLERK

NOTARY PUBLIC
Cass County Staff Report

Title: Hodgson Farm Subdivision
Owner(s): Juanita V Hodgson
Type of Request: Minor Subdivision (2 lots)
Status: Planning Commission Public Hearing: January 25, 2018

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

Proposal:
The applicant is seeking approval of a Minor Subdivision to plat one lot for sale.

The said tract contains 3.167 acres of land, more or less. The ownership and maintenance responsibility of the subdivision will be private. The subdivision will use private gravel roads, ditches for storm sewer conveyance, rural water, and an on-site septic sewer system for waste water treatment.

Location:
16493 23 Street SE, Argusville, ND.

Legal Description:
Part of the Southeast Quarter, Section 28, Gardner Township.

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<td>County Engineer</td>
<td>There are no issues with the proposal.</td>
</tr>
<tr>
<td>Cass County Electric Cooperative</td>
<td>CCEC has no issues with the plat. The property is served by an overhead line running east and west on the north side of 23 Street SE.</td>
</tr>
<tr>
<td>Century Link</td>
<td>Century Link has no comment on the proposal.</td>
</tr>
<tr>
<td>North Dakota Department of Transportation</td>
<td>Since this proposed subdivision has no direct drainage or access to a state highway or interstate, there are no issues.</td>
</tr>
<tr>
<td>County Sanitarian</td>
<td>It appears that they will have enough room to the south in the case that a new septic system is necessary, and so the sizing of less than an acre should be allowed. We would recommend that they at least look at re-platting Lot 2 to an acre or more to comply with code, but the current proposal of 36,646 square feet will be allowed by the department.</td>
</tr>
<tr>
<td>The City of Fargo</td>
<td>The proposed Hodgson Farm Subdivision, located in SE1/4 Sec. 28, T142N, R50W, in Gardner Township, is outside of city limits of Fargo and outside of Fargo’s extraterritorial jurisdiction. We have no comment.</td>
</tr>
</tbody>
</table>

Staff Analysis:
The subject property is bound by agricultural land and a farmstead to the West with no adjacent subdivisions. The remaining portion of the quarter section will remain tillable. The proposed use is consistent with Township Ordinances.
According to FEMAs National Flood Hazard Layer the proposed plat is currently within Zone X and is not in a special flood hazard area. The access will be constructed on the township gravel road.

A deed restriction will be required up to 40 acres.

**Staff Recommendation:**
To accept the findings and recommendations of staff and recommend approval to the County Commission of the proposed application as the proposal 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 all other applicable regulations.
Hodgson Farm Subdivision