CASS COUNTY PLANNING COMMISSION AGENDA
Thursday, June 28, 2018 at 7:00 a.m.

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of May 24, 2018
5. Old Business
   a. Murch Subdivision recorded and finalized
   b. Subdivision Ordinance amendment second reading July 18, 2018
   c. Comprehensive Plan hearing July 2, 2018
6. Public Hearing Items:
   a. Bywood Acres Subdivision – Minor Subdivision, Pleasant Township
   b. WBI Energy West Diversion Valve – Minor Subdivision, Raymond Township
   c. Maple View Subdivision – Minor Subdivision, Raymond Township
7. New Business
   a. New 911 Address Request Process
   b. Incubator/Community Garden update
8. Adjournment

People with disabilities who plan to attend the meeting and need special accommodations should contact the Highway Department at 298-2370 prior to the meeting to make arrangements.
a. Bywood Acres Subdivision – Minor Subdivision, Pleasant Township
b. WBI Energy West Diversion Valve – Minor Subdivision, Raymond Township
c. Maple View Subdivision – Minor Subdivision, Raymond Township
CASS COUNTY PLANNING COMMISSION  
MAY 24, 2018

1. MEETING TO ORDER  
A meeting of the Cass County Planning Commission was called to order on May 24, 2018, at 7:00 AM in the Vector Control Conference Room with members present as follows: Todd Ellig, Kevin Fisher, David Gust, and Tim Mahoney. Ken Lougheed was present via conference call. Keith Monson, Arland Rasmussen, and Mark Wentz were absent. Also present were County Planner Hali Durand; County Engineer Jason Benson, Joel Quanbeck of KLJ, Cass County Housing Authority Executive Director Blake Strehlow, and FM Area Foundation Executive Director Tom Beaton.

2. MINUTES, APPROVED  
   
   MOTION, passed  
   Mr. Gust moved and Mr. Fisher seconded to approve the minutes of the April 26, 2018, meeting as presented. Motion carried.

3. CASS COUNTY COMPREHENSIVE PLAN  
Joel Quanbeck of KLJ was present to discuss the Cass County Comprehensive Plan and go over implementation strategies, objectives, and policies. Topics include land use and growth management, transportation, public facilities, floodplain management, natural resources, housing, emergency management, food systems, economic development, rural heritage, and communication. Many categories are consistent with the previous plan.

   Cass County Housing Authority Executive Director Blake Strehlow and FM Area Foundation Executive Director Tom Beaton were present to provide comments on housing matters in the county, and there was further discussion on annexation, affordable housing, regional collaboration, and coordination between cities and rural areas.

   Mr. Quanbeck said a final public input meeting for the plan will be held on June 12th, and the plan will go before the county commission for adoption on July 2nd.  
   
   MOTION, passed  
   Mr. Gust moved and Mr. Fisher seconded to approve the draft of the Cass County Comprehensive Plan as presented, and to forward the recommendation to the Cass County Commission. Motion carried.

4. SUBDIVISION ORDINANCE AMENDMENTS  
Mr. Ellig opened the public hearing.

   Ms. Durand said last month she presented a draft of an amendment to the Subdivision Ordinance that simplifies the platting process. Suggested updates include the removal of the definition of a lot split, updating subdivision exemptions, and requiring a certificate of survey in lieu of a plat for single lot divisions.
Ms. Durand said additional ordinance changes should be reviewed at a subsequent meeting to allow the group to discuss and study the suggestions more closely.

The public hearing was closed.

*MOTION, passed
Mr. Fisher moved and Mr. Gust seconded to amend the Cass County Subdivision Ordinance to remove the lot split definition; update the subdivision exemptions; and require a certificate of survey in lieu of a plat for one lot divisions as presented, and to forward the recommendation to the Cass County Commission. Motion carried.

5. **ADJOURNMENT**

On motion by Mr. Gust, seconded by Mr. Fisher, and all voting in favor, the meeting was adjourned at 8:23 AM.

Minutes prepared by Brielle Edwards, HR Assistant
Cass County Staff Report

Title: Bywood Acres Subdivision
Owner(s): Bywood Associates C/O Claudia Soubia
Type of Request: Minor Subdivision (1 lot)
Status: Planning Commission Public Hearing: June 28, 2018

Existing and Proposed Land Use:
The existing land is and will remain F-1, Flood Plain District Overlay.

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

The said tract contains 5.65 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, shared wells, and on-site septic sewer system for waste water treatment.

Location:
One mile south of County 18 and one and one-half mile west of I29 adjacent to the Wild Rice River.

Legal Description:
Part of the Northwest Quarter of Section 34, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.

Agency Comments

<table>
<thead>
<tr>
<th>Agency</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>County Engineer</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>Cass County Electric</td>
<td>CCEC serves the site with an overhead line coming from the north.</td>
</tr>
<tr>
<td>Cooperative</td>
<td></td>
</tr>
<tr>
<td>Century Link</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>North Dakota Department of</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>Transportation</td>
<td></td>
</tr>
<tr>
<td>County Sanitarian</td>
<td>Bywood Acres Subdivision is subdividing a 40 acre plot into a 5.65 acre</td>
</tr>
<tr>
<td></td>
<td>farmyard. This acreage meets the requirements for the minimum to place</td>
</tr>
<tr>
<td></td>
<td>a septic system, but again would be subject to a 100 foot setback from</td>
</tr>
<tr>
<td></td>
<td>any waterbodies. I don’t know what the origin of the indicated minimal</td>
</tr>
<tr>
<td></td>
<td>disturbance zone setbacks are.</td>
</tr>
<tr>
<td>Township Chairman</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>The City of Fargo</td>
<td>The proposed subdivision is outside of city limits of Fargo and outside</td>
</tr>
<tr>
<td></td>
<td>of Fargo’s extraterritorial jurisdiction and there are no comments.</td>
</tr>
<tr>
<td>Water Resource District</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>Cass Rural Water</td>
<td>CRWD has a water line in the area of the subdivision, we have had no</td>
</tr>
<tr>
<td></td>
<td>communication from the developer as of this date.</td>
</tr>
</tbody>
</table>
Staff Analysis:
The subject property is bound by agricultural land and is just south of the Wild Rice River. The property is in the floodway and floodplain. See below.
The structure itself is on higher land but no LOMA exists for the structure. 2011 imagery shows the structure dry but part of the access under water. See below.

No development is occurring on the property except for interior renovations. The proposed use is consistent with Township Ordinances.

**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, with the following conditions:

1. A deed restriction be recorded for land up to 40 acres;
2. Access be addressed during times of water inundation;
3. The existing vegetative buffer zone be maintained and protected along the Wild Rice River and shall be shown on the Final Plat as "Vegetative Buffer Zone" and provide a note stating, "There shall be no clearing, grading, construction or disturbance of soil and/or native vegetative except as permitted by Cass County"; and
4. A shared well agreement be signed, notarized and recorded with the Final Plat outlining the requirements of 615.2.G. of the Subdivision Ordinance.
BYWOOD ACRES SUBDIVISION
(A MINOR SUBDIVISION)

DESCRIPTION OF PLAT BOUNDARY

The land of Section No. 34 of the Northeast Quarter of Section 34, Township 117 North, Range 46 West, Cass County, North Dakota, here described as follows:

The West half of the Northeast Quarter of the Northeast Quarter of Section 34, lying south of the Wild Rice River.

This parcel contains 20.00 acres; more or less, and is subject to all prior easements, reservations, restrictions, and covenants of record.

OWNER'S CERTIFICATE & DEDICATION

I, under seal, certify that the parcel of land described herein is owned by the undersigned and is being dedicated for the purposes of a subdivision. I hereby consent to the inclusion of this plat in the records of "BYWOOD ACRES"

STATE OF NORTH DAKOTA
COUNTY OF

On the day of 19___, before me, a Notary Public, in and for said County and State, personally appeared Charles Beaulieu, known to me to be the person described in the within instrument, and acknowledged to me that they executed the same.

CERTIFICATE OF SURVEYOR

I, Nicholas R. Stasick, Registered Professional Land Surveyor in the State of North Dakota, having surveyed the above described parcel of land, do hereby certify that the same was surveyed in accordance with the standards of the American Congress on Surveying and Mapping and that the boundaries and dimensions are true and correct to the best of my knowledge and belief and all measurements will be placed in the ground as shown.

Nicholas R. Stasick, Registered Professional Land Surveyor No. (1564)

CASS COUNTY PLANNING COMMISSION

Received by the Cass County Planning Commission on the day of __________, 19___

PLEASANT TOWNSHIP

Received by the Pleasant Township, Cass County, North Dakota, on the day of __________, 19___

CASS COUNTY BOARD OF COMMISSIONERS

Received by the County Commission, North Dakota, on the day of __________, 19___

CASS COUNTY ENGINEER

Received by the Cass County Engineer on the day of __________, 19___

PREFACE

NOTES

FLOOD ZONE CLASSIFICATION: REFER TO SUBDIVISION PLAT FOR FLOOD ZONE CLASSIFICATION. REFER TO THE CURENT FLOOD HAZARD MAPS OF THE NORTHWEST MINNESOTA REGIONAL PLANNING AREA."
Cass County Staff Report

Title: WBI Energy West Diversion Valve Subdivision
Owner(s): Stuart and Laurie Johnson
Type of Request: Minor Subdivision (1 lot)
Status: Planning Commission Public Hearing: June 28, 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 a natural gas pipeline valve setting.

The said tract contains 2.00 acres of land, more or less. The subdivision will use public gravel roads, ditches for storm sewer conveyance, and rural water. No on-site septic sewer system for waste water treatment is needed.

Location:
One and one-half mile south of County 22 and one mile east of County 13.

Legal Description:
Located in and being a portion of the Southwest Quarter of Section 14, Township 140 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota.

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<tbody>
<tr>
<td>County Engineer</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>Cass County Electric Cooperative</td>
<td>CCEC has a service to Jerry Nitzkorski north of the proposed subdivision.</td>
</tr>
<tr>
<td>Century Link</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>North Dakota Department of Transportation</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>County Sanitarian</td>
<td>The WBI energy diversion valve does not appear to be anything that would require wastewater services.</td>
</tr>
<tr>
<td>Township Chairman</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>The City of Fargo</td>
<td>The proposed subdivision is outside of city limits of Fargo and outside of Fargo's extraterritorial jurisdiction and there are no comments.</td>
</tr>
<tr>
<td>Water Resource District</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>Cass Rural Water</td>
<td>CRWD has a water line in the area of the subdivision, the developer has made an application for service.</td>
</tr>
</tbody>
</table>

Staff Analysis:
The subject property is bound by agricultural land and railway to the north. The property is in the joint extraterritorial area of the city of West Fargo. The proposed use is consistent with Township Ordinances.
According to FEMAs National Flood Hazard Layer the proposed plat is within an unmapped area and is therefore not in a special flood hazard area.

**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.
Bore Survey Fargo-Moorhead Diversion

Horiz. Bore Length 2926'
Actual Bore Length 2937'
Radius 1600'

Fargo-Moorhead Diversion Profile Information Taken From:
Sheet 01 - C3231
Profile Station - 847+60
Drawing Date - 09/04/2014
Date Reviewed - 09/01/2017

EXHIBIT D
Notes for 926D, the annular space between the borehole and the pipe must be filled with grout for fifty feet from the entry and exit ports. The rest of the annular space cannot have voids.
Cass County Staff Report

Title: Maple View Subdivision
Owner(s): Keith Van Hoorn
Type of Request: Minor Subdivision (1 lot)
Status: Planning Commission Public Hearing: June 28, 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 residential development.

The said tract contains 5.22 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 on-site septic sewer system for waste water treatment.

Location:
One mile south of County 20 and east of County 10 north of the Maple River.

Legal Description:
Part of Section 30, Township 140 North, Range 50 West, of the 5th Principal Meridian, Cass County, North Dakota.

Agency Comments

<table>
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<tr>
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<tbody>
<tr>
<td>County Engineer</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>Cass County Electric Cooperative</td>
<td>CCEC has no facilities in the area. The area may be served by Otter Tail Power Company.</td>
</tr>
<tr>
<td>Century Link</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>North Dakota Department of Transportation</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>County Sanitarian</td>
<td>Maple View Subdivision meets the required acreage for septic systems, but would not be allowed to place a septic system within 100 feet of the high water mark of any water bodies bordering the lot. The owner would need to plan for this eventually and conserve a portion of the lot away from the river for septic.</td>
</tr>
<tr>
<td>Township Chairman</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>The City of Fargo</td>
<td>The proposed subdivision is outside of city limits of Fargo and outside of Fargo’s extraterritorial jurisdiction and there are no comments.</td>
</tr>
<tr>
<td>Water Resource District</td>
<td>There are no comments.</td>
</tr>
<tr>
<td>Cass Rural Water</td>
<td>CRWD has a water line in the area of the subdivision, the developer has made an application for water service.</td>
</tr>
</tbody>
</table>
**Staff Analysis:**
The subject property is bound by agricultural land. The property is in the extraterritorial area of the city of Mapleton. The proposed use is consistent with Township Ordinances.

According to FEMA's National Flood Hazard Layer the proposed plat is within an unmapped area and is therefore not in a special flood hazard area.

**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.