CASS COUNTY PLANNING COMMISSION AGENDA
Thursday, January 24, 2019 at 7:00 a.m.

A. Call to Order
B. Roll Call
C. Determination of a Quorum
D. Approve Meeting Minutes of October 25, 2018
E. New Business
   1. Introduction of new County Planner, Barrett Voigt
   2. Appoint Keith Monson to Road Advisory Committee

F. Public Hearing Items:
   1. Hearing on an application requesting a Minor Subdivision Plat of Warren Substation Subdivision and a variance request to allow a proposed electrical substation to be constructed without transferring development rights as required by the Cass County Subdivision Ordinance Section 308 (Located in Warren Township, A Part of the NW 1/4 of Section 16, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County North Dakota)
   2. Hearing on an application requesting a Minor Subdivision Plat of Harbeke Subdivision (Located in Lake Township, A Part of the NE 1/4 of the SE 1/4 of Section 12, Township 142 North, Range 55 West of the 5th Principal Meridian, Cass County North Dakota)
   3. Hearing on an application requesting a Minor Subdivision Plat of Hoffman Subdivision (Located in Gill Township, A Part of the NW 1/4 of the SW 1/4 Section 11, Township 139 North, Range 53 West of the 5th Principal Meridian, Cass County North Dakota)

G. Old Business
H. Adjournment

Meeting attendees with disabilities that need special accommodations should contact the Cass County Highway Department at 701-298-2370 prior to the meeting to make arrangements.
CASS COUNTY PLANNING COMMISSION
OCTOBER 25, 2018

1. MEETING TO ORDER
A meeting of the Cass County Planning Commission was called to order on October 25, 2018, at 7:00 AM in the Vector Control Conference Room with members present as follows: Todd Ellig, Kevin Fisher, David Gust, Ken Lougheed, Brad Olson, and Arland Rasmussen. Keith Monson and Tim Mahoney were absent. Also present were County Planner Hali Durand; County Engineer Jason Benson, Cass County landowner Paul Schulz, Bill Haddick of Ulteig, and Brian Hoffart of Minnkota.

2. MINUTES, APPROVED
   
   **MOTION, passed**
   Mr. Gust moved and Mr. Ellig seconded to approve the minutes of the August 23, 2018, meeting as presented. Motion carried.

3. PUBLIC HEARING ITEMS
   a. Subdivision application – Minor Subdivision in Warren Township

   Mr. Lougheed opened the public hearing.

   Ms. Durand reviewed an application for a minor subdivision containing one lot for sale and development. The said tract contains 2.00 acres of land, more or less, and is located in part of the Northwest Quarter of Section 16, Warren Township, east of County Road 15 and south of County Road 6.

   Ms. Durand said the land will be purchased by Minnkota Power Cooperative, Inc. in order to replace a substation located directly to the north of the property.

   Ms. Durand said she recommends approval of the subdivision as presented, with the inclusion of a deed restriction of land up to 40 acres.

   Bill Haddick of Ulteig, Brian Hoffart of Minnkota, and landowner Paul Schulz were present to answer questions about the application.

   Mr. Hoffart said the township is aware of and supports the project. After the new substation is up the old substation will be removed and the land will be returned to its original ground state. If the land is sold the adjacent landowner will have the first opportunity to purchase it.

   Mr. Rasmussen asked if the removal of the current substation structure is included in the language of the agreement. Mr. Hoffart said no. Mr. Rasmussen said as removing any remaining structures is the intent, it should be included. Mr. Gust agreed and said it could be added as a staff recommendation.

   Mr. Ellig asked if the deed restriction should be waived so as not to punish the landowner as the use of the land will be for utilities and the public good.
Mr. Gust said he believes the current ordinance should be followed without a variance to waive the deed restriction. If variances are needed then the ordinance should be changed.

Mr. Lougheed said the intent is to protect landowner rights, and perhaps the Subdivision Ordinance should be changed to include a type of public subdivision for utilities.

The public hearing was closed.

**MOTION, passed**

Mr. Gust moved and Mr. Rasmussen seconded to approve the minor subdivision with the addition of a staff recommendation that the structures from the current substation be demolished, and to forward the recommendation to the Cass County Commission.

**Discussion:** Mr. Ellig asked if the motion includes waiving the 40-acre deed restriction. Mr. Gust said no.

Mr. Fischer asked if subdivision approval is contingent on receiving approval from the township. Ms. Durand said yes.

On roll call vote, the motion carried with Mr. Lougheed, Mr. Gust, Mr. Rasmussen, Mr. Olson, and Mr. Fisher voting “Yes”; Mr. Ellig voting “No”.

4. **NEW BUSINESS**

Ms. Durand said her last day of employment as the Cass County Planner will be tomorrow, October 26th.

Mr. Benson said the County Planner position is currently open for applications and will close at the beginning of November. Hopefully the new Planner will have started employment by the next regularly scheduled Planning Commission meeting, on December 13th. In the interim, Mr. Benson and Deputy County Engineer Tom Soucy will carry out the County Planner’s duties.

Mr. Lougheed thanked Ms. Durand for her service on behalf of the Cass County Planning Commission.

5. **ADJOURNMENT**

On motion by Mr. Gust, seconded by Mr. Ellig, and all voting in favor, the meeting was adjourned at 7:51 AM.

Minutes prepared by Brielle Edwards, HR Assistant
Agenda Items Map
Cass County Planning Commission
January 24, 2019

Agenda Items Number
F1. - Warren Substation
F2. - Harbeke Subdivision
F3. - Hoffman Subdivision
Cass County Planning Commission Staff Report

Entitlements Requested: Minor Subdivision (1 Lot) and a variance request to allow a proposed electrical substation to be constructed without transferring development rights as required by the Cass County Subdivision Ordinance Section 308 of the NW 1/4 of Section 16, Township 138 North, Range 50 West

Title: Warren Substation Subdivision
Date: 01-15-2019

Location: NW 1/4, Section 16, Township 138 North, Range 50 West (16508 44th Street SE, Warren Township)
Staff Contact: Barrett Voigt

Parcel Number: 67-0000-12671-060

Owner(s)/Applicant: Paul & Denise Schulz/Minnkota Power Cooperative
Engineer/Surveyor: Ulteig

Status: Planning Commission Hearing: January 24, 2019

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Proposed Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>Public Utility</td>
</tr>
</tbody>
</table>

Existing Land Use

The applicant is seeking approval of a minor subdivision entitled Warren Substation Subdivision to plat one (1) Lot and a variance request to allow a proposed electrical substation to be constructed without transferring development rights as required by the Cass County Subdivision Ordinance Section 308. This application request is for the purpose of allowing Minnkota Power Cooperative, Inc. to purchase the subject property and develop the site to construct an electrical substation that would replace the existing electrical substation directly north of the subject property across County Road 6. The applicant submitted a minor subdivision application in October 2018 for the same purpose, however reconsidered the development proposal to request a variance which requires the variance application to be submitted concurrently with a new minor subdivision application.

The proposed tract encompasses approximately two (2) acres of land and Minnkota Power Cooperative, Inc. would maintain responsibility of the subdivision. The subdivision will use county road access and will not have a waste water treatment system, utilize storm sewers, or rural water.
Agency Comments

County Engineer
No comments were received prior to publishing the staff report.

Water Resource District
No comments were received prior to publishing the staff report.

Cass County Electric Cooperative
No comments were received prior to publishing the staff report.

Century Link
No comments were received prior to publishing the staff report.

Cass Rural Water
No comments were received prior to publishing the staff report.

Xcel Energy
No comments were received prior to publishing the staff report.

Magellan Pipeline Company
Magellan Pipeline Company has no assets in any of these areas. Thanks.

North Dakota Department of Transportation
No comments were received prior to publishing the staff report.

County Sanitarian
All of the proposed lots meet or exceed our minimum requirements for onsite septic systems, and are not in a floodway. They are approved for the construction of an onsite septic system, but will have to provide the department with a soil test on an undisturbed section of the lot prior to approval to build a system.

Township Chairman
No comments were received prior to publishing the staff report.

The City of Fargo
The Warren Substation Subdivision, located in Warren Township, is outside of Fargo’s city limits and extra-territorial jurisdiction.

The City of West Fargo
No comments were received prior to publishing the staff report.

Public Comment
No comments were received prior to publishing the staff report.

Staff Analysis

Surrounding Uses
The subject property is bound by agricultural land and a substation to the north (which will be removed). Approximately one mile to the south is the closest subdivision (Jordan Subdivision). The remaining portion of the parcel will remain tillable. The proposed use is consistent with Township Ordinances.

Floodzone
According to the most recently adopted FEMA flood insurance study, this parcel is unmapped and outside of any delineated special flood hazard area. No wetlands or manmade features are present on the land.

Land Development Rights
The quarter-quarter section is currently developed with a farmstead. Section 308 of the Cass County Subdivision Ordinance (CCSO) states that every quarter-quarter section is granted one (1) Development Right to create a buildable lot, however a transfer of development rights, along with a deed restriction is required when subdivision proposal requests exceed 1 Lot and/or propose additional development to a quarter-quarter section that already has a development right granted.

The proposed development would be entitled to one development right of the farmstead and would require the transfer of additional development rights and a deed restriction to allow for the additional development of the electrical substation.
The electrical substation is a public utility and would result in a public benefit. In addition, it is not likely that the development would create a substantial amount of vehicle trips. If the ordinance requirements were adhered to, a deed restriction would be required and would prohibit future development on contiguous land tracts. The applicant is requesting a variance to this requirement because he would like the opportunity for unspecified future private development on contiguous land tracts in the future.

Strict adherence to CCSO Section 308 would create an unnecessary burden on the property owner because the proposed development would provide public benefit, but eliminate future development opportunities for the land owner.

**Staff Recommendation**

To accept the findings and recommendations of staff and recommend approval to the County Commission of the subdivision application and variance, 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, the Township Zoning Ordinance, and all other applicable regulations and the following conditions:

1. Dedication of right of way at the following locations prior to recording the proposed certificate of survey:
   a. North property line along County Highway 6: From statutory 33 feet of right of way line to 100-foot distance from property line
   b. West property line along County Highway 15: From 65-foot right of way line to 100-foot distance from property line
2. Add dedication of right of way document numbers to proposed certificate of survey prior to recording
3. Access approach on County Highway 6 is 262.2 feet east of County Highway 15 centerline

**Attachments**

1. Location Map
2. Certificate of Survey
3. Site Plan
4. Variance Request Document
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Cass County Planning Commission
January 24, 2018
CERTIFICATE OF SURVEY

Certificate of Survey for Paul J. Schulz and Denise M. Schulz, husband and wife
and Minnkota Power - Warren Substation

LOCATION: Northwest Quarter, Section 16, Township 138 North, Range 50 West,
5th Principal Meridian, Cass County, North Dakota

PROPERTY DESCRIPTION: The southerly 200 feet of the northerly 300 feet of the easterly 250 feet
of the westerly 350 feet of the Northwest Quarter of Section 16,
Township 138 North, Range 50 West of the 5th Principal Meridian,
Cass County, North Dakota.
Subject to easements and rights of way of record.

SURVEYOR'S NOTES
1. Bearings are based on the north line of the Northwest Quarter of
   Section 16 which bears North 87 degrees 03 minutes 50 seconds
   East derived from an OPUS solution.
2. Distances shown hereon are ground distances, international feet.
3. Date of survey: October 11, 2018
4. Area of property is 105,000 sq. ft., of which 55,000 sq. ft. are
dedicated right of way.

LEGEND
- Found Monument as described
- Set #5 rebar with cap "LS-6294"

4285 Lexington Ave. N., St. Paul, Minnesota 55126
Phone: 651.415.3800  Fax: 651.415.2001
Bismarck - Cedar Rapids - Denver - Detroit Lakes
Fargo - Minot - Sioux Falls - St. Paul - Williston
Web: www.ulteig.com
Revised 1/11/2019

PRELIMINARY

Sheet 1 of 2
CERTIFICATE OF SURVEY

Northwest Quarter, Section 16, Township 138 North, Range 50 West

Present owner: Paul J. Schulz and Denise M. Schulz, husband and wife

OWNER'S CERTIFICATE

THE UNDERSIGNED, owners of the within described property, in accordance with the
provision of Section 57-02-39 of the North Dakota Century Code as Revised 2001, and upon
demand of the County Auditor of Cass County, North Dakota, have caused to be made the within
and foregoing survey of said land with the lot as therein described, and have caused the same to
be placed on record, as provided by law.

Witness our hands and seals this __________ day of __________, 2019.

In Presence of __________________________________________
(SEAL)

________________________________________________________
(SEAL)

________________________________________________________
(SEAL)

STATE OF NORTH DAKOTA
COUNTY OF CASS

I, __________________________, Notary Public within and for said County,
do hereby certify that on this __________ day of __________, 2019 personally appeared
before me Paul J. Schulz and Denise M. Schulz, husband and wife, to me known to be the same
persons described in and who executed the within and foregoing instrument and acknowledge that
they executed the same freely and voluntarily.

My Commission Expires ______________________, 20__

SURVEYOR'S CERTIFICATE

I, William J. Haddick, registered Land Surveyor, do hereby certify that at the request of Paul J.
Schulz and Denise M. Schulz, husband and wife, I made the within and foregoing plat and
description of the land as herein described and that the lots, distances, area, and location as
indicated on said plat and contained in said description are true and correct.

PRELIMINARY

Subscribed and sworn to before me this __________ day of __________, 20__

My Commission Expires ______________________, 20__
December 26, 2018

Cass County Planning Office
Attn: Barrett Voigt
1201 Main Avenue West
West Fargo, ND 58078

Subject: Variance Request for waiving the Deed Restriction in the Northwest Quarter of Section 16, Township 138 North, Range 50 West, Cass County, North Dakota

Mr. Voigt,

Paul Schulz and Minnkota Power Cooperative (MPC) are requesting a variance to waive the Deed Restrictions pursuant to Section 309 of the Cass County Subdivision Ordinance. MPC is a non-profit public utility that supplies power to rural Cass County via Cass County Electric. Mr. Schulz is very willing to sell MPC land to provide the local area residents with reliable electricity.

MPC currently has a substation directly north of this proposed lot in the SW1/4SW1/4 OF Section 9, Township 138 North, Range 50 West. This facility was built in 1949 and is in need of upgrading to provide reliable power to the rural Mapleton, Davenport, and Horace areas.

MPC and Paul Schulz request a variance for these reasons:

- We are of the opinion the Deed Restriction will cause undue hardship to Mr. Schulz’s future development plans. Mr. Schulz should not be encumbered by a Deed Restriction for allowing a non-profit cooperative to locate critical infrastructure needed to provide safe and reliable electricity to the area, which resource has developed into a public necessity. MPC understands the need for the ordinance, and respectfully requests consideration of the unique circumstances surrounding this waiver. Mr. Schulz, by providing the opportunity for MPC to locate a substation on his property, is aiding in providing a critical service required to serve an ever-expanding area. The need for electrical infrastructure, and Mr. Schulz subsequent willingness to provide land for placement, should not act as a future restriction to Mr. Schulz’ ability to utilize his property within the confines of the current county and township zoning and use restrictions.

- The alternate standard proposed provides better results and is more in line with public policy. The construction of a new substation as planned in Section 16 provides long-term benefits to MPC, Cass County Electric, and the local cooperative and area community members served. MPC is dedicated to maintaining safe and reliable power to the area with minimal interruptions during construction of required infrastructure to ensure long-term delivery of reliable power to the growing area.

We respectfully request consideration of our request for a variance, and appreciate your willingness to work with Paul Schulz and MPC in this process. Please call me at 701-795-4354 if you have any questions.

Sincerely,

[Signature]

Brian S. Hoffart, PLS
Property and Right of Way Manager

[Signature]

Paul Schulz
Property Owner
Cass County Planning Commission Staff Report

Entitlements Requested: Minor Subdivision (2 Lots) of the NE 1/4 of the SE 1/4 of Section 12, Township 142 North, Range 55 West

Title: Harbeke Subdivision

Location: NE ¼, SE ¼, Section 12, Township 142 North, Range 55 West (1970 138 Ave SE, Lake Township)

Staff Contact: Barrett Voigt

Date: 01-15-2019

Parcel Number: 50-0000-08152-000

Owner(s)/Applicant: Joseph J. & Carol A. Harbeke/Cole A. Neset

Engineer/Surveyor: Cole A. Neset

Status: Planning Commission Hearing: January 24, 2019

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<tbody>
<tr>
<td>Agriculture</td>
<td>Residential</td>
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</table>

Proposal

The applicant is seeking approval of a minor subdivision entitled Harbeke Subdivision to subdivide a property with 2 existing residential units on a quarter-quarter section. The applicant proposes to establish a two (2) Lot, one (1) Block subdivision that would encompass approximately 21 acres. This minor subdivision would bring the site into compliance with the Cass County Subdivision Ordinance so that the land is subdivided to allow for the current development and development rights are established.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use state highway road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for waste water treatment.
### Agency Comments

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<tr>
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<tr>
<td>County Engineer</td>
<td>No comments were received prior to publishing the staff report.</td>
</tr>
<tr>
<td>Water Resource District</td>
<td>The Southeast Cass and Maple River Water Resource Districts have no comment to submit. Thank you.</td>
</tr>
<tr>
<td>Cass County Electric Cooperative</td>
<td>Cass County Electric has an underground power line running through these lots to feed the three houses in the SE corner of Sec. 13. See attached map. The easement for this powerline is Document No. 471746 Book C-6 Page 327. Cass County Electric has no objections to this subdivision.</td>
</tr>
<tr>
<td>Century Link</td>
<td>No comments were received prior to publishing the staff report.</td>
</tr>
<tr>
<td>Xcel Energy</td>
<td>No comments were received prior to publishing the staff report.</td>
</tr>
<tr>
<td>Magellan Pipeline Company</td>
<td>Magellan Pipeline Company has no assets in any of these areas. Thanks.</td>
</tr>
<tr>
<td>Cass Rural Water</td>
<td>No comments were received prior to publishing the staff report.</td>
</tr>
<tr>
<td>North Dakota Department of Transportation</td>
<td>No comments were received prior to publishing the staff report.</td>
</tr>
<tr>
<td>County Sanitarian</td>
<td>All of the proposed lots meet or exceed our minimum requirements for onsite septic systems, and are not in a floodway. They are approved for the construction of an onsite septic system, but will have to provide the department with a soil test on an undisturbed section of the lot prior to approval to build a system.</td>
</tr>
<tr>
<td>Township Chairman</td>
<td>No comments were received prior to publishing the staff report.</td>
</tr>
<tr>
<td>The City of Fargo</td>
<td>The Harbeke Subdivision, located in Lake Township, is outside of Fargo’s city limits and extra-territorial jurisdiction.</td>
</tr>
<tr>
<td>The City of West Fargo</td>
<td>No comments were received prior to publishing the staff report.</td>
</tr>
<tr>
<td>Public Comment</td>
<td>No comments were received prior to publishing the staff report.</td>
</tr>
</tbody>
</table>

### Staff Analysis

#### Surrounding Uses
The subject property is bound by agricultural land and the remaining portion of the parcel will remain tillable. The proposed use is consistent with Township Ordinances.

#### Floodzone
According to the most recently adopted FEMA flood insurance study, this parcel is unmapped and outside of any delineated special flood hazard area. No wetlands or manmade features are present on the land.

#### Land Development Rights
The quarter-quarter section is currently has two (2) developments. Section 308 of the Cass County Subdivision Ordinance states that every quarter-quarter section is granted one (1) Development Right to create a buildable lot.
The proposed development would be entitled to one development right and would require the transfer of additional development rights, along with a deed restriction.

Staff Recommendation

To accept the findings and recommendations of staff and recommend approval to the County Commission of the subdivision 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, the Township Zoning Ordinance, and all other applicable regulations, with the following conditions:

1. A deed restriction be recorded that meets the requirements of Section 308 of the Cass County Subdivision Ordinance.

Attachments

1. Location Map
2. Plat Document
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Cass County Planning Commission
January 24, 2018
LOT 1
10.49 ACRES
S02°13'06"E - 749.95'
N88°13'47"E
589.23'
N02°12'07"W
134.93'
N88°13'47"E
25.00'
75' HWY R/W
100' HWY R/W
P.O.B
SE 1/4
NE 1/4
S88°13'47"W
75.00'
S02°13'06"E - 776.25'
N02°12'07"W - 776.25'
S02°13'06"E - 1526.20'
N88°13'47"E
589.01'

LOT 2
10.49 ACRES
S02°13'06"E - 749.95'
N88°13'47"E
589.23'
N02°12'07"W
134.93'
N88°13'47"E
25.00'
75' HWY R/W
100' HWY R/W
P.O.B
SE 1/4
NE 1/4
S88°13'47"W
75.00'
S02°13'06"E - 776.25'
N02°12'07"W - 776.25'
S02°13'06"E - 1526.20'
N88°13'47"E
589.01'

PLAT OF HARBEKE
A MINOR SUBDIVISION
PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 12 T142N R55W
COUNTY OF CASS, STATE OF NORTH DAKOTA

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT JOSEPH J. HARBEKE, CAROL A. HARBEKE, & HARBEKE FARMS, A NORTH DAKOTA COOPERATIVE, OF FARGO, NORTH DAKOTA, ARE THE OWNERS OF HARBEKE SUBDIVISION DESCRIBED AS FOLLOWS:

PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 12 T142N R55W, COUNTY OF CASS, STATE OF NORTH DAKOTA.

BY:

BERNARD HARRIS - PRESIDENT OF HARBEKE FARMS

SURVEYOR'S CERTIFICATE

L. COLE A. NESET CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTRED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SURVEYED

REVIEWED BY THE CASS COUNTY ENGINEER THIS
DAY OF , 2019.
JASON BENSON, CASS COUNTY ENGINEER

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS
DAY OF , 2019.
KEN LOUGHEED, CHAIRMAN

REVIEWED BY LAKE TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS
DAY OF , 2019.
KEVIN BAASCH, CHAIRMAN

REVIEWED BY CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL
THIS
DAY OF , 2019.
CHAD PETERSON, CHAIRMAN
Cass County Planning Commission Staff Report

Entitlements Requested:  **Minor Subdivision (1 Lot)** of the NW 1/4 of the SW 1/4 of Section 11, Township 139 North, Range 53 West

<table>
<thead>
<tr>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoffman Subdivision</td>
<td>01-15-2019</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location:</th>
<th>Staff Contact:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NW 1/4, W 1/4, Section 11, Township 139 North, Range 53 West (14935 38th Street SE, Gill Township)</td>
<td>Barrett Voigt</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parcel Number:</th>
<th>Owner(s)/Applicant:</th>
<th>Engineer/Surveyor:</th>
</tr>
</thead>
<tbody>
<tr>
<td>41-0000-05746-020</td>
<td>Gary Hoffman, Western Trustee/Steve Link</td>
<td>Interstate Engineering Inc.</td>
</tr>
</tbody>
</table>

| Status: | |
|---------| |
| Planning Commission Hearing: January 24, 2019 |

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<td>Agriculture</td>
<td>Residential</td>
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</table>

**Proposal**

The applicant is seeking approval of a minor subdivision entitled **Hoffman Subdivision** to plat one (1) Lot of approximately 10 acres for the purpose of allowing for the sale of the Lot and the construction of a single family residence structure.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use state highway road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for waste water treatment.
### Agency Comments

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<tr>
<td><strong>Water Resource District</strong></td>
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</tr>
<tr>
<td><strong>Cass County Electric Cooperative</strong></td>
<td>The plat when presented should show CCEC’s line and corresponding document number. CCEC does not have an issue with this parcel of land, inasmuch as the landowners are aware of the existing plant and that an easement exists.</td>
</tr>
<tr>
<td><strong>Century Link</strong></td>
<td>No comments were received prior to publishing the staff report.</td>
</tr>
<tr>
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### Staff Analysis

**Surrounding Uses**
The subject property is bound by agricultural land and the remaining portion of the parcel will remain tillable. The proposed use is consistent with Township Ordinances.

**Floodzone**
According to the most recently adopted FEMA flood insurance study, this parcel is unmapped and outside of any delineated special flood hazard area. No wetlands or manmade features are present on the land.

**Land Development Rights**
The quarter-quarter section is currently undeveloped. Section 308 of the Cass County Subdivision Ordinance states that every quarter-quarter section is granted one (1) Development Right to create a buildable lot. The proposed development would be entitled to one development right and would not require the transfer of additional development rights.
Staff Recommendation

To accept the findings and recommendations of staff and recommend approval to the County Commission of the subdivision 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, the Township Zoning Ordinance, and all other applicable regulations, with the following conditions:

Attachments

1. Location Map
2. Certificate of Survey
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.
Tract Description

All that port of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section 11, Township 139 North, Range 53 West of the 5th Principal Meridian, Gill Township, Cass County, North Dakota described as follows:

Commencing at the iron monument marking the West Quarter Corner of said Section 11 (Land Survey Monument Record No. 3304); thence on an assumed bearing of South 89°44'29" East, on and along the north line of the said Southwest Quarter, a distance of 65.00 feet to it's intersection with the east right of way line of Cass County Highway No. 5, said point also being the POINT OF BEGINNING; thence continuing South 89°44'29" East, on and along the said north line of the Southwest Quarter, a distance of 660.00 feet; thence South 00°00'00" East, parallel with the west line of the said Southwest Quarter, a distance of 660.00 feet; thence North 89°44'29" West, parallel with the said north line of the Southwest Quarter, a distance of 660.00 feet to a point on the said east right of way line of Cass County Highway No. 5; thence North 00°00'00" West, on and along the said east right of way line of Cass County Highway No. 5, a distance of 660.00 feet to the point of beginning.

The above described tract contains 10.00 acres, more or less, and is subject to easements, reservations, restrictions, and right of way of record, if any.

State of North Dakota
County of Richland
Signed before me on 1-15-19 by Steven A. Ackerman
Notary Public

TIMOTHY R. PEARSON
Notary Public
State of North Dakota
My Commission Expires Sept. 11, 2019

SCALE: 1 INCH = 250 FEET

Certified and Plat of Land Survey
WESTERN TRUST CO TRACT
A part of the NW1/4SW1/4 of Section 11,
T139N, R53W of the 5th P.M.,
Gill Township,
Cass County, North Dakota