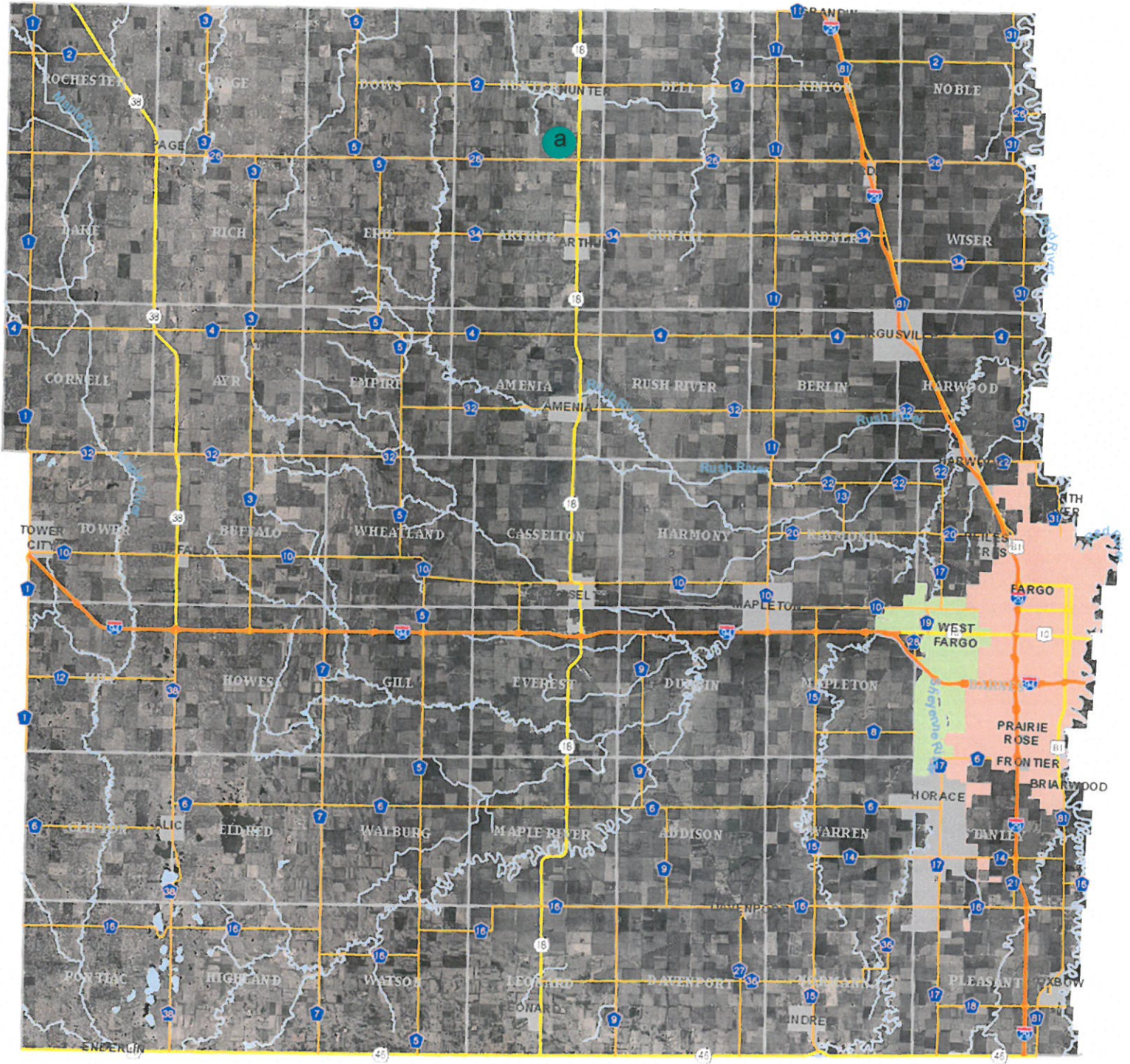


CASS COUNTY PLANNING COMMISSION AGENDA
Thursday, April 26, 2018 at 7:00 a.m.

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of January 25, 2018
5. Old Business
 - a. Subdivision Ordinance amendments
6. Public Hearing Items:
 - a. **Murch Subdivision** – a Minor Subdivision in Section 26 of Hunter Township
7. New Business
 - a. Comprehensive Plan Update
8. Adjournment



Public Hearing Items Map
Cass County Planning Commission
Thursday, April 26, 2018 at 7:00 a.m.



a. Murch Subdivision

**CASS COUNTY PLANNING COMMISSION
JANUARY 25, 2018**

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on January 25, 2018, at 7:00 AM in the Vector Control Conference Room with members present as follows: Todd Ellig, David Gust, Ken Lougheed, Keith Monson, Arland Rasmussen, and Mark Wentz. Kevin Fisher and Tim Mahoney were absent. Also present was County Planner Hali Durand, and several landowners.

2. MINUTES, APPROVED

MOTION, passed

Mr. Gust moved and Mr. Ellig seconded to approve the minutes of the December 7, 2017, meeting as presented. Motion carried.

3. NEW BUSINESS

Ms. Durand said a study review committee for the Cass County Comprehensive Plan update will hold meetings in February and March.

The North Dakota Parks and Recreation Department has a Recreational Trails Program grant available that cities, counties, townships, and park districts can apply for. The county or MetroCOG would have to sponsor a smaller entity if they wish to apply.

The City of Horace is updating their sanitary sewer system.

FEMA is encouraging entities to incorporate No Adverse Impact (NAI) floodplain management into floodplain ordinances.

County GIS maps are being updated to provide more floodplain information to landowners.

4. SUNNY VALLEY ACRES SECOND 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 Northwest Quarter of Section 35, Township 138 North, Range 49 West, in Stanley Township to re-plat the original plat of Sunny Valley Acres Subdivision. The said tract contains 3.233 acres of land, more or less. The proposed 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 will remain connected to the St. Benedict's onsite septic sewer system for waste water treatment. The existing land is and will remain R-1, Single and Two Family Residential District.

Ms. Durand recommends approval of the Final Plat as presented it meets all required regulations.

Mr. Ellig said Stanley Township did not receive this application until after their last meeting so it has not yet been discussed. Mr. Ellig sees no issues with the application.

Mr. Monson arrived for the remainder of the meeting.

Ms. Durand said the landowners are attempting to correct boundaries and errors that existed in the original subdivision.

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 Sunny Valley Acres Second Subdivision (Minor Subdivision) as presented. Motion carried.

5. TORGERSON THIRD 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 Southwest Quarter of Section 16, Township 137 North, Range 50 West, in Normanna Township 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 onsite septic sewer system for waste water treatment. The existing land is and will remain AG, Agricultural.

Ms. Durand recommends approval of the Final Plat as presented as it meets all required regulations, with the inclusion of a Deed Restriction of land up to 80 acres and the requirement that an existing access be moved.

The public hearing was closed.

MOTION, passed

Mr. Rasmussen moved and Mr. Ellig seconded to recommend approval to the Cass County Commission of the Final Plat for Torgerson Third Subdivision (Minor Subdivision) as presented. Motion carried.

6. HODGSON FARM 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 Southeast Quarter of Section 28, Township 142 North, Range 50 West, in Gardner Township 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 onsite

septic sewer system for waste water treatment. The existing land is and will remain AG, Agricultural.

Ms. Durand recommends approval of the Final Plat as presented as it meets all required regulations, with the inclusion of a Deed Restriction of land up to 40 acres.

Mr. Ellig said in situations such as this where land is being subdivided and no boundaries are changing ownership it seems that the platting process becomes an undue and expensive burden on landowners. Ms. Durand said as no plat exists there is a change taking place.

Mr. Lougheed said perhaps in certain circumstances a fast-track process should be developed for landowners that is faster and less costly.

Mr. Monson left for the remainder of the meeting.

The public hearing was closed.

MOTION, passed

Mr. Gust moved and Mr. Rasmussen seconded to recommend approval to the Cass County Commission of the Final Plat for Hodgson Farm Subdivision (Minor Subdivision) as presented. Motion carried.

7. OLD BUSINESS

Ms. Durand said Teegarden Subdivision, Jordan Subdivision, and Wadeson Acres Subdivision have been recorded.

Mr. Lougheed, Mr. Gust, Mr. Wentz, and Dr. Mahoney have all been reappointed to the Cass County Planning Commission Board.

Ms. Durand said as discussed at a previous meeting, the deed restriction for Lindeman Subdivision was never recorded despite the plat being recorded. When the property is eventually sold the deed restriction will be enforced and recorded.

Mr. Lougheed said per previous discussion, he would like to see Ms. Durand put together a document as a starting point to bring forward some sort of fast-track system for certain types of plats. The document should come before this commission for discussion before being presented to the county commission. The purpose of the fast-track system would be to save landowners time and money if they meet certain criteria.

Mr. Ellis asked if creating a fast-track process would circumvent the process and ordinance currently in place. Mr. Gust said a fast-track process would not be meant to go around what is currently in place, but to simplify the process in certain situations.

8. ADJOURNMENT

On motion by Mr. Gust, seconded by Mr. Rasmussen, and all voting in favor, the meeting was adjourned at 7:56 AM.

Cass County Staff Report

Title: Murch Subdivision
Owner(s): Adeline Murch
Type of Request: Minor Subdivision (1 lots)
Status: Planning Commission Public Hearing: April 26, 2018

Existing and Proposed Land Use:

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

Proposal:

The applicant is seeking approval of a Minor Subdivision to plat one lot for future residential development.

The said tract contains 5.71 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:

West of State 18 and North of 17th Street SE South of Hunter.

Legal Description:

Part of the Southeast Quarter of Section 26, Township 143 North, Range 52 West of the 5th Principal Meridian, Cass County, North Dakota.

Agency Comments

<i>County Engineer</i>	There are no issues with this plat if it meets the one lot per 40 acres. The plat does still show the RR but this should probably be changed the "Arthur-Hunter Trail Centerline"
<i>Cass County Electric Cooperative</i>	CCEC has no issues with the plat. There is currently an overhead power line on the south side of 17th Street SE, so whoever decides to build on the property would need to supply CCEC with an easement to serve.
<i>Century Link</i>	Century Link has no comment on the proposal.
<i>North Dakota Department of Transportation</i>	There are no comments.
<i>County Sanitarian</i>	There are no comments.
<i>Township Chairman</i>	There are no comments.
<i>The City of Fargo</i>	The proposed subdivision is outside of city limits of Fargo and outside of Fargo's extraterritorial jurisdiction and there are no comments.
<i>Water Resource District</i>	The North Cass Water Resource District has no comment to submit.
<i>Cass Rural Water</i>	This site is adjacent to an existing water line so service would be available. At this time the applicant has not contacted us regarding service. We have no comments regarding easements.

Staff Analysis:

The subject property is bound by agricultural land and one adjacent property. The proposed use is consistent with Township Ordinances.

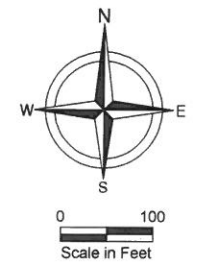
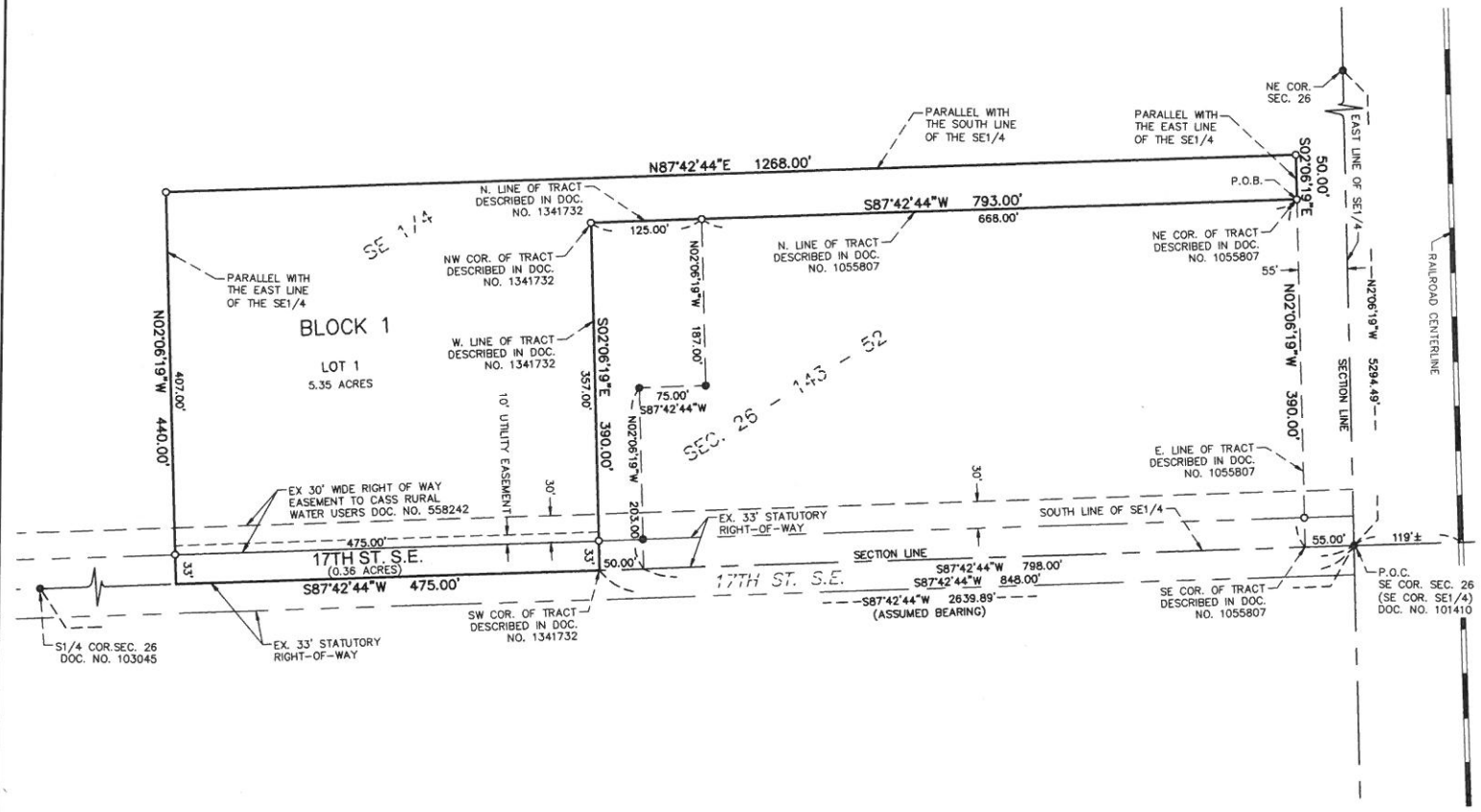
According to FEMA's National Flood Hazard Layer the proposed plat is within an unmapped area and is therefore not in a special flood hazard area.

A deed restriction is 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.

MURCH SUBDIVISION
 (A MINOR SUBDIVISION PLAT)
 A PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 143 NORTH,
 RANGE 52 WEST OF THE 5TH PRINCIPAL MERIDIAN
 CASS COUNTY, NORTH DAKOTA.



LEGEND
 ● IRON MONUMENT FOUND
 ○ SET 5/8\"x18\" REBAR WITH YELLOW PLASTIC CAP #5900
 P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER HAS AN ASSUMED BEARING OF S87°42'44\"W

EASEMENTS OF RECORD
 1. EASEMENT TO POLAR RURAL TELEPHONE MUTUAL AID CORPORATION, BOOK C-5 OF MISC., PAGE 81, DOC. NO. 431096. BLANKET EASEMENT ENCUMBERING THE SE 1/4 OF SECTION 26 (NOT SHOWN ON DRAWING).
 2. EASEMENT TO POLAR RURAL TELEPHONE MUTUAL AID CORPORATION, BOOK H-5 OF MISC., PAGE 626, DOC. NO. 439496. BLANKET EASEMENT ENCUMBERING THE SE 1/4 OF SECTION 26 (NOT SHOWN ON DRAWING).

CERTIFICATE
 SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE PROFESSIONAL LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "MURCH SUBDIVISION" A PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 143 NORTH, RANGE 52 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 143 NORTH, RANGE 52 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 87 DEGREES 42 MINUTES 44 SECONDS WEST, ASSUMED BEARING, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, FOR A DISTANCE OF 55.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DOCUMENT NO. 1055807, FOR A DISTANCE OF 390.00 FEET, TO THE NORTHEAST CORNER THEREOF, THE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 42 MINUTES 44 SECONDS WEST, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN DOCUMENT NO. 1055807 AND ALONG THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DOCUMENT NO. 1341732 ON FILE AT THE CASS COUNTY RECORDER'S OFFICE, FOR A DISTANCE OF 793.00 FEET, TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN DOCUMENT NO. 1341732; THENCE SOUTH 02 DEGREES 06 MINUTES 19 SECONDS EAST, ALONG THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN DOCUMENT NO. 1341732, FOR A DISTANCE OF 390.00 FEET, TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26 AND TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN DOCUMENT NO. 1341732; THENCE SOUTH 87 DEGREES 42 MINUTES 44 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, FOR A DISTANCE OF 440.00 FEET; THENCE NORTH 02 DEGREES 06 MINUTES 19 SECONDS WEST, PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, FOR A DISTANCE OF 1268.00 FEET; THENCE SOUTH 02 DEGREES 06 MINUTES 19 SECONDS EAST, PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT OF LAND CONTAINS 5.71 ACRES, MORE OR LESS AND IS SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS AS MAY BE OF RECORD.



SHAWN M. THOMASSON
 PROFESSIONAL LAND SURVEYOR
 ND PLS #5900

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, PROFESSIONAL LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION
 WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "MURCH SUBDIVISION", A PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 143 NORTH, RANGE 52 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF SHAWN M. THOMASSON, PROFESSIONAL LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE THE 33.00 FOOT WIDE STREET AND THE 10.00 FOOT WIDE UTILITY EASEMENT SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER:

ADELINE E. MURCH

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ADELINE E. MURCH, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

HUNTER TOWNSHIP REVIEW
 REVIEWED BY HUNTER TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2018.

SIGNED: _____
 MARK RICHRSMIEER, CHAIRPERSON

ATTEST: _____
 DONNA PORTER, CLERK/TREASURER

COUNTY ENGINEER REVIEW
 REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2018.

SIGNED: _____
 JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW
 REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2018.

SIGNED: _____
 KEN LOUGHEED, CHAIRPERSON

ATTEST: _____
 DEANN BUCKHOUSE, SECRETARY

CASS COUNTY COMMISSION APPROVAL
 APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2018.

SIGNED: _____
 CHAD PETERSON, CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS

ATTEST: _____
 MICHAEL MONTPLASIR, CASS COUNTY AUDITOR