

CASS COUNTY PLANNING COMMISSION AGENDA
Thursday, December 12, 2019 at 7:00 a.m.

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of September 26, 2019

E. Public Hearing Items:

1. Hearing on an application requesting a Minor Subdivision Plat **of Kyser Subdivision** (Located in Bell Township, A Part of the NE 1/4 Section 14, Township 143 North, Range 51 West of the 5th Principal Meridian, Cass County North Dakota).

2. Hearing on an application requesting a Minor Subdivision Plat of **Phillips Subdivision** (Located in Harwood Township, W 1/2 of Section 13, Township 141 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota): **CONTINUED**

F. New Business

- a. **Grand Farm**
- b. **New Zoning and Subdivision Ordinance Discussion**
 - i. **Unified Development Discussion**
 - ii. **Transfer of Development Rights Discussion**
 - iii. **Non-conformities Discussion**

G. Old Business

H. Adjournment

**CASS COUNTY PLANNING COMMISSION
SEPTEMBER 26, 2019**

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on September 26, 2019, at 7:00 AM in the Vector Control Conference Room with members present as follows: Ken Lougheed, Keith Monson, Dr. Tim Mahoney, Brad Olson, Keith Fisher and Duane Breitling. David Gust was absent. Also present were County Planner, Barrett Voigt, and Assistant County Engineer, Tom Soucy.

2. MINUTES, APPROVED

MOTION, passed

Mr. Olson moved and Mr. Breitling seconded to approve the minutes of the April 25, 2019 meeting as presented. Motion carried.

3. PUBLIC HEARING ITEMS

a. Minor Subdivision Plat of Cornell Second Subdivision, located in Cornell Township

Mr. Lougheed opened the public hearing.

Mr. Voigt provided an overview of an application for a minor subdivision entitled Cornell Second Subdivision filed by Shawn Thomasson from Moore Engineering on behalf of Feder Properties LLP. The proposal requested approval for a one (1) Lot, one (1) Block subdivision for the purpose of a lot line adjustment to correct a property line error of Cornell First Subdivision. The proposal would add approximately more than 2 acres of land on to the west side of Lot 1, Block 1, Cornell First Subdivision to satisfy the needs of the applicant. Because a deed restriction was already recorded for the transfer of development rights for Cornell First Subdivision, the applicant requested to continue to use the development rights transferred from that deed restricted property to allow for the new lot creation. No public comments were received prior to the meeting and staff recommended approval of the subdivision application as outlined in the staff report.

The public hearing was closed.

MOTION, passed

Mr. Monson moved and Dr. Mahoney seconded to approve the minor subdivision and variance request with the conditions outlined by the County Planner.

Motion carried.

b. Minor Subdivision Plat of Hefty Seed Subdivision, located in Everest Township

Mr. Lougheed opened the public hearing.

Mr. Voigt provided an overview of an application for a minor subdivision entitled Hefty Seed Subdivision filed by Tom Warner of FEC on behalf of Thomas & Mary Weiss. The applicant requested approval for a minor subdivision to plat a one (1)

Lot, one (1) Block subdivision of approximately 15 acres to construct a structure for retail commercial land use purposes. The proposed lot location was proposed for the northwest corner of the intersection of County Road 23 and U.S. Interstate 94 and had secured a county access permit. No public comment were received prior to the meeting, however comments were received from various government agencies. The NDDOT requested that snow storage not be placed in their easement or right of way. As a result, staff requested a conditions of approval for a transfer of development rights and the prohibition of snow storage in the U.S. Interstate 94 right of way.

Discussion was held regarding the elevation and drainage. 3 feet of fill will be brought in to address drainage.

The public hearing was closed.

MOTION, passed

Mr. Fisher moved and Mr. Olson seconded to approve the minor subdivision with the conditions outlined by the County Planner.

Motion carried.

c. Application requesting a Text Amendment to amend Section 203 of the Cass County Subdivision Ordinance (CCSO) relating to subdivision ordinance exemptions (Cass County).

Mr. Lougheed opened the public hearing.

The County Planner requested approval of a text amendment of §203 of the Cass County Subdivision Ordinance (CCSO) for the purpose of expanding the list of exemptions of the CCSO to allow for the exemption of diversion, sale or transfer of land for federal, state or local government.

The County Planner stated that he felt the additional exemption language needed to be added so that the ordinance text document would match the subdivision application process in practice. The County Planner also stated that he wanted to provide transparency to the public regarding which government activities don't require platting such as flood buyout, diversion, and/or public recreation facility development activities and proposals, etc. No public comment was received prior to the meeting and staff recommended approval of the text amendment application.

The public hearing was closed.

MOTION, passed

Mr. Breitling moved and Mr. Fisher seconded to approve the text amendment as outlined by the County Planner.

Motion carried.

4. NEW BUSINESS

a. New Planning Commissioner Elissa Novotny

Mr. Lougheed welcomed Elissa Novotny to the Planning Commission.

b. New Subdivision and Zoning Ordinance Consultant Selection Steering Committee Solicitation.

The County Planner explained that the Planning budget was approved and a line item within the budget was for \$60,000.00 to rewrite the subdivision ordinance and zoning ordinance. The proposal of the new ordinance would meet the goals of the Comprehensive Plan. The new ordinance document proposal would serve two purposes. The first is to provide an opportunity for consultants to investigate a better way to manage the land use management process in the county. The second objective is to provide a zoning template for townships that choose not to have the county manage their zoning ordinances. This template would provide an opportunity for townships to adopt sections of the ordinance for their own township ordinances. The County Planner stated that the RFP would be released Friday, September 27, 2019 and that proposals were due October 29, 2019. The County Planner provided a full breakdown of the schedule to the Planning Commission board members and explained that a Selection Committee would be formed using a wide range of representation to include County Commissioners, Planning Commissioner that would be selected at the meeting, Township Supervisors and County Staff. The committee would be responsible to select the consultant to implement the application request and it was anticipated that the project would be multi-phased lasting approximately 2 years.

Ms. Novotny volunteered to serve on the Selection Committee. It was agreed that Mr. Voigt would contact Mr. Gust to verify interest in participating on the committee.

5. ADJOURNMENT

On motion by Mr. Olson, seconded by Mr. Breitling, and all voting in favor, the meeting was adjourned at 7:30 AM.



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NE 1/4 of Section 14, Township 143 North, Range 51 West		
Title:	Kyser Subdivision	Date:	12-3-2019
Location:	NE 1/4 of Section 14, Township 143 North, Range 51 West (Bell Township)	Staff Contact:	Barrett Voigt
Parcel Number:	26-0000-01256-000	Water District:	North Cass Water District
Owner(s)/Applicant:	Shirley Hoffert/Cole Neset – Neset Land Surveys	Engineer/Surveyor:	Neset Land Surveys
Status:	Planning Commission Hearing: December 12, 2019		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Kyser Subdivision** to create one (1) Lot and one (1) Block of approximately 5 acres for the purpose of creating a lot to construct a residential structure for residential use. The proposed lot is located at NE 1/4 of Section 14, Township 143 North, Range 51 West of Bell Township and does not have an address.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use township road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment. The property currently does not have a connection to water or electricity, however the applicant has received pre-approval from both Cass County Electric Cooperative and Cass Rural Water District to provide these services in the future.

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.
Sprint	Sprint is clear of both these
AT&T	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Otter Tail Power Company	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	Magellan Pipeline is not affected by these properties. Thanks.
NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	Cass Rural Water does have a water line located approximately ¼ to the east of the Kyser subdivision site.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No comments were received prior to publishing the staff report.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	No comments were received prior to publishing the staff report.
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

Land Use and Surrounding Uses

The subject property is bound by agricultural production land on the north, east, and south. The Elm River (a blue line perennial) is located west of the property. Bell Township has submitted a letter of approval the project with the condition and has provided comments that they request of 50 feet of right of way for the future construction of a drainage ditch along the northern property line of the proposed lot.

Floodzone

According to the FEMA Flood Map Service Center, this property has no Special Hazard Flood Area identified. In addition, no wetlands, or other notable features were identified to be present on the proposed subdivision Lot. A United States Geological Service (USGS) blue line perennial water has been identified for this site. The lot will not abut the Elm River on the west side of the property. However, a Minimal Disturbance Setback Zone (MDZS) and Limited Disturbance Setback Zone (LDZS) have been identified for the property and have been delineated on the plat.

Land Development Rights

The subject quarter-quarter section currently has no development. 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 with a minimum of forty (40) acres. Because the lot subdivision proposal is less than forty (40) acres, a transfer of a development right from another parcel in excess of forty (40) acres is required along with a deed restriction of the sending parcel to limit the land use to agricultural land uses only.

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 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.

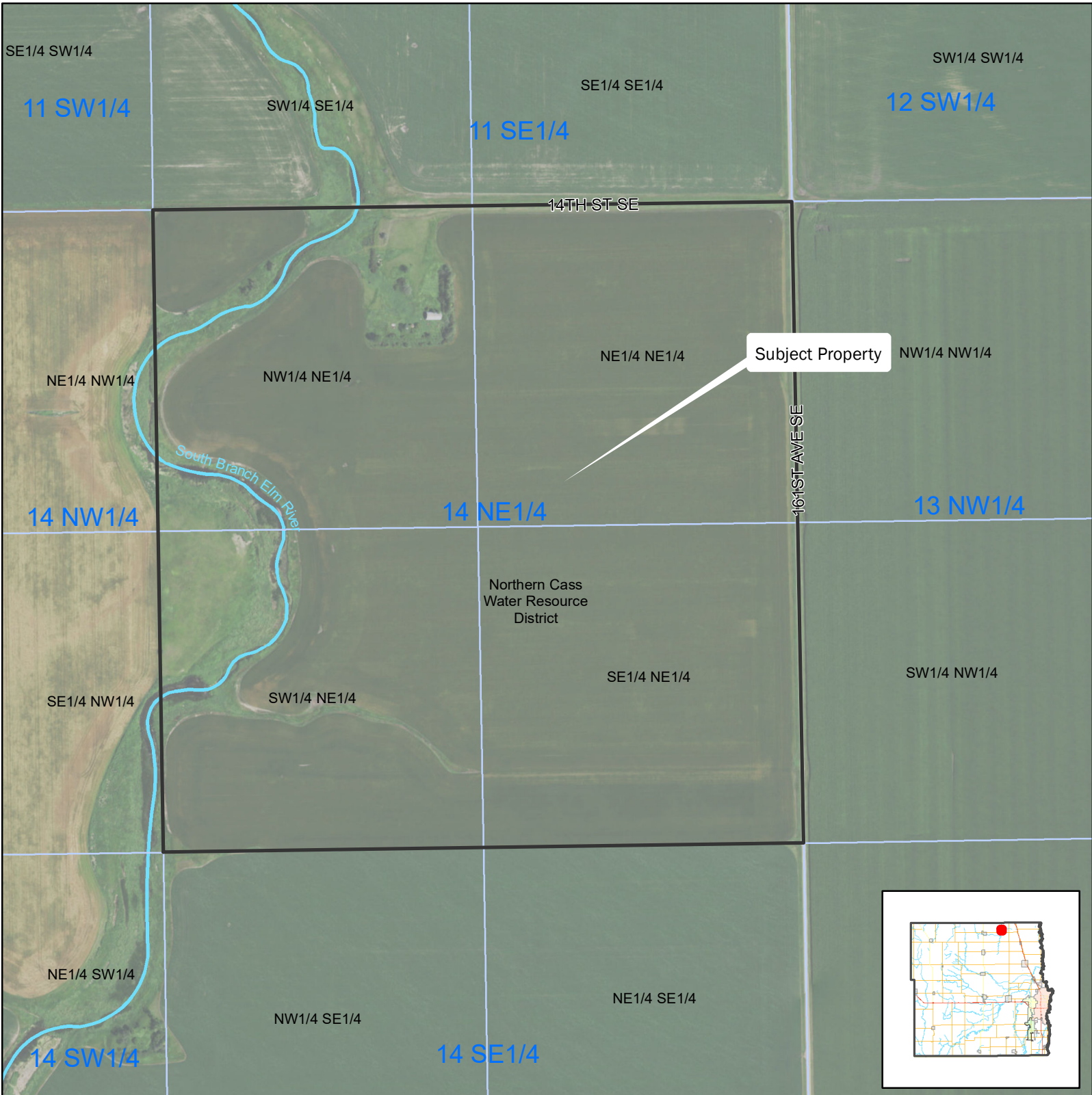
Attachments

1. Location Map
2. Plat Document

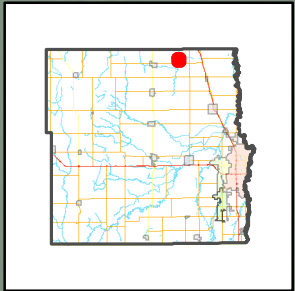
Minor Subdivision

Kyser Subdivision

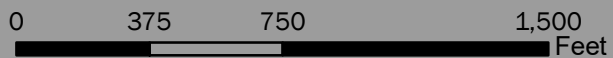
Bell, Section 14 - Township 143 North - Range 51 West



Subject Property

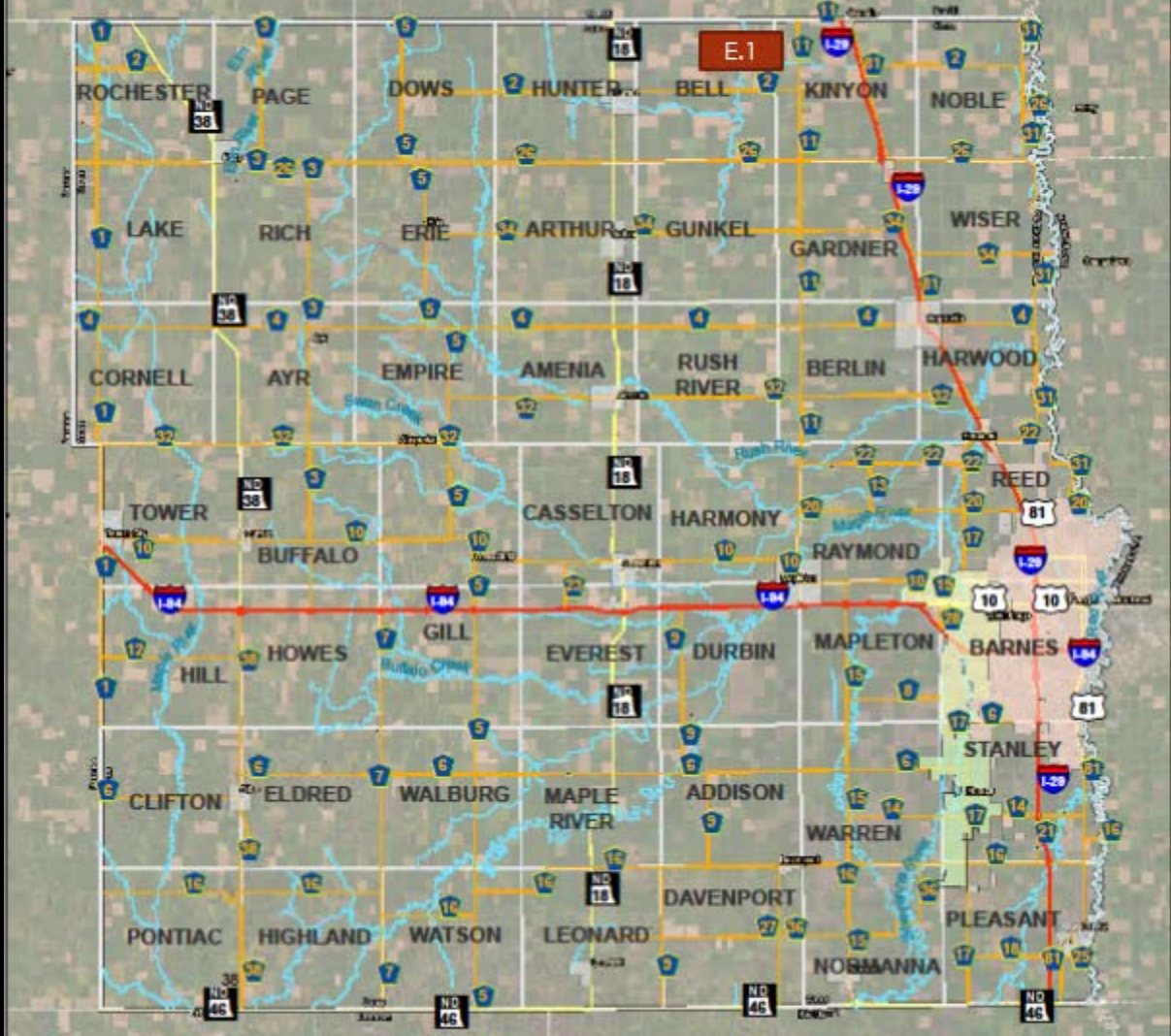


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

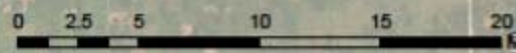




Agenda Items Map
Cass County Planning Commission
December 12, 2019



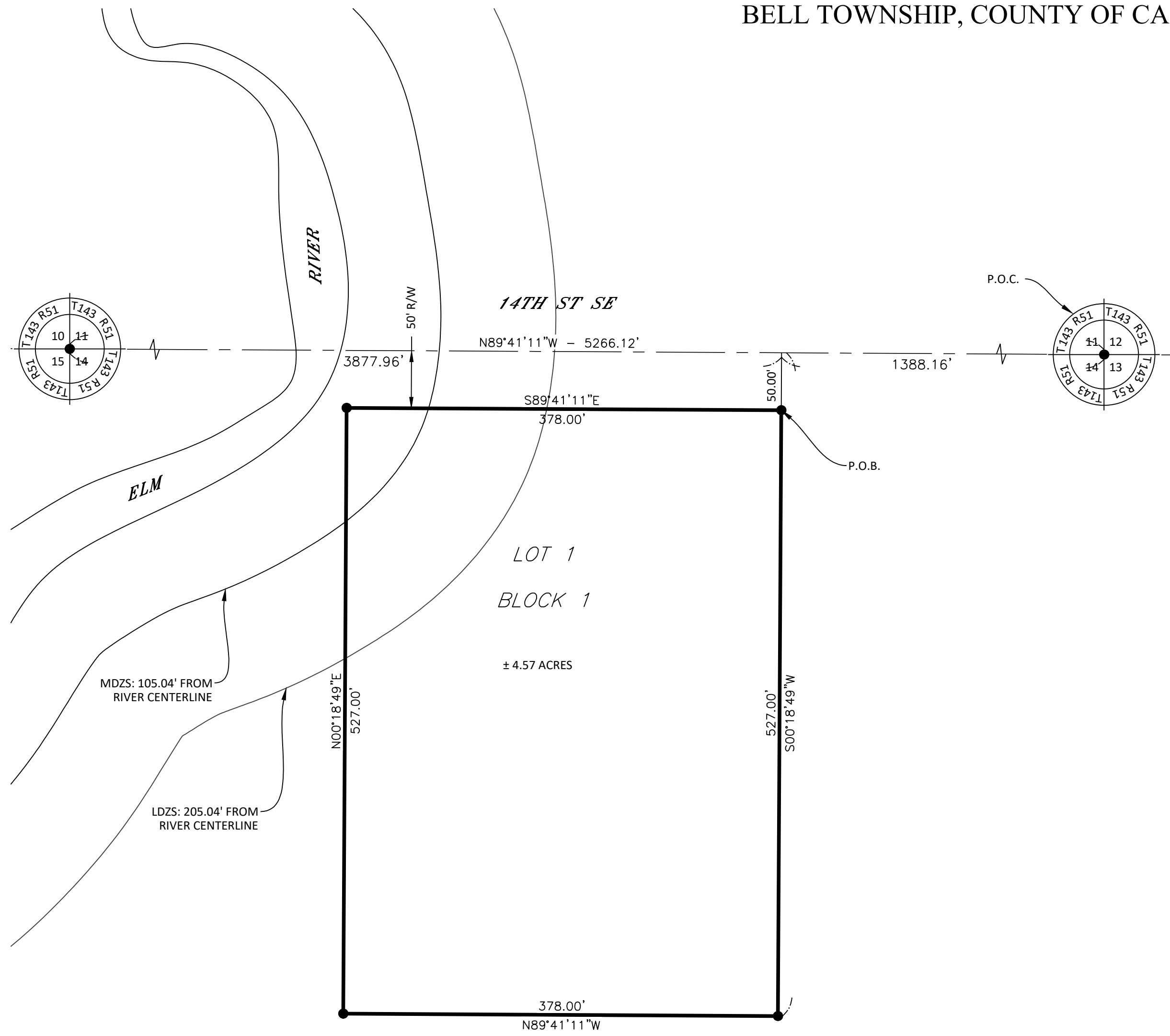
Agenda Items No.
E1: Kyser Subdivision



Map data © OpenStreetMap contributors, and the GIS User community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS,
USDA, USGS, AeroGRID, IGN, and the GIS User community

PLAT OF KYSER SUBDIVISION

A MINOR SUBDIVISION
 THAT PART OF THE NE 1/4 OF SECTION 14, TOWNSHIP 143 NORTH, RANGE 51 WEST OF
 THE 5TH PRINCIPAL MERIDIAN
 BELL TOWNSHIP, COUNTY OF CASS, STATE OF NORTH DAKOTA



OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT SHIRLEY M. HOFFERT, IS THE OWNER OF KYSER SUBDIVISION DESCRIBED AS FOLLOWS:
 THAT PART OF THE NE 1/4 OF SECTION 14, TOWNSHIP 143 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, BELL TOWNSHIP,
 COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE N89°41'11"W ALONG THE NORTH LINE OF SAID SECTION 14 A
 DISTANCE OF 1,388.16; THENCE S00°18'49"W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING
 S00°18'49"W A DISTANCE OF 527.00 FEET; THENCE N89°41'11"W A DISTANCE OF 378.00 FEET; THENCE N00°18'49"E A DISTANCE OF
 527.00 FEET; THENCE S89°41'11"E A DISTANCE OF 378.00 FEET TO THE POINT OF BEGINNING.
 SAID TRACT OF LAND CONTAINS ±4.57 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF SIGHT AND
 RECORD.
 SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS KYSER
 SUBDIVISION TO COUNTY OF CASS, STATE OF NORTH DAKOTA. SAID OWNERS ALSO HEREBY DEDICATE AND CONVEY TO THE PUBLIC ALL
 RIGHTS OF WAY AS SHOWN ON THIS PLAT. KYSER SUBDIVISION CONSISTS OF 1 LOT, 1 BLOCK, AND CONTAINS 4.57 ACRES MORE OR LESS
 TOGETHER WITH EASEMENTS AND RIGHTS OF WAYS OF RECORD.

BY: _____
 SHIRLEY M. HOFFERT

STATE OF _____)
) SS
 COUNTY OF _____)

BE IT KNOWN ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED
 SHIRLEY M. HOFFERT KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND
 ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION
 EXPIRES: _____

NOTARY PUBLIC

SURVEYORS CERTIFICATE

I, COLE A. NESET HEREBY CERTIFY THAT THIS SURVEY, PLAN AND/OR REPORT WAS PREPARED UNDER MY DIRECT
 SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

COLE A. NESET _____ DATE _____
 REGISTERED LAND SURVEYOR No. LS-7513
 STATE OF NORTH DAKOTA

STATE OF _____)
) SS
 COUNTY OF _____)

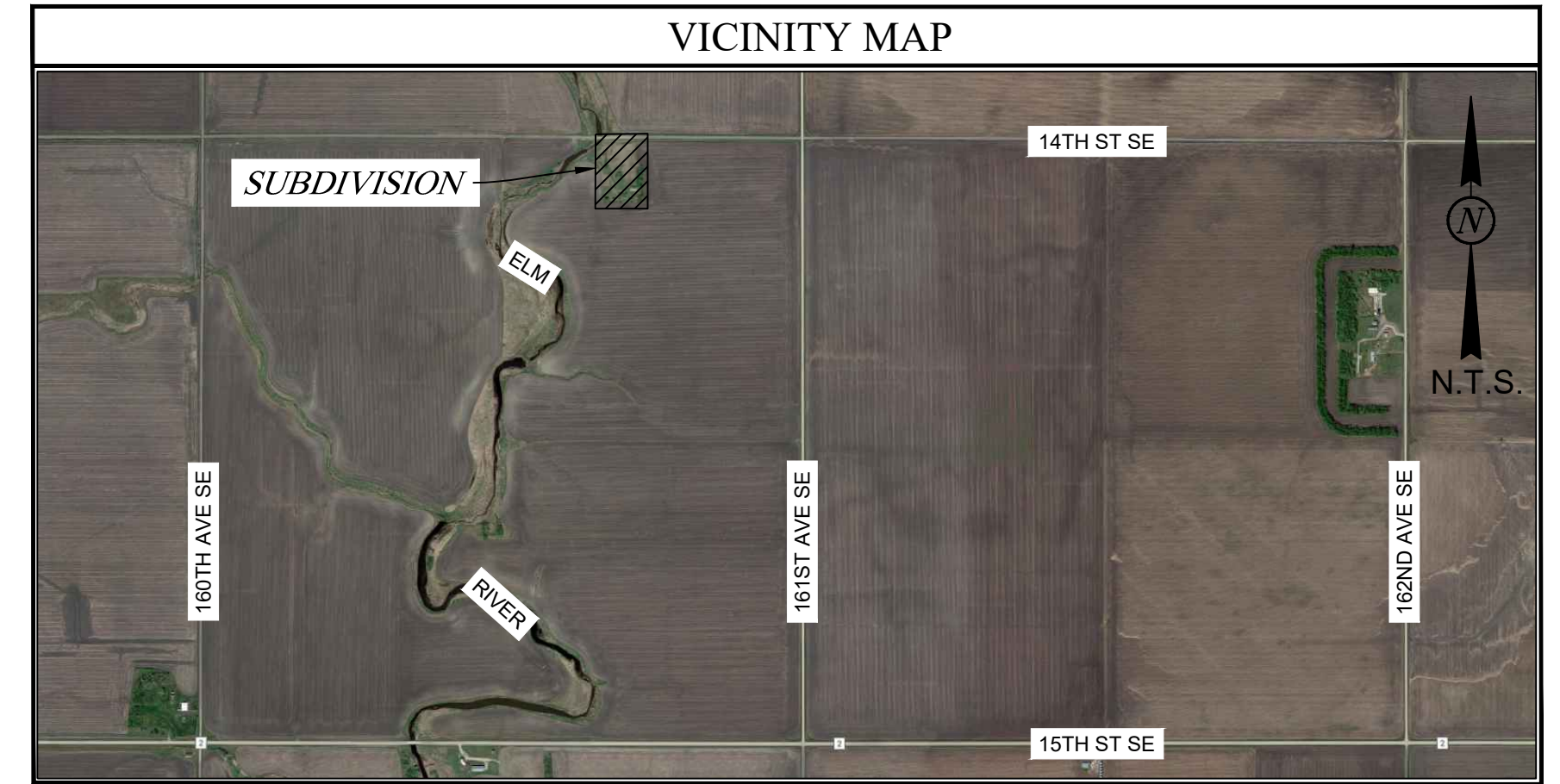
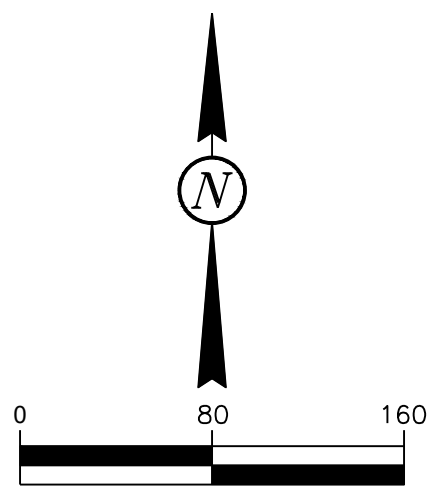
BE IT KNOWN ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY
 APPEARED COLE A. NESET, NORTH DAKOTA REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN
 AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT
 AND DEED.

MY COMMISSION
 EXPIRES: _____

NOTARY PUBLIC

UTILITY EASEMENT FOR POLAR RURAL TELEPHONE MUTUAL AID CORPORATION,
 RECORDED APRIL 1ST, 1970 IN BOOK H5 OF MISC., PAGE 620
 BLANKET EASEMENT OVER THE NORTHEAST QUARTER OF S14, T143N, R51W.

- LEGEND**
- MONUMENT SET
 - - - EX. EASEMENT
 - PROPERTY BOUNDARY LINE
 - - - SECTION LINE



CASS COUNTY ENGINEER

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2020.

 JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2020.

 KEN LOUGHEED, CHAIRMAN

ATTEST: _____
 SECRETARY

CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

REVIEWED BY CASS COUNTY, NORTH DAKOTA THIS _____ DAY OF _____, 2020.

 MARY SCHERLING, CHAIRWOMAN

ATTEST: _____
 MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

BELL TOWNSHIP

REVIEWED BY BELL TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2020.

 WES ECKER, CHAIRMAN

ATTEST: _____
 CLERK

