

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, August 26, 2021 at 7:00 a.m.

Vector Conference Room, 1201 Main Avenue West, West Fargo, 58078

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of July 22, 2021

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **Claus Farms Subdivision** (NW $\frac{1}{4}$ of Section 33, Township 137 North, Range 54 West of the 5th Principal Meridian, Cass County North Dakota).
2. Hearing on approval of the **Crew Camp Ordinance** in Cass County outside of incorporated cities to be brought before the County Commission.

F. New Business

Subdivision Ordinance Update

G. Old Business

Open Planning Commission Position

H. Adjournment

CASS COUNTY PLANNING COMMISSION
JULY 22, 2021

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on July 22, 2021, at 6:58am in the Highway Department Conference Room.

B. ROLL CALL

Planning Commissioners present in person were Rocky Bertsch, David Gust, Jim Kapitan and Dr. Tim Mahoney. Ken Lougheed attended online. Brad Olson, Kris Schipper and Keith Monson were absent. Also present in person were Cass County Planner, Grace Puppe, Assistant Cass County Engineer, Tom Soucy, Cass County Engineer, Jason Benson, Cass County Senior Attorney, Tracy Peters and KIJ Planner Joel Quanbeck.

C. DETERMINATION OF A QUORUM

It was determined that there was a quorum based on the roll call.

D. MINUTES, APPROVED

MOTION, *passed*

Dr. Mahoney moved and Mr. Kapitan seconded to approve the minutes of the June 24, 2021 meeting as presented.

Motion carried.

E. PUBLIC HEARING

There was no public hearing.

F. NEW BUSINESS

Crew Camp Ordinance Update

Mr. Quanbeck gave a short summary on crew camps and what does Cass County want to regulate. He reviewed potentially regulated housing that was identified in Western North Dakota. Modular units, FEMA trailers, skid units that are small units that are offloaded from the back of a truck, recreational vehicles, mobile homes, campgrounds, inside industrial or commercial buildings that are similar to dorms, houses that potentially will have 5-10 workers sharing the same house, park units that are small mobile homes that are parked on a site year round, and are slightly insulated and tiny houses. Cass County could potentially allow any or all of these options.

Dr. Mahoney asked what happens to crew camps when the project is done, and everyone leaves. Mr. Quanbeck said there should be an application process that specifies a plan. The plan could specify infrastructure built to have another purpose afterwards, Ex.: using an apartment type of crew camp for a hotel. Regarding the application process, Mr. Quanbeck said that the application must be approved by the Cass County Planning Commission and the Board of County Commissioners before any Crew Camp may be developed or used. No crew camp may be established or used unless it meets the requirements of this Ordinance. Large Crew Camps must meet the requirements of this Ordinance and conditions as established by the Planning Commission and Board of County Commissioners.

Mr. Quanbeck went on to discuss large crew camps criteria. There should be an onsite manager as the point of contact, onsite medical staff, commercial kitchen that the Department of Health would regulate

food safety, fire suppression and a security system in place to handle difficult situations or ensuring who is allowed on site, possibly even performing background checks.

Mr. Lougheed suggested that all have bonds in a way to fund the clean up the area. Mr. Bertsch said Cass County cannot regulate where people are, but Mr. Gust said that camps can be regulated under township or city zoning. Townships may adopt and regulate the ordinance, and the county will try and enforce it, but having a system in place is needed. The Cass County Sheriff Department may also be called upon to patrol areas and handle any unruly people or events.

Dr. Mahoney commented that the City of Fargo are planning meetings to open conversations with developers. Ms. Peters asked if there should be a rule regarding how long someone can stay in their particular housing. Mr. Quanbeck said having a number is helpful and encourages more rules the better and the ordinance can be changed to less strict rules as time goes on.

Mr. Kapitan and Dr. Mahoney left at 7:52am.

It is planned to have a draft sent to the board members prior to the August Planning Commission meeting so it can be readied to be sent to the Cass County Commission for approval.

G. OLD BUSINESS

Open Planning Commission position

H. ADJOURNMENT

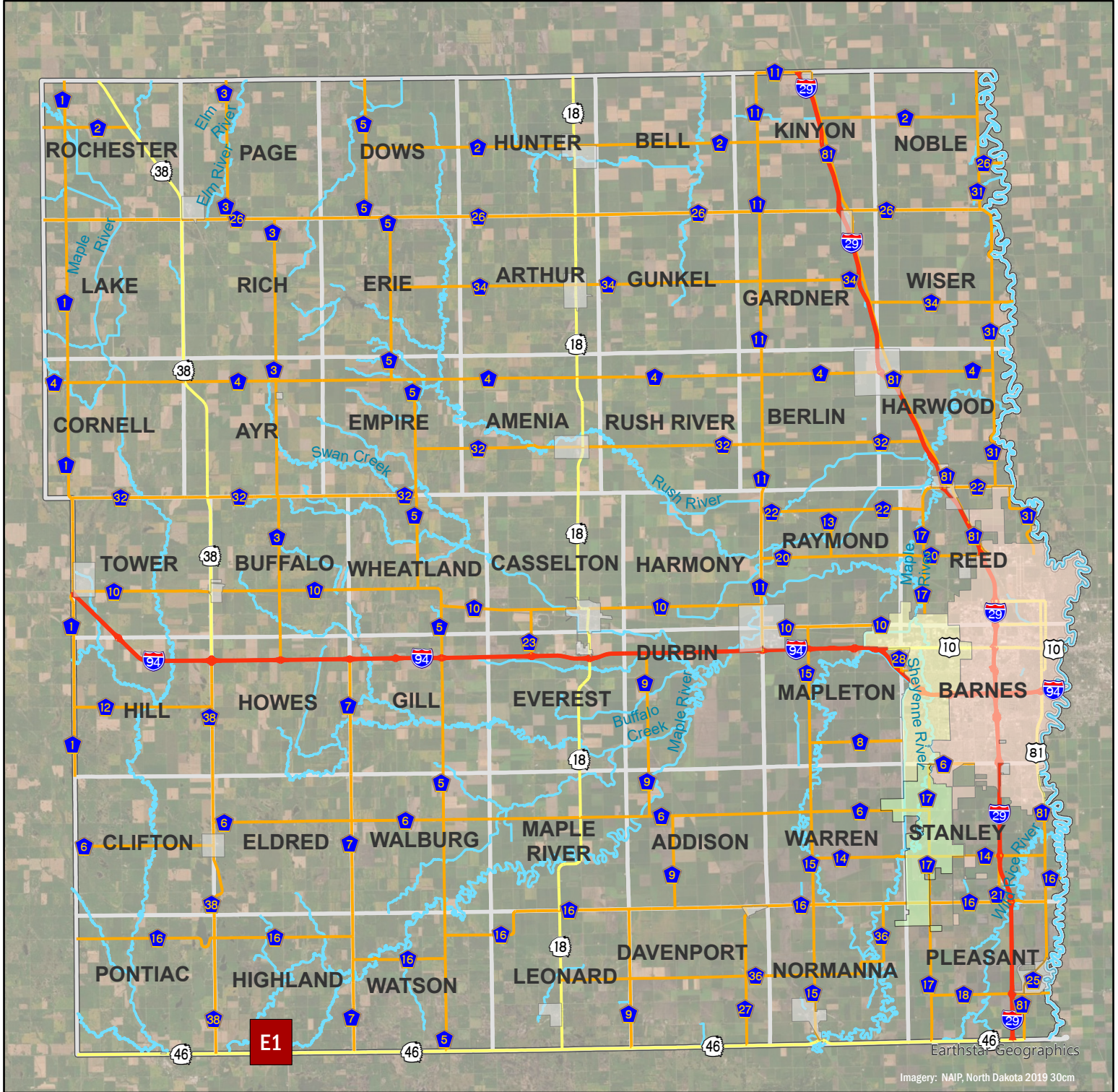
On motion by Mr. Gust seconded by Mr. Bertsch and all voting in favor, the meeting was adjourned at 7:55 AM.

Minutes prepared by Lisa Shasky, Principal Secretary, Highway Department

Agenda Items Map

Cass County Planning Commission

August 26, 2021

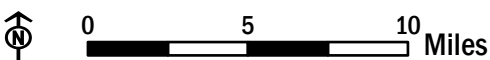


Earthstar Geographics
Imagery: NAIP, North Dakota 2019 30cm

Agenda Items No.

E1. - Claus Farms Subdivision

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 Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NW ¼ of Section 33, Township 137 North, Range 54 West		
Title:	Claus Farms Subdivision	Date:	08-10-2021
Location:	NW ¼ of Section 33, Township 137 North, Range 54 West (Highland Township)	Staff Contact:	Grace Puppe
Parcel Number:	45-0000-06742-020	Water District:	Maple River Water District
Owner(s)/Applicant:	Dylan Claus	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: June 25, 2020		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Claus Farms Subdivision** to plat a one (1) Lot subdivision of approximately 4.92 acres. According to the applicant, the subdivision is requested to build a house on the recently purchased landed located near their family farm.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use a new 141st Ave SE 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 and electricity.

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

NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	No comments were received prior to publishing the staff report.
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 Maple River on the west and north. Township road 141st Ave SE borders the east and south of the property.

Floodzone
 According to the FEMA Flood Map Service Center, this property is currently unmapped and not Special Hazard Flood Area has been identified. In addition, no wetlands or other notable features are present on the proposed subdivision Lot.

Land Development Rights
 The subject quarter-quarter section currently is developed and requires the transfer of a development right. 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 40 acres. Because the lot subdivision proposal is less than 40 acres, a transfer of a development right is required 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 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

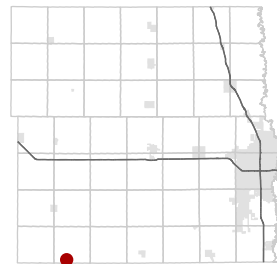
Minor Subdivision

Claus Farms Subdivision

Highland Twp, Section 33 - Township 137 North - Range 54 West



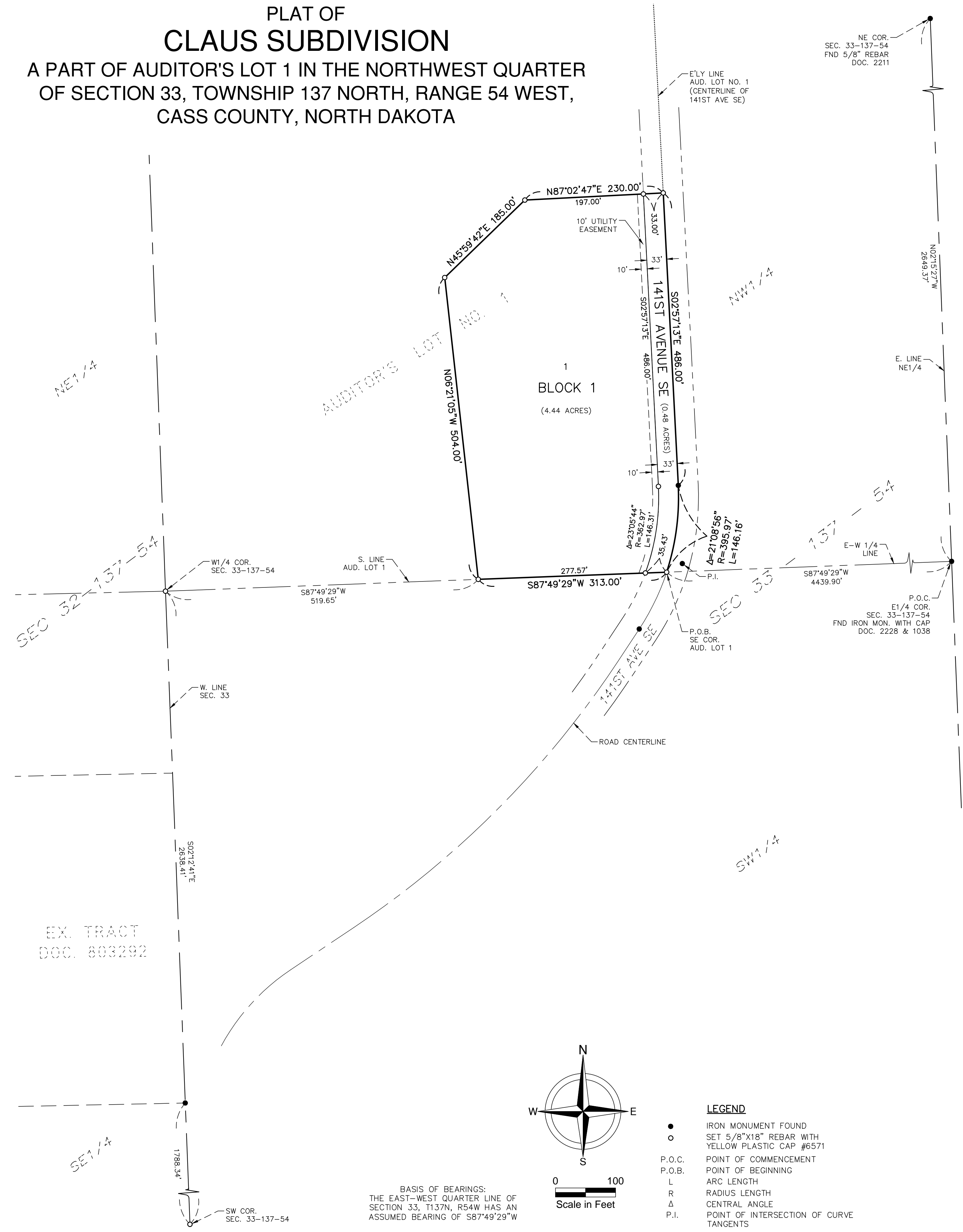
Cass County Planning Commission
August 26, 2021



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.



**PLAT OF
CLAUS SUBDIVISION**
A PART OF AUDITOR'S LOT 1 IN THE NORTHWEST QUARTER
OF SECTION 33, TOWNSHIP 137 NORTH, RANGE 54 WEST,
CASS COUNTY, NORTH DAKOTA



CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "CLAUS SUBDIVISION", A PART OF AUDITOR'S LOT 1 IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 137 NORTH, RANGE 54 WEST, 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, TO WIT:

THAT PART OF AUDITOR'S LOT 1 IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 137 NORTH, RANGE 54 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, ACCORDING TO DOCUMENT NO. 780443, RECORDED APRIL 29, 1993 ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 87 DEGREES 49 MINUTES 29 SECONDS WEST ON AN ASSUMED BEARING ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 33 FOR A DISTANCE OF 4439.90 FEET TO THE SOUTHEAST CORNER OF SAID AUDITOR'S LOT 1, THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 49 MINUTES 29 SECONDS WEST ALONG SAID EAST-WEST QUARTER LINE AND ALONG THE SOUTH LINE OF SAID AUDITOR'S LOT 1 FOR A DISTANCE OF 313.00 FEET; THENCE NORTH 06 DEGREES 21 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 504.00 FEET; THENCE NORTH 45 DEGREES 59 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 185.00 FEET; THENCE NORTH 87 DEGREES 02 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 230.00 FEET TO THE EASTERLY LINE OF SAID AUDITOR'S LOT 1; THENCE SOUTH 02 DEGREES 57 MINUTES 13 SECONDS EAST ALONG SAID EASTERLY LINE FOR A DISTANCE OF 486.00 FEET; THENCE 146.16 FEET SOUTHERLY, CONTINUING ALONG SAID EASTERLY LINE ON A TANGENTIAL CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 395.97 FEET AND A CENTRAL ANGLE OF 21 DEGREES 08 MINUTES 56 SECONDS TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.92 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

PRELIMINARY

STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED 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 "CLAUS SUBDIVISION", A PART OF AUDITOR'S LOT 1 IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 137 NORTH, RANGE 54 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE 141ST AVENUE SE AND THE UTILITY EASEMENT SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER:

DYLAN CLAU

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DYLAN CLAU, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MORTGAGEE:

NAME: _____
TITLE: _____

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF _____

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

HIGHLAND TOWNSHIP REVIEW

REVIEWED BY HIGHLAND TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2021.

SIGNED: _____
DEAN SPRUNK, CHAIR

ATTEST: _____
CHRISTINA SPRUNK, CLERK

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2021.

SIGNED: _____
JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2021.

SIGNED: _____
KEN LOUGHEED, CHAIR

ATTEST: _____
SECRETARY

CASS COUNTY COMMISSION APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2021.

SIGNED: _____
CHAD PETERSON, CHAIR

ATTEST: _____
MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- L ARC LENGTH
- R RADIUS LENGTH
- Δ CENTRAL ANGLE
- P.I. POINT OF INTERSECTION OF CURVE TANGENTS

0 100
Scale in Feet

BASIS OF BEARINGS:
THE EAST-WEST QUARTER LINE OF SECTION 33, T137N, R54W HAS AN ASSUMED BEARING OF S87°49'29"W

Crew Camp Ordinance Section

- (a) Crew Camps. The purpose of this Ordinance is to provide guidance on the reasonable placement and use of Crew Camps. Crew Camp means any area or structure designed or established specifically to accommodate the housing demand from a temporary influx of workers. Crew camps do not include single family residences, multi-family residences, hotels and motels, bed and breakfasts, existing recreational vehicle parks and existing campgrounds. An application must be approved by the Cass County Planning Commission and the Board of County Commissioners before any Crew Camp may be developed or used. No crew camp may be established or used unless it meets the requirements of this Ordinance and any conditions as established by the Planning Commission and Board of County Commissioners. Crew Camps include a subset classified as Large Crew Camps. Large Crew Camps involve any facility housing 10 or more people.
- (b) Administration. An application for crew camps shall be submitted on forms provided by the Cass County Planning Office. The application shall be submitted to the Cass County Planner for review and approval by the appropriate Cass County officials after a public hearing has been held. Township officials from the applicable township and all property owners within 1,000 feet shall be notified of the public hearing at least ten days before the date of the hearing. Approval by the appropriate Cass County officials grants the applicant authorization to construct and operate the Crew Camp in a manner that is consistent with this approval. Application approvals are valid for 3 years contingent on positive annual reviews.
- (c) Annual Review. Applications for large crew camps must be reviewed annually by the Planning Commission. Applications for other crew camps must be reviewed annually by the County Planner unless a violation is found during the year. In that case, the annual review must be done by the Planning Commission.
 - 1. Applications for large crew camps must be reviewed annually by the Planning Commission.
 - 2. Applications for other crew camps must be reviewed annually by the County Planner unless a violation is found during the year. In that case, the annual review must be done by the Planning Commission.
- (d) Conditions of Approval. No application shall be approved unless the following criteria have been met. Additional conditions may also be required for approval.
 - 1. Proposal is consistent with the intent of the township zoning district in which the use is located
 - 2. Proposal is consistent with the Cass County Comprehensive Plan
 - 3. Proposal will be compatible with the existing surrounding land uses
 - 4. Proposal will be compatible with future development of the surrounding area as permitted by existing zoning.
 - 5. The applicant has made a diligent effort to minimize impacts to surrounding area

6. There is adequate provision for the protection of the health, safety and welfare of the inhabitants and workers of in the surrounding area and the County
7. Any bonds or fees required by the Board of County Commissioners have been provided
8. Any development agreement required by the Board of County Commissioners has been signed by the applicant
9. The applicant has provided a detailed plan for removing all facilities and structures from the site and returning it to its pre-development conditions
10. The applicant has provided a scaled site plan detailing the location and design of facilities
11. Issues raised by public comment have been appropriately addressed

(e) Standards. Applicants requesting approval for siting, development or operation of Crew Camps have the burden of proof to demonstrate compliance of their proposed use with this Ordinance. Applications for all crew camps must demonstrate compliance with the following design standards and such crew camps shall continuously meet these standards if the application is approved:

1. A guest registration and management system that provides clear documentation for all persons using the facility.
2. Adequate water service in terms of quality, quantity, and dependability is available to the site to serve the uses permitted. If water supply will be Cass Rural Water Users, agreement for services shall be provided.
3. Adequate sewer service is available. Certification by the Cass County Public Health Environmental Office shall be provided.
4. Adequate fire protection measures are available. Approval by appropriate fire department shall be provided.
5. Any needed access to the site shall be approved by the Cass County Highway Department. All parking and loading and vehicle storage activities shall take place on the site and shall be constructed with all-weather surfaces, and no parking shall be permitted within any public right-of-way.
6. All buildings and housing units shall be clearly marked and identified with lighted signs for emergency response purposes.
7. Adequate waste management services shall be provided. A written description of the management plan must be provided in the application and if a waste management disposal service is contracted, proof of contract must be provided.

(f) Standards. Applicants requesting approval for siting, development or operation of Crew Camps have the burden of proof to demonstrate compliance of their proposed use with this Ordinance. Applications for large crew camps must demonstrate compliance with the following additional design standards and such crew camps shall continuously meet these standards if the application is approved:

1. Compliance with the following stormwater management standards:
 - a. Onsite retention facilities designed to retain stormwater runoff from the fully developed site from a 100-year storm event.

- b. Drainage facilities must be designed by a North Dakota licensed engineer to protect downstream areas from erosion and inundation and must meet all requirements of North Dakota law.
2. Proposals in areas deemed by the Planning Commission to be flood-prone must provide adequate protection from flooding to a 100-year level as determined by a hydrologic and hydraulic analysis.
3. In the case of a proposed Crew Camp facility designed to house at least 10 occupants, a person with CPR and First Aid Certification is on-site full-time, and an AED is located where readily accessible to each housing unit at all times.
4. All roadways, buildings and housing units shall be clearly marked and identified with lighted signs for emergency response purposes.
5. Any needed access to the site shall be approved by the Cass County Highway Department. All parking and loading and vehicle storage activities shall take place on the site and shall be constructed with paved or crushed aggregate surfaces, and no parking shall be permitted within any public right-of-way.
6. An access and traffic management plan shall be provided which identifies anticipated traffic volumes and provides appropriate access locations and circulation patterns within the site. The County may require service roads, and acceleration, deceleration, and turning lanes to facilitate the safe and expedient movement of traffic.
7. Any proposal which involves truck traffic must have an approved dust control plan
8. A landscape plan may be required to help blend the development into the rural landscape.
9. Responsibility for maintenance of the land being developed and a standard for the control of weeds and grass shall be established.

DEFINITIONS

1. Crew Camp – any area or structure designed or established specifically to accommodate the housing demand from a temporary influx of workers. Crew camps do not include single family residences, multi-family residences, hotels and motels, bed and breakfasts, existing recreational vehicle parks and existing campgrounds.
2. Large Crew Camp – a crew camp designed for more than 10 people which meets the requirements of this Ordinance and conditions as established by the Planning Commission and Board of County Commissioners.