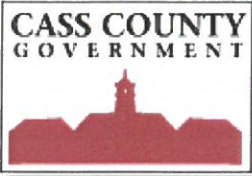
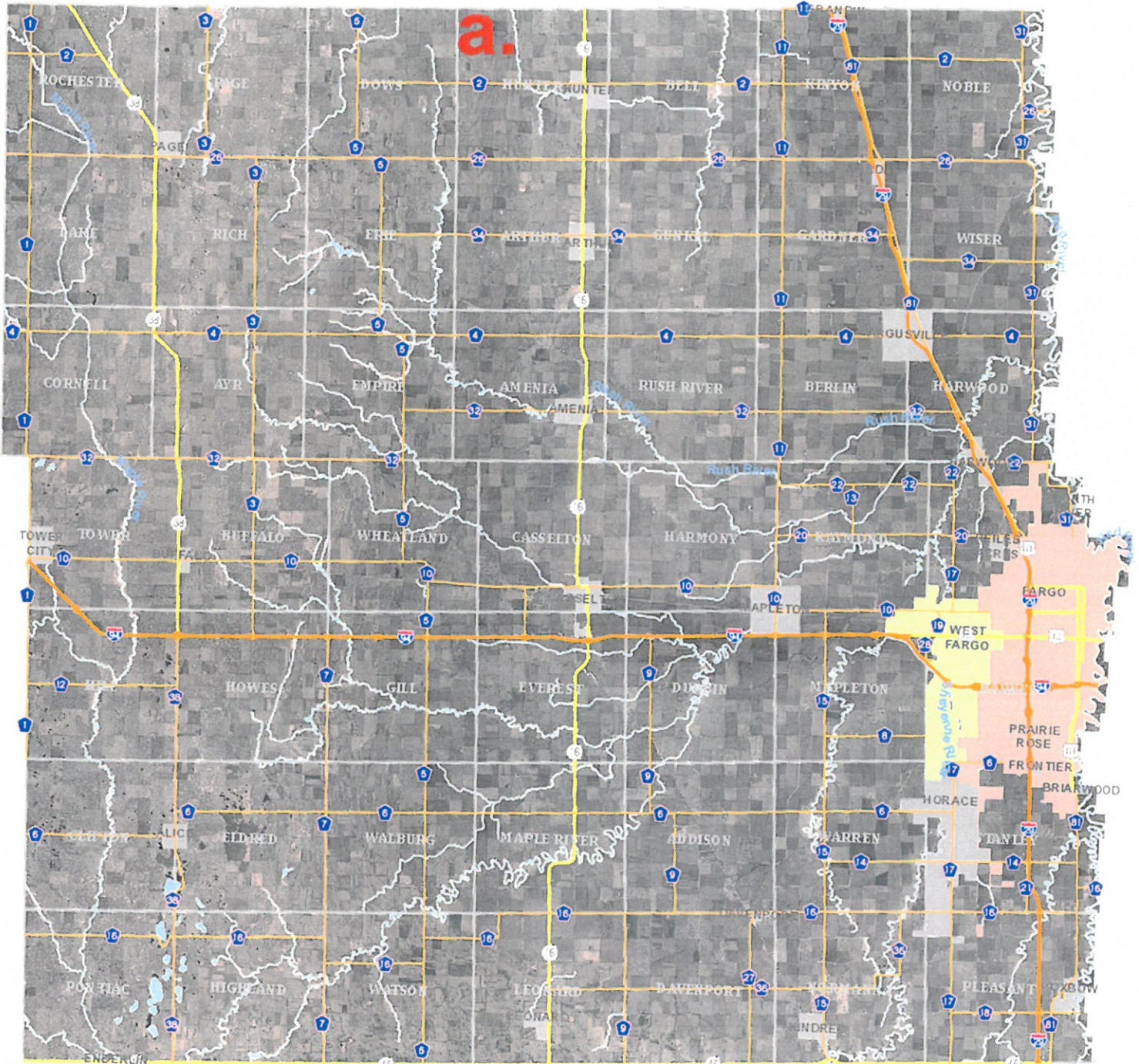


CASS COUNTY PLANNING COMMISSION AGENDA
Thursday, July 26, 2018 at 7:00 a.m.

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of June 28, 2018
5. Old Business
 - a. Comprehensive Plan update approved
6. Public Hearing Items:
 - a. Boundary Survey Subdivision – Minor Subdivision, Hunter Township
7. New Business
8. Adjournment



Public Hearing Items Map
Cass County Planning Commission



a. Boundary Survey Subdivision – Minor Subdivision, Hunter Township

**CASS COUNTY PLANNING COMMISSION
JUNE 28, 2018**

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on June 28, 2018, at 7:00 AM in the Vector Control Conference Room with members present as follows: Todd Ellig, Kevin Fisher, Ken Lougheed, Keith Monson, Arland Rasmussen and Tim Mahoney. David Gust and Mark Wentz were absent. Also present was County Planner Hali Durand.

2. MINUTES, APPROVED

MOTION, passed

Dr. Mahoney moved and Mr. Fisher seconded to approve the minutes of the May 24, 2018, meeting as presented. Motion carried.

3. OLD BUSINESS

- a. Murch Subdivision plat has been recorded and finalized.
- b. Subdivision Ordinance amendment has its second reading on July 18, 2018.
- c. Comprehensive plan hearing for final adoption will be held at the Cass County Commission Meeting scheduled for July 2, 2018 at 3:30 pm in the Commission Room of the Cass County Courthouse. Ms. Durand did receive a call from the City of Horace and they have some serious concerns with the comprehensive plan as it was presented, but did not specify what those concerns were. Ms. Durand has not been successful to this point in meeting them and having a conversation to discuss their concerns.

4. PUBLIC HEARING ITEMS:

- a. Bywood Acres Subdivision – Minor Subdivision in Pleasant Township
Mr. Lougheed opened the public hearing. Ms. Durand reviewed the details of the subdivision. It is a tract containing 5.65 acres of land, more or less which is part of the Northwest Quarter of Section 34, Township 137 North, Range 49 West in Cass County, North Dakota. Discussion was held regarding flood protection and risk. Purchaser was present to state that he is fully aware of the challenges and risks associated with this property and is going in with eyes wide open. Claudia Souba was present as the seller and indicated that this property has been in her family for generations but as the family is scattered across the country, they can no longer keep it up. They feel their options are to remove everything from the property and let it return to grass, etc or sell it. They would prefer to see it go to someone who will remodel the home and enjoy the property. Ms. Souba also stated that the shared well only services the house at this time. With no additional public comment, Mr. Lougheed closed the public hearing.

MOTION, passed

Mr. Fisher moved and Mr. Monson seconded to approve the subdivision as presented with the addition of a hydrology study if the access is addressed and the removal of the shared well agreement. Motion carried with Mr. Lougheed, Mr. Monson, Mr. Rasmussen and Mr. Fisher voting yes and Mr. Ellig and Dr. Mahoney voting no.

- b. WBI Energy West Diversion Valve Subdivision – Minor Subdivision in Raymond Township

Mr. Lougheed opened the public meeting. Ms. Durand reviewed the detail of the subdivision. This is a tract of land containing 2.00 acres of land, more or less, which is in and being a portion of the Southwest Quarter of Section 14, Township 140 North, Range 50 West in Cass County, North Dakota. The property is platted as is with no deed restrictions required. With no additional public comment, Mr. Lougheed closed the public hearing.

MOTION, passed

Dr. Mahoney moved and Mr. Ellig seconded to approve the subdivision as presented.

- c. Maple View Subdivision – Minor Subdivision in Raymond Township.

Mr. Lougheed opened the public meeting. Ms. Durand reviewed the detail of the subdivision. It is located in the flood plain. This is a tract of land containing 5.22 acres of land, more or less, with is in part of Section 30, Township 140 North, Range 50 West in Cass County, North Dakota. With no additional public comment, Mr. Lougheed closed the public hearing.

MOTION, passed

Mr. Ellig moved and Mr. Fisher seconded to approve the subdivision as presented. With Mr. Rasmussen the only member voting no, Motion carried.

5. ADJOURNMENT

On motion by Mr. Fisher, seconded by Mr. Rasmussen, and all voting in favor, the meeting was adjourned at 8:20 AM.

Cass County Staff Report

Title: Boundary Survey Subdivision
Owner(s): John Schmuser
Type of Request: Minor Subdivision (1 lot)
Status: Planning Commission Public Hearing: July 26, 2018

Existing and Proposed Land Use:

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

Proposal:

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

The said tract contains 10.00 acres of land, more or less. The ownership and maintenance responsibility of the subdivision will remain private. The subdivision will use public gravel roads, ditches for storm sewer conveyance, rural water, and on-site septic sewer system for waste water treatment.

Location:

The property is located 2 miles north of County Road 2 and 1½ miles west of the South Branch Elm River .

Legal Description:

A tract of land situated in a portion of the Northeast Quarter of Section 7, 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. |
| <i>Cass County Electric Cooperative</i> | CCEC has no issues with the plat. There is service at the site and the applicant will need to contact CCEC when removing the farmstead. |
| <i>Century Link</i> | There are no comments. |
| <i>North Dakota Department of Transportation</i> | The proposed subdivision plan has been reviewed and there are no comments. |
| <i>County Sanitarian</i> | There are no comments. |
| <i>Township Chairman</i> | The application meets township standards. |
| <i>The City of Fargo</i> | The proposed certificate of survey for the portion of the NE¼ of S7, T143N, R52W is outside the 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 regarding the proposed subdivision application in Section 7 of Hunter Township. |
| <i>Cass Rural Water</i> | The site currently has water service from the Cass Rural Water District and there are no comments. |

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.

No development is occurring on the property. 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. Easements be noted on the survey.

STATE OF North Dakota

COUNTY OF Cass

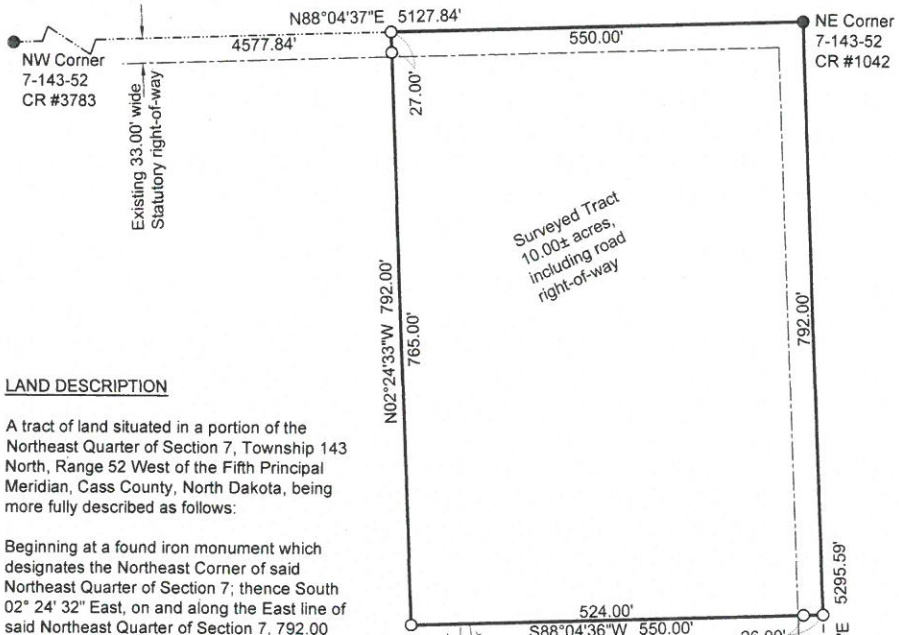
On the 27 day of June, 2018, before me personally appeared Durham Snider to me known to be the person(s) named herein and who executed the foregoing Release and he acknowledged to me that he voluntarily executed the same

My Commission Expires 9-24 2021

[Signature]

JACOB HOLLAND
Notary Public
State of North Dakota
My Commission Expires Sept. 24, 2021

CERTIFICATE OF SURVEY

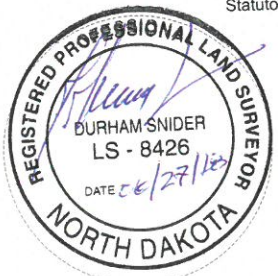


LAND DESCRIPTION

A tract of land situated in a portion of the Northeast Quarter of Section 7, Township 143 North, Range 52 West of the Fifth Principal Meridian, Cass County, North Dakota, being more fully described as follows:

Beginning at a found iron monument which designates the Northeast Corner of said Northeast Quarter of Section 7; thence South 02° 24' 32" East, on and along the East line of said Northeast Quarter of Section 7, 792.00 feet to an iron monument; thence South 88° 04' 36" West, 550.00 feet to an iron monument; thence North 02° 24' 33" West, 792.00 feet to an iron monument, said iron monument being on the North line of said Northeast Quarter of Section 7; thence North 88° 04' 37" East, on and along the North line of said Northeast Quarter of Section 7, 550.00 feet to the Point of Beginning. The above described tract contains 10.00 acres, more or less, and is subject to easements, restrictions, reservations, and rights, whether of record or not, if any.

NE 1/4 SECTION 7 T143N-R52W



LEGEND

- = FOUND MONUMENT
- = SET MONUMENT, 5/8"x20" REBAR, WITH BLUE PLASTIC CAP MARKED "D SNIDER LS-8426"
- = SURVEYED TRACT LINE
- - - = SECTION LINE
- - - - - = STATUTORY RIGHT-OF-WAY LINE
- CR# = CERTIFICATE OF GOVERNMENT CORNER LOCATION

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

SIGNATURE: *[Signature]*
PRINTED NAME: **DURHAM SNIDER**
DATE: 06/27/2018 REG. NO. 8426

15 SOUTH 21st STREET, STE 101
FARGO, NORTH DAKOTA 58103
(701) 237-6542
survey@selandservices.com



| | |
|--------------|----|
| Drawn by: | DS |
| Checked by: | JE |
| Approved by: | DS |

Sheet: 1 of 1

Project No.: 1806-04
Date: June 27, 2018

Project for: John Schmusser
2943 6th St E
West Fargo, ND 58078