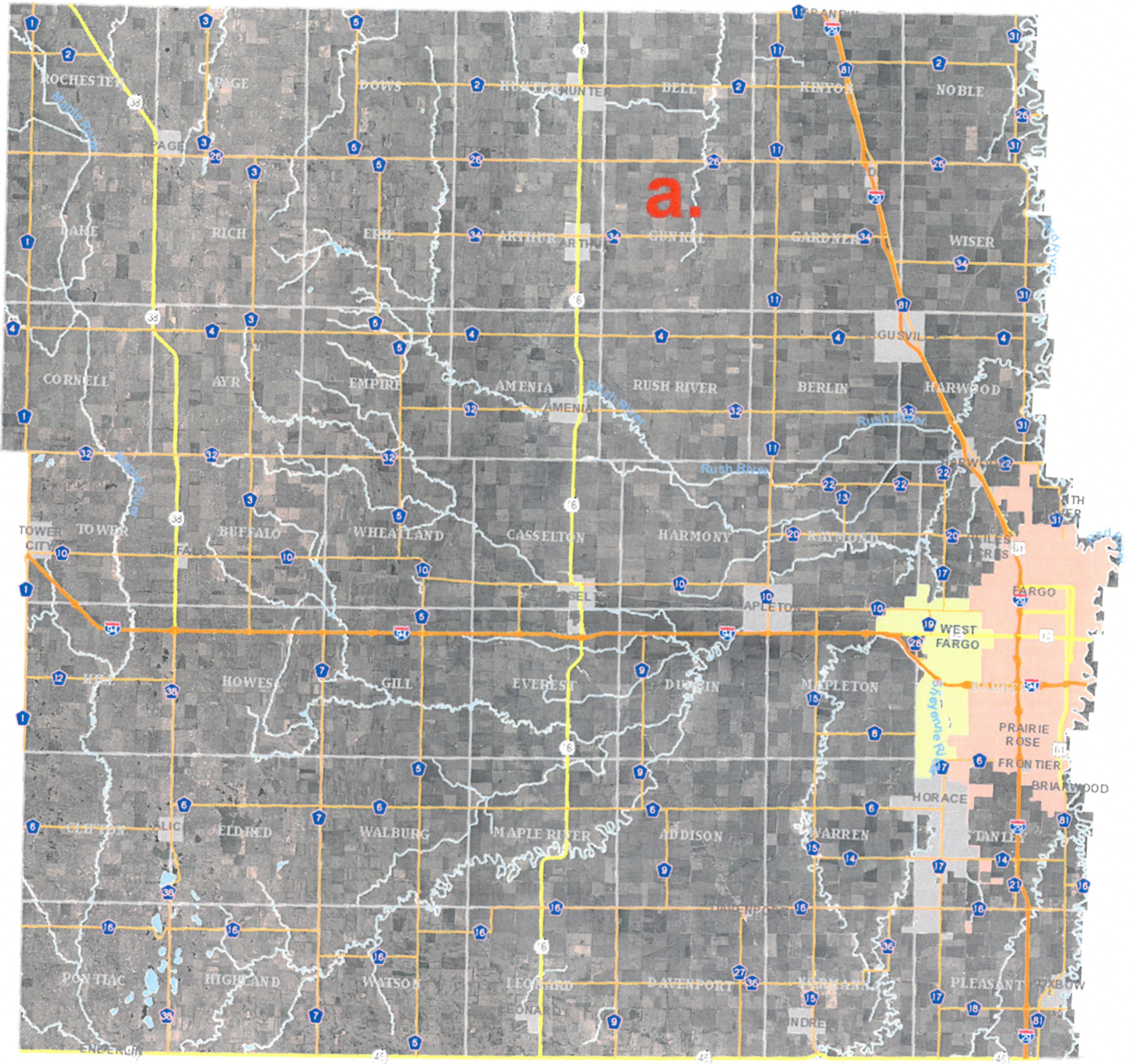


CASS COUNTY PLANNING COMMISSION AGENDA
Thursday, August 23, 2018 at 7:00 a.m.

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of July 26, 2018
5. Old Business
 - a. Western Cass CCO (Consultation and Coordination Officer)/Open House meetings
6. Public Hearing Items:
 - a. Minor Subdivision, Section 9 of Gunkel Township
7. New Business
 - a. Western Planner Conference
 - b. Receipt of Recommendation
8. Adjournment



Public Hearing Items Map
Cass County Planning Commission



a. Minor Subdivision application, Section 9, Gunkel Township

CASS COUNTY PLANNING COMMISSION
JULY 26, 2018

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on July 26, 2018, at 7:00 AM in the Vector Control Conference Room with members present as follows: Todd Ellig, Kevin Fisher, Ken Lougheed, Keith Monson, and Tim Mahoney. David Gust, Arland Rasmussen and Brad Olson were absent. Also present was County Planner Hali Durand and County Engineer Jason Benson.

2. MINUTES, APPROVED

MOTION, passed

Mr. Monson moved and Mr. Fisher seconded to approve the minutes of the June 28, 2018, meeting as presented. Motion carried.

3. OLD BUSINESS

- a. Comprehensive plan was approved by the Cass County Commission on July 2, 2018. Ms. Durand informed the board that Rush River Township has inquired about relinquishing their zoning rights and turning them over to the county. Mr. Benson indicated that this will not be a quick process as they must consider the impact this may have long term. If this is an option given to one township, this option would need to be available to all townships. Ms. Durand is consulting with the State's Attorney's office. Other options were discussed and Ms. Durand will keep the board updated on developments as they occur.
- b. Mr. Fischer inquired regarding the issues that the City of Horace has with Plan B of the FM Diversion as well as a proposed bypass around the metro area of Horace with access going into Minnesota. Ms. Durand stated that a meeting was held with officials in Horace to clarify what is involved with these projects. Mr. Benson stated that most of their concern stemmed from not having an understanding of what is involved and now that their questions have been answered they are not as concerned as they had been prior to their meeting.

4. PUBLIC HEARING ITEMS:

- a. Boundary Survey Subdivision – Minor Subdivision in Hunter Township
Mr. Lougheed opened the public hearing. Ms. Durand reviewed the details of the subdivision. It is a minor subdivision containing one lot for residential use which is part of the Northeast Quarter of Section 7, Township 143 North, Range 52 West in Cass County, North Dakota. A deed restriction will need to be placed on the remaining quarter section. Ms. Durand recommends approval. With no additional public comment, Mr. Lougheed closed the public hearing.

MOTION, passed

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

5. NEW BUSINESS

- a. West Fargo is proposing a zoning ordinance amendment, adopting something similar to our 40 acre deed restriction. This will be discussed at West Fargo's meeting on August 6th at 5:30 pm if any of the board members wish to attend.
- b. Flood Plain – Ms. Durand has received revised proposed flood plain maps. A meeting will be held in the future to review the proposed revisions.

6. ADJOURNMENT

On motion by Mr. Ellig, seconded by Mr. Fischer, and all voting in favor, the meeting was adjourned at 7:45 AM.

Minutes prepared by DeAnn Buckhouse, Election Coordinator

Cass County Staff Report

Title: Subdivision Application
Owner(s): Jody Stibbe etal
Type of Request: Minor Subdivision (1 lot)
Status: Final Hearing at the August 23, 2018 Planning Commission Meeting

Existing and Proposed Land Use:

The existing land is and will remain Agricultural. The purpose of the agricultural district is to establish and preserve areas of agriculture and low intensity development, which does not significantly change the existing character of the area.

Proposal:

The applicant is seeking approval of a Minor Subdivision to plat 1 lot for residential development.

The said tract contains 7.00 acres of land, more or less. The proposed 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 a mound sewer system will be needed for wastewater treatment.

Location:

The tract is located in part of the Southeast Quarter of Section 9 of Gunkel Township, approximately two miles South of County Road 26 and West of 159th Avenue SE.

Agency Comments

<i>County Engineer</i>	Based on the desire to subdivide a separate lot immediately east of the current farmstead, the questions are: 1. What is the plan to terminate the existing drain tile runs under the proposed rural residential parcel? And 2. How does the existing drain tile affect the ability to put in a septic/drain field?
<i>Water Resource District</i>	No comments have been submitted.
<i>Cass County Electric Cooperative</i>	CCEC has no issues. There is an overhead line on the south side of 20 Street SE with underground service to the farm.
<i>Century Link</i>	No comments have been submitted.
<i>Cass Rural Water</i>	There is a water line running east and west along the south side of this property.
<i>North Dakota Department of Transportation</i>	The subdivision application has been reviewed and there are no comments.
<i>County Sanitarian</i>	Based on the proposed plat, the size of the lot won't be an issue as long as any subsequent divisions remain above 1 acre in size. However, the drain tiling may preclude certain types of septic system from being installed, depending on their depth. Septic systems in ND require a minimum 2'

	<p>separation from the bottom of the drainfield to the first limiting layer, be that water table, seasonal groundwater, or in this case drain tile. In addition, land that has been significantly altered from its natural state is generally not allowed to have septic systems installed on it, so removal of the tile won't help the situation.</p> <p>The department has been receptive to variances on lots with impacted soils, and this would probably fall into that category. A mound with a 2' deep sand lift would qualify for this type of lot and would be approved by the department, as this would guarantee a 2' separation from the tile, as well as mitigate possible problems with the soil following the construction of the drain tile in the soil.</p>
<i>Township Chairman</i>	No comments have been submitted.
<i>The City of Fargo</i>	The proposed subdivision is outside of the city limits of Fargo and outside Fargo's extraterritorial jurisdiction. There are no comments on this proposal.
<i>The City of West Fargo</i>	No comments have been submitted.
<i>Xcel Energy</i>	No comments have been submitted.
<i>Public Comment</i>	Irene Hanson, landowner west of the proposed parcel questioned whether her property would be affected.

Staff Analysis:

The subject property is bound by agricultural land and a farmstead to the West. There are no adjacent subdivisions within a mile radius. The remaining portion of the quarter section will remain tillable. The proposed use is consistent with Township Ordinances.

According to FEMA's National Flood Hazard Layer the area is unmapped and outside of any delineated special flood hazard area. No wetlands are present on the land. Access will be shared with the existing drive on the township gravel road.

This parcel lies in the North Cass Water Resource District, the Northern Cass School District #97 (DAK-HUN), and Arthur rural Fire District.

In 2014, an affidavit was recorded for an application to install a subsurface drain for the Southeast Quarter of Section 9, Township 142 North, Range 51 West, Cass County, North Dakota, except a previously conveyed 6.79 acre tract in the Southwest corner of the Southeast Quarter of Section 9. The North Cass Water Resource District approved the application subject to certain conditions. A tile discharge permit was recorded in 2015. Two flowage easements were also recorded to clarify the "Benefitted Property" and "Burdened Property" agreements.

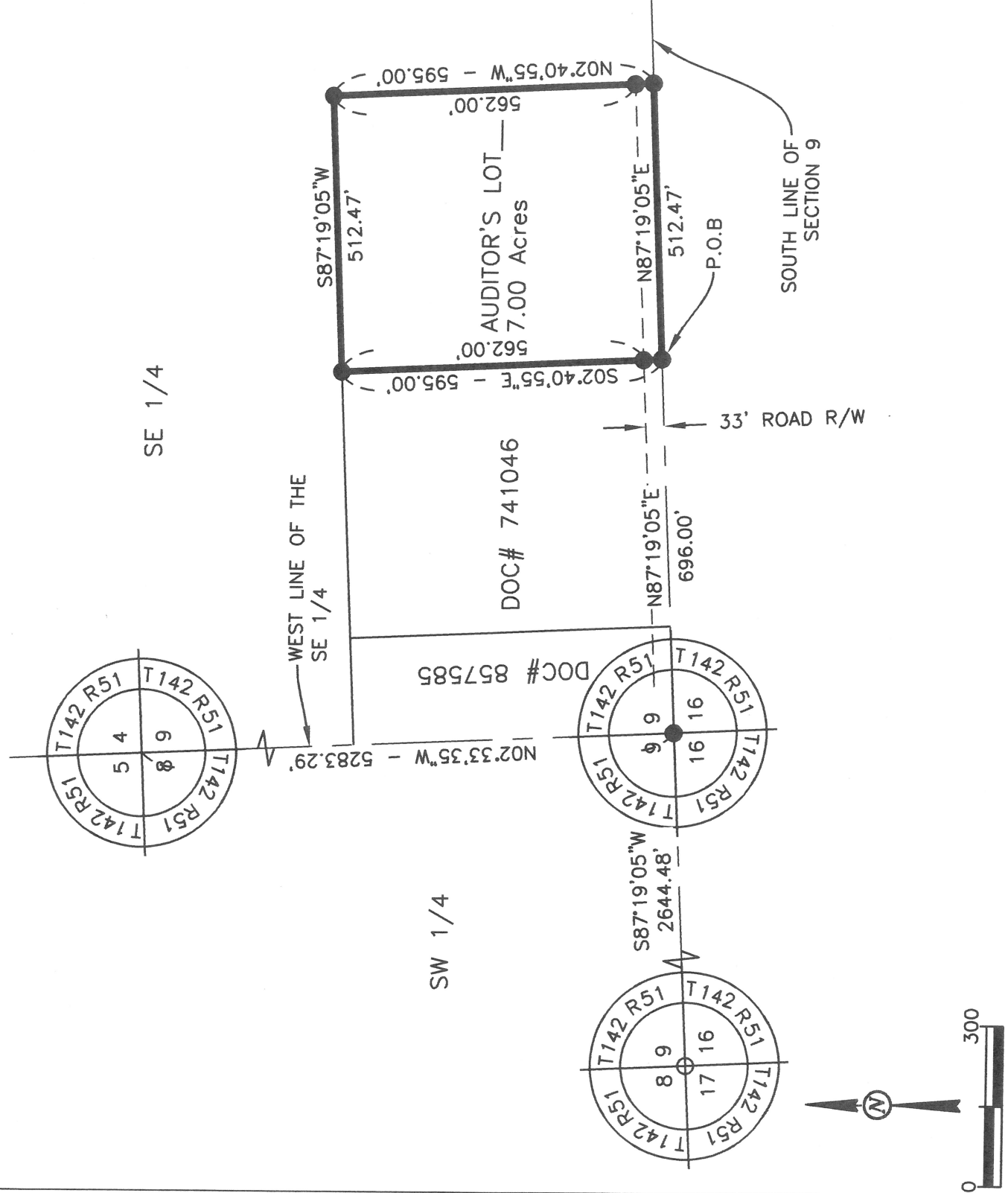


Staff Recommendation:

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 for land up to 40 acres.
2. Documentation be provided prior to construction of the plan to terminate the existing drain tile runs under any proposed development.
3. Any changes or improvements to the tile system be brought to the attention of the North Cass Water Resource District.
4. Conditions continue to be met relating to: the December 24, 2014 North Cass Water Resource District – Notice of Decision, document #1448249; the Tile Discharge Permit, document #1448250; Flowage Easement, document #1448252; Flowage Easement, document #1448251; and all other pertinent documents of record.

PLAT OF AUDITOR'S LOT
 PART OF THE SE 1/4 OF SECTION 9, T142N, R51W
 CASS COUNTY, ND



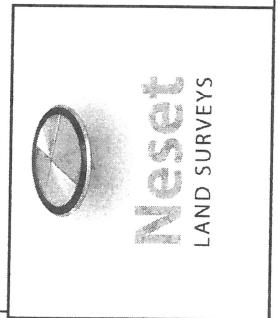
DESCRIPTION AUDITOR'S LOT

PART OF THE SE 1/4 OF SECTION 9, TOWNSHIP 142 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 9 THENCE N87°19'05\"E ALONG THE SOUTH LINE OF SECTION 9 A DISTANCE OF 696.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N87°19'05\"E ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 512.47 FEET; THENCE N02°40'55\"W A DISTANCE OF 595.00 FEET; THENCE S87°19'05\"W A DISTANCE OF 512.47 FEET; THENCE S02°40'55\"E A DISTANCE OF 595.00 FEET TO THE POINT OF BEGINNING.

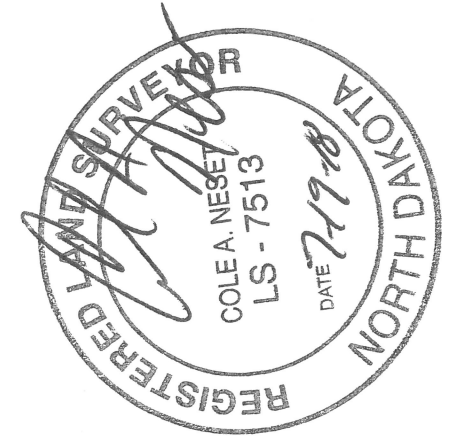
SAID TRACT OF LAND CONTAINS ±7.00 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF SIGHT AND RECORD.

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- ▬ NEW ROW/PROPERTY LINE
- ▬▬▬ PROPERTY BOUNDARY LINE
- ▬▬▬▬ SECTION LINE



DRAWN BY: EJB
 CHECKED BY: CAN
 DATE: 07/19/18



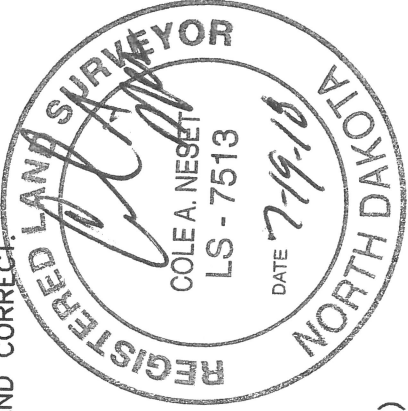
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PLAT OF AUDITOR'S LOT
PART OF THE SE 1/4 OF SECTION 9, T142N, R51W
CASS COUNTY, ND

PRESENT OWNERS: JODY BURGUM

SURVEYOR'S CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE REQUEST OF CASS COUNTY, NORTH DAKOTA, I MADE THE WITHIN AND FOREGOING PLAT AND DESCRIPTION OF THE LAND AS HEREIN DESCRIBED AND THE LOTS, DISTANCES, AREA, AND LOCATION AS INDICATED ON SAID PLAT AND CONTAINED IN SAID DESCRIPTION ARE TRUE AND CORRECT.



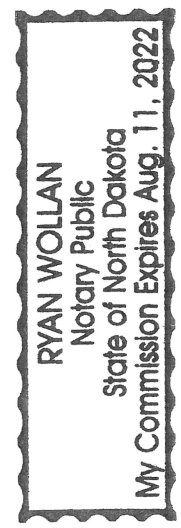
Cole A. Nese

COLE A NESET
LS-7513

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss.

ON THIS 19th DAY OF JULY 2018, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED COLE A. NESET, WHO ACKNOWLEDGED TO ME THEIR EXECUTION OF THE FOREGOING INSTRUMENT,

(SEAL)



Ryan Wollan

NOTARY PUBLIC
MY COMMISSION EXPIRES: Aug. 11, 2022

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 PLAT OF SAID LAND WITH THE LOTS THEREIN THE SAME TO BE PLACED ON RECORD, AS PROVIDED BY LAW.

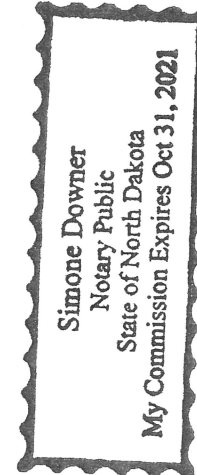
WITNESS OUR HANDS AND SEALS THIS 24th DAY OF July 2018

STATE OF ND)
COUNTY OF Cass) ss.

Jody Burgum
JODY BURGUM

ON THIS 24th DAY OF July 2018, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED JODY BURGUM, WHO ACKNOWLEDGED TO ME THEIR EXECUTION OF THE FOREGOING INSTRUMENT,

(SEAL)



Simone Downer

NOTARY PUBLIC
MY COMMISSION EXPIRES:

07/19/18 04:04:11PM Z:\Neset Shared Files\Cole Projects\2018 Projects\18_Julie Lako\Survey Project\FARM PARCEL LEGAL.dwg