

**CASS COUNTY PLANNING COMMISSION AGENDA**  
**Thursday, October 25, 2018 at 7:00 a.m.**

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of August 23, 2018
5. Old Business
6. Public Hearing Items:
  - a. Minor Subdivision, Section 16 of Warren Township
7. New Business
8. Adjournment

**CASS COUNTY PLANNING COMMISSION  
AUGUST 23, 2018**

**1. MEETING TO ORDER**

A meeting of the Cass County Planning Commission was called to order on August 23, 2018, at 7:00 AM in the Vector Control Conference Room with members present as follows: Arland Rasmussen, David Gust, Kevin Fisher, Ken Lougheed, Todd Ellig, Keith Monson, and Tim Mahoney. Brad Olson was absent. Also present was County Planner Hali Durand, West Fargo Community Development Director Larry Weil, Deputy County Engineer Tom Soucy, and applicant Chase Lako.

**2. MINUTES, APPROVED**

***MOTION, passed***

**Mr. Gust moved and Mr. Monson seconded to approve the minutes of the July 26, 2018, meeting as presented. Motion carried.**

**3. OLD BUSINESS**

- a. Western Cass CCO (Consultation and Coordination Officer)/Open House Meetings  
Ms. Durand noted meetings are scheduled for October 16 and 17 to discuss the preliminary flood maps released for the Western Cass area. Notifications will be going out prior to the meetings.

**4. PUBLIC HEARING ITEMS**

- a. Subdivision Application – Minor Subdivision in Gunkel Township  
Mr. Lougheed opened the public hearing. Ms. Durand reviewed the details of the application for a minor subdivision containing one lot for residential sale and development, part of the Southeast Quarter of Section 9, Township 142 North, Range 51 West, Cass County, North Dakota. In 2014, application was made and recorded to install subsurface drain for the area of the proposed subdivision application. Discussion followed regarding the drain tile. Approval is recommended with the following conditions: a deed restriction be recorded for land up to 40 acres; documentation be provided prior to construction of the plan to terminate the existing drain tile runs under any proposed development; any changes or improvements to the tile system be brought to the attention of the North Cass Water Resource District; conditions continue to be met relating to documents #1448249, 1448250, 1448252, 1448251, and all other pertinent documents of record; and approval be received from the water resource district and the township. With no additional public comment, Mr. Lougheed closed the public hearing.

***MOTION, passed***

**Mr. Gust moved and Mr. Monson seconded to approve the subdivision as presented. Motion carried.**

**5. NEW BUSINESS**

- a. Western Planner Conference – Ms. Durand shared information on the sessions attended at the Tribal Planning and Western Planner Conference.
- b. Receipt of Recommendation – Ms. Durand shared a document created to obtain signatures for one lot subdivisions. This document will formalize the approval

process and provide verification of approval to the County Board of Commissioners. Discussion followed.

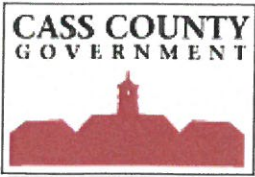
- c. Mr. Soucy gave an update on the Cass County Road 18 Study. Houston Engineering, Inc. has been hired to conduct a study on 52 Street SE between County 17 and County 15 to determine if the 5 mile segment (1 mile in Pleasant and 4 miles in Normanna Township) could be converted to a County Road. This segment has seen increased agricultural traffic and student traffic from Oxbow traveling to the Kindred school. The townships are incurring increased graveling and blading costs. If the county would take this segment over then County 36 between County 15 and County 16, which is a lower volume road, could possibly be given to Normanna Township.

**6. ADJOURNMENT**

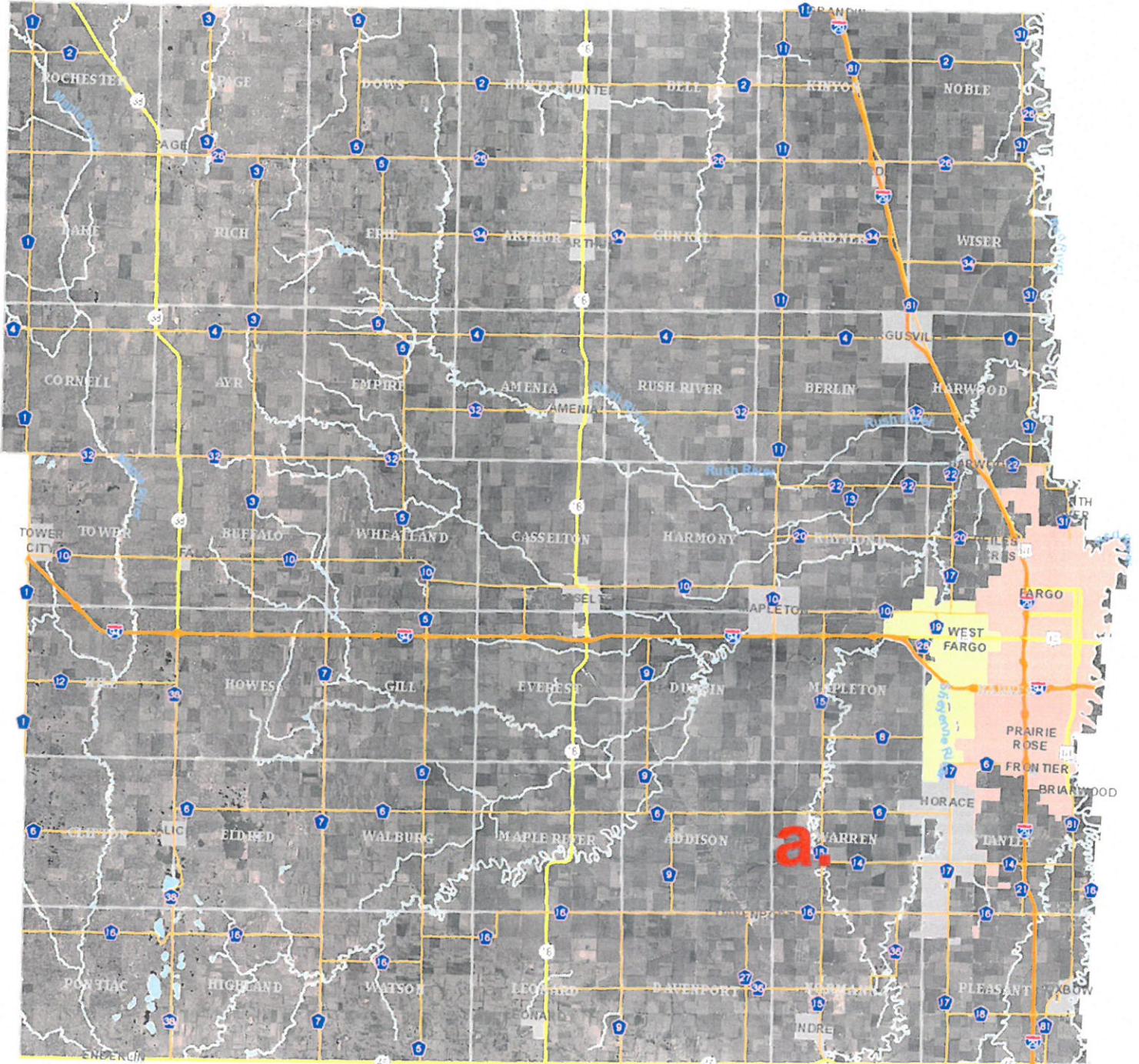
**On motion by Mr. Gust, seconded by Mr. Ellig, and all voting in favor, the meeting was adjourned at 7:30 AM.**

Minutes prepared by Hali Durand, Planner





Public Hearing Items Map  
Cass County Planning Commission



a. Minor Subdivision application, Section 16, Warren Township

## Cass County Staff Report

**Title:** Minor Subdivision Application  
**Owner(s):** Paul J & Denise M Schulz  
**Type of Request:** Minor Subdivision (1 lot)  
**Status:** Final Hearing at the October 25, 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 provide for preservation and protection of agricultural lands and to discourage uses incompatible with agricultural operations or detrimental to agricultural land utilization.

**Proposal:**

Minnkota Power Cooperative, Inc. is proposing to purchase the above property for the replacement of an electrical substation directly to the north of this property. This electrical substation is being upgraded for future expansion of the local area and due to needed upgrades. The site to the north will be abandoned after the construction of this site.

The said tract contains 2.00 acres of land, more or less. The proposed ownership and maintenance responsibility of the subdivision will be Minnkota Power Cooperative, Inc's. The subdivision will use county road access and will not have a waste water treatment system, utilize storm sewers, or rural water.

**Location:**

The tract is located in part of the Northwest Quarter of Section 16, Warren Township, east of County Road 15 and south of County Road 6.

**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 with the Warren substation plat. Minnkota is relocating the existing substation from the north side of the road to the south side.
<i>Century Link</i>	No comments have been submitted.
<i>Cass Rural Water</i>	There is a water line that runs north to south along the east side of County Road 15. The line is approximately 60 feet off the centerline of the road. It should not have any impact on the proposed subdivision but the applicant should be aware of its existence.
<i>North Dakota Department of Transportation</i>	No comments have been submitted.
<i>County Sanitarian</i>	No comments have been submitted.



<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>	No comments have been submitted.

**Staff Analysis:**

The subject property is bound by agricultural land and a substation to the north (which will be removed). Approximately one mile to the south is the closest subdivision (Jordan Subdivision). The remaining portion of the parcel will remain tillable. The proposed use is consistent with Township Ordinances.

According to the most recently adopted FEMA flood insurance study, this parcel is unmapped and outside of any delineated special flood hazard area. No wetlands or manmade features are present on the land.

This parcel lies in the Southeast and Maple River Water Resource District, the Kindred and West Fargo School Districts, and Horace and Buffalo Rural Fire Districts.

**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:

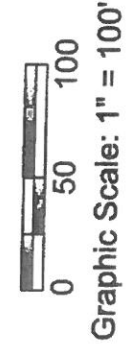
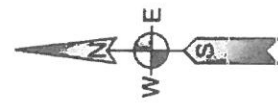
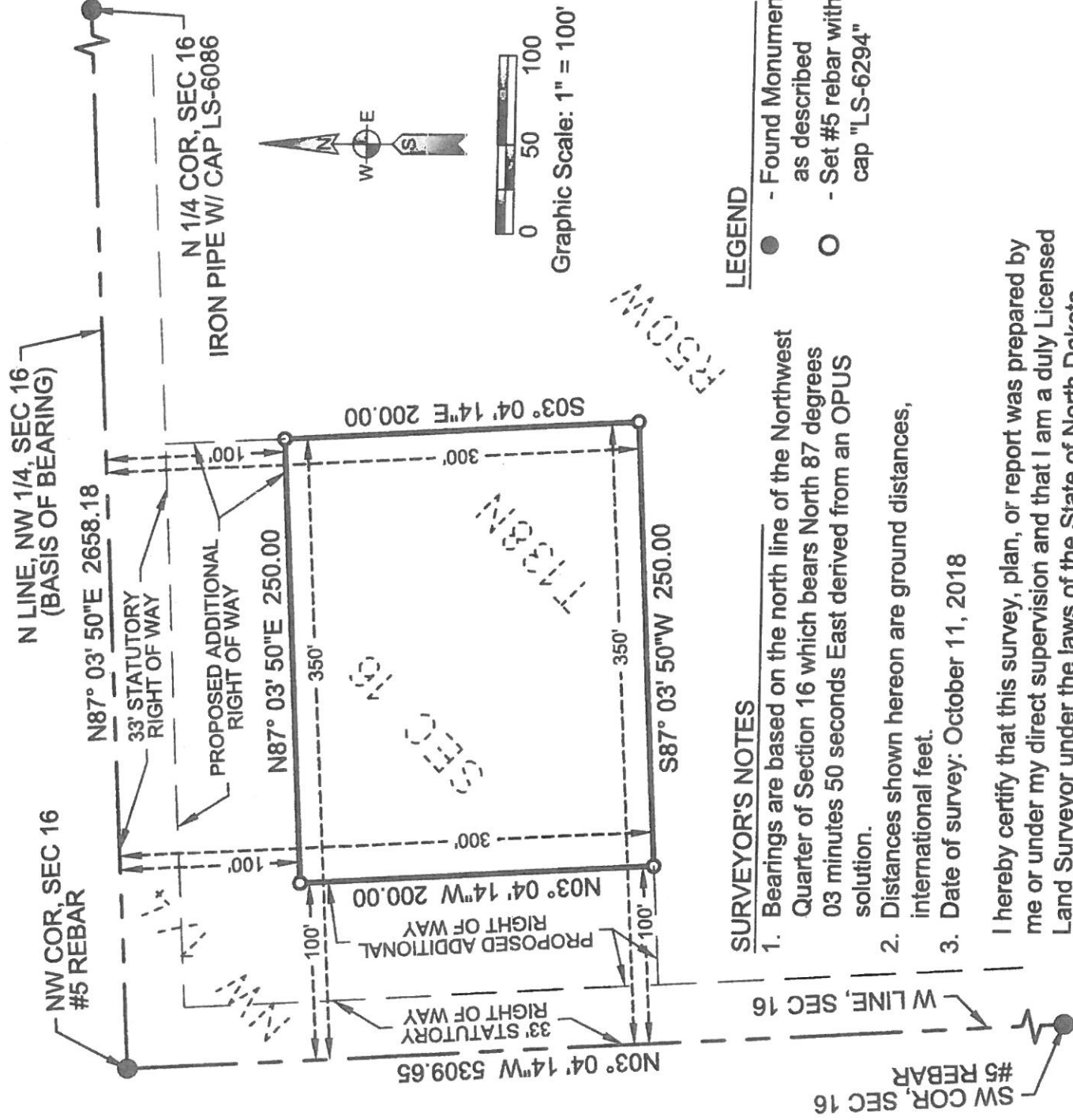
1. A deed restriction be recorded for land up to 40 acres.

## CERTIFICATE OF SURVEY

Certificate of Survey for Paul J. Schulz and Denise M. Schulz, husband and wife  
and Minnkota Power - Warren Substation

LOCATION: Northwest Quarter, Section 16, Township 138 North, Range 50 West,  
5th Principal Meridian, Cass County, North Dakota

PROPERTY DESCRIPTION: The northerly 300 feet of the westerly 350 feet of the Northwest Quarter of Section 16, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, EXCEPTING the northerly 100 feet and the westerly 100 feet.



### SURVEYOR'S NOTES

1. Bearings are based on the north line of the Northwest Quarter of Section 16 which bears North 87 degrees 03 minutes 50 seconds East derived from an OPUS solution.
2. Distances shown hereon are ground distances, international feet.
3. Date of survey: October 11, 2018

### LEGEND

- - Found Monument as described
- - Set #5 rebar with cap "LS-6294"

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of North Dakota.

**PRELIMINARY**  
William J. Haddick  
Lic. No. LS-6294

Date: \_\_\_\_\_  
4285 Lexington Ave. N., St. Paul, Minnesota 55126  
Phone: 651.415.3800 Fax: 651.415.2001  
Bismarck - Cedar Rapids - Denver - Detroit Lakes  
Fargo - Minot - Sioux Falls - St. Paul - Williston  
Web: www.ulteig.com



CERTIFICATE OF SURVEY

Northwest Quarter, Section 16, Township 138 North, Range 50 West

Present owner: Paul J. Schulz and Denise M. Schulz, husband and wife

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 survey of said land with the lot as therein described, and have caused the same to be placed on record, as provided by law.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

In Presence of \_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

STATE OF NORTH DAKOTA  
COUNTY OF CASS

I, \_\_\_\_\_, Notary Public within and for said County, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2018 personally appeared before me Paul J. Schulz and Denise M. Schulz, husband and wife, to me known to be the same persons described in and who executed the within and foregoing instrument and acknowledge that they executed the same freely and voluntarily.

My Commission Expires \_\_\_\_\_, 20 \_\_\_\_\_

SURVEYOR'S CERTIFICATE

I, William J. Haddick, registered Land Surveyor, do hereby certify that at the request of Paul J. Schulz and Denise M. Schulz, husband and wife, I made the within and foregoing plat and description of the land as herein described and that the lots, distances, area, and location as indicated on said plat and contained in said description are true and correct.

PRELIMINARY

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

My Commission Expires \_\_\_\_\_, 20 \_\_\_\_\_