

CASS COUNTY PLANNING COMMISSION AGENDA
Thursday, January 24, 2019 at 7:00 a.m.

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of August 23, 2018

E. New Business

1. Introduction of new County Planner, Barrett Voigt
2. Appoint Keith Monson to Road Advisory Committee

F. Public Hearing Items:

1. Hearing on an application requesting a Minor Subdivision Plat of **Warren Substation Subdivision** and a **variance** request to allow a proposed electrical substation to be constructed without transferring development rights as required by the Cass County Subdivision Ordinance Section 308 (Located in Warren Township, A Part of the NW 1/4 of Section 16, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County North Dakota)
2. Hearing on an application requesting a Minor Subdivision Plat of **Harbeke Subdivision** (Located in Lake Township, A Part of the NE 1/4 of the SE 1/4 of Section 12, Township 142 North, Range 55 West of the 5th Principal Meridian, Cass County North Dakota)
3. Hearing on an application requesting a Minor Subdivision Plat of **Hoffman Subdivision** (Located in Gill Township, A Part of the NW 1/4 of the SW 1/4 Section 11, Township 139 North, Range 53 West of the 5th Principal Meridian, Cass County North Dakota)

G. Old Business

H. Adjournment

**CASS COUNTY PLANNING COMMISSION
OCTOBER 25, 2018**

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on October 25, 2018, at 7:00 AM in the Vector Control Conference Room with members present as follows: Todd Ellig, Kevin Fisher, David Gust, Ken Lougheed, Brad Olson, and Arland Rasmussen. Keith Monson and Tim Mahoney were absent. Also present were County Planner Hali Durand; County Engineer Jason Benson, Cass County landowner Paul Schulz, Bill Haddick of Ulteig, and Brian Hoffart of Minnkota.

2. MINUTES, APPROVED

MOTION, passed

Mr. Gust moved and Mr. Ellig seconded to approve the minutes of the August 23, 2018, meeting as presented. Motion carried.

3. PUBLIC HEARING ITEMS

a. Subdivision application – Minor Subdivision in Warren Township

Mr. Lougheed opened the public hearing.

Ms. Durand reviewed an application for a minor subdivision containing one lot for sale and development. The said tract contains 2.00 acres of land, more or less, and is located in part of the Northwest Quarter of Section 16, Warren Township, east of County Road 15 and south of County Road 6.

Ms. Durand said the land will be purchased by Minnkota Power Cooperative, Inc. in order to replace a substation located directly to the north of the property.

Ms. Durand said she recommends approval of the subdivision as presented, with the inclusion of a deed restriction of land up to 40 acres.

Bill Haddick of Ulteig, Brian Hoffart of Minnkota, and landowner Paul Schulz were present to answer questions about the application.

Mr. Hoffart said the township is aware of and supports the project. After the new substation is up the old substation will be removed and the land will be returned to its original ground state. If the land is sold the adjacent landowner will have the first opportunity to purchase it.

Mr. Rasmussen asked if the removal of the current substation structure is included in the language of the agreement. Mr. Hoffart said no. Mr. Rasmussen said as removing any remaining structures is the intent, it should be included. Mr. Gust agreed and said it could be added as a staff recommendation.

Mr. Ellig asked if the deed restriction should be waived so as not to punish the landowner as the use of the land will be for utilities and the public good.

Mr. Gust said he believes the current ordinance should be followed without a variance to waive the deed restriction. If variances are needed then the ordinance should be changed.

Mr. Lougheed said the intent is to protect landowner rights, and perhaps the Subdivision Ordinance should be changed to include a type of public subdivision for utilities.

The public hearing was closed.

MOTION, passed

Mr. Gust moved and Mr. Rasmussen seconded to approve the minor subdivision with the addition of a staff recommendation that the structures from the current substation be demolished, and to forward the recommendation to the Cass County Commission.

Discussion: Mr. Ellig asked if the motion includes waiving the 40-acre deed restriction. Mr. Gust said no.

Mr. Fischer asked if subdivision approval is contingent on receiving approval from the township. Ms. Durand said yes.

On roll call vote, the motion carried with Mr. Lougheed, Mr. Gust, Mr. Rasmussen, Mr. Olson, and Mr. Fisher voting “Yes”; Mr. Ellig voting “No”.

4. NEW BUSINESS

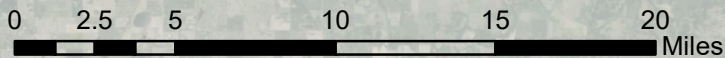
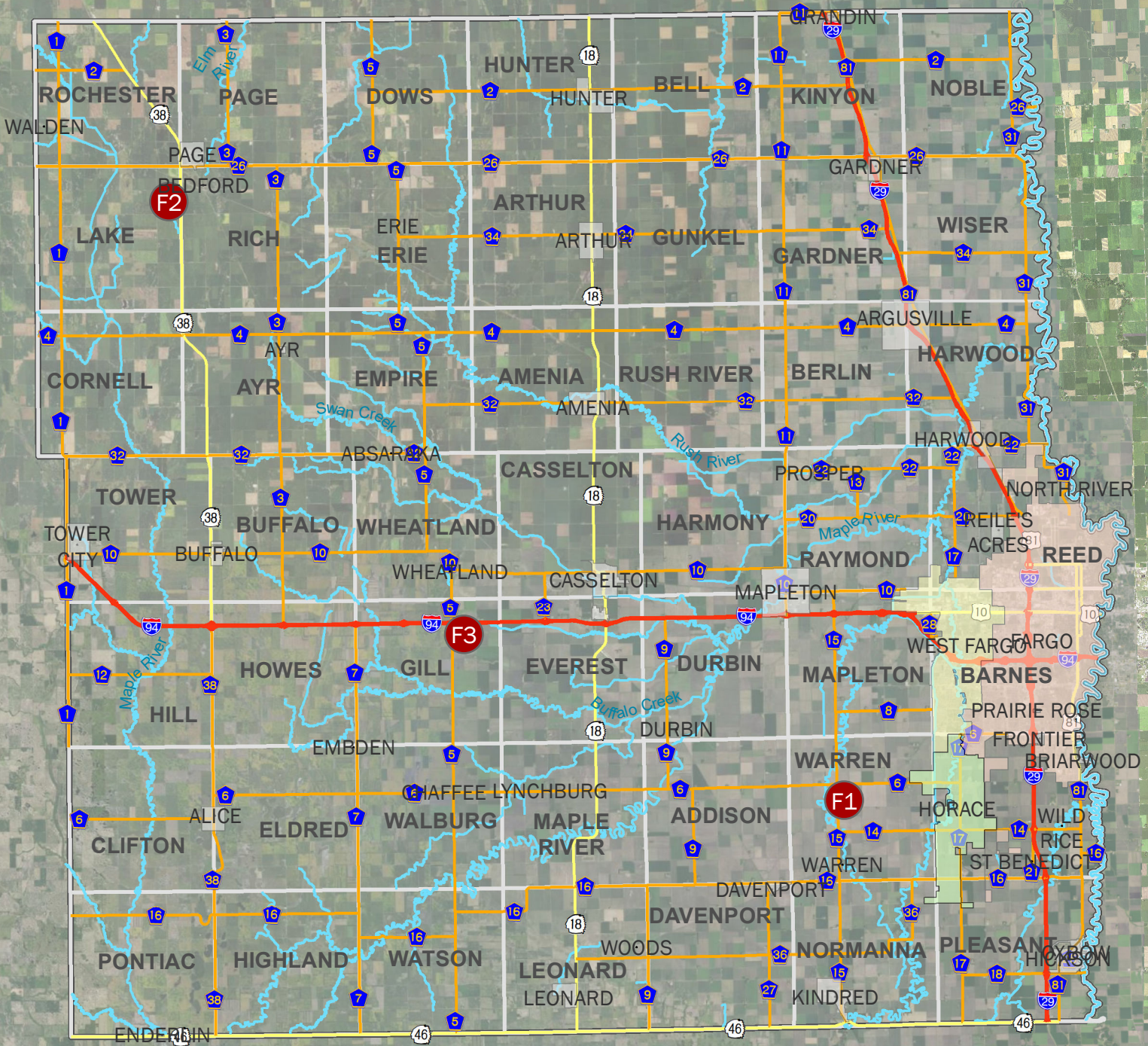
Ms. Durand said her last day of employment as the Cass County Planner will be tomorrow, October 26th.

Mr. Benson said the County Planner position is currently open for applications and will close at the beginning of November. Hopefully the new Planner will have started employment by the next regularly scheduled Planning Commission meeting, on December 13th. In the interim, Mr. Benson and Deputy County Engineer Tom Soucy will carry out the County Planner’s duties.

Mr. Lougheed thanked Ms. Durand for her service on behalf of the Cass County Planning Commission.

5. ADJOURNMENT

On motion by Mr. Gust, seconded by Mr. Ellig, and all voting in favor, the meeting was adjourned at 7:51 AM.



Agenda Items Number
F1. - Warren Substation
F2. - Harbeke Subdivision
F3. - Hoffman Subdivision



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) and a variance request to allow a proposed electrical substation to be constructed without transferring development rights as required by the Cass County Subdivision Ordinance Section 308 of the NW 1/4 of Section 16, Township 138 North, Range 50 West		
Title:	Warren Substation Subdivision	Date:	01-15-2019
Location:	NW 1/4, Section 16, Township 138 North, Range 50 West (16508 44th Street SE, Warren Township)	Staff Contact:	Barrett Voigt
Parcel Number:	67-0000-12671-060		
Owner(s)/Applicant :	Paul & Denise Schulz/Minnkota Power Cooperative	Engineer/Surveyor:	Ulteig
Status:	Planning Commission Hearing: January 24, 2019		

Existing Land Use	Proposed Land Use
Agriculture	Public Utility

Proposal

The applicant is seeking approval of a minor subdivision entitled **Warren Substation Subdivision** to plat one (1) Lot and a variance request to allow a proposed electrical substation to be constructed without transferring development rights as required by the Cass County Subdivision Ordinance Section 308. This application request is for the purpose of allowing Minnkota Power Cooperative, Inc. to purchase the subject property and develop the site to construct an electrical substation that would replace the existing electrical substation directly north of the subject property across County Road 6. The applicant submitted a minor subdivision application in October 2018 for the same purpose, however reconsidered the development proposal to request a variance which requires the variance application to be submitted concurrently with a new minor subdivision application.

The proposed tract encompasses approximately two (2) acres of land and Minnkota Power Cooperative, Inc. would maintain responsibility of the subdivision. The subdivision will use county road access and will not have a waste water treatment system, utilize storm sewers, or rural water.

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.
Cass Rural Water	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	Magellan Pipeline Company has no assets in any of these areas. Thanks.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	All of the proposed lots meet or exceed our minimum requirements for onsite septic systems, and are not in a floodway. They are approved for the construction of an onsite septic system, but will have to provide the department with a soil test on an undisturbed section of the lot prior to approval to build a system.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	The Warren Substation Subdivision, located in Warren Township, is outside of Fargo's city limits and extra-territorial jurisdiction.
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

Surrounding Uses

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.

Floodzone

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.

Land Development Rights

The quarter-quarter section is currently developed with a farmstead. Section 308 of the Cass County Subdivision Ordinance (CCSO) states that every quarter-quarter section is granted one (1) Development Right to create a buildable lot, however a transfer of development rights, along with a deed restriction is required when subdivision proposal requests exceed 1 Lot and/or propose additional development to a quarter-quarter section that already has a development right granted.

The proposed development would be entitled to one development right of the farmstead and would require the transfer of additional development rights and a deed restriction to allow for the additional development of the electrical substation.

The electrical substation is a public utility and would result in a public benefit. In addition, it is not likely that the development would create a substantial amount of vehicle trips. If the ordinance requirements were adhered to, a deed restriction would be required and would prohibit future development on contiguous land tracts. The applicant is requesting a variance to this requirement because he would like the opportunity for unspecified future private development on contiguous land tracts in the future.

Strict adherence to CCSO Section 308 would create an unnecessary burden on the property owner because the proposed development would provide public benefit, but eliminate future development opportunities for the land owner.

Staff Recommendation

To accept the findings and recommendations of staff and recommend approval to the County Commission of the subdivision application and variance, 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 and the following conditions:

1. Dedication of right of way at the following locations prior to recording the proposed certificate of survey:
 - a. North property line along County Highway 6: From statutory 33 feet of right of way line to 100-foot distance from property line
 - b. West property line along County Highway 15: From 65-foot right of way line to 100-foot distance from property line
2. Add dedication of right of way document numbers to proposed certificate of survey prior to recording
3. Access approach on County Highway 6 is 262.2 feet east of County Highway 15 centerline

Attachments

1. Location Map
2. Certificate of Survey
3. Site Plan
4. Variance Request Document

Minor Subdivision

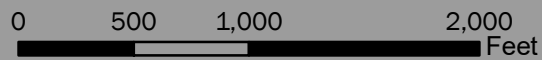
Warren Substation Subdivision

Warren, Section 16 - Township 138 North - Range 50 West



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
January 24, 2018

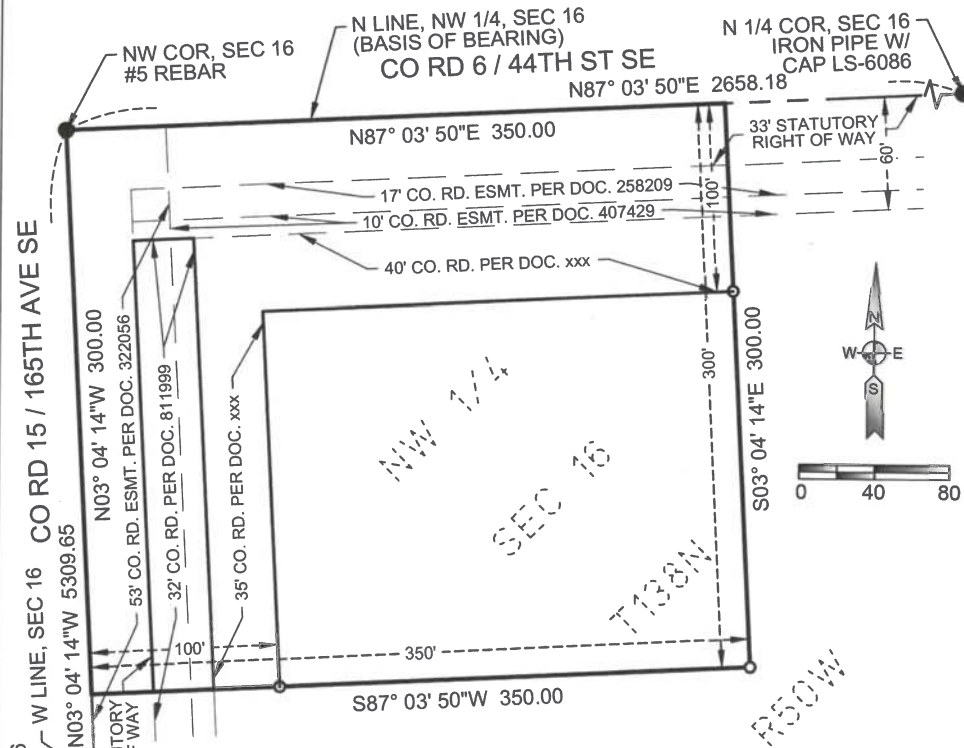


CERTIFICATE OF SURVEY

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 southerly 200 feet of the northerly 300 feet of the easterly 250 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.
Subject to easements and rights of way of record.



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
4. Area of property is 105,000 sq. ft., of which 55,000 sq. ft. are dedicated right of way.

LEGEND

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

Ulteig
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
Revised 1/11/2019

PRELIMINARY

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 _____, 2019.

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 _____, 2019 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~~
~~PRELIMINARY~~

Subscribed and sworn to before me this _____ day of _____, 20____

My Commission Expires _____, 20____



EXISTING SUBSTATION

44TH ST SE

165TH AVE SE

275.5'

100' ROW

24'

136.5'

CP 2

300'

100' ROW

90'

2.41+/- ACRES INCLUDES ROW
1.75+/- ACRES EXCLUDING ROW

162.5'

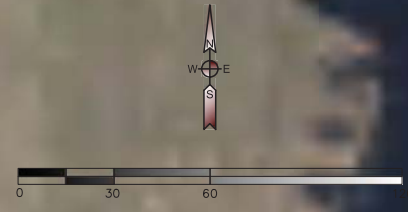
160'

NW 1/4 16-138-50

350'


SYMBOL LEGEND

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPERTY LINE
- UNDERGROUND ELECTRIC
- FENCE LINE
- OVERHEAD POWER LINE
- UNDERGROUND FIBER CABLE
- SECTION LINE
- POWER POLE
- PROPERTY CORNER
- SECTION CORNER
- ▲ CONTROL POINT



					DRAWN JPB
					DATE 11/2/18
					APPROVED
					PROJECT # 21183
DATE	PROJECT #	WO #	REVISIONS	BY	WO #

WARREN SUBSTATION
EXHIBIT 5



SCALE 1" = 30' SHEET 1 OF 1
DWG.NO. WA400-EXB-2018-001-05



A Touchstone Energy® Cooperative 

5301 32ND Avenue South
Grand Forks, ND 58201
Phone 701.795.4000
www.minnkota.com

December 26, 2018

Cass County Planning Office
Attn: Barrett Voigt
1201 Main Avenue West
West Fargo, ND 58078

Subject: Variance Request for waiving the Deed Restriction in the Northwest Quarter of Section 16, Township 138 North, Range 50 West, Cass County, North Dakota

Mr. Voigt,

Paul Schulz and Minnkota Power Cooperative (MPC) are requesting a variance to waive the Deed Restrictions pursuant to Section 309 of the Cass County Subdivision Ordinance. MPC is a non-profit public utility that supplies power to rural Cass County via Cass County Electric. Mr. Schulz is very willing to sell MPC land to provide the local area residents with reliable electricity.

MPC currently has a substation directly north of this proposed lot in the SW1/4SW1/4 OF Section 9, Township 138 North, Range 50 West. This facility was built in 1949 and is in need of upgrading to provide reliable power to the rural Mapleton, Davenport, and Horace areas.

MPC and Paul Schulz request a variance for these reasons:

- We are of the opinion the Deed Restriction will cause undue hardship to Mr. Schulz’s future development plans. Mr. Schulz should not be encumbered by a Deed Restriction for allowing a non-profit cooperative to locate critical infrastructure needed to provide safe and reliable electricity to the area, which resource has developed into a public necessity. MPC understands the need for the ordinance, and respectfully requests consideration of the unique circumstances surrounding this waiver. Mr. Schulz, by providing the opportunity for MPC to locate a substation on his property, is aiding in providing a critical service required to serve an ever expanding area. The need for electrical infrastructure, and Mr. Schulz subsequent willingness to provide land for placement, should not act as a future restriction to Mr. Schulz’ ability to utilize his property within the confines of the current county and township zoning and use restrictions.
- The alternate standard proposed provides better results and is more in line with public policy. The construction of a new substation as planned in Section 16 provides long-term benefits to MPC, Cass County Electric, and the local cooperative and area community members served. MPC is dedicated to maintaining safe and reliable power to the area with minimal interruptions during construction of required infrastructure to ensure long-term delivery of reliable power to the growing area.

We respectfully request consideration of our request for a variance, and appreciate your willingness to work with Paul Schulz and MPC in this process. Please call me at 701-795-4354 if you have any questions.

Sincerely,

Brian S. Hoffart, PLS
Property and Right of Way Manager

Sincerely,

Paul Schulz
Property Owner



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (2 Lots) of the NE 1/4 of the SE 1/4 of Section 12, Township 142 North, Range 55 West		
Title:	Harbeke Subdivision	Date:	01-15-2019
Location:	NE ¼, SE ¼, Section 12, Township 142 North, Range 55 West (1970 138 Ave SE, Lake Township)	Staff Contact:	Barrett Voigt
Parcel Number:	50-0000-08152-000		
Owner(s)/Applicant:	Joseph J. & Carol A. Harbeke/Cole A. Neset	Engineer/Surveyor:	Cole A. Neset
Status:	Planning Commission Hearing: January 24, 2019		

Existing Land Use	Proposed Land Use
Agriculture	Residential

Proposal

The applicant is seeking approval of a minor subdivision entitled **Harbeke Subdivision** to subdivide a property with 2 existing residential units on a quarter-quarter section. The applicant proposes to establish a two (2) Lot, one (1) Block subdivision that would encompass approximately 21 acres. This minor subdivision would bring the site into compliance with the Cass County Subdivision Ordinance so that the land is subdivided to allow for the current development and development rights are established.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use state highway road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for waste water treatment.

Agency Comments

County Engineer	No comments were received prior to publishing the staff report.
Water Resource District	The Southeast Cass and Maple River Water Resource Districts have no comment to submit. Thank you.
Cass County Electric Cooperative	Cass County Electric has an underground power line running through these lots to feed the three houses in the SE corner of Sec. 13. See attached map. The easement for this powerline is Document No. 471746 Book C-6 Page 327. Cass County Electric has no objections to this subdivision.
Century Link	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	Magellan Pipeline Company has no assets in any of these areas. Thanks.
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	All of the proposed lots meet or exceed our minimum requirements for onsite septic systems, and are not in a floodway. They are approved for the construction of an onsite septic system, but will have to provide the department with a soil test on an undisturbed section of the lot prior to approval to build a system.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	The Harbeke Subdivision, located in Lake Township, is outside of Fargo's city limits and extra-territorial jurisdiction.
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

Surrounding Uses

The subject property is bound by agricultural land and the remaining portion of the parcel will remain tillable. The proposed use is consistent with Township Ordinances.

Floodzone

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.

Land Development Rights

The quarter-quarter section is currently has two (2) developments. 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.

The proposed development would be entitled to one development right and would require the transfer of additional development rights, 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, the Township Zoning 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

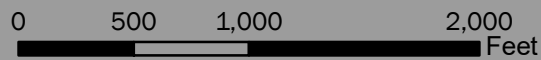
Harbeke Subdivision

Lake, Section 12 - Township 142 North - Range 55 West



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Cass County Planning Commission
January 24, 2018



PLAT OF HARBEKE

A MINOR SUBDIVISION
PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 12 T142N R55W
COUNTY OF CASS, STATE OF NORTH DAKOTA

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT JOSEPH J. HARBEKE, CAROL A. HARBEKE, & HARBEKE FARMS, A NORTH DAKOTA COOPERATIVE, OF FARGO, NORTH DAKOTA, ARE THE OWNERS OF HARBEKE SUBDIVISION DESCRIBED AS FOLLOWS;

PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 12 T142N R55W, COUNTY OF CASS, STATE OF NORTH DAKOTA.

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 12; THENCE S88°13'47"W ALONG THE EAST WEST QUARTER LINE OF SAID SECTION 12 A DISTANCE OF 75.00 FEET TO THE WEST RIGHT OF WAY OF STATE HIGHWAY 38, THE POINT OF BEGINNING; THENCE S88°13'47"W CONTINUING ALONG SAID QUARTER LINE A DISTANCE OF 614.45 FEET; THENCE S02°13'06"E A DISTANCE OF 1526.20 FEET; THENCE N88°13'47"E A DISTANCE OF 589.01 FEET TO THE WEST RIGHT OF WAY OF STATE HIGHWAY 38; THENCE N02°12'07"W ALONG SAID RIGHT OF WAY A DISTANCE OF 911.18 FEET; THENCE N88°13'47"W ALONG SAID RIGHT OF WAY A DISTANCE OF 25.00 FEET; THENCE N02°12'07"W ALONG SAID RIGHT OF WAY A DISTANCE OF 615.02 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS ±20.98 ACRES.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS HARBEKE A MINOR SUBDIVISION TO COUNTY OF CASS, STATE OF NORTH DAKOTA. HARBEKE A MINOR SUBDIVISION CONSIST OF 2 LOTS, 1 BLOCK, AND CONTAINS 20.98 ACRES MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHTS OF WAYS OF RECORD.

BY:

JOSEPH J. HARBEKE - PRESIDENT OF HARBEKE FARMS

CAROL A. HARBEKE

STATE OF _____)
COUNTY OF _____) JSS

BE IT KNOWN ON THIS _____ DAY OF _____, 2019, BEFORE ME PERSONALLY APPEARED JOSEPH J. & CAROL A. HARBEKE 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
REGISTERED LAND SURVEYOR No. LS-7513
STATE OF NORTH DAKOTA

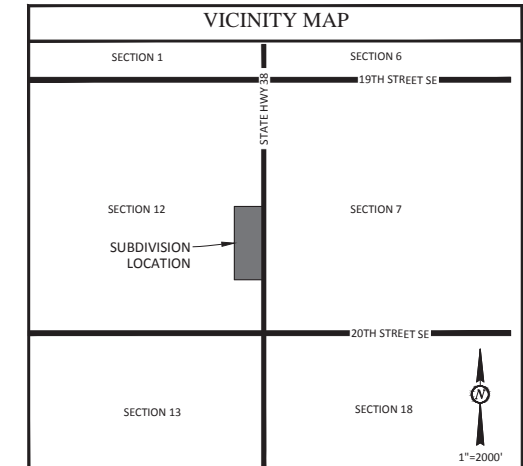
DATE _____

STATE OF _____)
COUNTY OF _____) JSS

BE IT KNOWN ON THIS _____ DAY OF _____, 2019, 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: _____

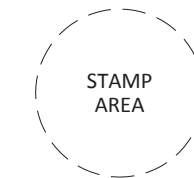
NOTARY PUBLIC



CASS COUNTY ENGINEER

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2019.

JASON BENSON, CASS COUNTY ENGINEER



CASS COUNTY PLANNING COMMISSION

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2019.

KEN LOUGHEED, CHAIRMAN

ATTEST: _____
SECRETARY

CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

REVIEWED BY CASS COUNTY, NORTH DAKOTA THIS _____ DAY OF _____, 2019.

CHAD PETERSON, CHAIRMAN

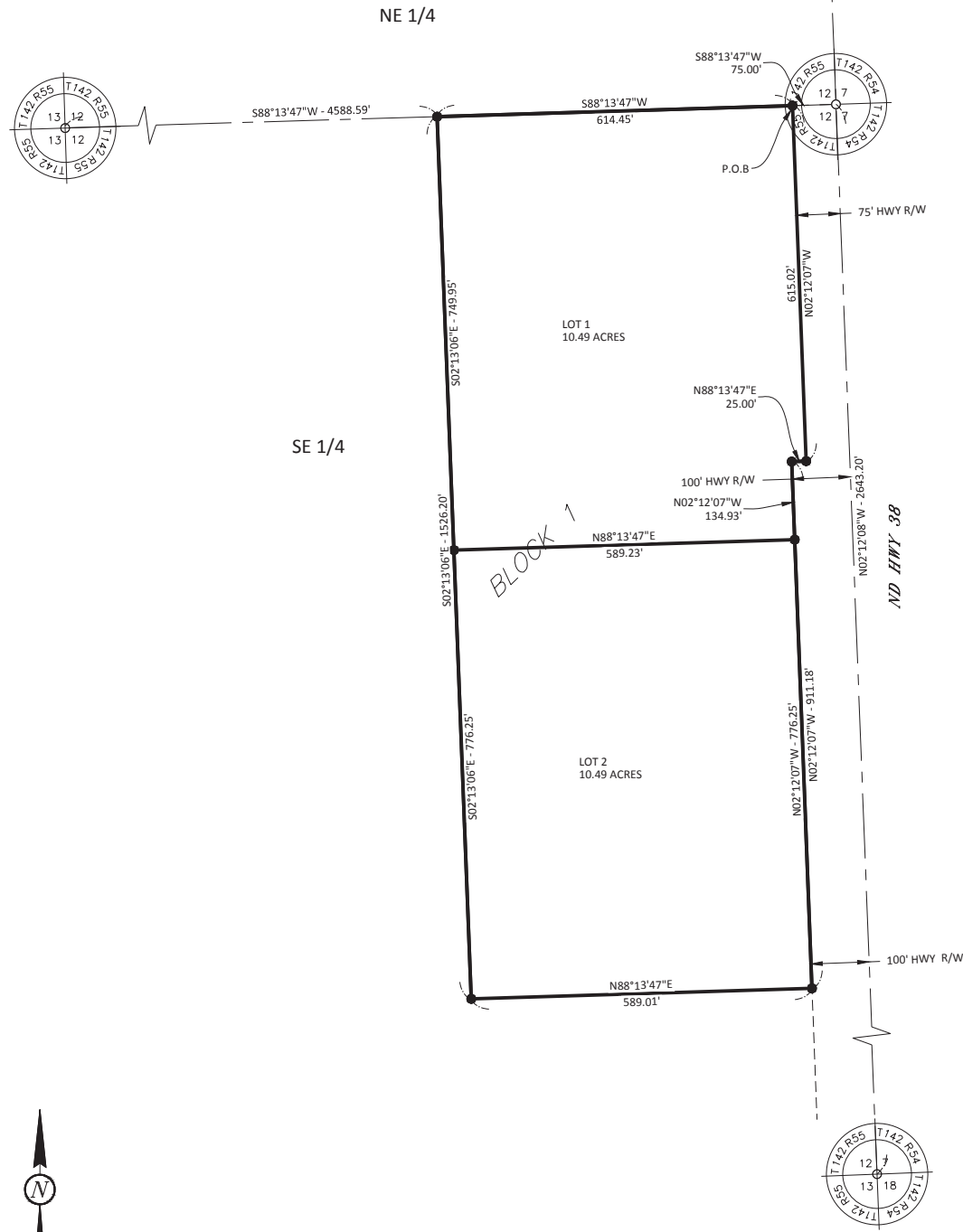
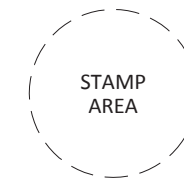
ATTEST: _____
MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

LAKE TOWNSHIP

REVIEWED BY LAKE TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2019.

KEVIN BAASCH, CHAIRMAN

ATTEST: _____
ANTHONY LINDSETH, CLERK



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- PROPERTY BOUNDARY LINE
- - - SECTION LINE





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of the NW 1/4 of the SW 1/4 of Section 11, Township 139 North, Range 53 West		
Title:	Hoffman Subdivision	Date:	01-15-2019
Location:	NW 1/4, W 1/4, Section 11, Township 139 North, Range 53 West (14935 38th Street SE, Gill Township)	Staff Contact:	Barrett Voigt
Parcel Number:	41-0000-05746-020		
Owner(s)/Applicant:	Gary Hoffman, Western Trustee/Steve Link	Engineer/Surveyor:	Interstate Engineering Inc.
Status:	Planning Commission Hearing: January 24, 2019		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Hoffman Subdivision** to plat one (1) Lot of approximately 10 acres for the purpose of allowing for the sale of the Lot and the construction of a single family residence structure.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use state highway road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for waste water treatment.

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	The plat when presented should show CCEC's line and corresponding document number. CCEC does not have an issue with this parcel of land, inasmuch as the landowners are aware of the existing plant and that an easement exists.
Century Link	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	Magellan Pipeline Company has no assets in any of these areas. Thanks.
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	All of the proposed lots meet or exceed our minimum requirements for onsite septic systems, and are not in a floodway. They are approved for the construction of an onsite septic system, but will have to provide the department with a soil test on an undisturbed section of the lot prior to approval to build a system.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	The Hoffman Subdivision, located in Gill Township, is outside of Fargo's city limits and extra-territorial jurisdiction.
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

Surrounding Uses

The subject property is bound by agricultural land and the remaining portion of the parcel will remain tillable. The proposed use is consistent with Township Ordinances.

Floodzone

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.

Land Development Rights

The quarter-quarter section is currently undeveloped. 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. The proposed development would be entitled to one development right and would not require the transfer of additional development rights.

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:

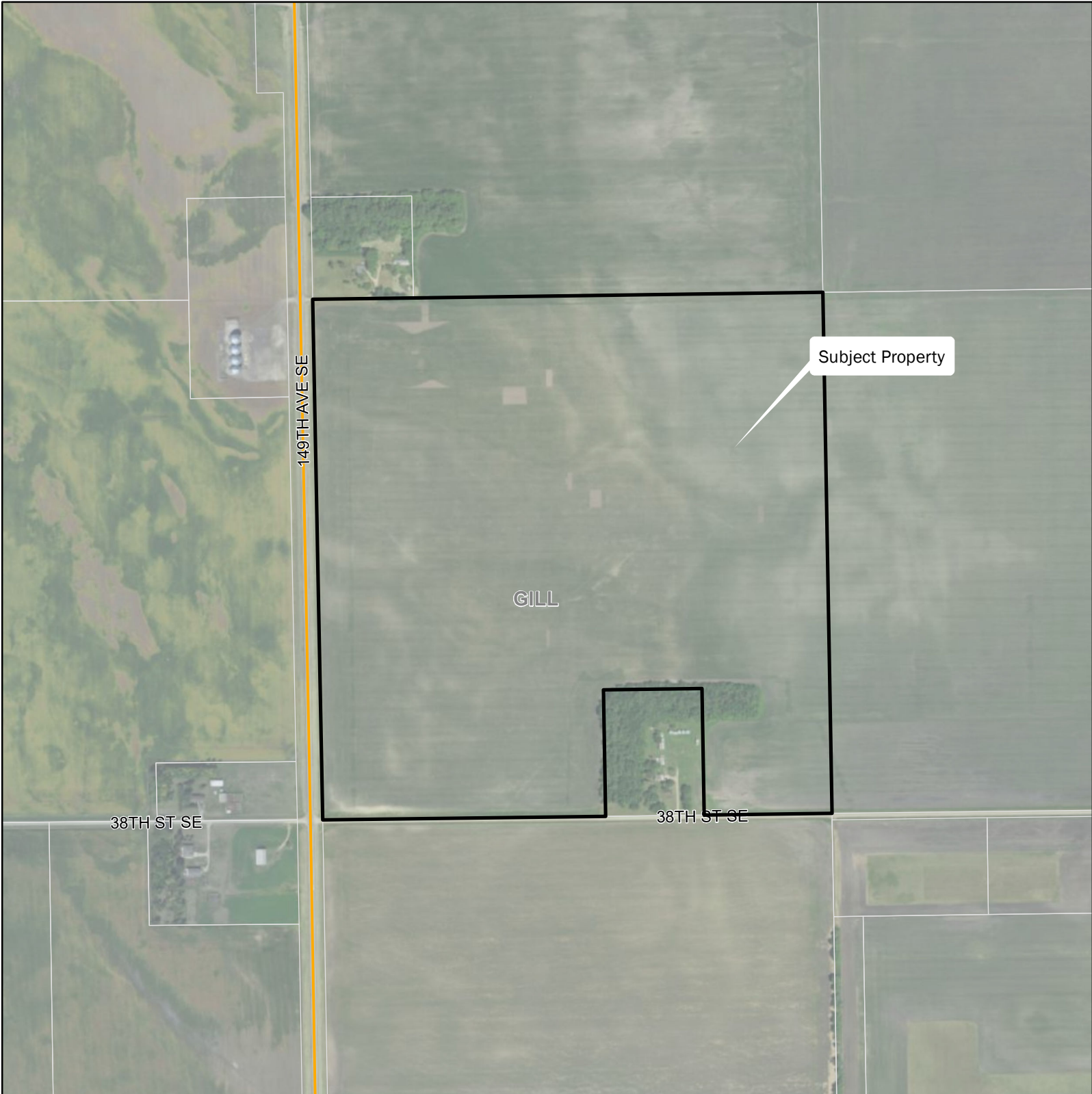
Attachments

1. Location Map
2. Certificate of Survey

Minor Subdivision

Hoffman Subdivision

Gill, Section 11 - Township 139 North - Range 53 West



Subject Property

GILL

38TH ST SE

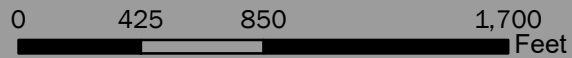
38TH ST SE

149TH AVE SE



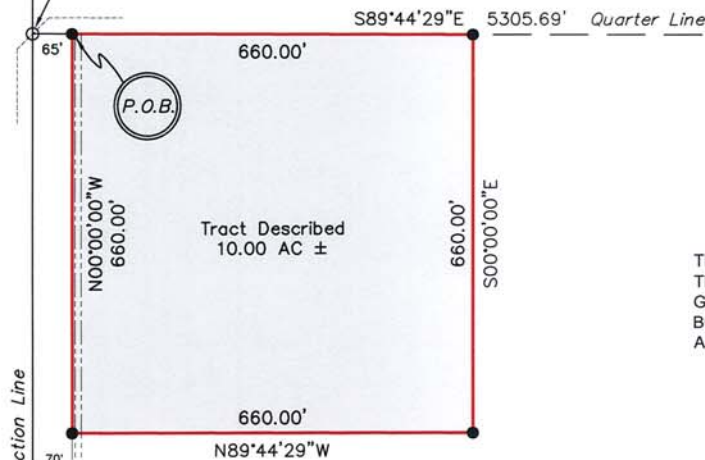
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Cass County Planning Commission
January 24, 2018



W1/4 Cor. Sec. 11
T139N, R53W
RLS 6153
Rec. No. 3304

E1/4 Cor. Sec. 11
T139N, R53W
1/2" Rebar
CR being filed



THIS DOCUMENT PREPARED AT
THE REQUEST OF:
GARY HOFFMAN
BOX 2393
APACHE JUNCTION, AZ 85117

Section Line
2632.43'
N00°00'00\"/>

10' wide Right of Way Easement in favor of Cass County Electric Cooperative, Inc (Book U-7 Misc., Page 600)

NW1/4SW1/4

Tract Description

All that part of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section 11, Township 139 North, Range 53 West of the 5th Principal Meridian, Gill Township, Cass County, North Dakota described as follows:

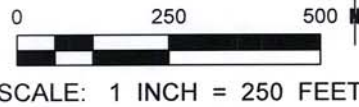
Commencing at the iron monument marking the West Quarter Corner of said Section 11 (Land Survey Monument Record No. 3304); thence on an assumed bearing of South 89°44'29" East, on and along the north line of the said Southwest Quarter, a distance of 65.00 feet to it's intersection with the east right of way line of Cass County Highway No. 5, said point also being the POINT OF BEGINNING; thence continuing South 89°44'29" East, on and along the said north line of the Southwest Quarter, a distance of 660.00 feet; thence South 00°00'00" East, parallel with the west line of the said Southwest Quarter, a distance of 660.00 feet; thence North 89°44'29" West, parallel with the said north line of the Southwest Quarter, a distance of 660.00 feet to a point on the said east right of way line of Cass County Highway No. 5; thence North 00°00'00" West, on and along the said east right of way line of Cass County Highway No. 5, a distance of 660.00 feet to the point of beginning.

The above described tract contains 10.00 acres, more or less, and is subject to easements, reservations, restrictions, and right of way of record, if any.

State of North Dakota
County of Richland
Signed before me on 1-15-19 by Steven A. Ackerman

[Signature]
Notary Public

TIMOTHY R. PEARSON
Notary Public
State of North Dakota
My Commission Expires Sept. 11, 2019



SW Cor. Sec. 11
T139N, R53W
Cass Co. Alum.
Rec. No. 286

LEGEND

- = CORNER MARKED WITH A 5/8" x 18" SOLID IRON PIN WITH RED PLASTIC CAP MARKED "RLS 2958"
- = EXISTING OR FOUND CORNER MONUMENT
- △ = STEEL FENCE POST
- REC. = RECORD OR ORIGINAL DISTANCE
- MEA. = MEASURED DISTANCE THIS SURVEY
- NOTE = THIS SURVEY WAS BASED ON AN ASSUMED MERIDIAN

INTERSTATE ENGINEERING
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Interstate Engineering, Inc.
P.O. Box 667
1999 4th St. N.
Wahpeton, ND 58074-0667
Ph (701) 642-5521
Fax (701) 642-5215
www.interstateeng.com
Offices in North Dakota, Minnesota, Montana and South Dakota

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

[Signature]
STEVEN A. ACKERMAN
LS - 2958
DATE 1-15-19
REG. NO. 2958

Certificate and Plat of Land Survey
WESTERN TRUST CO TRACT
A part of the NW1/4SW1/4 of Section 11,
T139N, R53W of the 5th P.M.,
Gill Township,
Cass County, North Dakota

W1810195