

## CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, January 23, 2020 at 7:00 a.m.

---

**A. Call to Order**

**B. Roll Call**

**C. Determination of a Quorum**

**D. Approve Meeting Minutes of December 12, 2019**

**E. Public Hearing Items**

1. Hearing on an application requesting a Minor Subdivision Plat of **Hamre Subdivision** (Located in Watson Township, in the SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 8, Township 137 North, Range 53 West of the 5th Principal Meridian, Cass County North Dakota). **Continued to February 27, 2020 Planning Commission Meeting.**
2. Hearing on an application requesting a Minor Subdivision Plat of **Punton Subdivision** (Located in Empire Township, SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 21, Township 141 North, Range 53 West of the 5th Principal Meridian, Cass County North Dakota).

**F. New Business**

**G. Old Business**

**H. Adjournment**

**CASS COUNTY PLANNING COMMISSION  
DECEMBER 12, 2019**

**1. MEETING TO ORDER**

A meeting of the Cass County Planning Commission was called to order on December 12, 2019, at 7:00 AM in the Vector Control Conference Room with members present as follows: Ken Lougheed, Keith Monson, Dr. Tim Mahoney, Brad Olson, and David Gust. Mr. Breitling, Mrs. Novotny and Mr. Fisher were absent. Also present were County Planner, Barrett Voigt; States Attorney, Birch Burdick and County Engineer, Jason Benson.

**2. MINUTES, APPROVED**

***MOTION, passed***

**Dr. Mahoney moved and Mr. Olson seconded to approve the minutes of the September 26 meeting as presented. Motion carried.**

**3. PUBLIC HEARING ITEMS**

**a. Minor Subdivision Plat of Kyser Subdivision, located in Bell Township**

Mr. Lougheed opened the public hearing.

Mr. Voigt provided an overview of an application for a minor subdivision entitled Kyser Subdivision filed by Cole Neset of Neset Land Surveys on behalf of Shirley Hoffert. The proposal requested approval for a one (1) Lot, one (1) Block subdivision for the purpose of creating a lot to construct a residential structure (single family) for residential use. The proposed lot is located at the NE ¼ of Section 14, Township 143 North, Range 51 West of Bell Township and does not have an address. The owner has received pre-approval from both Cass County Electric Cooperative and Cass Rural Water District to provide water & electricity in the future. Bell Township approved the subdivision but requested 50 feet of right-of-way for ditches for future development. Staff recommended approval of the subdivision application as outlined in the staff report with the condition that a deed restriction be recorded that meets the requirements of Section 308 of the Cass County Subdivision Ordinance.

The public hearing was closed.

***MOTION, passed***

**Mr. Gust moved and Mr. Monson seconded to approve the minor subdivision with the condition outlined by the County Planner. Motion carried.**

**b. Minor Subdivision Plat of Phillips Subdivision, located in Harwood Township.**

Mr. Voigt indicated to the Commission that the application is not ready at this time.

***MOTION, passed***

**Dr. Mahoney moved and Mr. Olson seconded continue this item until the application is complete. Motion carried.**

**4. NEW BUSINESS****a. Grand Farm**

Brian Carroll from the Grand Farm was in attendance to give the Commission details regarding this project involving automated farming. Their goal is to have the foundation for the farm in place by 2025.

**5. ADJOURNMENT**

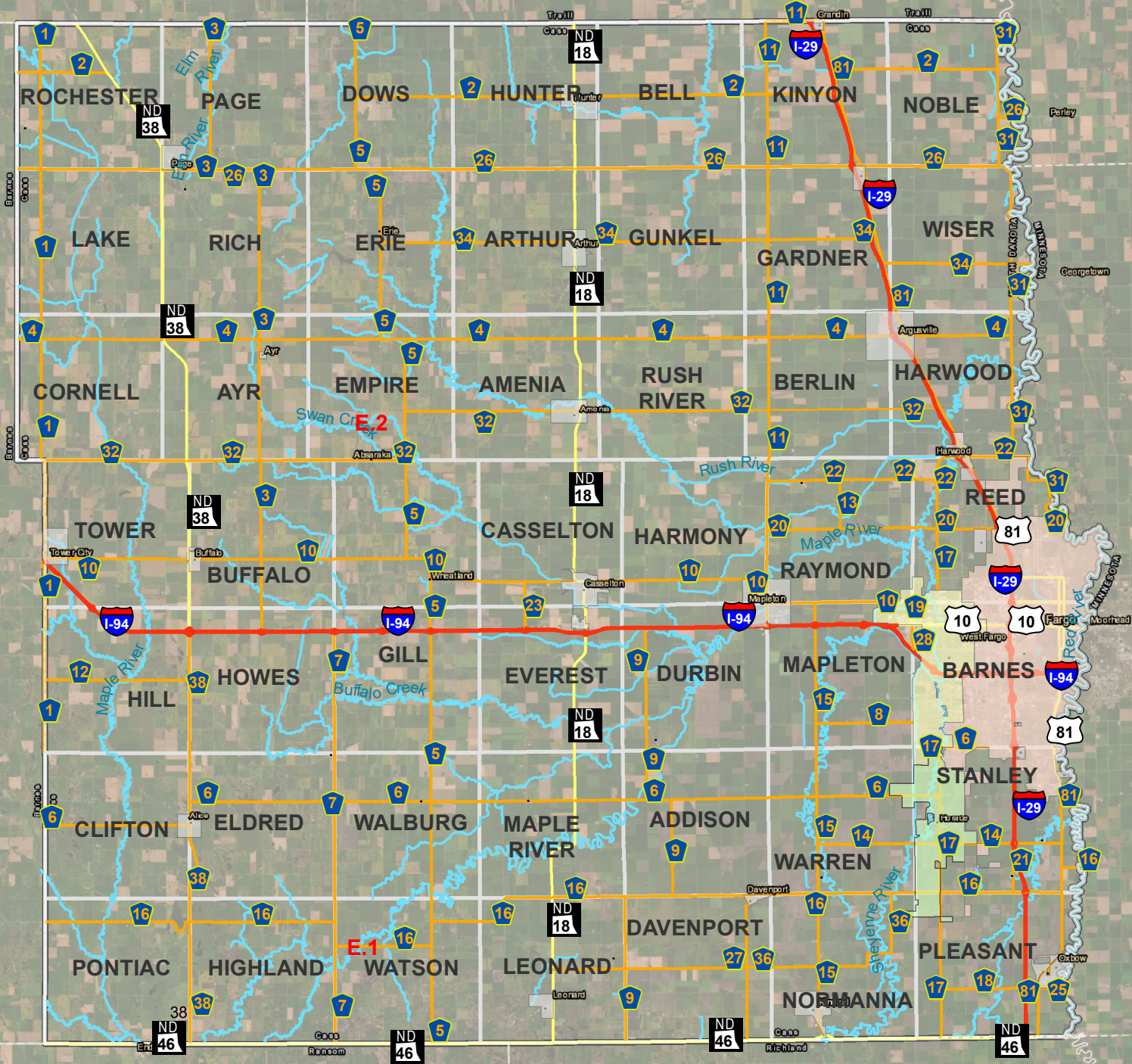
**On motion by Mr. Gust, seconded by Mr. Monson, and all voting in favor, the meeting was adjourned at 8:05 AM.**

Minutes prepared by DeAnn Buckhouse, Election Coordinator



Agenda Items Map  
Cass County Planning Commission

Thursday, January 23, 2020



0 2.5 5 10 15 20 Miles

Agenda Items No.  
E.1 Hamre Subdivision  
E.2. Punton Subdivision



## Cass County Planning Commission Staff Report

<b>Entitlements Requested:</b>	<b>Minor Subdivision (3 Lots)</b> of a part of the South 1/2 of the SE 1/4 of the SW 1/4 of Section 21, Township 141 North, Range 53 West		
<b>Title:</b>	<b>Punton First Subdivision</b>	<b>Date:</b>	1-11-2020
<b>Location:</b>	14641 28 Street SE Ayr, ND (Empire Township)	<b>Staff Contact:</b>	Barrett Voigt
<b>Parcel Number:</b>	36-0000-04288-020	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	Helen Punton/Melissa Oberland and Teresa Gulleson	<b>Engineer/Surveyor:</b>	Houston Engineering, Inc.
<b>Status:</b>	Planning Commission Hearing: January 23, 2020		

Existing Land Use	Proposed Land Use
Agricultural	Commercial

### Proposal

The applicant is seeking approval of a minor subdivision entitled **Punton First Subdivision** to plat a three (3) Lot, (1) Block subdivision of approximately 18.96 acres. According to the applicant, the subdivision is requested to allow for the construction of a barn structure to allow for a commercial wedding business venue. The proposed lot is located at 14641 28 Street SE Ayr, ND in Empire Township on the north side of Township Road 28<sup>th</sup> Street SE.

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

## Agency Comments

<b>County Engineer</b>	No comments were received prior to publishing the staff report.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<b>Cass County Electric Cooperative</b>	No issues. The overhead utility line owned by CCED is documented on the plat.
<b>Century Link</b>	No comments were received prior to publishing the staff report.
<b>Sprint</b>	Sprint has no facilities on or near either of these address.
<b>AT&amp;T</b>	No comments were received prior to publishing the staff report.
<b>Xcel Energy</b>	No comments were received prior to publishing the staff report.
<b>Otter Tail Power Company</b>	No comments were received prior to publishing the staff report.
<b>Magellan Pipeline Company</b>	Magellan Pipeline Company does not run in either of these TWP's Thanks.
<b>NuStar Energy</b>	No comments were received prior to publishing the staff report.
<b>Cass Rural Water</b>	In both cases the property currently has water service from Cass Rural Water District
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	No comments were received prior to publishing the staff report.
<b>Township Chairman</b>	No comments were received prior to publishing the staff report.
<b>The City of Fargo</b>	No comments were received prior to publishing the staff report.
<b>The City of West Fargo</b>	No comments were received prior to publishing the staff report.
<b>Public Comment</b>	No comments were received prior to publishing the staff report.

## Staff Analysis

### *Land Use and Surrounding Uses*

The subject property is bound by agricultural production land on the north, west, and east. Township road 28<sup>th</sup> Street SE borders the south of the property.

### *Floodzone*

According to the FEMA Flood Map Service Center, this property has no Special Hazard Flood Area identified. In addition, the Swan Creek Tributary, a blueline perennial watercourse, was identified on the western side of the proposed subdivision.

### *Land Development Rights*

The subject quarter-quarter section currently is developed with a farmstead. However, the addition of new commercial building requires a platted lot. 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 provides 3 lots that are less than 40 acres in size, a transfer of (3) three development rights are 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

Punton Subdivision

Empire, Section 21 - Township 141 North - Range 53 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.





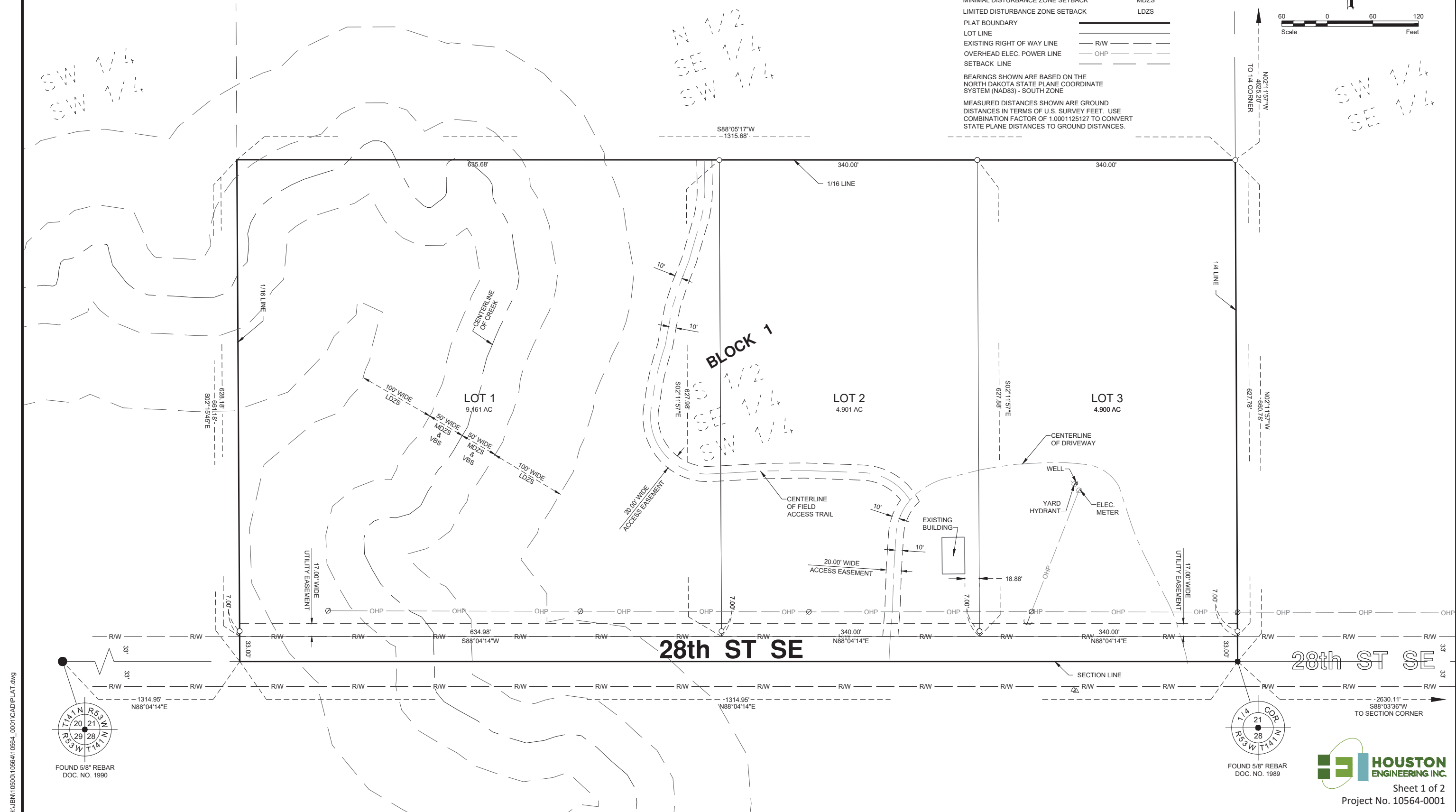
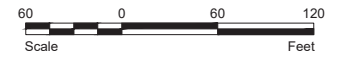
# PUNTON FIRST SUBDIVISION

BEING A PLAT OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SW 1/4  
SECTION 21, T. 141 N., R. 53 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA

## LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
UTILITY POLE	⊗
W / GUY WIRE	⊗→
LIGHT POLE	⊙
TELEPHONE RISER	△
VEGETATIVE BUFFER ZONE	VBS
MINIMAL DISTURBANCE ZONE SETBACK	MDZS
LIMITED DISTURBANCE ZONE SETBACK	LDZS
PLAT BOUNDARY	—————
LOT LINE	—————
EXISTING RIGHT OF WAY LINE	———
OVERHEAD ELEC. POWER LINE	———
SETBACK LINE	———

BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE  
MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET. USE COMBINATION FACTOR OF 1.0001125127 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.



H:\JBM10560\1056A10564\_0001\CAD\PLAT.dwg



FOUND 5/8" REBAR  
DOC. NO. 1990



FOUND 5/8" REBAR  
DOC. NO. 1989

# PUNTON FIRST SUBDIVISION

BEING A PLAT OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SW 1/4  
SECTION 21, T. 141 N., R. 53 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA

Owners' Certificate:

Know All Persons By These Presents: That Helen Punton, a single person; and Robert Punton and Jenifer Punton, husband and wife; are the Owners and Proprietors of the South Half of the Southeast Quarter of the Southwest Quarter (S 1/2 SE 1/4 SW 1/4) of Section 21, Township 141 North, Range 53 West of the 5th Principal Meridian, Cass County, North Dakota.

Said tract contains 19.958 acres, more or less.

And that said parties have caused the same to be surveyed and platted as PUNTON SUBDIVISION and do hereby dedicate to the public for public use the Public Street and the Utility Easement as shown on the plat, and do hereby dedicate to the present and future owners of Lot 3 and of the North Half of the Southeast Quarter of the Southwest Quarter of said Section 21, the Access Easement shown on the plat.

In witness whereof we have set our hands and seals:

Owners:

\_\_\_\_\_  
Helen Punton

State of North Dakota )  
                                  ) ss  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared Helen Punton, a single person, known to be the person described in and who executed the foregoing instrument and acknowledged that she executed same as her free act and deed.

Notary Public: \_\_\_\_\_

\_\_\_\_\_  
Robert Punton

\_\_\_\_\_  
Jenifer Punton

State of North Dakota )  
                                  ) ss  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared Robert Punton and Jenifer Punton, husband and wife, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public: \_\_\_\_\_

Surveyor's Certificate:

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the plat hereon is a true and correct representation of the survey thereof, that all distances are correctly shown on said plat in feet and decimals of a foot, and that the monuments for the guidance of future surveys have been placed in the ground as shown.

\_\_\_\_\_  
Curtis A. Skarphol  
North Dakota PLS No. 4723

State of North Dakota )  
                                  ) ss  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared Curtis A. Skarphol, known to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

Notary Public: \_\_\_\_\_

Cass County Engineer:

Reviewed by the Cass County Engineer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Jason Benson, Cass County Engineer

Cass County Planning Commission:

Reviewed by the Cass County Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Ken Lougheed, Chair

Attest: \_\_\_\_\_  
Secretary

Empire Township:

Reviewed by Empire Township, Cass County, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Steve Faught, Chair

Attest: \_\_\_\_\_  
Jenna McPherson, Clerk

Cass County Board of Commissioners' Approval:

Approved by Cass County, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chad Peterson, Chair

Attest: \_\_\_\_\_  
Michael Montplaisir, Cass County Auditor

