

JUL 13 2020

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: July 10, 2020

SUBJECT: Agenda Topic for the July 20, 2020
Commission Meeting: FMD-Pleasant Subdivision

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Pleasant Township, Section 2 and 3 at a Public Hearing on July 10, 2020. The intended purpose of the subdivision is to plat the parcels impacted by the Fargo-Moorhead Flood Diversion right-of-way.

The Planning Commission is recommending approval of the proposed plat entitlement request. Therefore, the Planning Commission recommendation is forwarded to the Cass County Board of Commissioners for action.

SUGGESTED MOTION:

To accept the findings and recommendations of the Planning Commission and staff and recommend approval of the Final Plat, 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.



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of Sections 2 and 3, Township 137 North, Range 49 West		
Title:	FMD-Pleasant Subdivision	Date:	06-11-2020
		Update:	07-10-2020
Location:	Sections 2 and 3, Township 137 North, Range 49 West (Pleasant Township)	Staff Contact:	Grace Puppe
Parcel Number:	57-0000-10232-000; 57-0000-10233-000; 57-0000-10235-000; 57-0000-10235-010; 57-0000-10239-000; 57-0000-10239-010	Water District:	Southeast Water District
Owner(s)/Applicant:	Cass County Joint Water Resource District	Engineer/Surveyor:	Houston Engineering
Status:	County Commission Hearing: July 20, 2020		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Proposal	

The applicant is seeking approval of a minor subdivision entitled **FMD-Pleasant Subdivision** to plat two (2) block and nine (9) Lot subdivision of approximately 466.205 acres. According to the applicant, the subdivision is requested to plat the parcels impacted by Fargo-Moorhead Flood Diversion right-of-way.

The proposed ownership and maintenance responsibility of the subdivision will be private.

Agency Comments

County Engineer	I have reviewed this plat and have a strong understanding of the Diversion project, plat, and access. I don't have any issues with the plat. I understand that the north end of the platted area will ultimately result in reconstructing Cass Highway 16 to go up and over the Diversion embankment. The specifics of this up and over are outlined in the draft Memorandum of Agreement between the FM Diversion Authority and Cass County. The primary access for this plat will be to use 173rd Ave SE south of Cass Highway 16 to the point where 173rd Ave will be vacated.
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.
Sprint	No comments were received prior to publishing the staff report.
AT&T	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Otter Tail Power Company	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	No comments were received prior to publishing the staff report.
NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	CRWD is working with the Diversion Authority to relocate a water line in the area. Otherwise we have no comment.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No comments were received prior to publishing the staff report.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	The proposed Diversion 1st Subdivision is in Pleasant Township and so outside of the Fargo City limits and Fargo's extraterritorial jurisdiction. The City has no comment.
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

Land Use and Surrounding Uses

The subject property is bound by agricultural production land on the north, west and south. Interstate 29 borders the east of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is located in Special Hazard Flood Area Zone AE and within the Floodway.

Staff Recommendation

To accept the findings and recommendations of the Planning Commission and 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.

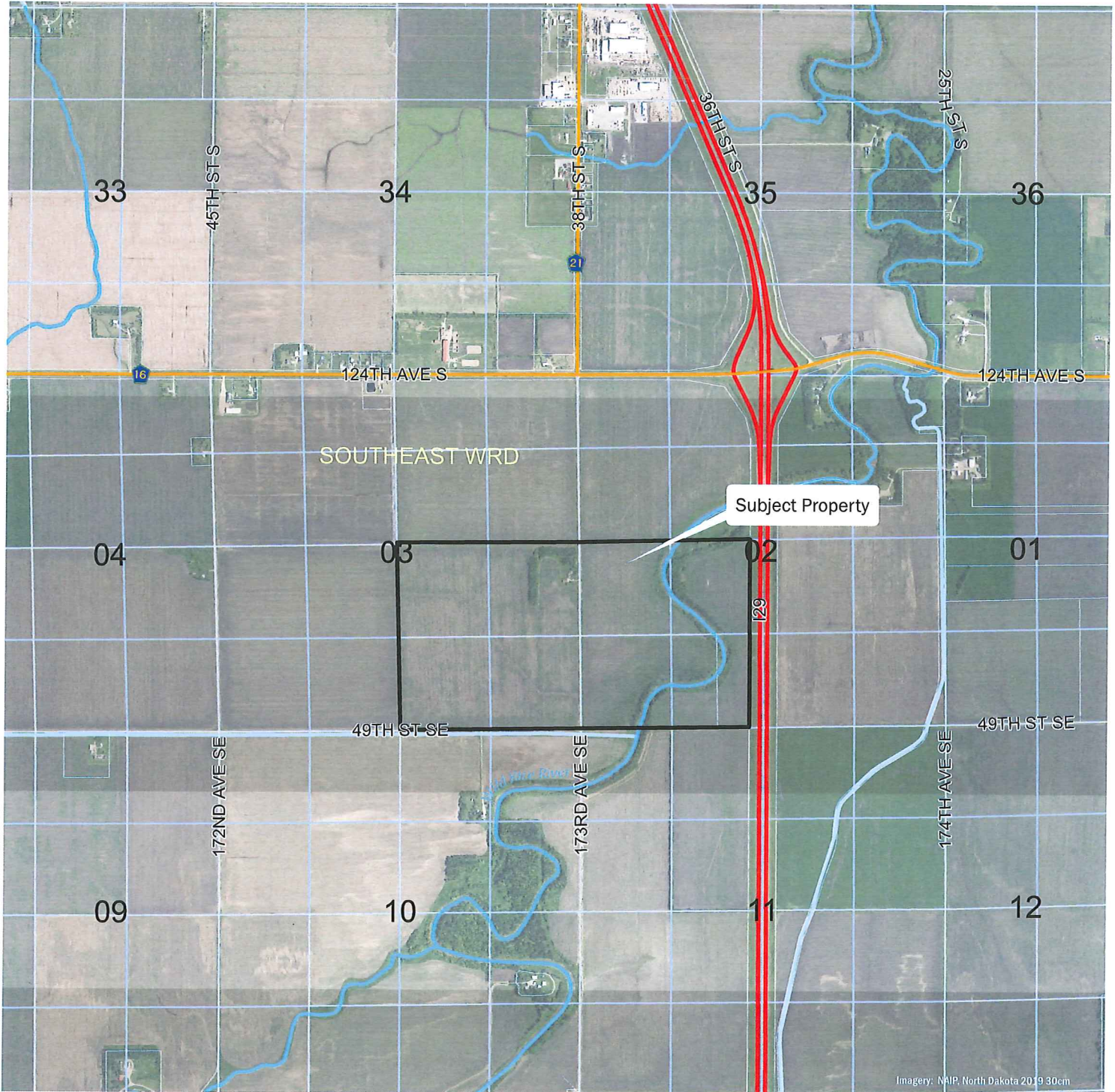
Attachments

1. Location Map
2. Plat Document
3. Project Explanation

Minor Subdivision

FMD - Pleasant Subdivision

Pleasant Twp, Section 2 & 3 - Township 137 North - Range 49 West



Cass County Planning Commission
June 25, 2020

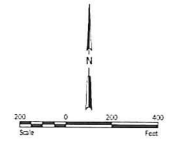
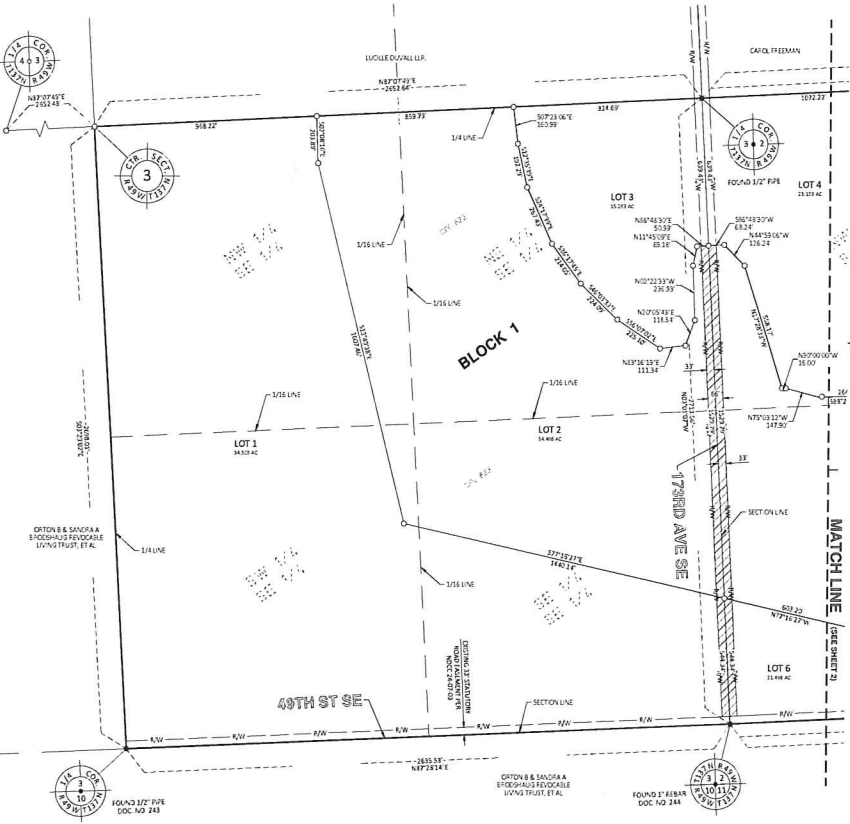


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



FMD - PLEASANT SUBDIVISION

BEING A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 2 AND THE SOUTHEAST QUARTER OF SECTION 3, T. 137 N., R. 49 W., 5th P.M. CASS COUNTY, NORTH DAKOTA



LEGEND

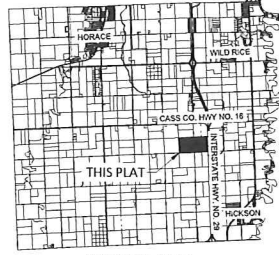
IRON MONUMENT FOUND	●
1/2" I.D. PIPE EET	○
MEASURED EAKING	○
PLAT EAKING	○
MEASURED DISTANCE	—
PLAT DISTANCE	—
PLAT BOUNDARY	—
LOT LINE	—
UTILITY EASEMENT	—
EXISTING LOT LINE	—
EXISTING UTILITY EASEMENT	—
EXISTING STATUTORY ROAD AND SECTION LINE EASEMENT FEES	—
NOCC 24-67-03 - VACATED, CLOSED AND ABANDONED BY THIS PLAT	—

PLAT NOTES
 EAKINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE
 DISTANCES SHOWN ARE GROUND DISTANCES, IN US SURVEY FEET. TO CONVERT TO GRID DISTANCES, MULTIPLY GROUND SCALE FACTOR BY 0.999915.
 LAND WITHIN THIS PLAT IS SUBJECT TO A FLOODWAY AND FLOODPLAIN AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 33017C0305Q, WITH AN EFFECTIVE DATE OF JANUARY 16, 2015.
 OTHER THAN EASEMENTS SHOWN HEREON AS INDICATED, EASEMENTS OF RECORD REMAIN IN EFFECT, WHETHER SHOWN OR NOT.
 IN ADDITION TO EASEMENTS SHOWN HEREON, THIS SUBDIVISION IS SUBJECT TO THE FOLLOWING EASEMENTS:

BENEFICIARY	DOC. NO.	LOCATION
NORTHWESTERN BELL TELEPHONE CO	88 767 M/S.C. PG 642	W/1/4 SEC 2
NORTHWESTERN BELL TELEPHONE CO	372744	S/4 SEC 2
NORTHWESTERN BELL TELEPHONE CO	444332	W/1/4 SEC 2
NORTHWESTERN BELL TELEPHONE CO	372747	N/4 SEC 2
NORTHWESTERN BELL TELEPHONE CO	421232	S/4 SEC 3
CASS RURAL WATER USERS	496661	S/4 SEC 3
MINNOTA POWER COOPERATIVE, INC	923936	S/4 SEC 3
NORTHWESTERN BELL TELEPHONE CO	444324	S/4 SEC 3



VICINITY MAP
NOT TO SCALE



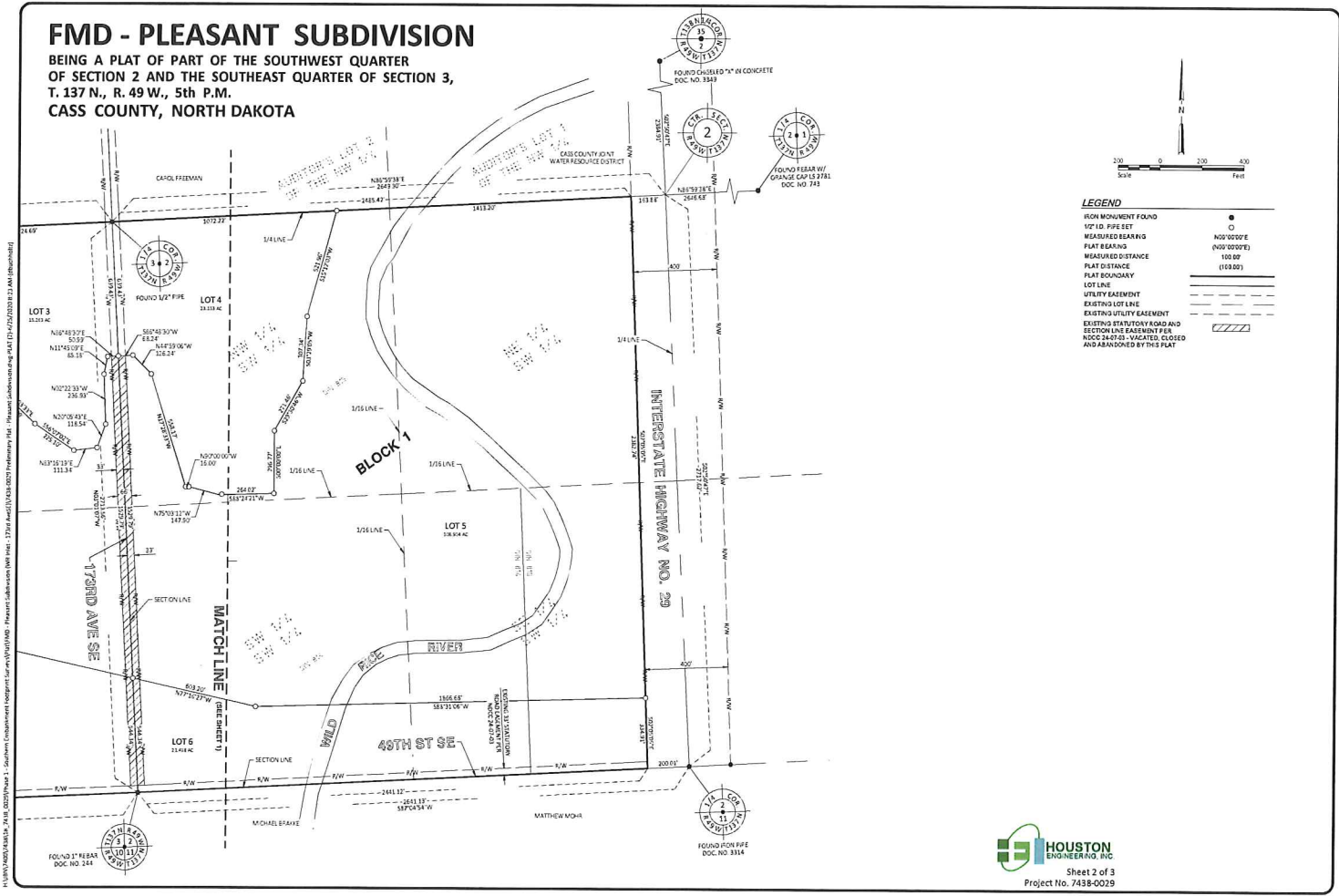
VICINITY MAP
NOT TO SCALE



H:\Projects\7438-0029\Drawings\1 - Subdivision\Subdivision\7438-0029-001.dwg (1/13/2015 10:11 AM) (R:\houston)

FMD - PLEASANT SUBDIVISION

BEING A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 2 AND THE SOUTHEAST QUARTER OF SECTION 3, T. 137 N., R. 49 W., 5th P.M. CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N02°00'00"E
PLAT BEARING	(N02°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	---
LOT LINE	---
UTILITY EASEMENT	---
EXISTING LOT LINE	---
EXISTING UTILITY EASEMENT	---
EXISTING SECTION FORD AND SECTION LINE EASEMENT AREA	---
NICE 24-31-21 VACATED, CLOSED AND ABANDONED BY THIS PLAT	▨

“Along with the Diversion Inlet Structure(DIS) construction, the Wild Rice River Structure(WRRS) began its own this spring. In the construction contract for the WRRS a option 1 was added in case a certain amount of land was acquired for the building of the southern embankment west of the structure to tie into it. That land was acquired in March and AMES exercised option 1 of the contract. AMES is the general contractor at the WRRS as well as the DIS. For AMES to complete their work in their contract they must cut a observation trench in the ground. This trench runs under the Southern Embankment to be placed west of the WRRS for the option 1. The trenching and placement of the Southern Embankment crosses 173rd Ave SE. 173rd Ave SE must be closed permanently and removed in that area for the work to be completed in the contract.”