

# CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, May 27, 2021 at 7:00 a.m.

Vector Conference Room, 1201 Main Avenue West, West Fargo, 58078

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**A. Call to Order**

**B. Roll Call**

**C. Determination of a Quorum**

**D. Approve Meeting Minutes of April 22, 2021**

**E. Public Hearing Items**

1. Hearing on an application requesting a Minor Subdivision Plat of **Eisenbeisz Subdivision** (SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 22, Township 138 North, Range 52 West of the 5<sup>th</sup> Principal Meridian, Cass County North Dakota).
2. Hearing on an application requesting a Minor Subdivision Plat of **Pratt Subdivision** (N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 24, Township 143 North, Range 50 West of the 5<sup>th</sup> Principal Meridian, Cass County North Dakota).
3. Hearing on an application requesting a Minor Subdivision Plat of **Russell Subdivision** (NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 7, Township 137 North, Range 51 West of the 5<sup>th</sup> Principal Meridian, Cass County North Dakota).
4. Hearing on an application requesting a Major Subdivision Plat of **FMD-Wiser Subdivision** (Sections 35 & 36, Township 142 North, Range 49 West of the 5<sup>th</sup> Principal Meridian, Cass County North Dakota).
5. Hearing on an application requesting a Minor Subdivision Plat of **Van Raden Subdivision** (SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 18, Township 140 North, Range 49 West of the 5<sup>th</sup> Principal Meridian, Cass County North Dakota).

**F. New Business**

Subdivision Ordinance Update

**G. Old Business**

**H. Adjournment**

**CASS COUNTY PLANNING COMMISSION**  
**APRIL 22, 2021**

**A. CALL TO ORDER**

A meeting of the Cass County Planning Commission was called to order on April 22, 2021, at 7:01am in the Vector Control Conference Room.

**B. ROLL CALL**

Planning Commissioners present in person were Rocky Bertsch, David Gust, Jim Kapitan, Dr. Tim Mahoney, Keith Monson, Brad and Kris Schipper. Attending on Microsoft Teams was Ken Lougheed. Present in person were Cass County Planner, Grace Puppe, Assistant Cass County Engineer, Tom Soucy, and Brandon Rust, member of the public. Tracy Peters, Chief Deputy, States Attorney office attended by Microsoft Teams.

**C. DETERMINATION OF A QUORUM**

It was determined that there was a quorum based on the roll call.

**D. MINUTES, APPROVED**

**MOTION, *passed***

**Mr. Gust moved and Ms. Schipper seconded to approve the minutes of the February 25, 2021 meeting as presented.**

**Motion carried.**

**E. PUBLIC HEARING ITEMS**

- 1. Hearing on an application requesting a Minor Subdivision Plat of Fyre Subdivision (NE ¼ of the SE ¼ of Section 23, Township 142 North, Range 50 West of the 5th Principal Meridian, Cass County North Dakota).**

Mr. Lougheed opened the public hearing.

Ms. Puppe provided an overview of an applicant seeking approval of a minor subdivision entitled Fyre Subdivision to plat a one (1) Lot subdivision of approximately 4.3 acres. According to the applicant, the subdivision is requested to reestablish, clean up land, and build a new home on a farmstead that has been vacant for over 30 years. The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 167th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Upon hearing no public comments, the public hearing was closed.

**MOTION, *passed***

**Mr. Monson moved, and Mr. Bertsch seconded to accept the findings and recommend approval to the County Commission with the conditions outlined by the County Planner. On a roll call vote with all in favor, motion carried.**

**2. Hearing on an application requesting a Minor Subdivision Plat of FMD-Wiser Subdivision (Sections 35 & 36, Township 142 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota).**

Mr. Lougheed opened the public hearing.

Ms. Puppe provided an overview of an applicant seeking approval of a minor subdivision entitled FMD-Wiser Subdivision to plat a one (1) Block and seven (7) Lot subdivision of approximately 351.05 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.

Upon hearing no public comments, the public hearing was closed.

**MOTION, *tabled until next meeting***

**Discussion: Commission members discuss whether this should be a major subdivision, separate into smaller lots for individual approval or whether there should be a Variance. It was decided to table to the next meeting as more clarification is needed.**

**Mr. Monson moved, and Mr. Gust seconded to table this subdivision until there is more clarification before proceeding.**

**On a roll call vote with all in favor, motion carried.**

**3. Hearing on an application requesting a Minor Subdivision Plat of BAF Subdivision (NW ¼ of the NW ¼ of Section 28, Township 141 North, Range 50 West of the 5th Principal Meridian, Cass County North Dakota).**

Mr. Lougheed opened the public hearing.

Ms. Puppe provided an overview of an applicant seeking approval of a minor subdivision entitled BAF Subdivision to plat a one (1) Lot subdivision of approximately 12.85 acres. According to the applicant, the subdivision is requested to establish a farmstead and to construct a residential structure. The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 164th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Upon hearing no public comments, the public hearing was closed.

**MOTION, *passed***

**Mr. Mahoney moved, and Mr. Monson seconded to accept the findings and recommend approval to the County Commission with the conditions outlined by the County Planner.**

**On a roll call vote with all in favor, with the exception of Mr. Gust who recused himself from the vote as he knows this family, motion carried.**

**F. NEW BUSINESS**

There was no new business to discuss.

**G. OLD BUSINESS**

Planning Commissioner position is still available. The qualification for this position is to be a rural resident that lives out of Fargo or West Fargo ET areas.

## **H. ADJOURNMENT**

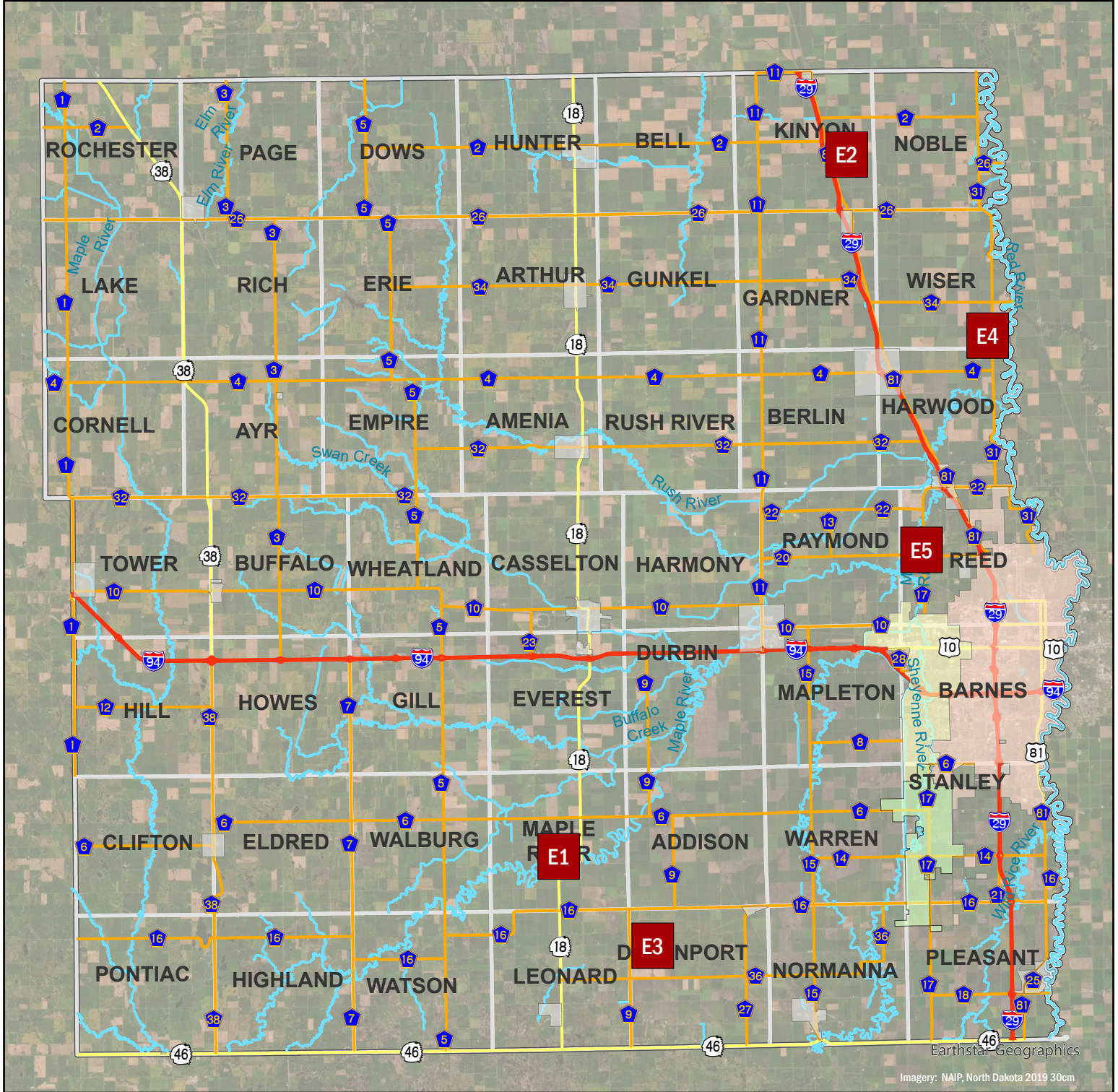
On motion by Mr. Gust seconded by Mr. Schipper and all voting in favor, the meeting was adjourned at 7:22 AM.

Minutes prepared by Lisa Shasky, Principal Secretary, Highway Department

# Agenda Items Map

Cass County Planning Commission

May 27, 2021

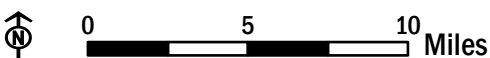


## Agenda Items No.

- E1. - Eisenbeisz Subdivision
- E2. - Pratt Subdivision
- E3. - Russell Subdivision
- E4. - FMD-Wisner Subdivision

E5. - Van Raden Subdivision

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 Staff Report

<b>Entitlements Requested:</b>	<b>Minor Subdivision (1 Lot)</b> of a part of the SW ¼ of Section 22, Township 138 North, Range 52 West		
<b>Title:</b>	<b>Eisenbeisz Subdivision</b>	<b>Date:</b>	05-06-2021
<b>Location:</b>	SW ¼ of Section 22, Township 138 North, Range 52 West (Maple River Township)	<b>Staff Contact:</b>	Grace Puppe
<b>Parcel Number:</b>	52-0000-08798-010	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	Chris Eisenbeisz	<b>Engineer/Surveyor:</b>	Houston Engineering
<b>Status:</b>	Planning Commission Hearing: May 27, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Eisenbeisz Subdivision** to plat a one (1) Lot subdivision of approximately 2.5 acres. According to the applicant, the subdivision is requested to plat existing farmstead and purchase land to square off the property line while expanding the yard.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing County Road 18 road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
<b>County Engineer</b>	I've talked with Chris and don't have any concerns with this subdivision.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<b>Cass County Electric Cooperative</b>	No comments were received prior to publishing the staff report.
<b>Century Link</b>	No comments were received prior to publishing the staff report.
<b>Sprint</b>	Project is clear.
<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>	No comments were received prior to publishing the staff report.

<b>NuStar Energy</b>	No comments were received prior to publishing the staff report.
<b>Cass Rural Water</b>	This property currently is served by CRWD. No comment is required.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	This property has a large portion of its square footage taken up by the Maple River. Because of this, the septic system area must be reserved well in advance of any dirt work on the site, so that the area remains unchanged prior to septic system construction. This will require a soil analysis and general house requirements to be presented to the Health Department, so that a general size for the property reservation can be provided.
<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 east and south. Maple River borders the north and west.

*Floodzone*  
 According to the FEMA Flood Map Service Center, this property is currently unmapped and not Special Hazard Flood Area has been identified. In addition, no wetlands or other notable features are present on the proposed subdivision Lot.

*Land Development Rights*  
 The subject quarter-quarter section currently is developed and requires the transfer of a development right. 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 is less than 40 acres, a transfer of a development right is required along with a deed restriction. Due to the location of the property and the proximity of the Maple River and State Highway 18 a variance from the deed restriction requirement may be considered.

**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.

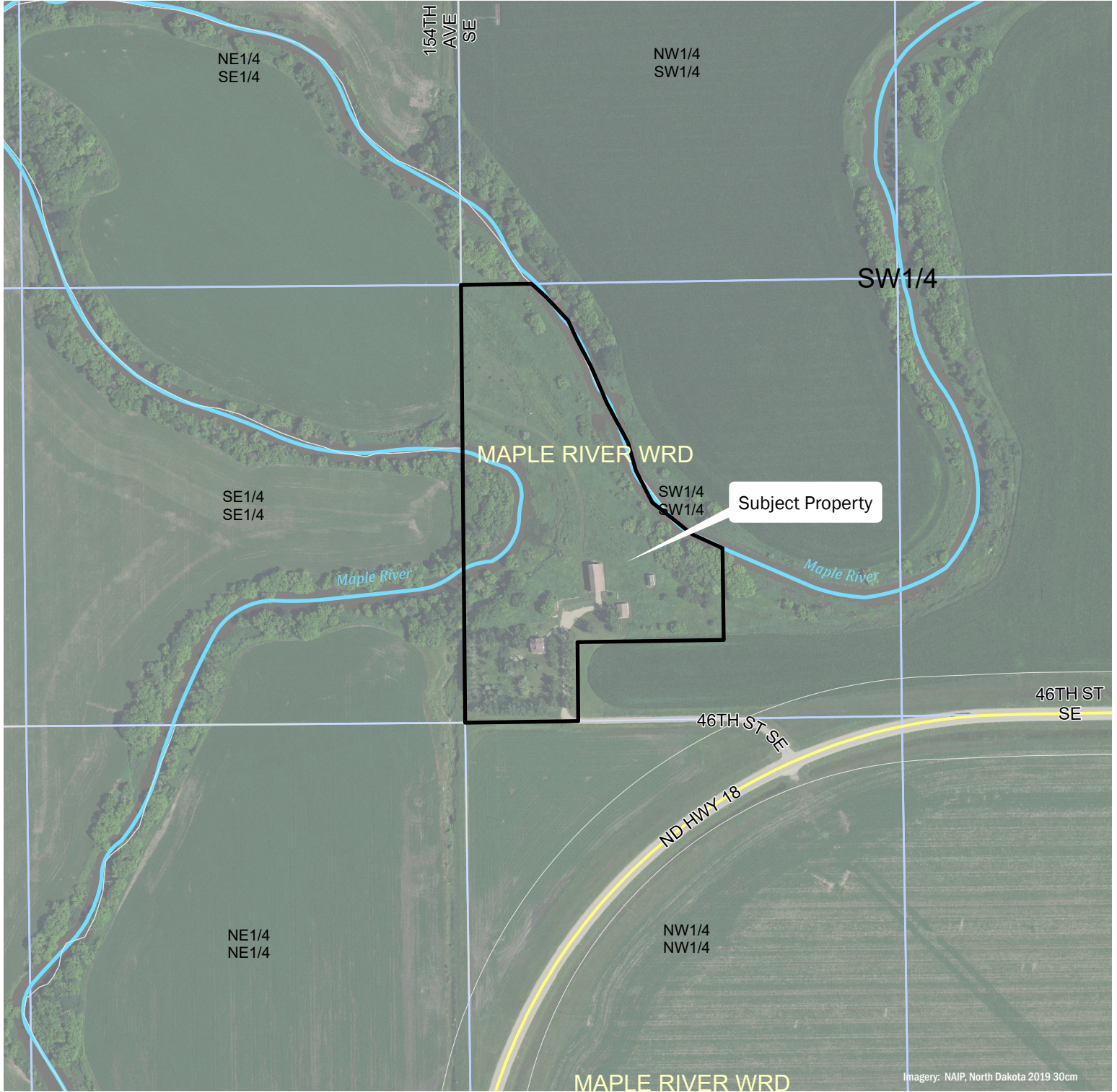
**Attachments**

1. Location Map
2. Plat Document
3. Variance Request

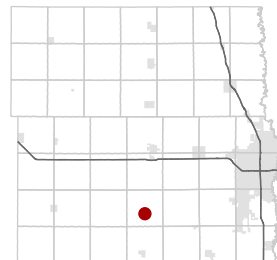
# Minor Subdivision

## Eisenbeisz Subdivision

Maple River Twp, Section 22 - Township 138 North - Range 52 West



Cass County Planning Commission  
May 27, 2021



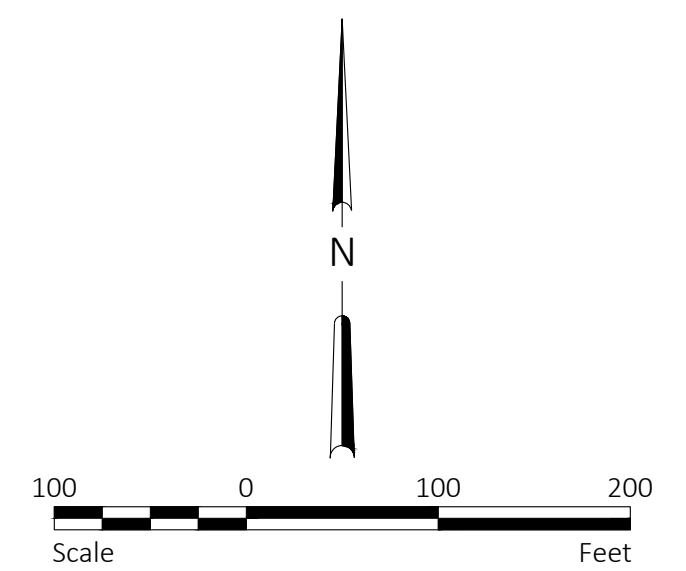
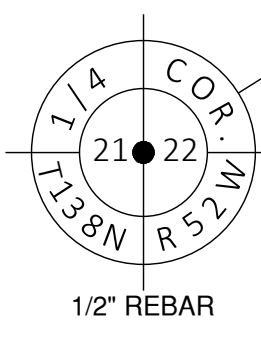
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# EISENBEISZ SUBDIVISION

BEING A PLAT OF PART OF THE SW 1/4  
 SEC. 22, T. 138 N., R. 52 W., 5th P.M.  
 CASS COUNTY, NORTH DAKOTA

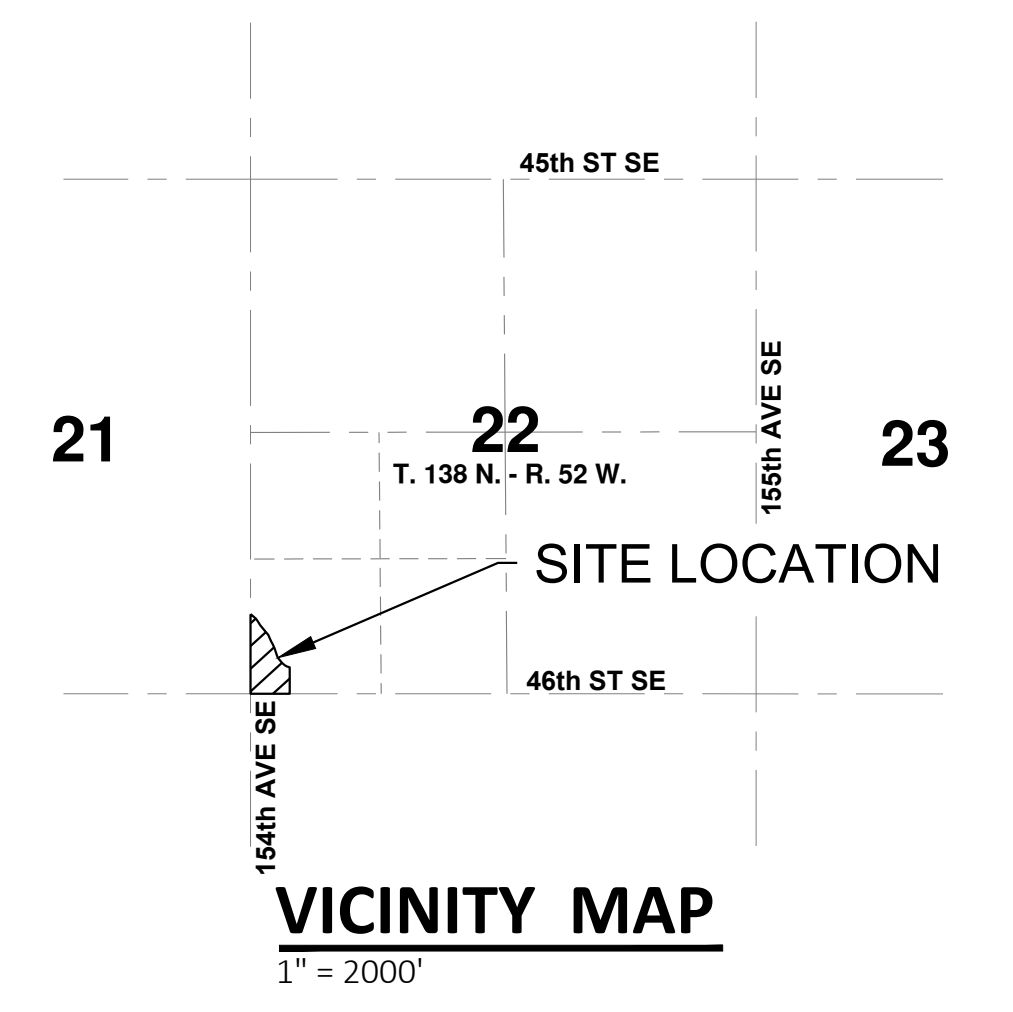
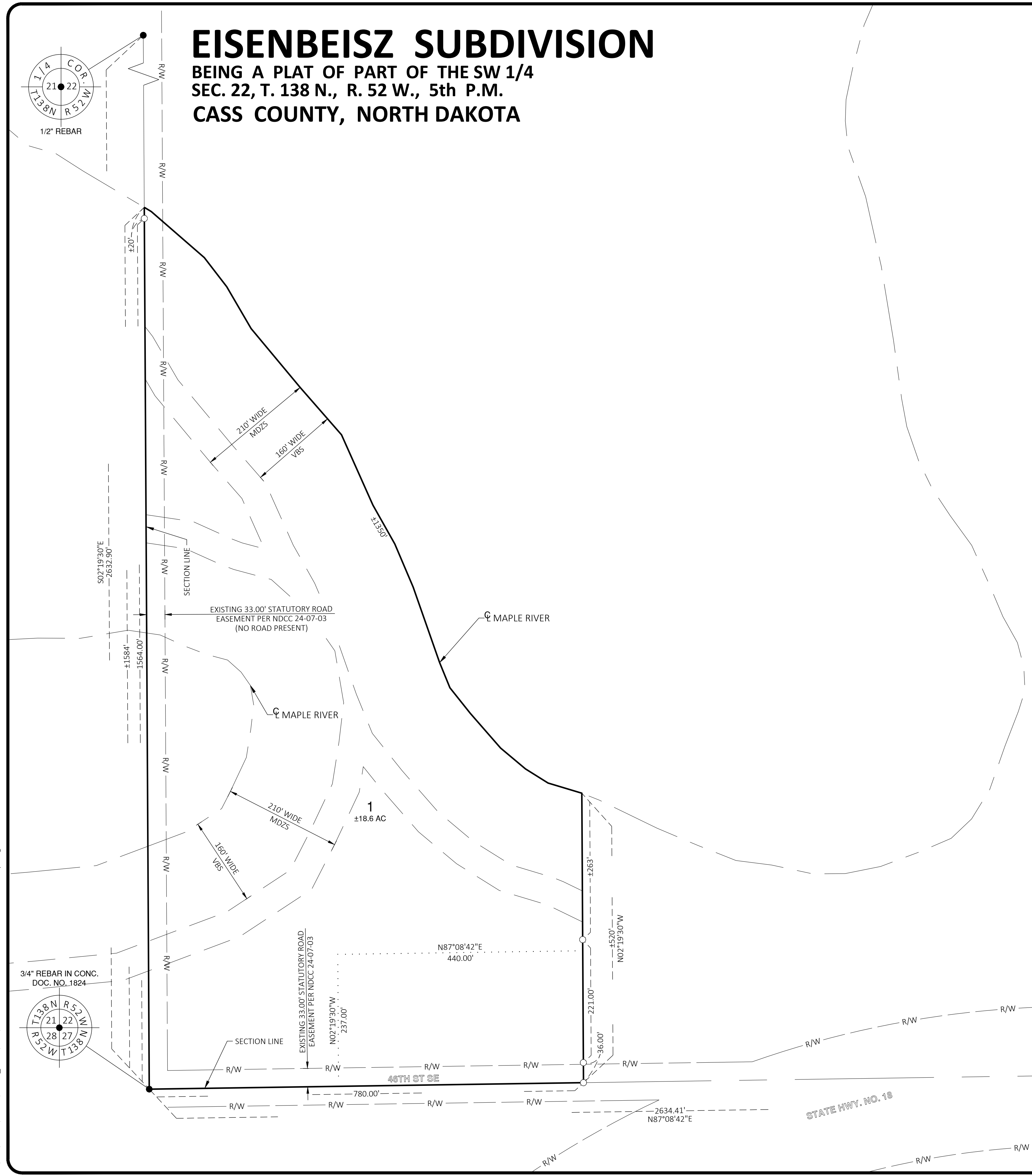


**LEGEND**

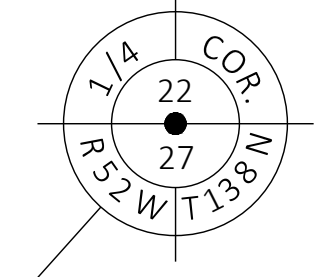
IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
VEGETATIVE BUFFER ZONE	VBS
MINIMAL DISTURBANCE ZONE SETBACK	MDZS
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	- - - - -
EXISTING LOT LINE	—————
EXISTING UTILITY EASEMENT	- - - - -
EXISTING RIGHT OF WAY LINE	— R/W —
OVERHEAD ELEC. POWER LINE	— OHP —
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.

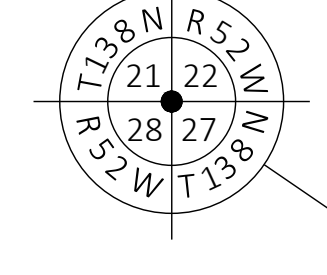


GREEN CAP  
 LS 8887  
 DOC. NO. 3605



H:\10867\10867\_0001\CAD\10867-0001 Eisenbeisz Subdivision Preliminary.dwg

3/4" REBAR IN CONC.  
 DOC. NO. 1824



# EISENBEISZ SUBDIVISION

BEING A PLAT OF PART OF THE SW 1/4  
SEC. 22, T. 138 N., R. 52 W., 5th P.M.

CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know All Persons by these Presents: That Chris M. Eisenbeisz and Emily J. Eisenbeisz, husband and wife, are the owners and proprietors of the following described tract of land:

That part of the Southwest Quarter of Section 22, Township 148 North, Range 52 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of said Southwest Quarter; thence North 87°08'42" East, along the southerly line of said Southwest Quarter, for a distance of 780.00 feet; thence North 02°19'30" West, parallel with the westerly line of said Southwest Quarter, for a distance of 520 feet, more or less, to the centerline of the Maple River; thence Northwesterly and upstream, along said river centerline, for a distance of 1350 feet, more or less, to a point of intersection with the westerly line of said Southwest Quarter; thence South 02°19'30" East, along the westerly line of said Southwest Quarter, for a distance of 2632.90 feet to the point of beginning.

Said tract contains 18.6 acres, more or less.

And that said party has caused the same to be surveyed and platted as **EISENBEISZ SUBDIVISION**.

In witness whereof we have set our hands and seals:

Owner:  
Chris M. Eisenbeisz

Owner:  
Emily J. Eisenbeisz

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared Chris M. Eisenbeisz and Emily J. Eisenbeisz, husband and wife, known to be the people 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, Professional Land Surveyor  
North Dakota Reg. No. 4723  
1401 21<sup>st</sup> Ave. N.  
Fargo, ND 58102  
701-237-5065  
[cskarphol@houstoneng.com](mailto:cskarphol@houstoneng.com)

State of North Dakota )  
County of Cass ) ss

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

Highland Township:

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

\_\_\_\_\_  
Scott Saewert, Chair

Attest: \_\_\_\_\_  
Jessica Hoglund, Clerk

Cass County Planning Commission:

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

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

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

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



Variance Request – Eisenbeisz Subdivision

Grace,

I will request a variance from deed restricting land given the existing farmstead's close proximity to the Maple River and State Highway 18.

Respectfully,

Chris Eisenbeisz

Plant Manager

Cass-Clay Creamery

200 20th St N, Fargo, ND 58102

P: 701-893-1094 C: 701-526-6803

[chris.eisenbeisz@cassclay.com](mailto:chris.eisenbeisz@cassclay.com)



## Cass County Planning Commission Staff Report

<b>Entitlements Requested:</b>	<b>Minor Subdivision (1 Lot)</b> of a part of the N ½ of the NW ¼ of Section 24, Township 143 North, Range 50 West		
<b>Title:</b>	<b>Pratt Subdivision</b>	<b>Date:</b>	05-06-2021
<b>Location:</b>	N ½ of the NW ¼ of Section 24, Township 143 North, Range 50 West (Kinyon Township)	<b>Staff Contact:</b>	Grace Puppe
<b>Parcel Number:</b>	49-0000-07905-010	<b>Water District:</b>	North Cass Water Resource District
<b>Owner(s)/Applicant:</b>	Gregory Pratt	<b>Engineer/Surveyor:</b>	Widseth
<b>Status:</b>	Planning Commission Hearing: May 27, 2021		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Pratt Subdivision** to plat a one (1) Lot subdivision of approximately 5.64 acres. According to the applicant, the subdivision is requested to separate the existing farmstead area for the purposes of sale for future residential purposes.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 15<sup>th</sup> Street SE road access, ditches for storm sewer conveyance, private shared wells, and on-site septic systems for wastewater treatment.

Agency Comments	
<b>County Engineer</b>	I talked with Greg about his application and don't have any concerns.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<b>Cass County Electric Cooperative</b>	Cass County Electric has no issues with the Pratt Subdivision. Our nearest power line is 1500' to the West and can be used to serve this lot.
<b>Century Link</b>	No comments were received prior to publishing the staff report.
<b>Sprint</b>	Clear of site.
<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>	No comments were received prior to publishing the staff report.
<b>NuStar Energy</b>	No comments were received prior to publishing the staff report.
<b>Cass Rural Water</b>	The application indicates the water supply as private. Consequently, we have no comment on this application.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	The department doesn't have any issues with this subdivision application.
<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 west, south and east. Township road 15<sup>th</sup> Street SE borders the north of the property.

*Floodzone*

According to the FEMA Flood Map Service Center, this property is currently unmapped and not Special Hazard Flood Area has been identified. In addition, no wetlands or other notable features are present on the proposed subdivision Lot.

*Land Development Rights*

The subject quarter-quarter section currently is developed and requires the transfer of a development right. 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 is less than 40 acres, a transfer of a development right is 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.

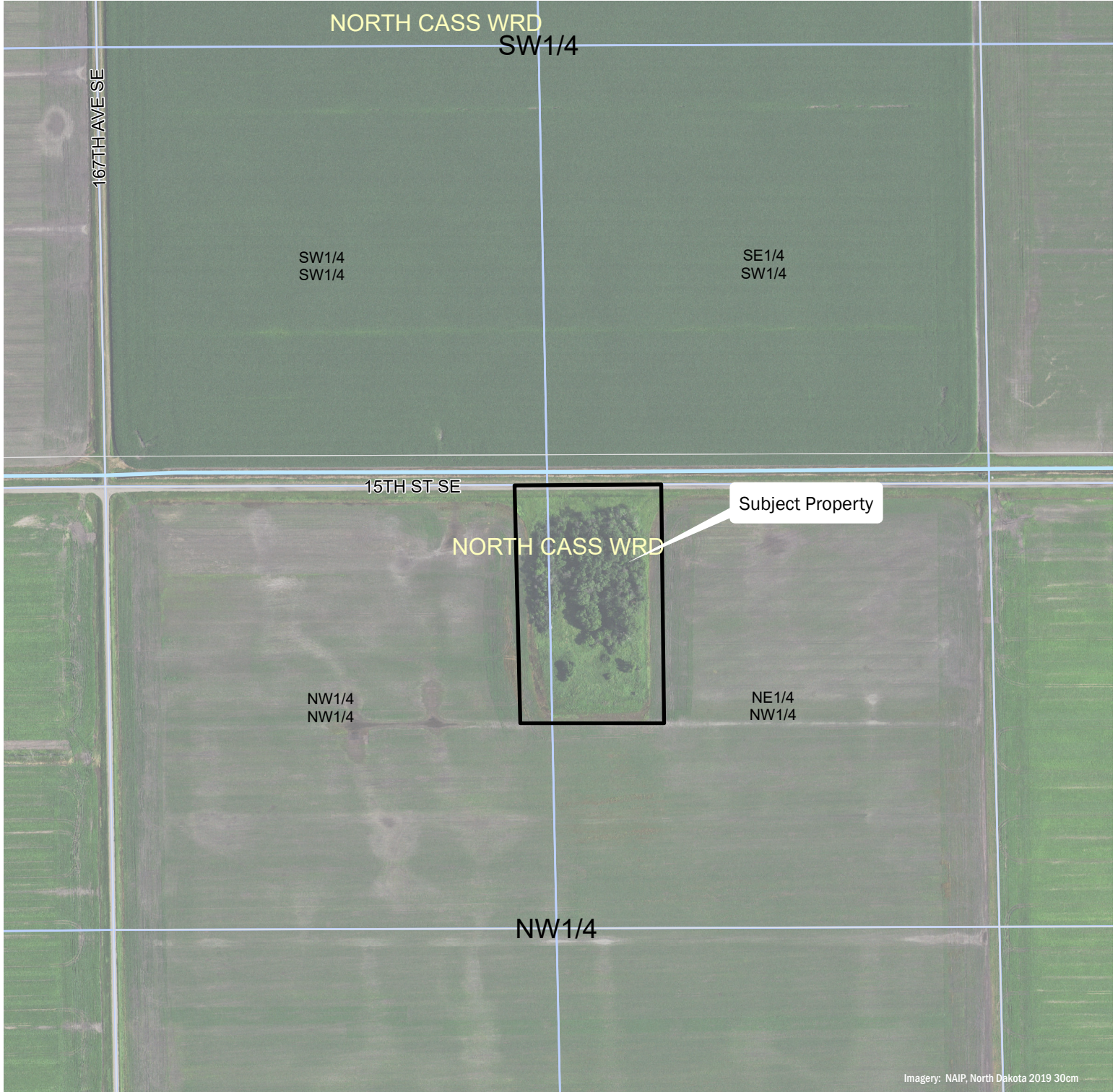
**Attachments**

1. Location Map
2. Plat Document

# Minor Subdivision

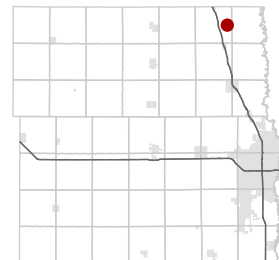
## Pratt Subdivision

Kinyon Twp, Section 24 - Township 143 North - Range 50 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission  
May 27, 2021



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## Cass County Planning Commission Staff Report

<b>Entitlements Requested:</b>	<b>Minor Subdivision (1 Lot)</b> of a part of the NW ¼ of Section 7, Township 137 North, Range 51 West		
<b>Title:</b>	<b>Russell Subdivision</b>	<b>Date:</b>	05-06-2021
<b>Location:</b>	NW ¼ of Section 7, Township 137 North, Range 51 West (Davenport Township)	<b>Staff Contact:</b>	Grace Puppe
<b>Parcel Number:</b>	32-0000-03028-020	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	Joel & Jan Russell	<b>Engineer/Surveyor:</b>	Interstate Engineering
<b>Status:</b>	Planning Commission Hearing: May 27, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Russell Subdivision** to plat a one (1) Lot subdivision of approximately 6.19 acres. According to the applicant, the subdivision is requested to separate the existing farmstead from surrounding agricultural land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing County Road 9 road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
<b>County Engineer</b>	I don't have any concerns with this application based on the existing farm site and existing access off County Road 9.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<b>Cass County Electric Cooperative</b>	We have an existing overhead line feeding the property. Otherwise no comments.
<b>Century Link</b>	No comments were received prior to publishing the staff report.
<b>Sprint</b>	Project is clear.
<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>	No comments were received prior to publishing the staff report.
<b>NuStar Energy</b>	No comments were received prior to publishing the staff report.
<b>Cass Rural Water</b>	The new house on this property has been constructed and has a rural water hook up.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	The department has no issues with this proposed subdivision application.
<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 east and south. Township road 49<sup>th</sup> St SE borders the north of the property with County Road 9 bordering the west.

*Floodzone*

According to the FEMA Flood Map Service Center, this property is currently unmapped and not Special Hazard Flood Area has been identified. In addition, no wetlands or other notable features are present on the proposed subdivision Lot.

*Land Development Rights*

The subject quarter-quarter section currently is developed and requires the transfer of a development right. 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 is less than 40 acres, a transfer of a development right is 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

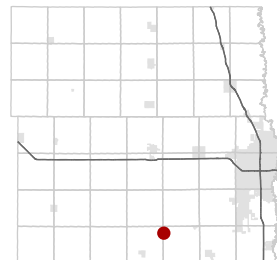
# Minor Subdivision

Russell Subdivision

Davenport Twp, Section 7 - Township 137 North - Range 51 West

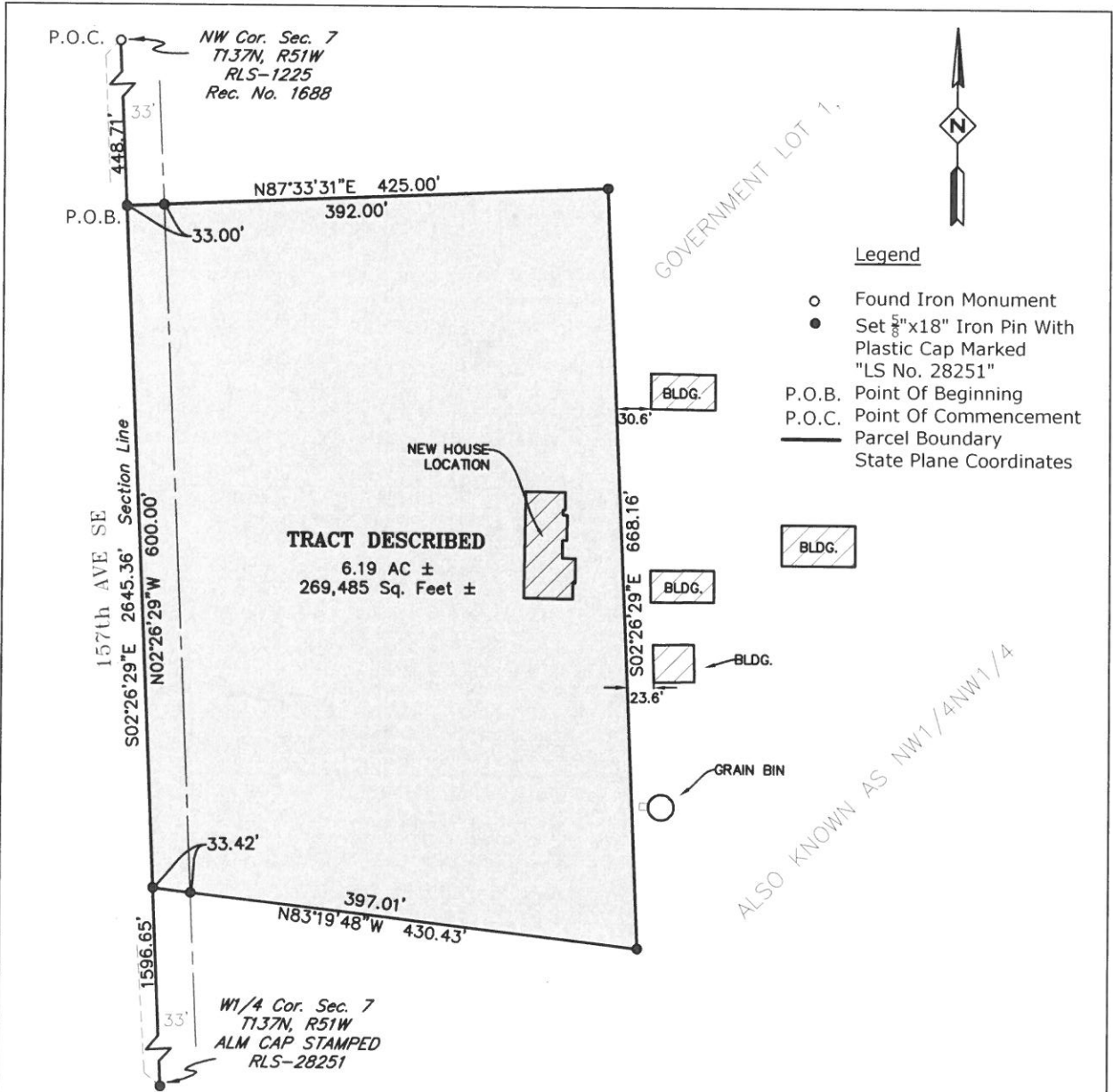


Cass County Planning Commission  
May 27, 2021



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.





**Tract Description:**

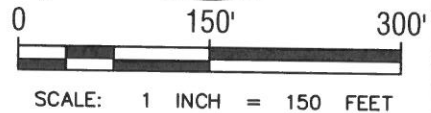
All that part of Government Lot 1, also known as the Northwest Quarter of the Northwest Quarter, Section 7, Township 137 North, Range 51 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the Northwest corner of Section 7 (North Dakota Land Survey Monument Record No. 1688); thence S02°26'29"E along the west line of said NW1/4, a distance of 448.71 feet to the POINT OF BEGINNING; thence N87°33'31"E a distance of 425.00 feet; thence S02°26'29"E a distance of 668.16 feet; thence N83°19'48"W a distance of 430.43 feet to a point on the west line of said NW1/4; thence N02°26'29"W a distance of 600.00 feet to the point of beginning.

Said tract contains 6.19 acres, more or less, and is subject to easements, restrictions, reservations and rights of way of sight or record, if any.

I, Jacob Duchsherer, Hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Land surveyor under the laws of the state of North Dakota.

*Jacob Duchsherer*  
 Jacob Duchsherer, Professional Land Surveyor  
 North Dakota License No. LS-28251



Interstate Engineering, Inc.  
 574 Main St. Suite A  
 Horace, ND 58047  
 Ph (701) 532-0438  
 www.interstateeng.com  
 Offices in North Dakota, Minnesota,  
 Montana and South Dakota

**Certificate and Plat of Land Survey**  
**Russell Parcel**  
 A part of government Lot 1, also known  
 as the Northwest Quarter of the Northwest  
 Quarter, Section 7,  
 T137N, R51W of the 5th P.M.,  
 Cass County, North Dakota

W2110030



## Cass County Planning Commission Staff Report

<b>Entitlements Requested:</b>	Major Subdivision of Sections 35 and 36, Township 142 North, Range 49 West		
<b>Title:</b>	FMD-Wiser Subdivision	<b>Date:</b>	05-04-2021
<b>Location:</b>	Sections 35 and 36, Township 142 North, Range 49 West (Wiser Township)	<b>Staff Contact:</b>	Grace Puppe
<b>Parcel Number:</b>	70-0000-13645-000; 70-0000-13641-020; 70-0000-13646-030; 70-0000-13646-005; 70-0000-13646-020; 70-0000-13646-040; 70-0000-13647-020; 70-0000-13644-060; 70-0000-13644-020; 70-0000-13644-030; 70-0000-13643-020	<b>Water District:</b>	North Cass Water District
<b>Owner(s)/Applicant:</b>	Cass County Joint Water Resource District	<b>Engineer/Surveyor:</b>	AE2S
<b>Status:</b>	Planning Commission Hearing: May 27, 2021		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Proposal	

The applicant is seeking approval of a major subdivision entitled **FMD-Wiser Subdivision** to plat a one (1) Block and seven (7) Lot subdivision of approximately 351.05 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	
<b>County Engineer</b>	No issues with this subdivision.
<b>Water Resource District</b>	No comments.
<b>Cass County Electric Cooperative</b>	No comments were received prior to publishing the staff report.
<b>Century Link</b>	No comments were received prior to publishing the staff report.

<b>Sprint</b>	No comments were received prior to publishing the staff report.
<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>	No comments were received prior to publishing the staff report.
<b>NuStar Energy</b>	No comments were received prior to publishing the staff report.
<b>Cass Rural Water</b>	Since no water service is contemplated, we have no comment.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	No objections.
<b>Township Chairman</b>	No comments were received prior to publishing the staff report.
<b>The City of Fargo</b>	It is outside of the Fargo City Limits and outside of Fargo's ETJ. We have no comment.
<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 and west. The Red River borders the east of the property with CO Drain 29 bordering the north.

*Floodzone*

According to the FEMA Flood Map Service Center, this property is located in Special Flood Hazard Area Zone A.

**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.

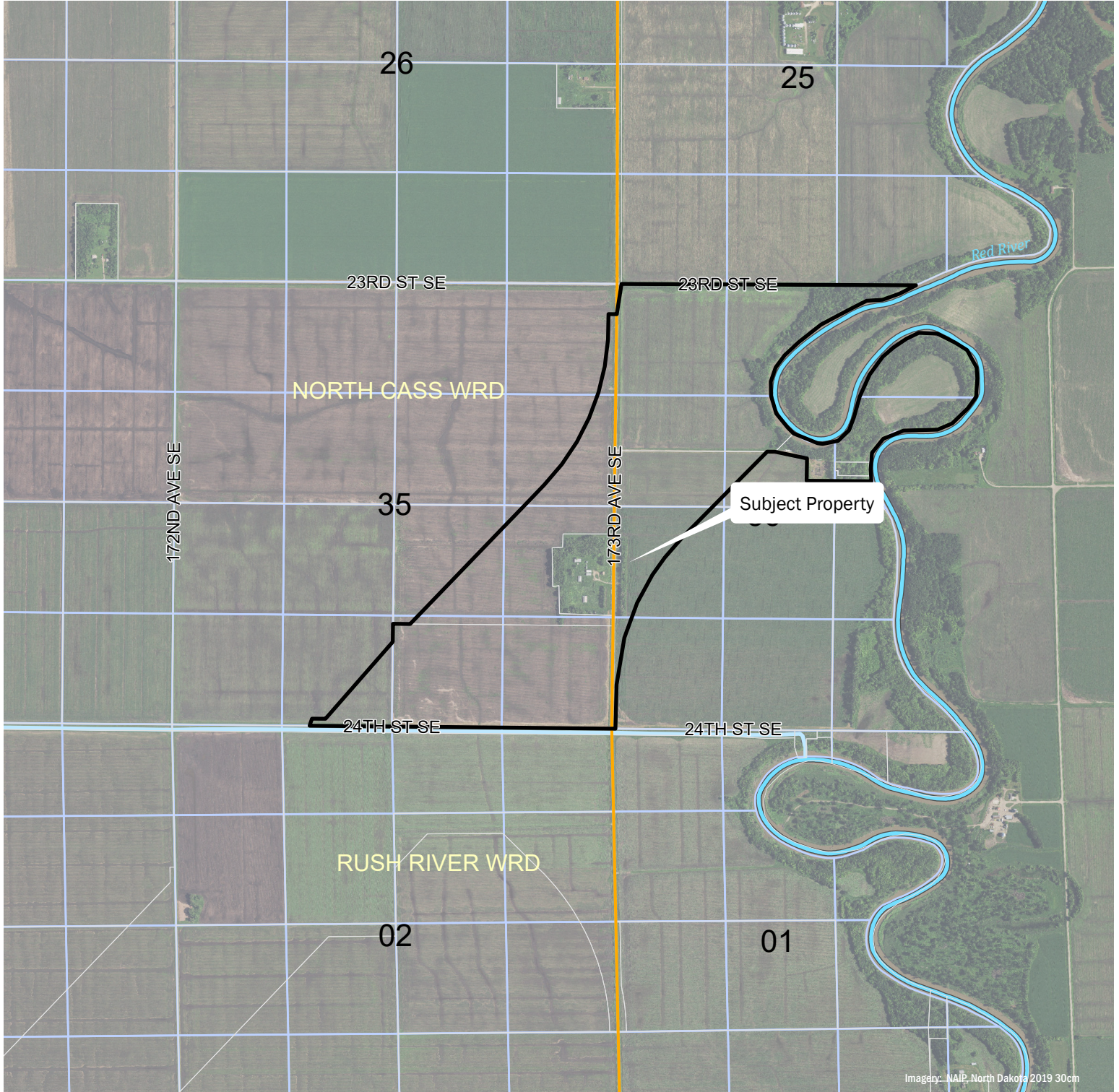
**Attachments**

1. Location Map
2. Plat Document
3. Variance Request

# Minor Subdivision

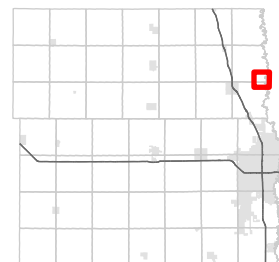
## FMD-Wiser Subdivision

Wiser Twp, Section 35 & 36 - Township 142 North - Range 49 West



Imagery: NALP, North Dakota 2019 30cm

Cass County Planning Commission  
May 27, 2021



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.



**DESCRIPTION OF PLAT BOUNDARY**

That part of Sections 35 & 36, Township 142 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Southeast Corner of Section 35; thence S88°32'44"W on the south line of the Southeast Quarter (SE1/4) of said Section 35 a distance of 2,641.85 feet to the Southwest Corner of said SE1/4 of Section 35; thence S88°32'33"W on the south line of the Southwest Quarter (SW1/4) of said Section 35 a distance of 960.65 feet; thence N01°27'27"W perpendicular to said south line a distance of 85.00 feet; thence N88°32'33"E parallel with, and 85.00 feet north of, said south line a distance of 161.76 feet; thence N39°14'10"E a distance of 1,227.88 feet to the east line of said SW1/4 of Section 35; thence N01°21'41"W on said east line a distance of 219.12 feet; thence N88°32'38"E a distance of 206.80 feet; thence N41°56'12"E a distance of 1,976.19 feet to the north line of said SE1/4 of Section 35; thence N41°56'12"E a distance of 346.91 feet; thence 2,074.34 feet on the arc of a tangential curve, concave to the west, having a radius of 2,750.00 feet, a central angle of 43°13'06", and a long chord length of 2,025.51 feet bearing N20°19'39"E; thence N01°16'54"W parallel with, and 100.00 feet west of, the east line of the Northeast Quarter (NE1/4) of said Section 35 a distance of 176.59 feet; thence N88°43'06"E perpendicular to said east line a distance of 100.00 feet to said east line; thence N01°16'54"W on said east line a distance of 365.00 feet to the Northeast Corner of said Section 35; thence N88°21'19"E on the north line of the Northwest Quarter (NW1/4) of Section 36 a distance of 2,650.00 feet to the Northeast Corner of said NW1/4 of Section 36; thence N88°21'19"E on the north line of the NE1/4 of said Section 36 a distance of 907.41 feet to a meander line of the Red River of the North; thence on said meander line through the following 14 courses:

thence S60°00'00"W a distance of 232.84 feet;  
 thence S77°00'00"W a distance of 340.00 feet;  
 thence S62°00'00"W a distance of 650.00 feet;  
 thence S49°00'00"W a distance of 560.00 feet;  
 thence 883.14 feet on the arc of a tangential curve, concave to the east, having a radius of 550.00 feet, a central angle of 92°00'00", and a long chord length of 791.27 feet bearing S3°00'00"W;  
 thence S43°00'00"E a distance of 230.00 feet;  
 thence 981.75 feet on the arc of a tangential curve, concave to the north, having a radius of 450.00 feet, a central angle of 125°00'00", and a long chord length of 798.31 feet bearing N74°30'00"E;  
 thence N12°00'00"E a distance of 320.00 feet;  
 thence N25°00'00"E a distance of 360.00 feet;  
 thence N43°48'49"E a distance of 340.00 feet;  
 thence 2,258.02 feet on the arc of a tangential curve, concave to the west, having a radius of 575.00 feet, a central angle of 224°59'59", and a long chord length of 1,062.46 feet bearing S23°41'11"E;  
 thence S88°48'49"W a distance of 270.00 feet;  
 thence 893.89 feet on the arc of a tangential curve, concave to the east, having a radius of 450.00 feet, a central angle of 113°48'49", and a long chord length of 754.00 feet bearing S31°54'24"E;  
 thence S25°00'00"E a distance of 18.82 feet to the north line of Auditor's Lot 1 of the North Half (N1/2) of said Section 36 as described in Doc. No. 646116, records of Cass County;  
 thence S88°19'38"W on said north line of Auditor's Lot 1 a distance of 774.29 feet; thence N1°17'23"W on said north line a distance of 266.71 feet; thence N80°17'52"W on said north line a distance of 393.12 feet; thence S88°21'22"W on said north line a distance of 92.64 feet; thence S42°40'18"W a distance of 933.56 feet to the north line of the SW1/4 of said Section 36; thence S42°40'18"W a distance of 517.45 feet; thence 2,109.61 feet on the arc of a tangential curve, concave to the east, having a radius of 2,750.00 feet, a central angle of 43°57'12", and a long chord length of 2,058.26 feet bearing S20°41'42"W; thence S01°16'54"E parallel with, and 50.00 feet east of, the west line of said SW1/4 of Section 36 a distance of 398.91 feet to the south line of said SW1/4 of Section 36; thence S88°31'20"W on said south line a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 351.05 acres.

**CERTIFICATE OF OWNER**

We, Cass County Joint Water Resource District and Cass County, political subdivisions of the State of North Dakota, hereby certify that we are the owners of the lands described above and that 1) we have caused the same to be platted into lots and blocks as shown hereon; 2) said subdivision shall be known as FMD-Wiser Subdivision; 3) we hereby dedicate to the public the public highway and easements shown hereon and 4) we hereby vacate, close, and abandon the road and section line easements created by NDCC 24-07-03 as shown hereon.

**Cass County Joint Water Resource District**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Dan Jacobson, Chairman  
 Carol Harbeke Lewis, Secretary-Treasurer

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me personally appeared Dan Jacobson, CCJWRD Chairman, and Carol Harbeke Lewis, CCJWRD Secretary-Treasurer, known to me to be the persons described in the within instrument, and who acknowledged to me that he executed the same.

Notary Public for the State of \_\_\_\_\_  
 Residing at \_\_\_\_\_  
 My commission expires \_\_\_\_\_

**Cass County**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

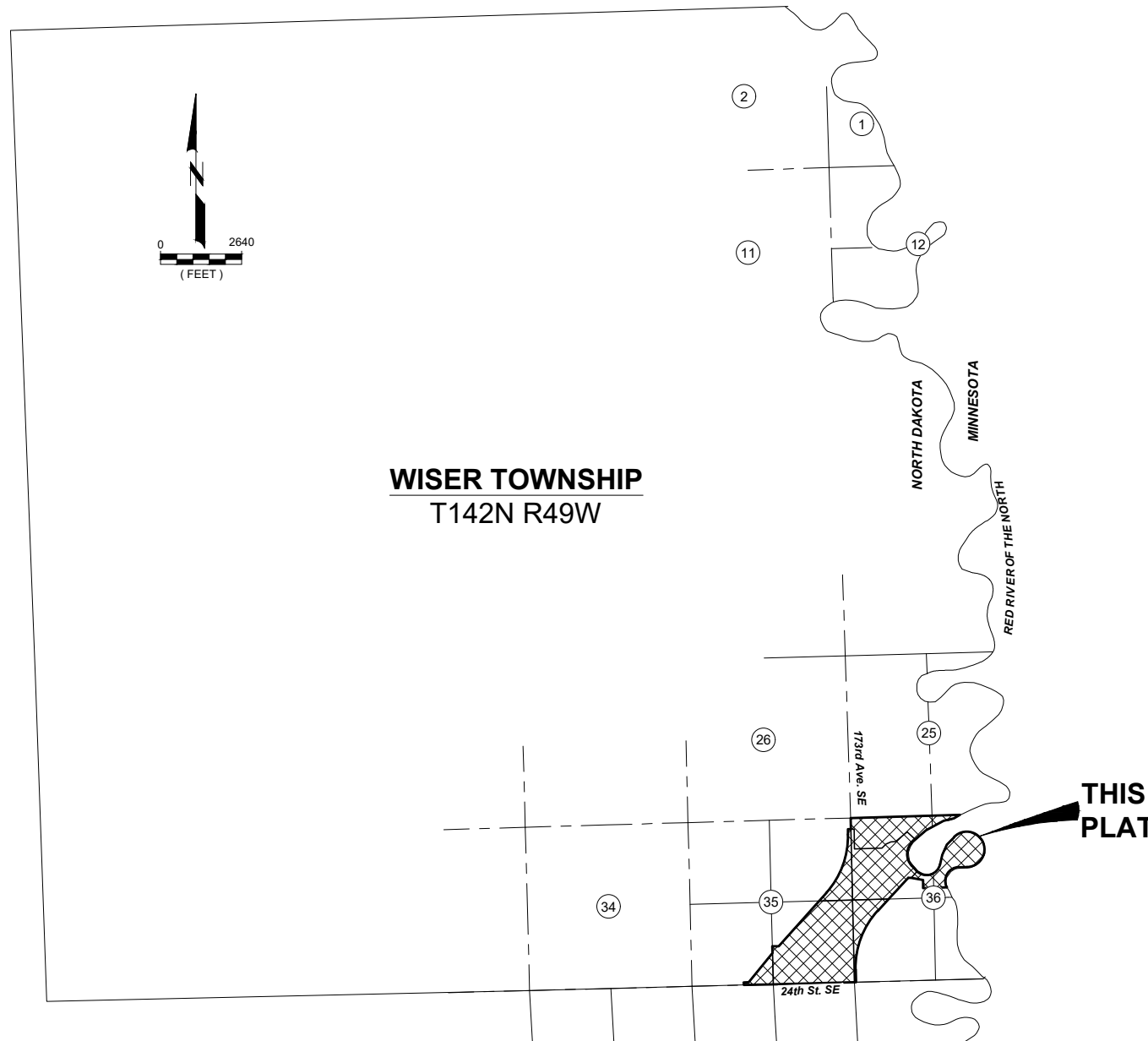
Chad Peterson, Chairman  
 Michael Montplaisir  
 Cass County Board of Commissioners  
 Cass County Auditor

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me personally appeared Chad Peterson, Chairman of the Board of County Commissioners, and Michael Montplaisir, County Auditor, known to me to be the persons described in the within instrument, and who acknowledged to me that they executed the same.

Notary Public for the State of \_\_\_\_\_  
 Residing at \_\_\_\_\_  
 My commission expires \_\_\_\_\_

**PLAT of**  
**FMD-WISER SUBDIVISION**  
**IN SECTIONS 35 & 36, TOWNSHIP 142 NORTH, RANGE 49 WEST**  
**of the 5th PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA**



**WISER TOWNSHIP**  
**T142N R49W**

**OWNERS**

CASS COUNTY JOINT WATER RESOURCE DISTRICT  
 1201 MAIN AVE WEST  
 WEST FARGO, ND 58078

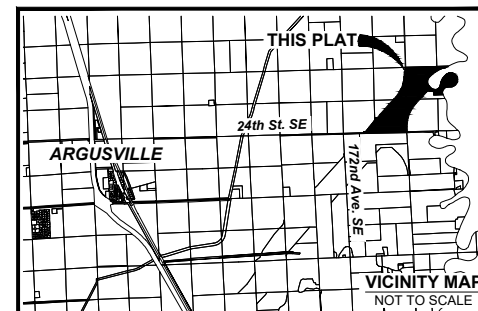
CASS COUNTY  
 211 9th STREET SOUTH  
 FARGO, ND 58103

**PURPOSES**

The purposes of this subdivision are to:  
 - Consolidate existing parcels of record into larger parcels and assign parcel names for ease of management.  
 - Vacate, close, and abandon existing road and section line easements per NDCC 24-07-03 as shown.  
 - Vacate certain other easements as shown.

**EXISTING EASEMENTS**

Other than easements shown hereon as being vacated, easements and encumbrances of record remain in effect, whether shown or not.



**CERTIFICATE OF SURVEYOR**

I, Nicholas R. Stattelmann, a Professional Land Surveyor in the State of North Dakota, hereby certify that this survey of FMD-Wiser Subdivision as shown hereon was conducted by me or under my direct supervision; that the exterior boundary of said subdivision is delineated on the ground by monuments shown hereon; and that, to the best of my knowledge and belief, this plat is a true and correct representation of said survey.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Nicholas R. Stattelmann, PLS  
 ND Reg. No. LS-8218

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me personally appeared Nicholas R. Stattelmann, known to me to be the person described in the within instrument, and who acknowledged to me that he executed the same.

Notary Public for the State of \_\_\_\_\_  
 Residing at \_\_\_\_\_  
 My commission expires \_\_\_\_\_

**CERTIFICATE OF CASS COUNTY ENGINEER**

Reviewed by the Cass County Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Jason Benson  
 Cass County Engineer

**CERTIFICATE OF WISER TOWNSHIP**

Reviewed by Wiser Township this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Adam Grothman  
 Supervisor

Attest: Ken Lougheed  
 Clerk/Treasurer

**CERTIFICATE OF CASS COUNTY PLANNING COMMISSION**

The Cass County Planning Commission has reviewed this plat and hereby approves it.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Ken Lougheed  
 Chairman

Attest: Tom Soucy  
 Secretary

**CERTIFICATE OF CASS COUNTY COMMISSIONERS**

The Cass County Board of County Commissioners reviewed this plat at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and, having found it to be in the interest of the public health, safety, and welfare, hereby approves it.

Chad Peterson, Chairman  
 Cass County Board of Commissioners

Attest: Michael Montplaisir  
 Cass County Auditor

**PRELIMINARY**  
**2/16/21**



Advanced Engineering and Environmental Services, Inc.

4170 28th Ave South, Fargo, ND 58104

Ph: 701-364-9111 Web: www.AES.com

W:\O\CH2M\CH2M\Hill - FM Diversions Land Acquisition

Management\Survey Support\Survey Data\Drawings\T142N

R49W\ND\Plat-Township\PLAT-Wiser-Plot.dwg

# PLAT of FMD-WISER SUBDIVISION IN SECTIONS 35 & 36, T142N, R49W, 5th P.M., CASS COUNTY, NORTH DAKOTA

### EXISTING EASEMENTS

In addition to easements shown hereon, this subdivision is subject to the following easements:

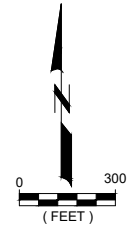
Beneficiary	Doc. No.	Location
Northwestern Bell Tel.	499111	E1/2E1/2 Sec. 35
	40543	E1/2 Sec. 35
Minnkota Power Coop.	525163	E1/2E1/2 Sec. 35
Cass Co. Elec. Coop.	564323	NE1/4NE1/4SE1/4 Sec. 35
Cass Co. Elec. Coop.	596204	NE1/4NE1/4NE1/4NE1/4 Sec. 35
Cass Rural Water Users	688465	SE1/4 Sec. 36
Northwestern Bell Tel.	499112	S1/2S1/2 Sec. 36
Cass Co. Elec. Coop.	585667	S1/2NW1/4 Sec. 36
CCJWRD	1583144	N1/2 Sec. 36
CCJWRD	1591277	OIN 1224

### FLOODWAY & FLOODPLAIN

Land within this plat is subject to a floodway and floodplain as shown on FEMA Flood Insurance Rate Map Community Panel No. 3802670005B.

### ADJACENT LANDOWNERS

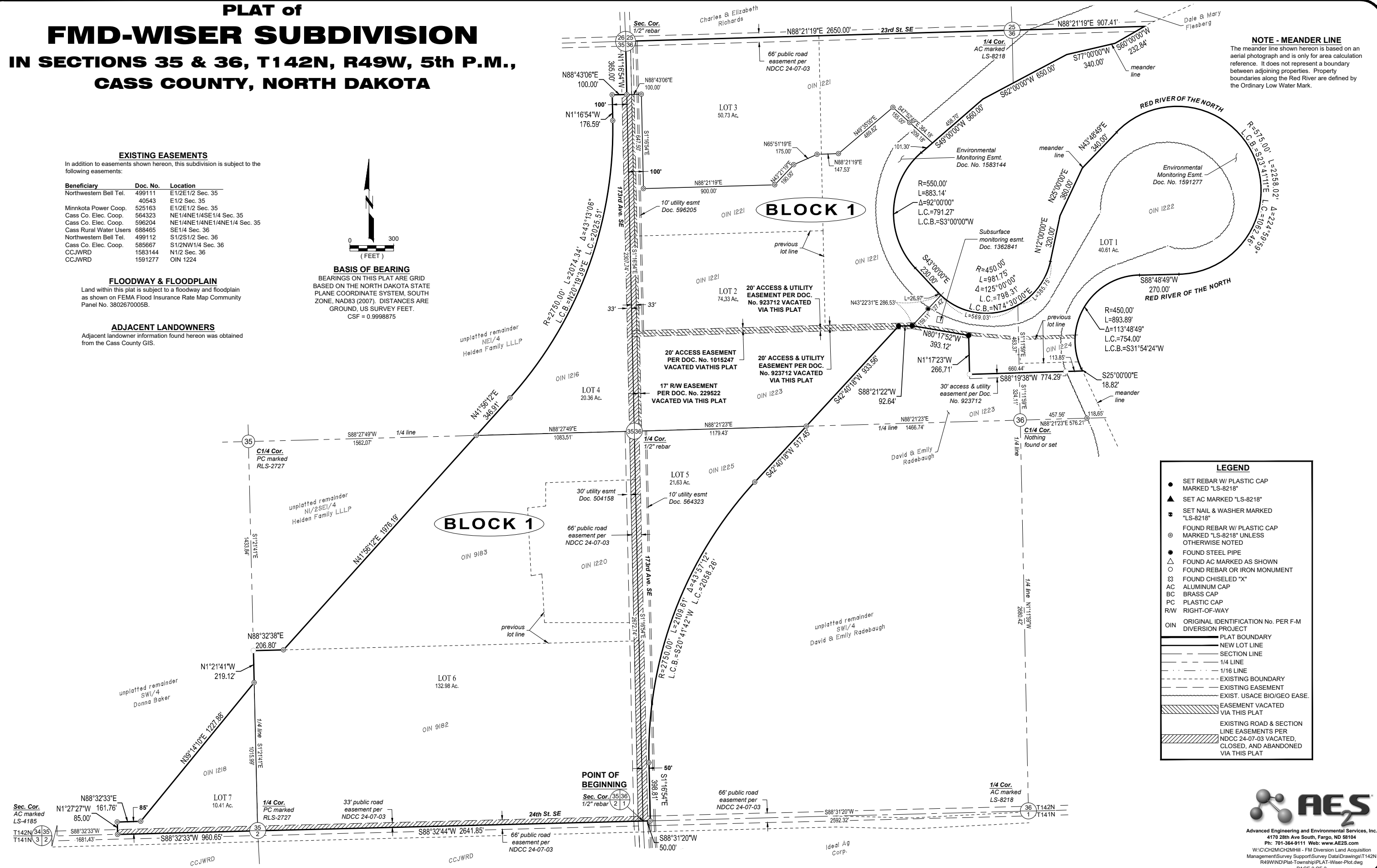
Adjacent landowner information found hereon was obtained from the Cass County GIS.



### BASIS OF BEARING

BEARINGS ON THIS PLAT ARE GRID BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (2007). DISTANCES ARE GROUND, US SURVEY FEET. CSF = 0.9998875

**NOTE - MEANDER LINE**  
The meander line shown hereon is based on an aerial photograph and is only for area calculation reference. It does not represent a boundary between adjoining properties. Property boundaries along the Red River are defined by the Ordinary Low Water Mark.



LEGEND	
●	SET REBAR W/ PLASTIC CAP MARKED "LS-8218"
▲	SET AC MARKED "LS-8218"
■	SET NAIL & WASHER MARKED "LS-8218"
⊙	FOUND REBAR W/ PLASTIC CAP MARKED "LS-8218" UNLESS OTHERWISE NOTED
⊚	FOUND STEEL PIPE
△	FOUND AC MARKED AS SHOWN
○	FOUND REBAR OR IRON MONUMENT
⊗	FOUND CHISELED "X"
AC	ALUMINUM CAP
BC	BRASS CAP
PC	PLASTIC CAP
R/W	RIGHT-OF-WAY
OIN	ORIGINAL IDENTIFICATION No. PER F-M DIVERSION PROJECT
—	PLAT BOUNDARY
- - -	NEW LOT LINE
- · - · -	SECTION LINE
- · - · -	1/4 LINE
- · - · -	1/16 LINE
- · - · -	EXISTING BOUNDARY
- · - · -	EXISTING EASEMENT
- · - · -	EXIST. USACE BIO/GEO EASE.
- · - · -	EASEMENT VACATED VIA THIS PLAT
- · - · -	EXISTING ROAD & SECTION LINE EASEMENTS PER NDCC 24-07-03 VACATED, CLOSED, AND ABANDONED VIA THIS PLAT



## Puppe, Grace

---

**From:** Nick Stattelman <Nick.Stattelman@ae2s.com>  
**Sent:** Monday, May 24, 2021 7:17 AM  
**To:** Puppe, Grace  
**Subject:** FMD-Wiser Subdivision Variance Request

**CAUTION: EXTERNAL EMAIL**

Grace,

I would like to request a variance for the FMD-Wiser Subdivision to be considered as a Minor subdivision instead of a Major subdivision. The reason for the variance request is because there will be no residential or commercial infrastructure within the platted lands.

Thank you,  
Nick Stattelman



Advanced Engineering and  
Environmental Services, LLC

[www.ae2s.com](http://www.ae2s.com)



**Nick Stattelman, PLS, PE, CFedS**  
**Survey Practice Leader**

[Nick.Stattelman@ae2s.com](mailto:Nick.Stattelman@ae2s.com)

Office: 701.364.9111  
Mobile: 218.230.4358

4170 28th Avenue S.  
Fargo, ND 58104

*AE2S is an Equal Opportunity / Affirmative Action Employer*

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## Cass County Planning Commission Staff Report

<b>Entitlements Requested:</b>	<b>Minor Subdivision (1 Lot)</b> of a part of the SE ¼ of Section 18, Township 140 North, Range 49 West		
<b>Title:</b>	<b>Van Raden Subdivision</b>	<b>Date:</b>	05-05-2021
<b>Location:</b>	SE ¼ of Section 18, Township 140 North, Range 49 West (Reed Township)	<b>Staff Contact:</b>	Grace Puppe
<b>Parcel Number:</b>	60-0000-01251-010	<b>Water District:</b>	Southeast Water Resource District
<b>Owner(s)/Applicant:</b>	Troy Van Raden	<b>Engineer/Surveyor:</b>	Houston Engineering
<b>Status:</b>	Planning Commission Hearing: May 27, 2021		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Van Raden Subdivision** to plat a one (1) Lot subdivision of approximately 3.314 acres. According to the applicant, the subdivision is requested to plat an auditor’s lot to allow for a new home to be on the new lot.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing County Road 20 road access, ditches for storm sewer conveyance, public 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>	Cass County Electric does not have an issue with the proposed subdivision. We have a power line on the south side of Cass 20 that can be used for this.
<b>Century Link</b>	No comments were received prior to publishing the staff report.
<b>Sprint</b>	The site is clear.
<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>	No comments were received prior to publishing the staff report.
<b>NuStar Energy</b>	No comments were received prior to publishing the staff report.
<b>Cass Rural Water</b>	The site can be served from existing mains located either along CR 17 or CR 20. The applicant has contacted CRWD about obtaining water service but has not yet filed an application for service.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	The proposed raising of the area surrounding the structures will preclude any type of septic system from being placed in that area, as it will be too disturbed to provide adequate filtration of septic effluent. Any septic system on the property must be placed in undisturbed soil (meaning soil that has not had material stored on top of it, or used as a driveway for machinery and vehicles, and not stripped of topsoil). If that is not possible, a standard septic system (trench, pressure at-grade, or pressure mound) will not be allowed to be installed on the property.
<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 and west. County Road 17 is to the east and County Road 20 is to the south.

*Floodzone*

According to the FEMA Flood Map Service Center, this property is currently located in Special Hazard Flood Area zone AE. According to the FIRM Map with effective date of January 16, 2015 the Base Flood Elevation is 898 ft. In addition, no wetlands or other notable features are present on the proposed subdivision Lot.

*Land Development Rights*

The subject quarter-quarter section currently is developed and requires the transfer of a development right. 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 is less than 40 acres, a transfer of a development right is required along with a deed restriction.

**Staff Recommendation**

To accept the findings and recommendations of staff and recommend denial to the County Commission of the subdivision application as the proposal does not meet 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.

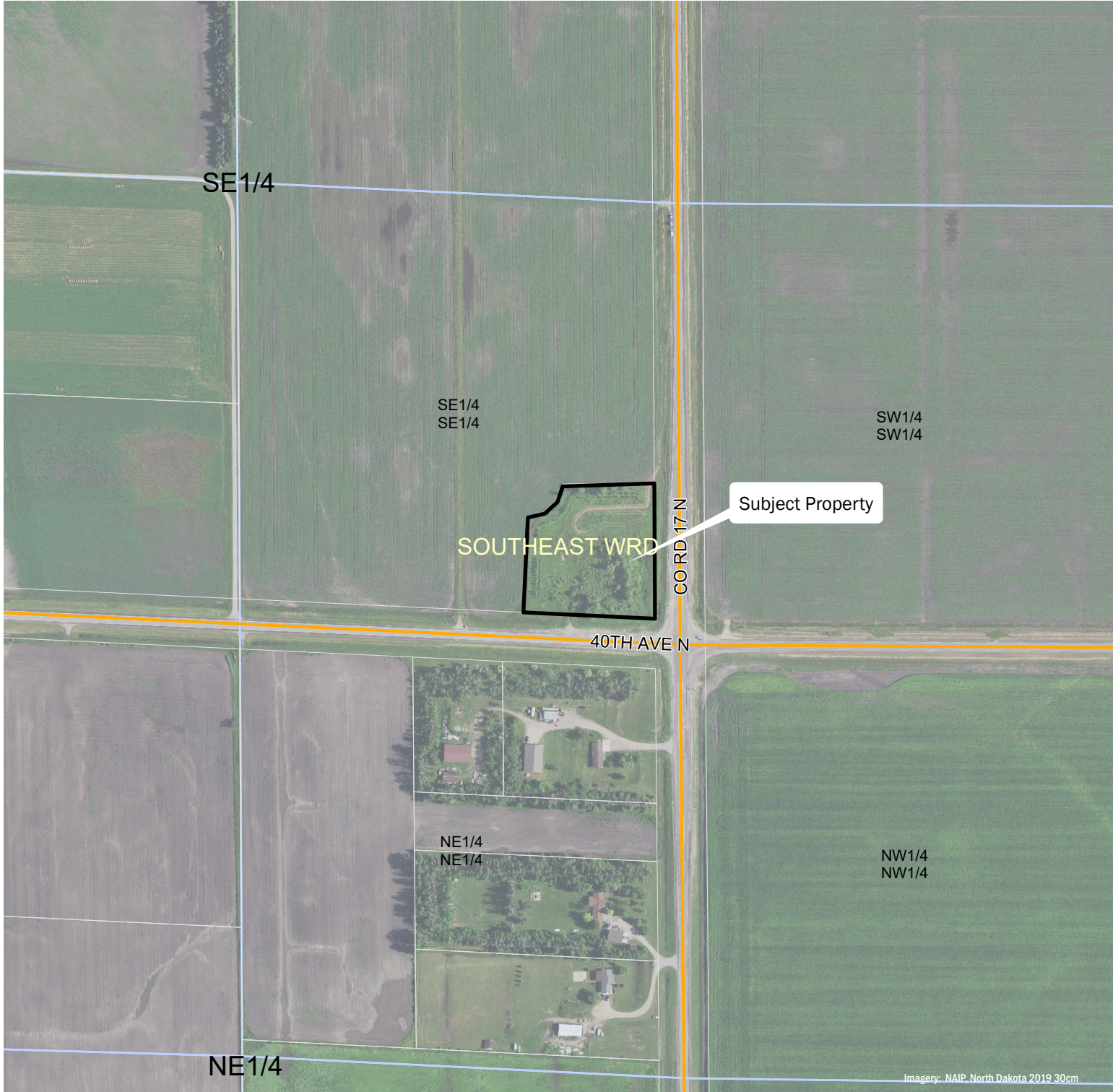
**Attachments**

1. Location Map
2. Plat Document

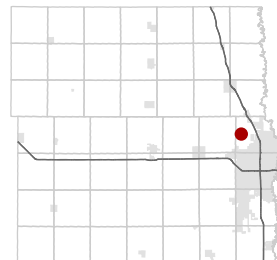
# Minor Subdivision

## Van Raden Subdivision

Reed Twp, Section 18 - Township 140 North - Range 49 West



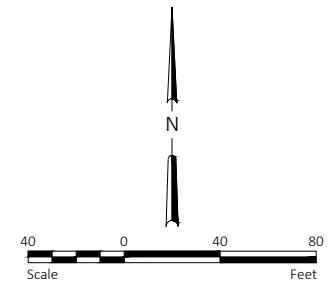
Cass County Planning Commission  
May 27, 2021



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.



ALL ELEVATIONS ARE BASED ON THE U.S.G.S. VERTICAL DATUM OF 1988. (UNLESS NOTED OTHERWISE)



TYPICAL GRADING AROUND BUILDINGS 40' @ 3.0% THEN 6:1 SLOPES TO 895

24' GRAVEL DRIVEWAY W/ 2.5% CROWN AND 8:1 SIDE SLOPES

EXISTING FIELD APPROACH TO BE RECONSTRUCTED PER CASS COUNTY REQUIREMENTS

FEMA REGULATORY FLOODWAY

COUNTY ROAD 20

COUNTY ROAD 17

**GENERAL NOTES**

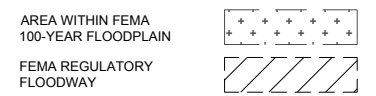
- EXISTING CONTOURS ARE BASED ON 2020 LIDAR COLLECT
- PARCEL SHOWN ARE BASED ON CASS COUNTY GIS INFORMATION AND ARE APPROXIMATE
- DRIVEWAY APPROACH REQUIRES PERMITTING WITH CASS COUNTY.
- BASEMENT FOUNDATION SHALL MEET CITY OF FARGO FLOODPROOF CONSTRUCTION REQUIREMENTS AND SHALL BE INSPECTED AND CERTIFIED DURING CONSTRUCTION.
- FINAL GRADING AND SITE DESIGN SHALL ADDRESS ONSITE DRAINAGE.

**LOMR-F NOTES:**

- BASE FLOOD ELEVATION FOR THIS SITE = 898 (NAVD 88).
- FILL SHALL BE PLACED (TO THE BASE FLOOD ELEVATION) IN LOMR-F AREA SHOWN. MATERIAL SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR AND SHALL HAVE A MOISTURE CONTENT OF -1% TO +3% OF OPTIMUM.
- NEW LOMR-F
  - ALL TOPSOIL SHALL BE STRIPPED (STRIPPING DEPTH VARIES) IN NEW LOMR-F AREA AND PLACED IN THE PROPOSED TOPSOIL STOCKPILE LOCATION AS SHOWN.
  - CLAY FILL SHALL BE PLACED TO AN ELEVATION 6" (MAXIMUM) BELOW THE BASE FLOOD ELEVATION AND SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR AND SHALL BE BETWEEN -1% AND +3% OF OPTIMUM MOISTURE CONTENT.
  - ALL TOPSOIL PLACED AT AN ELEVATION BELOW BFE SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR AND SHALL BE BETWEEN -1% AND +3% OF OPTIMUM MOISTURE CONTENT.
  - ALL MATERIAL PLACED BELOW THE BFE SHALL BE TESTED TO VERIFY COMPACTION REQUIREMENTS ARE MET. THE OWNER WILL PAY FOR COMPACTION TESTING; HOWEVER, RETESTS OF FAILED MATERIAL SHALL BE BILLED TO THE CONTRACTOR.
  - ALL TOPSOIL THAT IS STRIPPED SHALL BE UNIFORMLY RE-SPREAD ON THE LOMR-F LOTS.
- CONTRACTOR SHALL IMPORT CLAY FILL NECESSARY TO COMPLETE LOMR-F WORK. CLAY FILL MATERIAL SHALL MEET THE REQUIREMENTS OF IMPERVIOUS FILL OUTLINED IN SECTION 2000 OF THE CITY OF FARGO SPECIFICATIONS.
- ALL TOPSOIL SHALL MEET THE REQUIREMENTS SPECIFIED IN SECTION 2000 OF THE CITY OF FARGO SPECS.
- THIS SHEET WAS PREPARED ON BEHALF OF THE DEVELOPER BY HOUSTON ENGINEERING, INC. (HEI). THE AREA TO BE RAISED WILL BE STAKED IN THE FIELD. HEI WILL PROVIDE SURVEY STAKES FOR THE LOMR-F WORK.
- THE CONTRACTOR SHALL CONTACT HEI FOR INSPECTION AFTER LOMR-F AREA HAS BEEN STRIPPED. AFTER STRIPPING HAS BEEN REVIEWED, CONTRACTOR SHALL SCARIFY EXISTING CLAY PRIOR TO PLACING FILL. PRIOR TO REPLACING TOPSOIL ON LOMR-F AREA, CONTRACTOR SHALL CONTACT HEI. AFTER HEI HAS VERIFIED THAT AREA HAS BEEN FILLED TO THE MINIMUM ELEVATION THE CONTRACTOR SHALL REPLACE TOPSOIL ON THE AREA. THE CONTRACTOR SHALL AGAIN CONTACT HEI TO VERIFY THAT THE MINIMUM TOPSOIL ELEVATION HAS BEEN MET.

**FLOOD PLAIN INFORMATION**

- PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0566G AND 38017C0567G, DATED JANUARY 16, 2015.
- BASE FLOOD ELEVATION = 898 (NAVD 1988)



**PRELIMINARY**  
NOT FOR CONSTRUCTION

C:\Users\bpattengale\Desktop\Van Raiden - County 20 Property\ Preliminary Site Layout.dwg: layout1: 5/7/2021 11:39 AM: (bpattengale)

By	
Date	
Revision	
No.	
PRELIMINARY SITE LAYOUT	
TROY VANRADEN PROPERTY SE QUARTER, SEC 18 T140N R49W CASS COUNTY, NORTH DAKOTA	
Drawn By	BTP
Checked By	BTP
Date	5-07-21
Scale	As Shown
Project No.	10900-0001
SHEET	1