

# **CASS COUNTY PLANNING COMMISSION AGENDA**

**Thursday, June 24, 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 May 27, 2021**

**E. Amend the Agenda**

Motion to amend the agenda to remove tabled item FMD-Wiser Subdivision.

**F. Public Hearing Items**

1. Hearing on an application requesting a Minor Subdivision Plat of **Andvik Subdivision** (SW  $\frac{1}{4}$  of Section 28, Township 137 North, Range 51 West of the 5<sup>th</sup> Principal Meridian, Cass County North Dakota).

**G. New Business**

Subdivision Ordinance Update

**H. Old Business**

Open Planning Commission Position

**I. Adjournment**

**CASS COUNTY PLANNING COMMISSION  
MAY 27, 2021**

**A. CALL TO ORDER**

A meeting of the Cass County Planning Commission was called to order on May 27, 2021, at 7:07am 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 Olson. Attending on Microsoft Teams was Ken Lougheed. Kris Schipper was absent.

Present in person were Cass County Planner, Grace Puppe, Assistant Cass County Engineer, Tom Soucy, Cass County Engineer, Jason Benson and Cass County Senior Attorney, Tracy Peters. Those who attended on Microsoft Teams were property owner Troy Van Raden, Eric Dodd from AE2S, Nick Stattelmann from AE2S, property owner Brenda Staples and property owner Taryl Springer.

**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. Bertsch seconded to approve the minutes of the April 22, 2021 meeting as presented.**

**Motion carried.**

**E. PUBLIC HEARING ITEMS**

- 1. Hearing on an application requesting a Minor Subdivision Plat of Eisenbeisz Subdivision (SW ¼ of the SW ¼ of Section 22, Township 138 North, Range 52 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 **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.

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

**MOTION, *passed***

**Discussion: A variance has been requested due to close proximity to the river and ND18. Mr. Mahoney moved, and Mr. Gust seconded to accept the findings and recommend approval to the County Commission with any 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 Pratt Subdivision (N ½ of the NW ¼ of Section 24, Township 143 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 **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 15th Street SE road access, ditches for storm sewer conveyance, private shared wells, and on-site septic systems for wastewater treatment.

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

**MOTION, *passed***

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

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

**3. Hearing on an application requesting a Minor Subdivision Plat of Russell Subdivision (NW ¼ of the NW ¼ of Section 7, Township 137 North, Range 51 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 **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.

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

**MOTION, *passed***

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

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

**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 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. A variance was submitted through the minor subdivision process. Mr. Gust said that the variance should have a requirement stipulation of structures that can be built or not built if there is any left-over land to be sold back after the diversion structure is built.

There was discussion amongst the group regarding excess land not used. Mr. Dodd said if there is excess land not used for this project, that first offer rights go to the owner, then the adjacent neighbor, then up for public sale. Mr. Benson stated that the diversion will cut through lot 6, but lot 3 could be sold off. There is plans to plat the extra land but could exclude areas from the plat. Farming will be exempt. Mr. Dodd said that this is the first plat in the process. He would like to take feedback for future areas. Mr. Mahoney would like to grant a variance with the minor subdivision process. Mr. Benson said wants to be clear on the diversion issues and a deed restriction prevents sprawl outside the ET areas.

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

**MOTION, *tabled until June meeting***

**Mr. Monson moved, and Mr. Gust seconded to table this**

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

**5. Hearing on an application requesting a Minor Subdivision Plat of Van Raden Subdivision (SE ¼ of the SE ¼ of Section 18, Township 140 North, Range 50 West of the 5th Principal Meridian, Cass County North Dakota).**

Ms. Puppe provided an overview of an applicant 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.

Property owner Brenda Staples farms adjacent to this property. She has concerns with the size of the lot and the close proximity of its access to the intersection of County Roads 17 and 20. This is not a safe location due to several serious accidents. She opposes this subdivision.

Mr. Van Raden stated he is in the process of buying out other residential lots. He sees no issues in putting a residential property in this location.

Property owner Taryl Springer also opposes this subdivision because it is a dangerous intersection and is concerned with water drainage and access location to the property.

Mr. Benson added that this has been an Auditors Lot for approximately 30 years. Flood waters flow over this intersection. The Subdivision Ordinance spells out how to build up to a 100-year flood plain. The base floor elevation of the structures needs to be 2.5' above the base flood elevation. As shown on the preliminary drawing provided the elevation of the existing property is below 895', which would require more than 5' of fill to be brought onto the parcel to build up the structures out of the floodplain. The Cass County Floodplain ordinance has a maximum of 5' of approved fill allowed to be brought onto a parcel to raise it out of the floodplain. The driveway access is also required to be 1' above floodplain to allow for an exit during flooding. The current location of the access ties into County Road 20 at a location that currently allows water to flow over during flood events. The platting of this parcel will also need to include a deed restriction since the size of the lot being created is less than 40 acres. Due to the soil we have in this area, size of the lot, and the location of parcel it will be challenging to meet the requirements to build in this location.

MetroCOG has done a study on Country Road 17 and 20 of potential future growth and increased traffic impacts to these roads which shows support for future roundabout in this intersection. This won't be considered for construction until the diversion is completed within the next 5 to 10 years due to the flood water flow over the roads.

Mr. Benson mentioned that there would need to be a study of the soil that comes at a significant cost.

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

**MOTION, *passed to decline this subdivision***

**Mr. Mahoney moved, and Mr. Gust seconded to decline this subdivision.**

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

#### **F. NEW BUSINESS**

Subdivision Ordinance update. The steering committee will meet in June and there will be time in June for the Planning Commission to review and comment.

#### **G. OLD BUSINESS**

A rural resident outside of any ET areas is needed to join the Planning Commission.

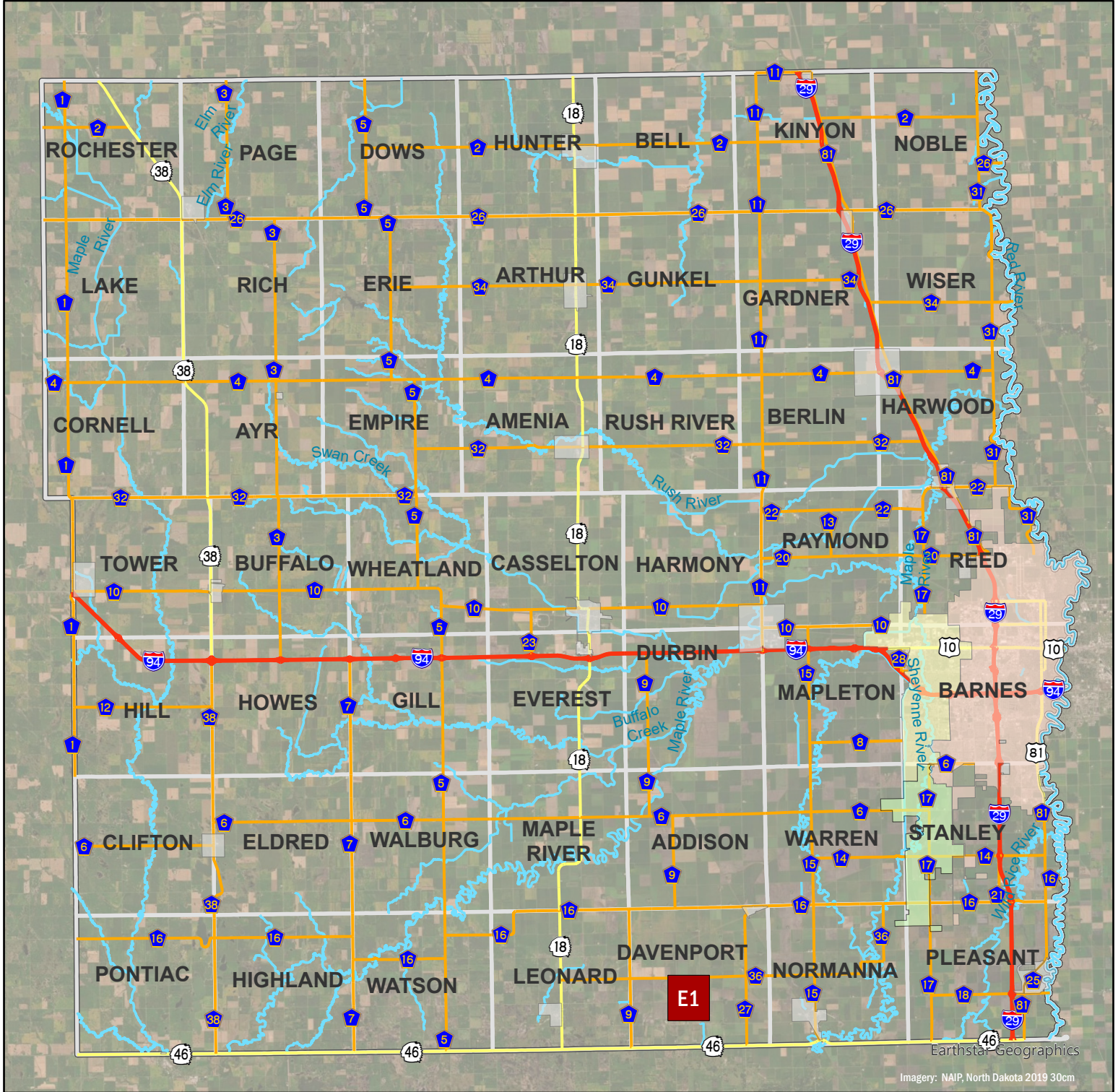
#### **H. ADJOURNMENT**

On motion by Mr. Gust seconded by Mr. Monson and all voting in favor, the meeting was adjourned at 8:11 AM.

# Agenda Items Map

Cass County Planning Commission

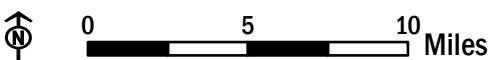
June 24, 2021



Agenda Items No.

E1. - Andvik 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 S ½ of Section 28, Township 137 North, Range 51 West		
<b>Title:</b>	<b>Andvik Subdivision</b>	<b>Date:</b>	06-09-2021
<b>Location:</b>	S ½ of Section 28, Township 137 North, Range 51 West (Davenport Township)	<b>Staff Contact:</b>	Grace Puppe
<b>Parcel Number:</b>	32-0000-03137-040	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	Bruce Andvik; David Braaten	<b>Engineer/Surveyor:</b>	KLJ
<b>Status:</b>	Planning Commission Hearing: June 24, 2021		

Existing Land Use	Proposed Land Use
Agriculture/Farmstead	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Andvik Subdivision** to plat a one (1) Lot subdivision of approximately 15 acres. According to the applicant, the subdivision is requested to separate farmstead from surrounding agricultural land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 53<sup>rd</sup> St SE 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 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>	Clear from proposed area.
<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 property can be served from a water line located on the south side of 53rd Street. The applicant has contacted CRWD about water service to the proposed new lot but has not made 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>	No issues with this subdivision.
<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, north and east. Township road 53<sup>rd</sup> St SE borders the south.

*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

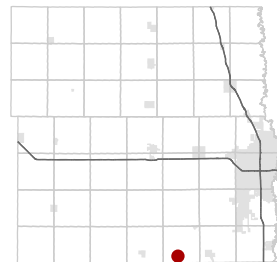
## Andvik Subdivision

Davenport Twp, Section 28 - Township 137 North - Range 51 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission  
June 24, 2021

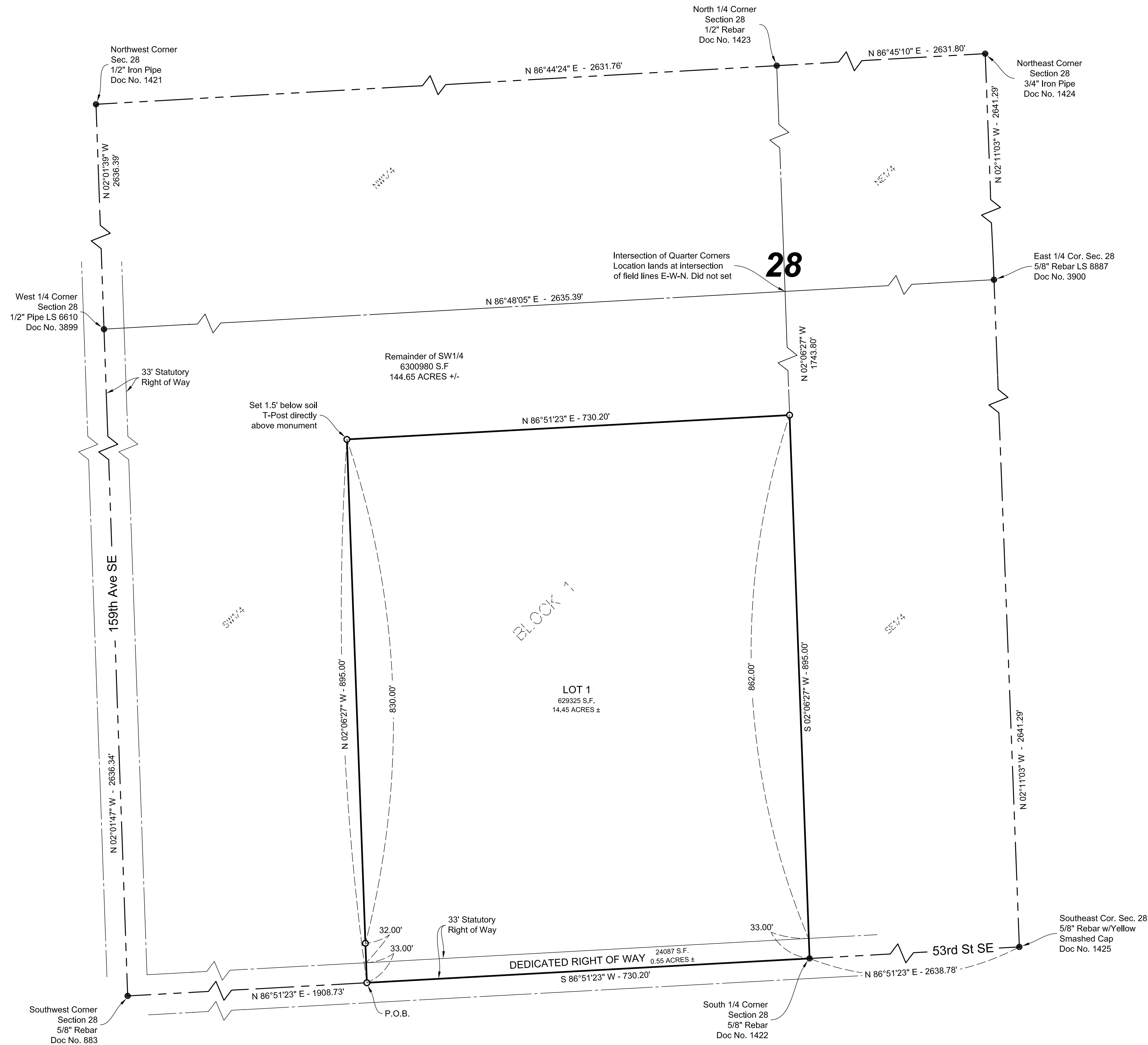
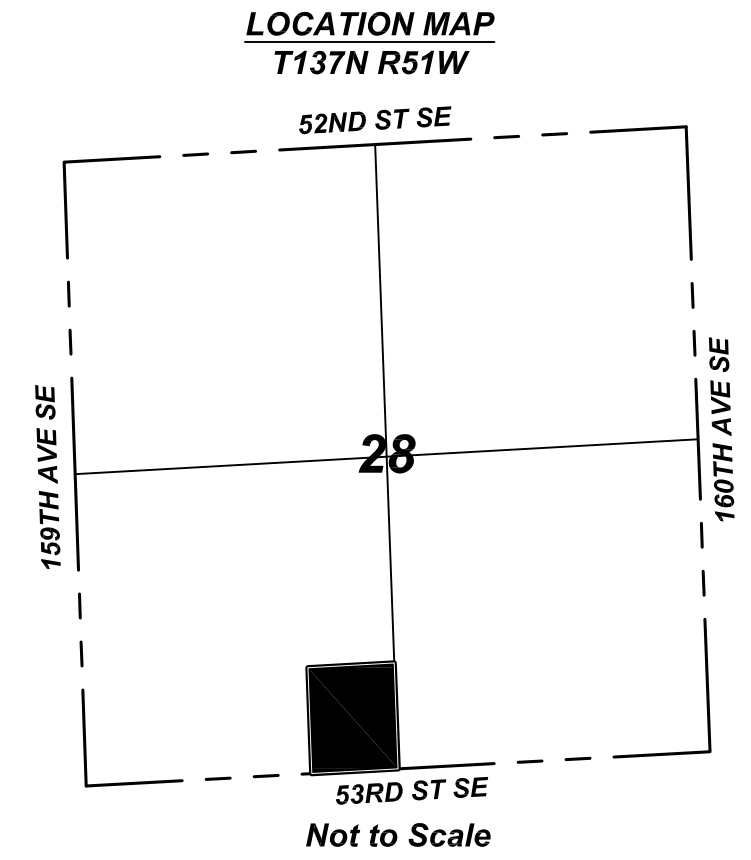


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# ANDVIK SUBDIVISION

## PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 137 NORTH, RANGE 51 WEST, FIFTH PRINCIPAL MERIDIAN DAVENPORT TOWNSHIP, CASS COUNTY, NORTH DAKOTA



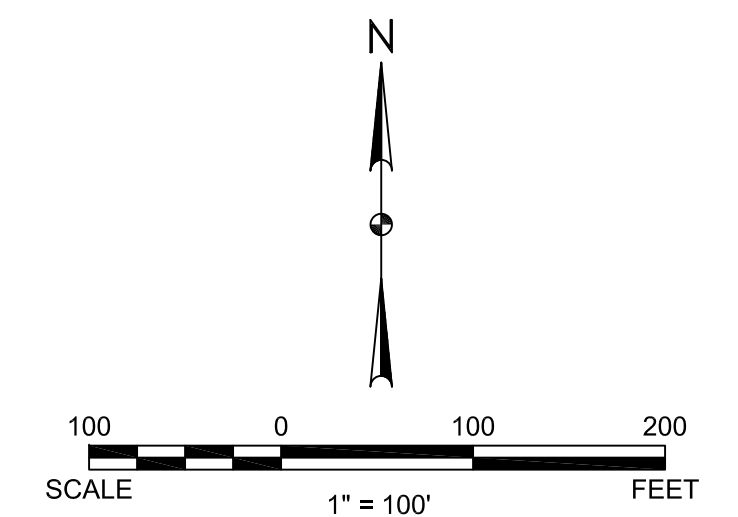
### OWNERS DESCRIPTION AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, That Bruce Andvik and April Andvik, husband and wife, as owners of a parcel of land located in the Southwest Quarter of Section 28, Township 137 North, Range 51 West, of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the Southwest corner of said Section 28; thence North 86 degrees 51 minutes 23 seconds East, along the south line of said Southwest Quarter of Section 28, a distance of 1908.73 feet to the Point of Beginning; thence North 02 degree 06 minutes 27 seconds West, parallel with the east line of said Southwest Quarter of Section 28, a distance of 895.00 feet; thence North 86 degrees 51 minutes 23 seconds East, parallel to said south line of the Southwest Quarter of Section 28, a distance of 730.20 feet to the east line of said Southwest Quarter; thence South 02 degree 06 minutes 27 seconds East, along said east line of the Southwest Quarter, a distance of 895.00 feet to the southeast corner of said Southwest Quarter of Section 28; thence South 86 degrees 51 minutes 23 seconds West, along the south line of said Southwest Quarter of Section 28 a distance of 730.20 feet to the Point of Beginning.

ANDVIK SUBDIVISION contains 15.00 acres more or less, and is subject to rights-of-way, easements, and other restrictions of record, if any.

Said owners have caused the above described parcel of land to be surveyed and platted as ANDVIK SUBDIVISION to Cass County, North Dakota and do hereby dedicate to the public for public use forever 53rd St SE as shown on this plat.



**NOTE:**  
Survey is based on US State Plane, ND South Coordinate System, GEOID 12A (conus), International Feet. Distances shown are Grid distances.

Said tract of land is subject to any easement restrictions or reservations, either existing or record.

Bearings and distances may vary from previous plats due to different methods of measurement.

### LEGEND

- MONUMENT FOUND
- 5/8" IRON REBAR AND LS 8887 CAP SET





**ANDVIK SUBDIVISION**  
 PART OF THE SOUTHWEST QUARTER OF  
 SECTION 28, TOWNSHIP 137 NORTH, RANGE 51 WEST, FIFTH PRINCIPAL MERIDIAN  
 DAVENPORT TOWNSHIP, CASS COUNTY, NORTH DAKOTA

**OWNER'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS, BRUCE ANDVIK, WHOSE ADDRESS IS 15947 53RD ST SE, KINDRED, ND 58051, IS THE OWNER OF A TRACT OF LAND LOCATED IN THE SW1/4 OF SECTION 28, TOWNSHIP 137 NORTH, RANGE 51 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS "ANDVIK SUBDIVISION" LISTED ABOVE:

\_\_\_\_\_  
 BRUCE ANDVIK  
 LANDOWNER

STATE OF                    )  
                                   )SS  
 COUNTY OF                )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, \_\_\_\_\_, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING PROPRIETOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

\_\_\_\_\_  
 NOTARY PUBLIC  
 CASS COUNTY, NORTH DAKOTA

**OWNER'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS, APRIL ANDVIK, WHOSE ADDRESS IS 15947 53RD ST SE, KINDRED, ND 58051, IS THE OWNER OF A TRACT OF LAND LOCATED IN THE SW1/4 OF SECTION 28, TOWNSHIP 137 NORTH, RANGE 51 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS "ANDVIK SUBDIVISION" LISTED ABOVE:

\_\_\_\_\_  
 APRIL ANDVIK  
 LANDOWNER

STATE OF                    )  
                                   )SS  
 COUNTY OF                )

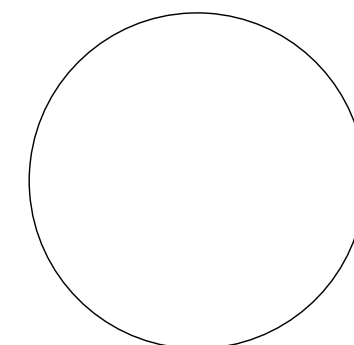
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, \_\_\_\_\_, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING PROPRIETOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME.

\_\_\_\_\_  
 NOTARY PUBLIC  
 CASS COUNTY, NORTH DAKOTA

**SURVEYOR'S CERTIFICATE**

I, CHRIS INGERSOLL, REGISTERED LAND SURVEYOR, UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY OF SAID SUBDIVISION; THAT THE DISTANCES SHOWN ON SAID PLAT ARE CORRECT; THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN LOCATED OR PLACED IN THE GROUND AS SHOWN.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.



\_\_\_\_\_  
 CHRIS INGERSOLL  
 REGISTERED LAND SURVEYOR  
 NORTH DAKOTA NO. 8887

STATE OF                    )  
                                   )SS  
 COUNTY OF                )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

\_\_\_\_\_  
 NOTARY PUBLIC

**CASS COUNTY ENGINEER:**

REVIEWED BY THE CASS COUNTY ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
 JASON BENSON, CASS COUNTY ENGINEER

ATTEST: \_\_\_\_\_  
 SECRETARY

**CASS COUNTY PLANNING COMMISSION:**

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
 KEN LOUGHEED, CHAIRMAN

ATTEST: \_\_\_\_\_  
 SECRETARY

**DAVENPORT TOWNSHIP:**

REVIEWED BY DAVENPORT TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
 BRUCE CHRISTMANN, CHAIRMAN

ATTEST: \_\_\_\_\_  
 CLERK

**CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL**

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
 CHAD PETERSON, CHAIRMAN

ATTEST: \_\_\_\_\_  
 MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

**FLOOD PLAIN STATEMENT:**

THERE ARE NO PUBLISHED FEMA FLOOD PLAIN MAPS FOR DAVENPORT TOWNSHIP, CASS COUNTY, NORTH DAKOTA.

**ENGINEER:**  
 KLJ  
 300 23RD AVE E, SUITE 100  
 WEST FARGO, ND 58078

**CLIENT:**  
 BRUCE & APRIL ANDVIK  
 15947 53RD ST SE  
 KINDRED, ND 58501

