

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, December 9, 2021 at 7:00 a.m.

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

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of October 28, 2021

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **St. Peter Parsonage Subdivision** (NE ¼ of Section 35, Township 138 North, Range 53 West of the 5th Principal Meridian, Cass County North Dakota).
2. Hearing on an application requesting a Minor Subdivision Plat of **Baarstad Second Subdivision** (SE ¼ of Section 28, Township 137 North, Range 53 West of the 5th Principal Meridian, Cass County North Dakota).
3. Hearing on an application requesting a Minor Subdivision Plat of **Bryan Subdivision** (SW ¼ of Section 19, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County North Dakota).
4. Hearing on an application requesting a Minor Subdivision Plat of **Hauff Subdivision** (NW ¼ of Section 20, Township 143 North, Range 51 West of the 5th Principal Meridian, Cass County North Dakota).

F. New Business

Chairman and Vice-Chairman appointment

Cass County Road Advisory Committee appointment

Deed Restriction Fact Sheet

Affidavit - Information

Information/Update – Subdivision Ordinance

G. Old Business

Open Planning Commission Position

H. Adjournment

Meeting attendees with disabilities that need special accommodations should contact the Cass County Highway Department at 701-298-2370 prior to the meeting to make arrangements.

**CASS COUNTY PLANNING COMMISSION
OCTOBER 28, 2021**

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on October 28, 2021, at 7:00am in the Vector Control Conference Room.

B. ROLL CALL

Planning Commissioners present in person were Rocky Bertsch, David Gust, Jim Kapitan, Ken Lougheed, Dr. Tim Mahoney, Keith Monson, Brad Olson, and Kris Schipper.

Also present in person were Cass County Planner, Grace Puppe, Cass County Engineer, Jason Benson, Assistant Cass County Engineer, Tom Soucy, Cass County Senior Attorney, Tracy Peters, KLJ Planner Joel Quanbeck and Eric Dodds, AE2S.

Members of the public attending were present or online were: Oly Olafson, Wade Whitworth, Diane Ricker, Bob Matthews, Paul Nelson, Charles Sorvaag along with his daughter and son-in-law.

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 Mr. Monson seconded to approve the minutes of the September 23, 2021 meeting as presented.

Motion carried.

E. PUBLIC HEARING

- 1. Hearing on an application requesting a Minor Subdivision Plat of Sarah Subdivision (NW ¼ of Section 10, 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 Sarah Subdivision to plat a one (1) Lot subdivision of approximately 14.94 acres. According to the applicant, the subdivision is requested to create a lot for daughter and son-in-law to build a single-family home.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 165th Avenue 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. Gust 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.

2. Hearing on an application requesting a Minor Subdivision Hickson 2nd Subdivision (NW ¼ of Section 24, Township 137 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 Hickson 2nd Subdivision to replat a two (2) Lot subdivision of approximately 0.32 acres. According to the applicant, the subdivision is requested to replat lots 11 and 12 to allow for sale of buildings and respective lots.

The proposed ownership and maintenance responsibility of the subdivision will be public. The subdivision will use 1st Avenue for road access, ditches for storm sewer conveyance and rural water.

Mr. Benson stated that Hickson is an old townsite not incorporated into a city and it is the reason they are going through the planning process.

Ms. Puppe said that the township has approved setbacks, and it is not strictly residential and survey pins are accurate. Mr. Bertsch asked if there have been any neighbor discussions. Mr. Nelson said he has spoken to a few, but there are no direct neighbors. He said this will be a big improvement to the neighborhood.

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

MOTION, *passed*

Mr. Bertsch moved and Mr. Monson 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 Score Residence Subdivision (SE ¼ of Section 34, Township 138 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 of a minor subdivision entitled Score Subdivision to plat a one (1) Lot subdivision of approximately 7.95 acres. According to the applicant, the subdivision is requested to plat an existing Auditor's Lot created in 1986 to build a house and shop on. The applicant was bought out by the FM Diversion and this parcel was agreed upon between both parties to be built on.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing County Road 21 road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Mr. Dodds started by describing the Diversion process in general. He said that there are 70 homes that needs to be bought. There are offers being made and ensuring comparable sites can

be found. Land transfers have been approved. There are over half of the homes interested in relocation to other rural sites.

Dr. Mahoney arrived at 7:14am.

Mr. Benson stated that this site is directly west of CR16, south of St. Benedict Church. The question is that it has had an Auditor's Lot since 1986, prior to any deed restriction policy. The request is to not follow the deed restriction process. This has never been platted, only Auditor's Lots. Mr. Score's original farmstead, that has been bought out, has never been platted as it has been there before the ordinance was in place.

Mr. Gust asked about the adjacent neighbors having buyout land. Mr. Dodds said he has not spoken with them for a deed restriction. If there can be no compromise, then it may force those residents to move to other counties with less restrictions.

Mr. Bertsch clarified that this is a rural business and not a farmer. He believes that they should be allowed to have a variance. Mr. Gust said that Cass County could face legal issues and that the ordinance was put in place for a reason. He does not believe Cass County should waive variances for some but not others. Mr. Gust would like the Diversion to purchase development rights of the adjacent land. He asked Mr. Dodds and Mrs. Puppe to create a fact sheet to help explain variances and deed restrictions as there is a lack of knowledge from homeowners, then it is known up front what is needed and allowed.

Mr. Lougheed agrees, but the ordinance is to control density. Changing location does not change the density and is a struggle for people being bought out.

Mr. Olafson said he has helped Eric Score look for a location for 2 ½ years. There is a location that they found that will be good, and he encourages Cass County to allow the variance. Mr. Dodds said that Mr. Score is anxious to build and is concerned with any delays would cause an increase in building costs.

Mr. Gust disagrees with allowing a variance. He would like to see an effort to get development rights and not just hand out a variance. Mr. Gust does not want to see large parcels in a city as more of these areas will develop into ET areas in the near future.

Mr. Kapitan agrees that giving one person a variance, others will follow suit and said that it will create a Pandoras Box in doing so.

Mr. Dodds said adjacent lots could be brought into Fargo ET later which would void any restriction. Mr. Gust said a solution would be to get a 33-acre deed restriction and when it comes time to merge into Fargo ET, which could happen in 5 years, then the restriction will go away.

Mr. Dodds indicated that the approximate land value is \$15,000 to \$20,000 per acre. Mr. Lougheed said the price is being driven by potential development. There are possibly 25-30 possible variance requests that could be coming as part of the diversion process.

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

MOTION, *passed*

Mr. Gust moved and Mr. Monson seconded to deny a variance from the density requirements set for by Subdivision Ordinance #2006-1 which implements goals of the Cass County Comprehensive Plan would set a negative precedent which may open the door to future requests to the Planning Commission thereby negating the goals and objectives set forth by the Comprehensive Plan.

On a roll call vote, voting is as follows: Mr. Bertsch and Mr. Lougheed voting no; Mr. Gust, Mr. Kapitan, Dr. Mahoney, Mr. Monson, Mr. Olson and Ms. Schipper voting yes.

Discussion: Dr. Mahoney said it would be a good thing for the County Planning Department and City of Fargo Planning Department to come up with transition plan. Mr. Benson said that is currently happening.

F. NEW BUSINESS

Buyout Property: Mr. Dodds indicated that there needs to be more discussion on deed restrictions and variances. Mr. Gust reiterated that a fact sheet would be helpful to homeowners.

Crew Camp Ordinance: 2nd Hearing and adoptions on November 1 at the Cass County Commission meeting.

Matthews Property:

This is an original 40-acre parcel. Mr. Benson stated that these Auditor's Lots were created in the last couple years well after the Subdivision Ordinance has been in effect. Mr. Matthews had met with Cass County before he had started splitting his lot up this way to discuss the proper procedure to plat his land. He has not followed this process. Mr. Matthews said that he was recruited by Stanley Township to subdivide his parcel using Auditors Lots. He said that the county makes it hard to move and legally this has to be figured out. He said that he has attempted to buy development rights, but it is not economically feasible. He will abide by whatever the court rules.

Ms. Peters said that she has met with Mr. Matthews and his attorney, and they will have to agree to disagree. She has spoken with his lawyers and requested to add the Matthews property with the existing litigation. If the does not happen, then Cass County would sue and there would be two different court cases with different judges; Cass County prefers one judge for both.

A decision was made to not take any action on this property until after the attorneys meet to decide if they are adding Mr. Matthews to the existing case or going at it separately.

Subdivision Ordinance:

Mr. Quanbeck briefly stated the changes made to the ordinance will be reviewed by the States Attorney.

2022 Planning Commission Meeting Schedule was made available

G. OLD BUSINESS

Open Planning Commission position

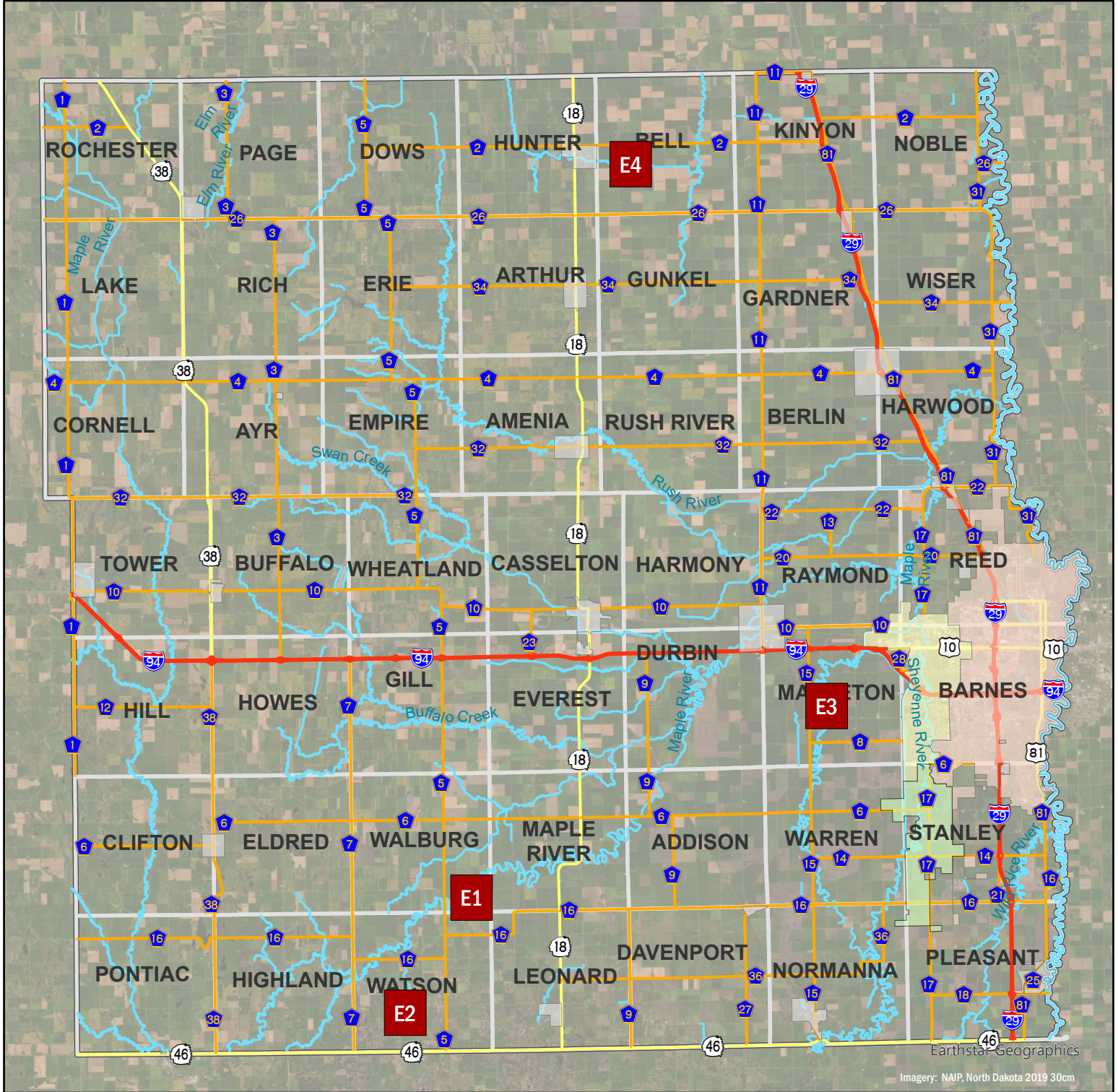
H. ADJOURNMENT

On motion by Mr. Gust seconded by Mr. Monson and all voting in favor, the meeting was adjourned at 8:19 AM.

Agenda Items Map

Cass County Planning Commission

December 9, 2021

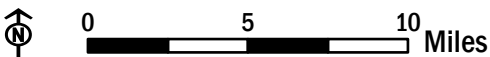


Agenda Items No.

- E1. - St. Peter Parsonage Subdivision
- E2. - Baarstad Second Subdivision
- E3. - Bryan Subdivision

E4. - Hauff 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

Entitlements Requested:	Minor Subdivision (2 Lot) of a part of the NE ¼ of Section 35, Township 138 North, Range 53 West		
Title:	St. Peter Parsonage Subdivision	Date:	10-20-2021
Location:	NE ¼ of Section 35, Township 138 North, Range 53 West (Walburg Township)	Staff Contact:	Grace Puppe
Parcel Number:	66-0000-12453-020	Water District:	Maple River Water District
Owner(s)/Applicant:	Deb Roesler	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: December 9, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **St. Peter Parsonage Subdivision** to plat a two (2) Lot subdivision of approximately 6.3 acres. According to the applicant, the subdivision is requested to separate the existing house and church from the farmland. The house is the parsonage for the church. The parsonage was built in 1975 and the church was built in 1967.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use the existing 150th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No issues with Parsonage
Water Resource District	No comments.
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	Clear.
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	The subject property is currently served by Cass Rural Water District.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	The only thing on this proposal is that they verify that the waste disposal for the church and the parsonage are different, so they don't cut off access.
Township Chairman	No issues with plat.
The City of Fargo	No comments were received prior to publishing the staff report.
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 west and north. Township road 150th Ave SE borders the east of the property with St. Peter Lutheran Church bordering the south.

Floodzone

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

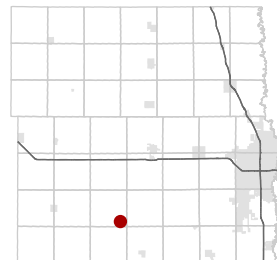
Minor Subdivision

St. Peter Parsonage Subdivision

Walburg Twp, Section 35 - Township 138 North - Range 53 West



Cass County Planning Commission
December 9, 2021

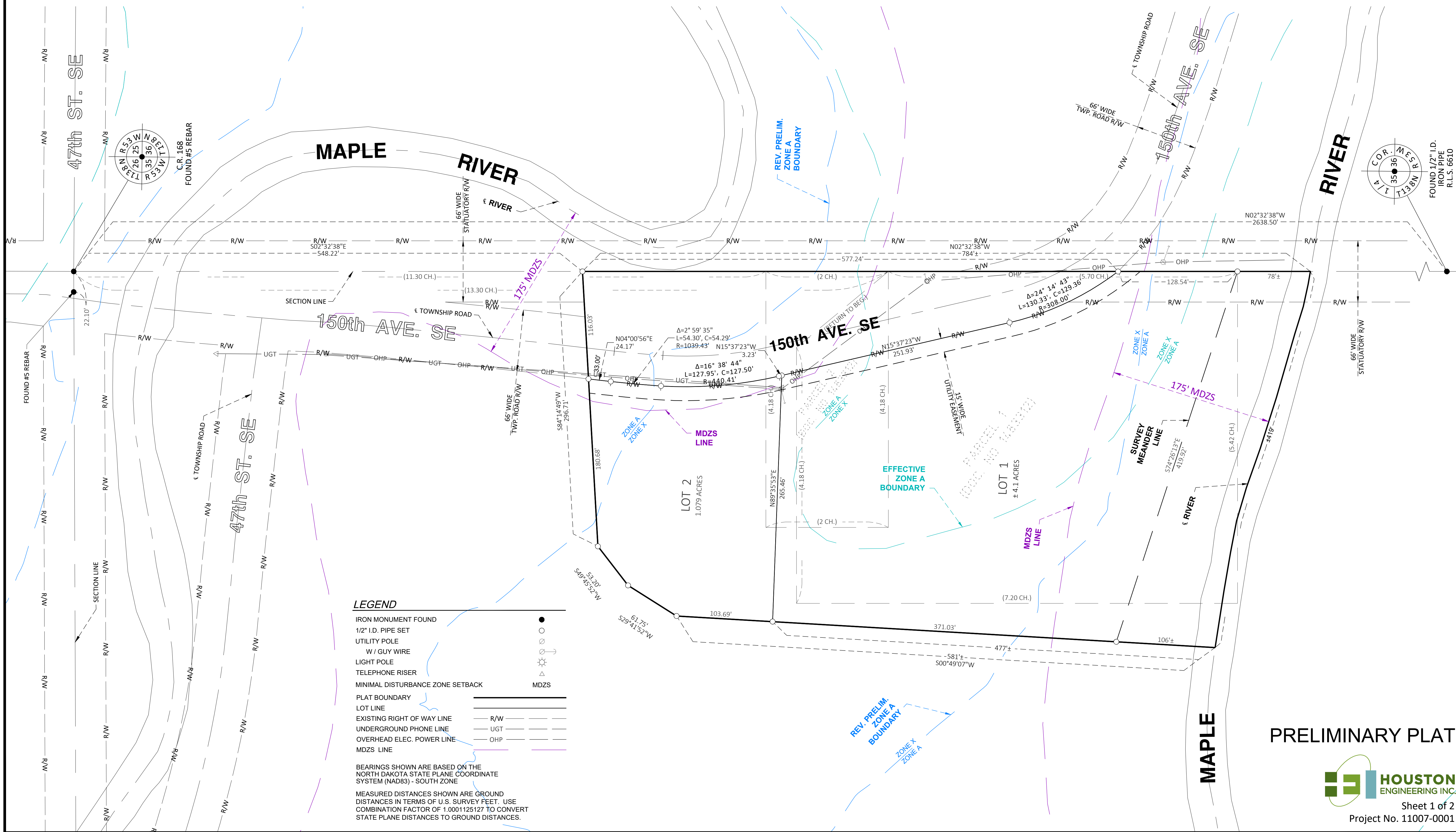
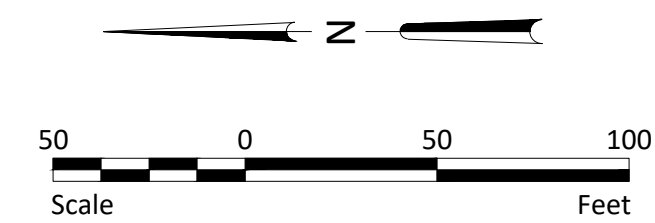


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ST. PETER LUTHERAN SUBDIVISION

BEING A PLAT OF PART OF THE NE 1/4 OF
SECTION 35, T. 138 N., R. 53 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA



LEGEND

- IRON MONUMENT FOUND ●
- 1/2" I.D. PIPE SET ○
- UTILITY POLE ○
- W / GUY WIRE ○
- LIGHT POLE ☼
- TELEPHONE RISER △
- MINIMAL DISTURBANCE ZONE SETBACK MDZS
- PLAT BOUNDARY ———
- LOT LINE ———
- EXISTING RIGHT OF WAY LINE — R/W ———
- UNDERGROUND PHONE LINE — UGT ———
- OVERHEAD ELEC. POWER LINE — OHP ———
- MDZS 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.

PRELIMINARY PLAT

HOUSTON ENGINEERING INC.
Sheet 1 of 2
Project No. 11007-0001

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ST. PETER LUTHERAN SUBDIVISION

BEING A PLAT OF PART OF THE NE 1/4 OF SECTION 35, T. 138 N., R. 53 W., 5th P.M. CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know All Persons by these Presents: That St. Peter Lutheran Church, a North Dakota corporation; and Kenneth O. Hagen and Nancy J. Hagen, husband and wife; are the Owners and Proprietors of that part of the Northeast Quarter of Section 35, Township 138 North, Range 53 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows.

Commencing at the Northeast Corner of said Section 35; thence South 02°32'38" East, along the easterly line of the Northeast Quarter of said Section 35, for a distance of 548.22 feet to the TRUE POINT OF BEGINNING; thence South 84°14'49" West for a distance of 296.71 feet; thence South 49°45'52" West for a distance of 53.20 feet; thence South 29°41'52" West for a distance of 61.75 feet; thence South 00°49'07" West for a distance of 581 feet, more or less, to the center of the Maple River; thence easterly, along the center of the Maple River for a distance of 419 feet, more or less, to a point of intersection with the easterly line of the Northeast Quarter of said Section 35; thence North 02°32'38" West, along the easterly line of the Northeast Quarter of said Section 35, for a distance of 784 feet, more or less, to the TRUE POINT OF BEGINNING.

Said tract contains 6.3 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **ST. PETER LUTHERAN SUBDIVISION** and do hereby dedicate to the public for public use the Public Street and the Utility Easement as shown on this Plat; and with this Plat, Kenneth O. Hagen and Nancy J. Hagen, as grantors, hereby quit claims, releases and conveys to St. Peter Lutheran Church, as grantee, any and all rights, title and interest it has in the property within the boundary of this Plat; and with this Plat, St. Peter Lutheran Church, as grantor, hereby quit claims, releases and conveys to Kenneth O. Hagen and Nancy J. Hagen, as grantees, any and all rights, title and interest it has in the property in the Northeast Quarter of said Section 35 outside the boundary of this Plat

In witness whereof we have set our hands and seals:

Owners:

St. Peter Lutheran Church
A North Dakota Corporation
With the execution of this plat the fee-title owner of Lots 1 and 2 depicted on this Plat
(Prior to this Plat the owner of Parcels 1 and 2 as described in Doc. No. 1483312)

Deb Roessler, President

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 Deb Roessler, President of St. Peter Lutheran Church, a North Dakota corporation, known to be the person described in and who executed the foregoing instrument and acknowledged that she executed same on behalf of said corporation.

Notary Public: _____

Kenneth O. Hagen and Nancy J. Hagen, husband and wife
With the execution of this plat being the owner of the Northeast Quarter of said Section 35, less Auditor's Lot 1 and less St. Peter Lutheran Addition
(Prior to this Plat the owner of the Northeast Quarter of said Section 35 less Auditor's Lot 1; and less Parcels 1 and 2 as described in Doc. No. 1483312)

Kenneth O. Hagen Nancy J. Hagen

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 Kenneth O. Hagen and Nancy J. Hagen, husband and wife, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public: _____

Surveyor's Certificate:

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

Curtis A. Skarphol
North Dakota PLS No. 4723

State of North Dakota)
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

Cass County Planning Commission:

Reviewed by the Cass County Planning Commission this _____ day of _____, 20____.

Ken Lougheed, Chair

Attest: _____
Secretary

Walburg Township:

Reviewed by Walburg Township, Cass County, North Dakota, this _____ day of _____, 20____.

Ryan Anderson, Chair

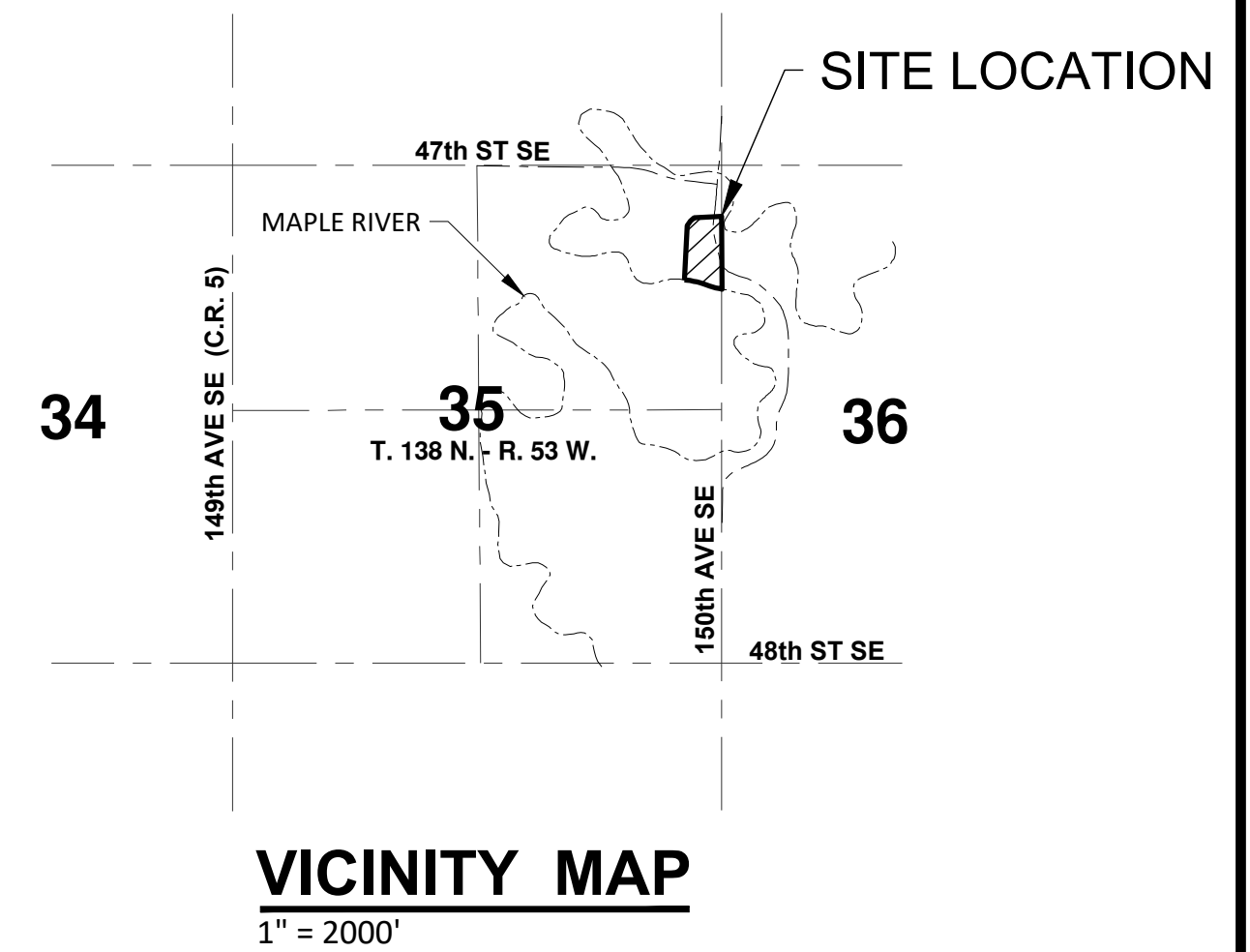
Attest: _____
Brandy Sprunk, Clerk

Cass County Board of Commissioners' Approval:

Approved by Cass County, North Dakota, this _____ day of _____, 20____.

Chad Peterson, Chair

Attest: _____
Michael Montplaisir, Cass County Auditor



Variance Request – St. Peter’s Parsonage Subdivision

St. Peter Church is requesting a Variance from the deed restriction requirement. The church was built in 1967 and the parsonage was built in 1975. St. Peter Church is looking to plat the parsonage and the church onto two separate lots at this time in case of unlikely sale of either the church or parsonage. The current descriptions of the lots overlap and cross over the river to the south that should have followed the boundary. This is why both the Church is looking to plat both parcels and correct these errors.

Ken Hagen had donated the land for the parsonage and is willing to transfer ownership to the church. However, Ken is not in favor of restricting any additional acreage for this plat. The Church does not have the financial capacity to purchase any surrounding property to deed restrict.



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SE ¼ of Section 28, Township 137 North, Range 53 West		
Title:	Baarstad Second Subdivision	Date:	10-20-2021
Location:	SE ¼ of Section 28, Township 137 North, Range 53 West (Watson Township)	Staff Contact:	Grace Puppe
Parcel Number:	68-0000-13024-010	Water District:	Maple River Water District
Owner(s)/Applicant:	Marvin & Jeanette Baarstad	Engineer/Surveyor:	Steve Ackerman
Status:	Planning Commission Hearing: December 9, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Baarstad Second Subdivision** to plat a one (1) Lot subdivision of approximately 3 acres. According to the applicant, the subdivision is requested to separate the house from surrounding property to sell.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 148th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No concerns.
Water Resource District	No comments.
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	Clear.
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	The subject property is currently served by Cass Rural Water District.
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	No comments were received prior to publishing the staff report.
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. Township road 148th Ave SE borders the east 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.

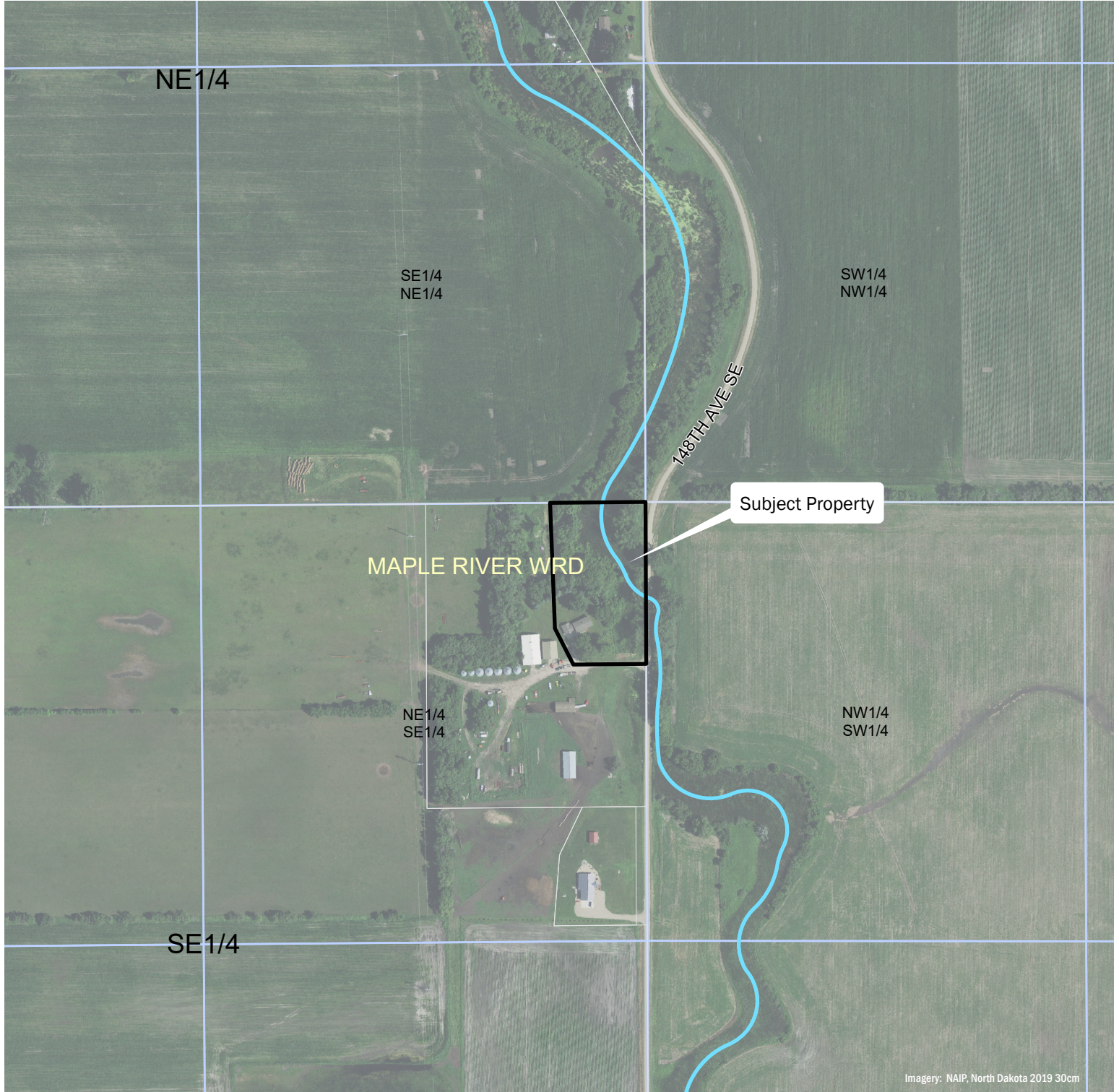
Attachments

1. Location Map
2. Plat Document

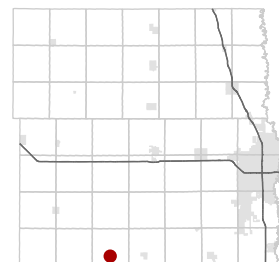
Minor Subdivision

Baarstad Second Subdivision

Watson Twp, Section 28 - Township 137 North - Range 53 West



Cass County Planning Commission
December 9, 2021



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PRELIMINARY PLAT OF
BAARSTAD 2ND SUBDIVISION
 A part of the Northeast Quarter of the Southeast Quarter of
 Section 28, Township 137 North, Range 53 West of the Fifth
 Principal Meridian, Watson Township,
 Cass County, North Dakota

To:
 W1/4 Cor. Sec. 28
 T137N, R53W
 RLS 2958
 Rec. No. 3355

E1/4 Cor. Sec. 28
 T137N, R53W
 RLS 2958
 Rec. No. 3356

NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 28 5349.65'

OWNERS' CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Marvin Baarstad and Jeanette Baarstad, husband and wife, whose address is 148th Ave. SE., Leonard, North Dakota, is the owner of a tract of land located in the that part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section 28, Township 137 North, Range 53 West of the 5th Principal Meridian, Watson Township, Cass County, North Dakota described as follows:

BEGINNING at the iron monument marking the East Quarter Corner of said Section 28 (Cass County Corner Record No. 3356); thence on an assumed bearing of South 00°04'45" West, on and along the east line of the said Southeast Quarter of Section 28, a distance of 480.00 feet; thence South 89°43'39" West, parallel with the north line of the said Southeast Quarter, a distance of 241.28 feet; thence North 13°52'23" West a distance of 151.32 feet; thence North 02°42'49" West a distance of 333.22 feet to a point on the north line of the said Southeast Quarter; thence North 89°43'39" East, on and along the said north line of the Southeast Quarter, a distance of 294.00 feet to the point of beginning, containing 3.06 acres, more or less.

Said party has caused the same to be surveyed and platted as BAARSTAD 2ND SUBDIVISION in Cass County, North Dakota, and does hereby dedicate to the public for public use the road identified as 148th Ave SE, and also hereby dedicate a 5ft wide electric line easement over, along and across the most westerly 5 feet of Lot 1, Block 1, Baarstad 2nd Addition shown hereon, and also hereby grant an access easement for ingress and egress, for the use and benefit of Lot 1, Block 1, Baarstad 2nd Subdivision, as shown hereon.

Marvin Baarstad
 Owner of Lot 1, Block One, Baarstad 2nd Subdivision

Jeanette Baarstad
 Owner of Lot 1, Block One, Baarstad 2nd Subdivision

STATE OF NORTH DAKOTA)
) ss
 COUNTY OF CASS)

On this ____ day of _____, 2021, before me, a notary public, with and for said County, personally appeared Marvin Baarstad and Jeanette Baarstad, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public
 My commission expires _____, 20____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Steven A. Ackerman, 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.

Dated this ____ day of _____, 2021.

Steven A. Ackerman, Registered Land Surveyor

STATE OF NORTH DAKOTA)
) ss
 COUNTY OF RICHLAND)

On this ____ day of _____, 2021, before me, a notary public, with and for said county, personally appeared Steven A. Ackerman, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

Notary Public
 My commission expires _____, 20____

COUNTY ENGINEER REVIEW

Approved by Cass County Engineer this ____ day of _____, 20____

Jason Benson, Cass County Engineer

WATSON TOWNSHIP REVIEW

Reviewed by Watson Township, Cass County, North Dakota this ____ day of _____, 20____

Don Gibson, Chairman

Attest: _____
 Lori Torgerson, Clerk

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of County Commissioners and ordered filed this ____ day of _____, 20____

Chad Peterson, Chairman

Attest: _____
 Brandy Madriga, Finance Director

CASS COUNTY PLANNING COMMISSION REVIEW

Reviewed by the Cass County Planning Commission this ____ day of _____, 20____

Ken Lougheed, Chair

Attest: _____
 Secretary

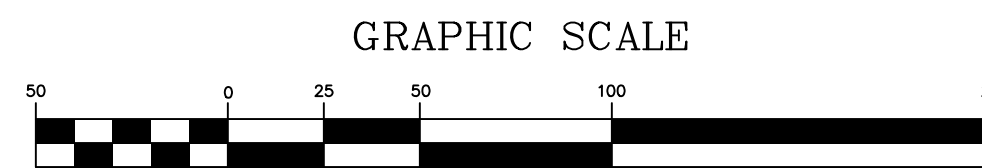
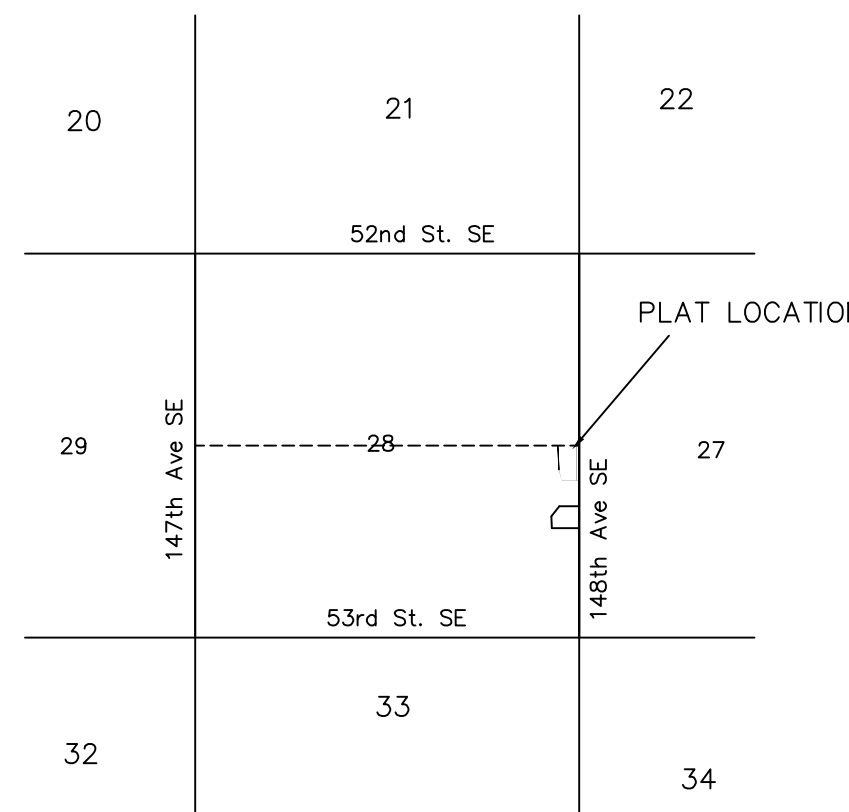
FLOOD PLAIN STATEMENT:
 THERE ARE NO PUBLISHED FEMA FLOOD PLAIN MAPS FOR WATSON TOWNSHIP, CASS COUNTY, NORTH DAKOTA.

Existing easements of record within the area being platted:

- Right of Way Easement to Northwestern Bell Telephone Co. in Book K-6 of Misc., page 443
- Pipeline Easement to Cass Rural Water Users District; Doc. No. 1556469

OWNER/DEVELOPER: Marvin Baarstad, 148th Ave. SE., Leonard, North Dakota

SURVEYOR: Steve Ackerman, Ackeman Survey Ltd, 8044 182nd Ave. SE., Wahpeton, ND 58075

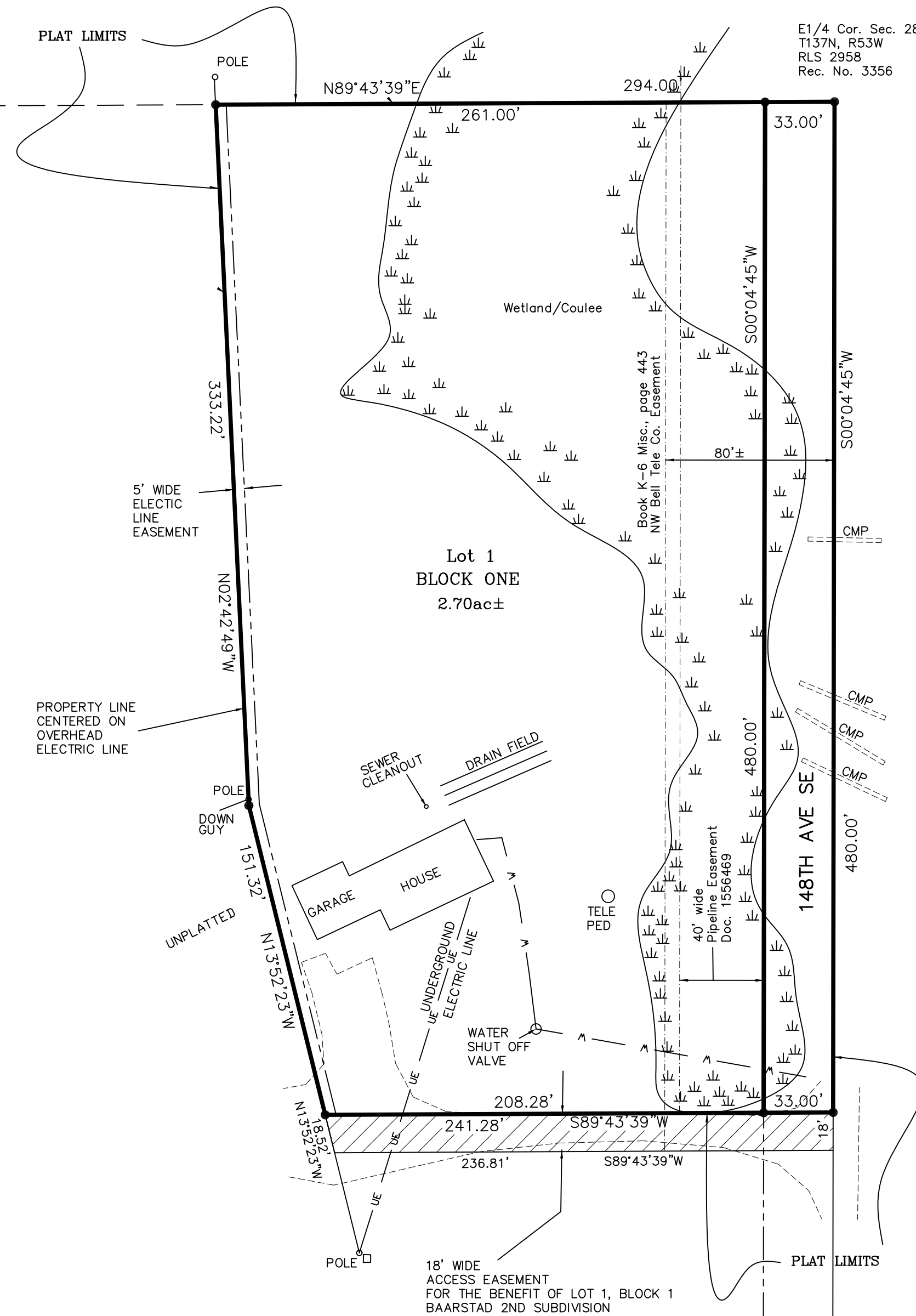


- LEGEND**
- = CORNER MARKED WITH A 5/8" X 22" IRON REBAR WITH RED PLASTIC CAP MARKED "ND2958 SD5226"
 - = EXISTING OR FOUND CORNER MONUMENT
 - (with dot) = FOUND EXISTING IRON DEEP IN GROUND AND SET
 - (with cross) = NEW IRON 5/8"x22" REBAR WITH RED CAP MARKED "ND2958 SD5226" ABOVE FOUND IRON, LEFT FOUND IRON UNDISTURBED
 - △ = STEEL FENCE POST
 - REC. = RECORD OR ORIGINAL DISTANCE
 - MEA. = MEASURED DISTANCE THIS SURVEY
 - DOC. = MONUMENT RECORD ON FILE AT COUNTY REGISTER OF DEEDS
 - NOTE: = THIS SURVEY IS BASED ON AN ASSUMED MERIDIAN



8044 182 Ave SE
 Wahpeton, ND 58075
 701-899-4273
 steve@ackermansurvey.com

To:
 SE Cor. Sec. 28
 T137N, R53W
 RLS 2958
 Rec. No. 3358





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SW ¼ of Section 19, Township 139 North, Range 50 West		
Title:	Bryan Subdivision	Date:	12-01-2021
Location:	Sw ¼ of Section 19, Township 139 North, Range 50 West (Mapleton Township)	Staff Contact:	Grace Puppe
Parcel Number:	53-0000-09102-010	Water District:	Maple River Water District
Owner(s)/Applicant:	William & Barbara Bryan	Engineer/Surveyor:	Cole Neset
Status:	Planning Commission Hearing: December 9, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Bryan Subdivision** to plat a one (1) Lot subdivision of approximately 5.11 acres. According to the applicant, the subdivision is requested to combine to lots into one. Current parcel with house is just over 4.14 and is unplatted. Property to include additional land for shelterbelts.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 163rd Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No concerns.
Water Resource District	No comment.
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	This property currently has service from CRWD.
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	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. Township road 148th Ave SE borders the east of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently located Special Hazard Flood Area unshaded Zone X outside of the 0.2% annual chance floodplain. 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
3. Deed Restriction

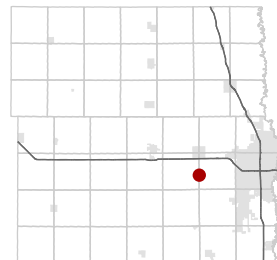
Minor Subdivision

Byran Subdivision

Mapleton Twp, Section 19 - Township 139 North - Range 50 West



Cass County Planning Commission
December 9, 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.



DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 15th day of October, 2021, by Owner(s): William & Barbara Bryan

1. PURPOSE

The owner recognizes the following agreement is set forth to encourage orderly and economically feasible growth, prevent new developments from creating economic strains on county residents, protect the county's valuable farmland and agricultural traditions and promote development that will more easily convert to an urban environment and implement the goals and objectives established by the most current Cass County Comprehensive Plan. The following agreement will promote small, truly rural developments that will mesh more easily with existing agricultural land and activities and will encourage larger urban style subdivisions to develop in the urban fringe and other areas with supportive infrastructure. Developments built beyond the density restriction will be constructed with full supportive urban infrastructure, ensuring developments that will more easily transition into an urban development upon annexation without extensive and costly infrastructure upgrades.

2. AGREEMENT

WHEREAS, for the granting of the division described herein pursuant to Section 309 of the Cass County Subdivision Ordinance, acknowledged herein as good and valuable consideration, the Owner(s) consent and agree to the filing of this **DEED RESTRICTION**, and understand that its effect will be to limit any further residences, divisions, or nonagricultural development on the restricted parcel described herein, except as may be permitted by Section 309.02 of the Cass County Subdivision Ordinance and any amendment thereto:

- A. This **DEED RESTRICTION** shall terminate at such time the deed restricted parcel is completely within the extraterritorial (ET) boundaries of an incorporated city of Cass County;
- B. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
- C. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Article VI of the Cass County Subdivision Ordinance, including, but not limited: paved roads with curb and gutter, a paved access road, municipal sewer system, public water supply system with functioning fire hydrants, storm water facilities, street lights, street trees, street signs, sidewalks, bike paths, and park dedications.

WHEREAS, this **DEED RESTRICTION** shall run with the land in perpetuity and be binding on all owners, successors, heirs, assigns, lessees, users, or parties having or acquiring any right, title, or interest in the restricted parcel herein described or any part thereof.

WHEREAS, the restricted parcel described herein meets the criteria established in Section 308 of the Cass County Subdivision Ordinance.

IN WITNESS of the restrictions, the Owner(s) have caused this DEED RESTRICTION to be executed effective as of:

[Signature]
William Bryan

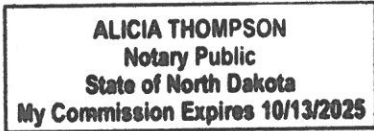
10-15-2021
Date

[Signature]
Barbara Bryan

10/15/21
Date

State of North Dakota)
) ss
County of Cass)

On this 15th day of October, 2021, before me, a notary public within and for said county and state, personally appeared William & Barbara Bryan, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.



[Signature]
Notary Public

The foregoing instrument was acknowledged before me, this _____ day of _____, 2021, by Jason Benson, County Engineer.

County Engineer Signature

Date

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 2021, before me, a notary public within and for said county and state, personally appeared Jason Benson, County Engineer, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NW ¼ of Section 20, Township 143 North, Range 51 West		
Title:	Hauff Subdivision	Date:	12-01-2021
Location:	NW ¼ of Section 20, Township 143 North, Range 51 West (Bell Township)	Staff Contact:	Grace Puppe
Parcel Number:	26-0000-01281-030	Water District:	North Cass Water District
Owner(s)/Applicant:	Jason & Kerry Hauff	Engineer/Surveyor:	Cole Neset
Status:	Planning Commission Hearing: December 9, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Hauff Subdivision** to plat a two (2) Lot subdivision of approximately 18.94 acres. According to the applicant, the subdivision is requested to split one lot into two. Current parcel with house is 20 acres in size and is unplatted. The house will be platted on a 9.94 acre parcel with the remaining 9 acre parcel to be able to be built upon.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 157Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No concerns.
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	This property currently has service from CRWD.
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	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. Township road 148th Ave SE borders the east of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently unmapped and no 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.

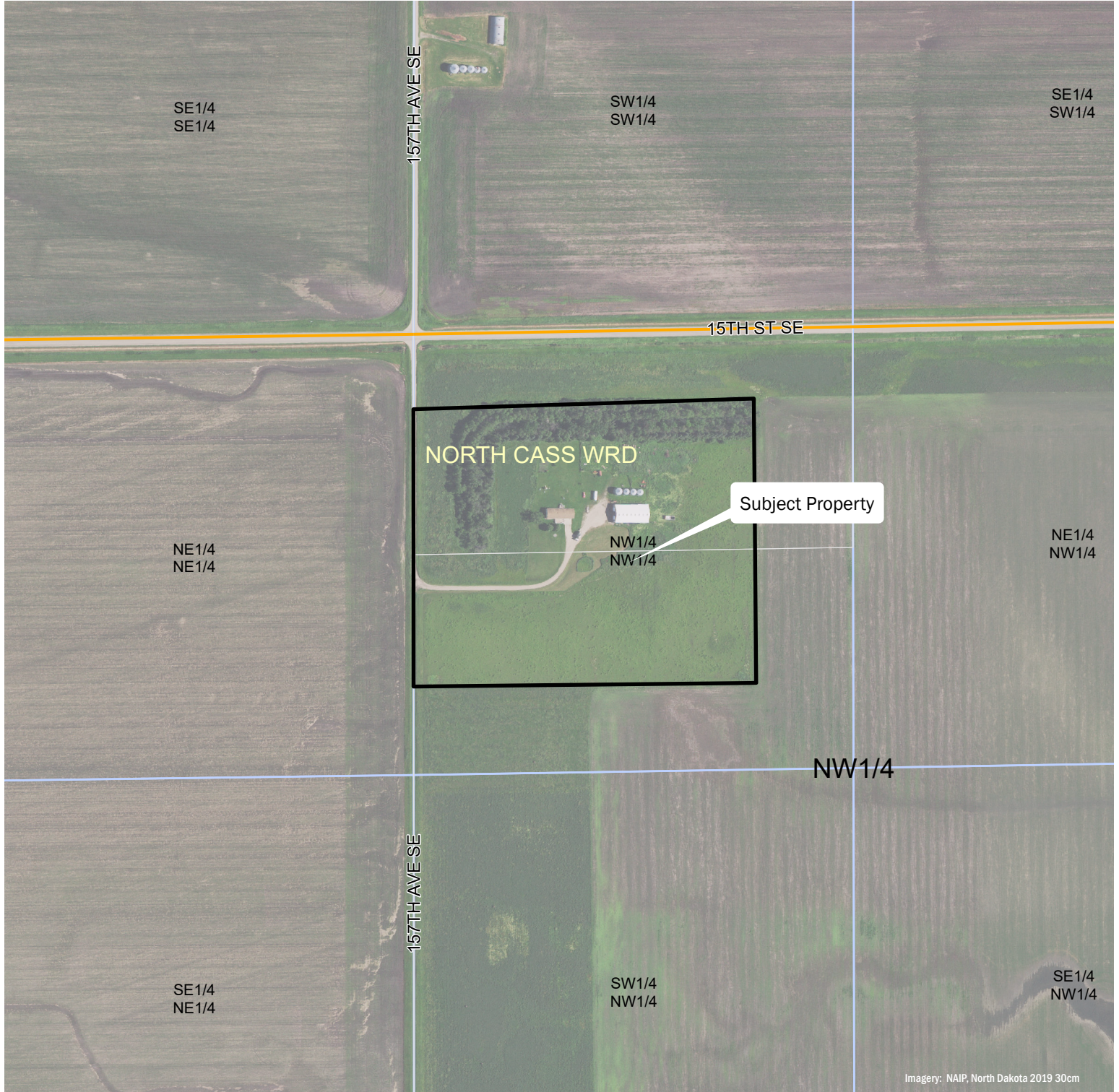
Attachments

1. Location Map
2. Plat Document
3. Deed Restriction

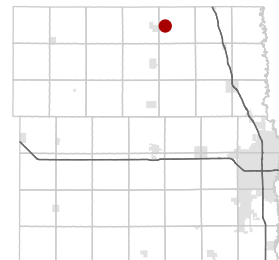
Minor Subdivision

Hauff Subdivision

Bell Twp, Section 20 - Township 143 North - Range 51 West



Cass County Planning Commission
December 9, 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.



HAUFF SUBDIVISION

PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 143 NORTH,
RANGE 51 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION

CASS COUNTY ENGINEER

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

JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

REVIEWED BY CASS COUNTY, NORTH DAKOTA THIS _____ DAY OF _____, 2021.

CHAD PETERSON, CHAIRMAN

ATTEST: _____
ROBERT WILSON, CASS COUNTY FINANCIAL DIRECTOR

CASS COUNTY PLANNING COMMISSION

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

KEN LOUGHEED, CHAIRMAN

ATTEST: _____
SECRETARY

BELL TOWNSHIP

REVIEWED BY BELL TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2021.

WES ECKER, CHAIRMAN

ATTEST: _____
MYRNA ECKER, CLERK/TREASURER

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT JASON HAUFF IS THE OWNER OF LOT 1 & 2, BLOCK 1, OF HAUFF SUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 143 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE S02°01'14"E A DISTANCE OF 732.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°01'14"E A DISTANCE OF 323.92 FEET; THENCE N87°58'46"E A DISTANCE OF 1025.00 FEET; THENCE N02°01'14"W A DISTANCE OF 874.75 FEET; THENCE S86°58'44"W A DISTANCE OF 907.85 FEET; THENCE S02°01'14"E A DISTANCE OF 534.64 FEET; THENCE S87°48'51"W TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±18.94 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS HAUFF SUBDIVISION, A MINOR SUBDIVISION TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA, AND CONSISTS OF 2 LOTS AND 1 BLOCK AND CONTAINS 18.94 ACRES MORE OR LESS.

BY: _____
JASON HAUFF, OWNER

STATE OF _____)
COUNTY OF _____)SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED JASON HAUFF, KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

NOTARY PUBLIC

SURVEYORS CERTIFICATE

I, COLE A. NESET, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA DO HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AND SAID SUBDIVISION AND ALL DISTANCES SHOWN ON SAID PLAT ARE CORRECT; THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN.

COLE A. NESET

DATE

REGISTERED LAND SURVEYOR No. LS-7513
STATE OF NORTH DAKOTA

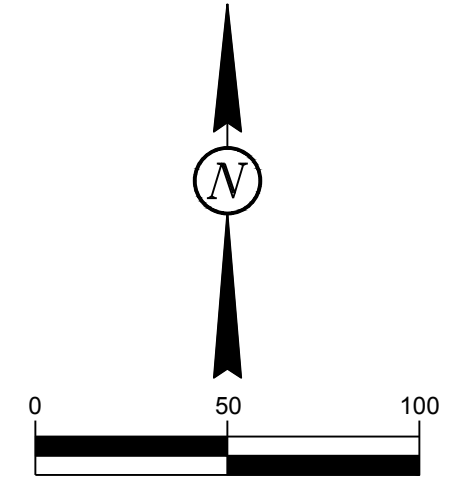
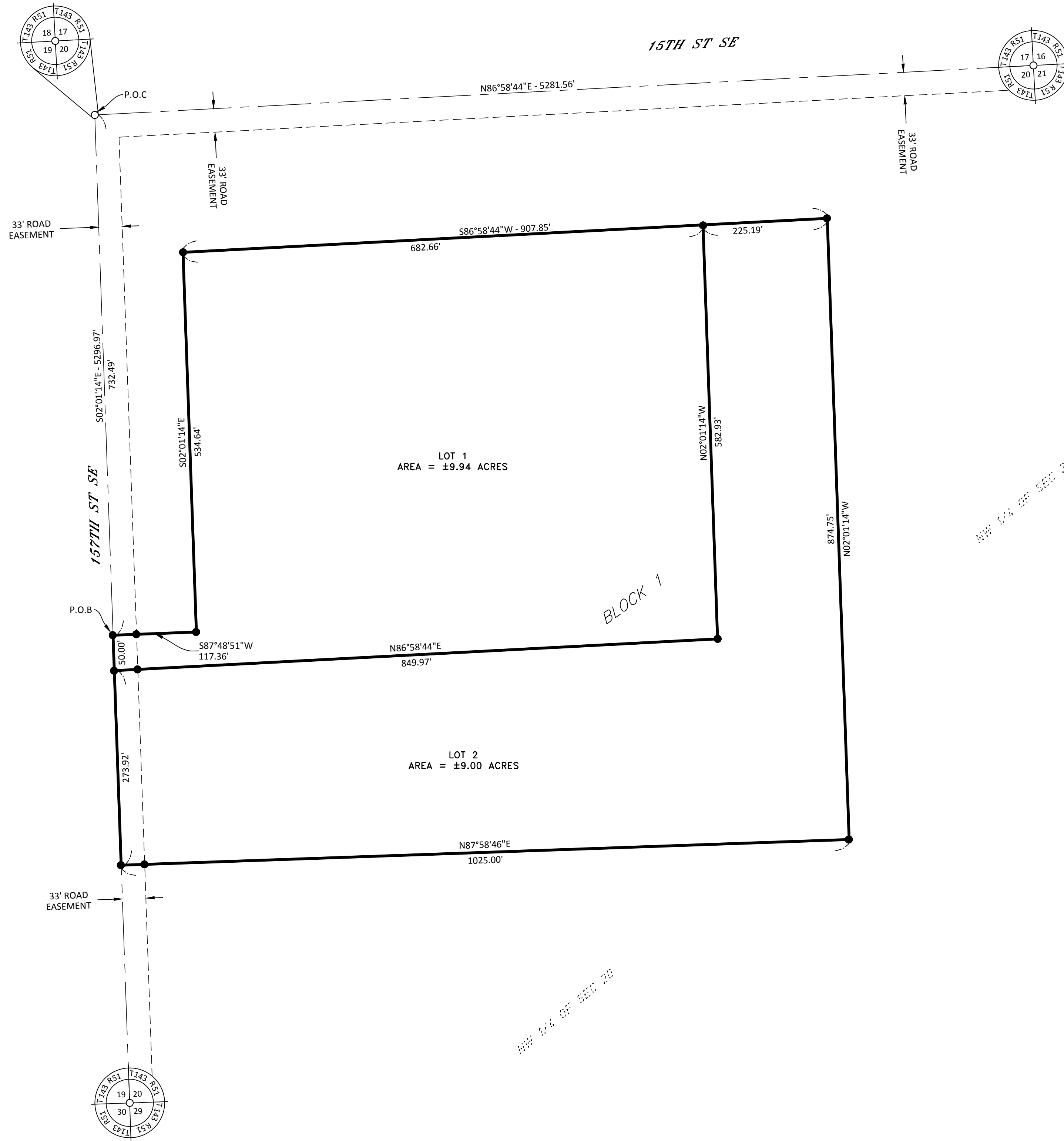
STATE OF _____)
COUNTY OF _____)SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED COLE A. NESET, NORTH DAKOTA REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

NOTARY PUBLIC



LEGEND	
●	MONUMENT SET
○	MONUMENT FOUND
---	EX. SECTION LINE
---	PROPERTY BOUNDARY LINE
---	EX. EASEMENT

SURVEY INFORMATION

DATE OF SURVEY: 10-08-21
BASIS OF BEARING: THE NORTH LINE OF SECTION 20
HAS AN ASSUMED BEARING OF N86°58'44"E



10/19/21 04:38:42PM I:\201\SRV\Share\Files\Neset\Shared\Files\Neset\Projects\2021_Projects\2101_NORTH DAKOTA PROPERTY SURVEYS\25 Jason Hauff Farmstead - Hunter ND Jason Hauff.dwg

DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 13th day of October, 2021, by Owner(s): Jason & Kerry Hauff

1. PURPOSE

The owner recognizes the following agreement is set forth to encourage orderly and economically feasible growth, prevent new developments from creating economic strains on county residents, protect the county's valuable farmland and agricultural traditions and promote development that will more easily convert to an urban environment and implement the goals and objectives established by the most current Cass County Comprehensive Plan. The following agreement will promote small, truly rural developments that will mesh more easily with existing agricultural land and activities and will encourage larger urban style subdivisions to develop in the urban fringe and other areas with supportive infrastructure. Developments built beyond the density restriction will be constructed with full supportive urban infrastructure, ensuring developments that will more easily transition into an urban development upon annexation without extensive and costly infrastructure upgrades.

2. AGREEMENT

WHEREAS, for the granting of the division described herein pursuant to Section 309 of the Cass County Subdivision Ordinance, acknowledged herein as good and valuable consideration, the Owner(s) consent and agree to the filing of this **DEED RESTRICTION**, and understand that its effect will be to limit any further residences, divisions, or nonagricultural development on the restricted parcel described herein, except as may be permitted by Section 309.02 of the Cass County Subdivision Ordinance and any amendment thereto:

- A. This **DEED RESTRICTION** shall terminate at such time the deed restricted parcel is completely within the extraterritorial (ET) boundaries of an incorporated city of Cass County;
- B. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
- C. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Article VI of the Cass County Subdivision Ordinance, including, but not limited: paved roads with curb and gutter, a paved access road, municipal sewer system, public water supply system with functioning fire hydrants, storm water facilities, street lights, street trees, street signs, sidewalks, bike paths, and park dedications.

WHEREAS, this **DEED RESTRICTION** shall run with the land in perpetuity and be binding on all owners, successors, heirs, assigns, lessees, users, or parties having or acquiring any right, title, or interest in the restricted parcel herein described or any part thereof.

WHEREAS, the restricted parcel described herein meets the criteria established in Section 308 of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 309.02 of the Cass County Subdivision Ordinance, and any amendment thereto, apply to the restricted parcel described herein. Upon the written request of any interested party, the Cass County Engineer is authorized to record an instrument with the Cass County Recorder, which declares such an exception applies to the restricted parcel described herein and the **DEED RESTRICTION** is expired.

3. VIOLATION OF DEED RESTRICTION

In the event of a violation of this **DEED RESTRICTION**, the penalties and remedies provided under Section 906 (Penalties and Violations) of the Cass County Subdivision Ordinance and North Dakota law shall apply.

4. LEGAL DESCRIPTION OF THE RESTRICTED PARCEL

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 143 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA LESS THE FOLLOWING:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE S02°01'14"E A DISTANCE OF 732.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°01'14"E A DISTANCE OF 323.92 FEET; THENCE N87°58'46"E A DISTANCE OF 1025.00 FEET; THENCE N02°01'14"W A DISTANCE OF 874.75 FEET; THENCE S86°58'44"W A DISTANCE OF 907.85 FEET; THENCE S02°01'14"E A DISTANCE OF 534.64 FEET; THENCE S87°48'51"W TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±18.94 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

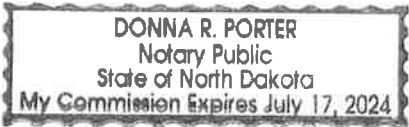
IN WITNESS of the restrictions, the Owner(s) have caused this DEED RESTRICTION to be executed effective as of:

Jason Hauff
Owner Name
Kerry Hauff
Owner Name

10-13-2021
Date
10-13-2021
Date

State of North Dakota)
County of Cass) ss
)

On this 13 day of October, 2021, before me, a notary public within and for said county and state, personally appeared Jason & Kerry Hauff, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.



Donna R. Porter
Notary Public

The foregoing instrument was acknowledged before me, this _____ day of _____, 2021, by Jason Benson, County Engineer.

County Engineer Signature

Date

State of North Dakota)
County of Cass) ss
)

On this _____ day of _____, 2021, before me, a notary public within and for said county and state, personally appeared Jason Benson, County Engineer, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public

Deed Restriction - FAQ

1. What is a Deed Restriction?

- a. The deed restriction is used to limit any further residences, divisions, or nonagricultural development on such property.

2. Why do we have this lot density restriction utilizing development rights and deed restrictions?

- a. For the purpose of encouraging orderly and economically-feasible growth, preventing new developments from creating economic strains on county residents, protecting valuable farmland and agricultural traditions, promoting development that will more easily convert to an urban environment.
- b. This density restriction will promote small, truly rural developments that will mesh more easily with existing agricultural land and activities and will encourage larger urban style subdivisions to develop in the urban fringe and other areas with supportive infrastructure.

3. How many acres are required for a deed restriction?

- a. 40 Acres per lot created (ex. 1 lot = 40 acres, 2 lots = 80 acres) Each lot uses 1 development right.

4. How are the deed restriction acres calculated?

- a. The total of 40 acres less the size of the lot created equals the number of acres needed to be deed restricted. (ex. 40 acres – 10 acre lot created = 30 acres needed to be deed restricted)

5. Can development rights be transferred?

- a. Yes. Development rights can be used, held or transferred to contiguous properties under common ownership.

6. How long is deed restriction in effect?

- a. The deed restriction will limit future development on said property until said property is no longer under the jurisdiction of the county based on the following scenarios:
 - i. At such time the Deed Restricted property is completely within the extraterritorial boundaries of an incorporated city of Cass County.
 - ii. The property is completely annexed by an incorporated city of Cass County.

- iii. The subdivision will be built to full urban design standards and the strictest requirements outlined within Article VI of this Ordinance; including but not limited to paved roads with curb and gutter, paved access road, municipal sewer system, public water supply system with function fire hydrants, storm water facilities, street lights, street trees, street signs, sidewalks, bike paths and park dedications.

7. Are there any exemptions to the Deed Restriction requirement?

- a. Yes, if the property is built to full urban design as previously stated above in section 6.a.iii.

MEMORANDUM

TO: Cass County Planning Commission

FROM: Grace Puppe, Cass County Planner

DATE: December 2, 2021

SUBJECT: Affidavit of Cass County Planner

The Planning, Highway, Recorder, Assessor and Finance departments have been working together along with States Attorney, Tracy Peters to come up with a better way to process Auditor's Lots. Together we have set up new notification processes of when Auditor's Lots Plats are received and submitted to be recorded.

Upon discussion, we have come up with a way to help control further development after an Auditor's Lot Plat is recorded. After receiving an initial notice of a violation of the Cass County Subdivision Ordinance, if the property continues to be in violation, this affidavit would be recorded against the property to show that it is not in compliance with the Cass County Subdivision Ordinance. This affidavit would come from the Cass County Planner and would be a way to limit further splitting of property. Once a plat is recorded in compliance with the Subdivision Ordinance, the affidavit would be removed or deemed ineffective.

Included with this memo is a draft Affidavit of Cass County Planner.

STATE OF NORTH DAKOTA
COUNTY OF CASS

RE: _____
(new auditor's lot number)

AFFIDAVIT OF CASS COUNTY PLANNER

1. My name is _____, and I am the Cass County Planner.
I am responsible for ensuring compliance with the Cass County Subdivision Ordinance when people elect to subdivide land in Cass County.
2. I understand _____ (property owner(s)) obtained an auditor's lot on _____ (date) for the referenced parcel pursuant to document _____ recorded on _____ in Cass County. It appeared to me that _____ (property owner(s)) are engaging in subdivision of this land without proper compliance with the requirements of the Cass County Subdivision Ordinance.
3. I contacted _____ (property owner(s)) on _____ (date) and explained their lack of compliance. I also explained to them what was required of them under the Cass County Subdivision Ordinance. I also explained that obtaining an auditor's lot does not negate or substitute for what is required under the subdivision ordinance.

4. To this date _____.
5. With respect to written correspondence I have had with property owner(s) regarding this issue

_____ There is no written correspondence

_____ I have attached copies of the written correspondence to this affidavit.

Dated this _____ day of _____, _____.

Affiant

Cass County Planner

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public