

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, September 28, 2023 at 7:00 a.m.

West Fargo Public Works, 810 12th Ave NW, West Fargo, ND 58078

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of August 24, 2023

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **FMD Wiser Subdivision** located in Sections 35 and 36, Township 142 North, Range 49 West of the 5th Principal Meridian, Wiser Township, Cass County, North Dakota.

F. New Business

G. Old Business

H. Adjournment

CASS COUNTY PLANNING COMMISSION
August 24, 2023

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on August 24, 2023 at 7:00 am in the West Fargo Public Works conference room.

B. ROLL CALL

Planning Commissioners attending in person were David Gust, Ken Lougheed, Dr. Tim Mahoney, Keith Monson, Brad Olson, Keith Gohdes and Hugh Veit. Rocky Bertsch and Commissioner Duane Breitling were absent.

Attending in person were Cole Hansen, Cass County Planner, Jason Benson, Cass County Engineer, Tom Soucy, Assistant Cass County Engineer. Katherine Naumann, Senior Attorney and Robert Vaille, Senior Attorney attended via Teams. Warren Solberg, member of the public, also attended in person.

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. Olson seconded to approve the minutes of the June 22, 2023 meeting as presented.

Motion carried.

E. PUBLIC HEARING

- 1. Hearing on an application requesting a Minor Subdivision Plat of Jeremy King Subdivision located in Section 9, Township 141 North, Range 52 West of the 5th Principal Meridian, Amenia Township, Cass County, North Dakota.**

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Jeremy King Subdivision to plat a one (1) Lot subdivision of approximately 9.36 acres. According to the applicant, the subdivision is requested to increase the size of an existing farmstead tract from 9.36 acres to 10.124 acres.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 26th St SE road access, ditches for storm sewer conveyance, rural water. The property currently does not have an on-site septic system for wastewater treatment.

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

MOTION, *passed*

Mr. Monson moved, Mr. Veit seconded 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.

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

2. Hearing on an application requesting a Minor Subdivision Plat of Twin Birch Subdivision located in Section 35, Township 142 North, Range 53 West of the 5th Principal Meridian, Erie Township, Cass County, North Dakota.

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Twin Birch Subdivision to plat a one (1) Lot subdivision of approximately 7 acres. According to the applicant, the subdivision is requested to sell the existing farmstead and separate it from the balance of the parcel.

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. The property currently does not have an on-site septic systems for wastewater treatment.

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

MOTION, *passed*

Mr. Veit moved, Mr. Gust seconded 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.

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

F. NEW BUSINESS

Warren Solberg, member of the public, spoke a few words on thoughts for improve planning such as a need to move frontage roads off the interstate, due to future development and property assessments, this would also be less congestion for the area residents, and to keep the access for farmers.

Cole Hansen, the new Cass County Planner spoke to the group to introduce himself and talked about his planning background.

G. OLD BUSINESS

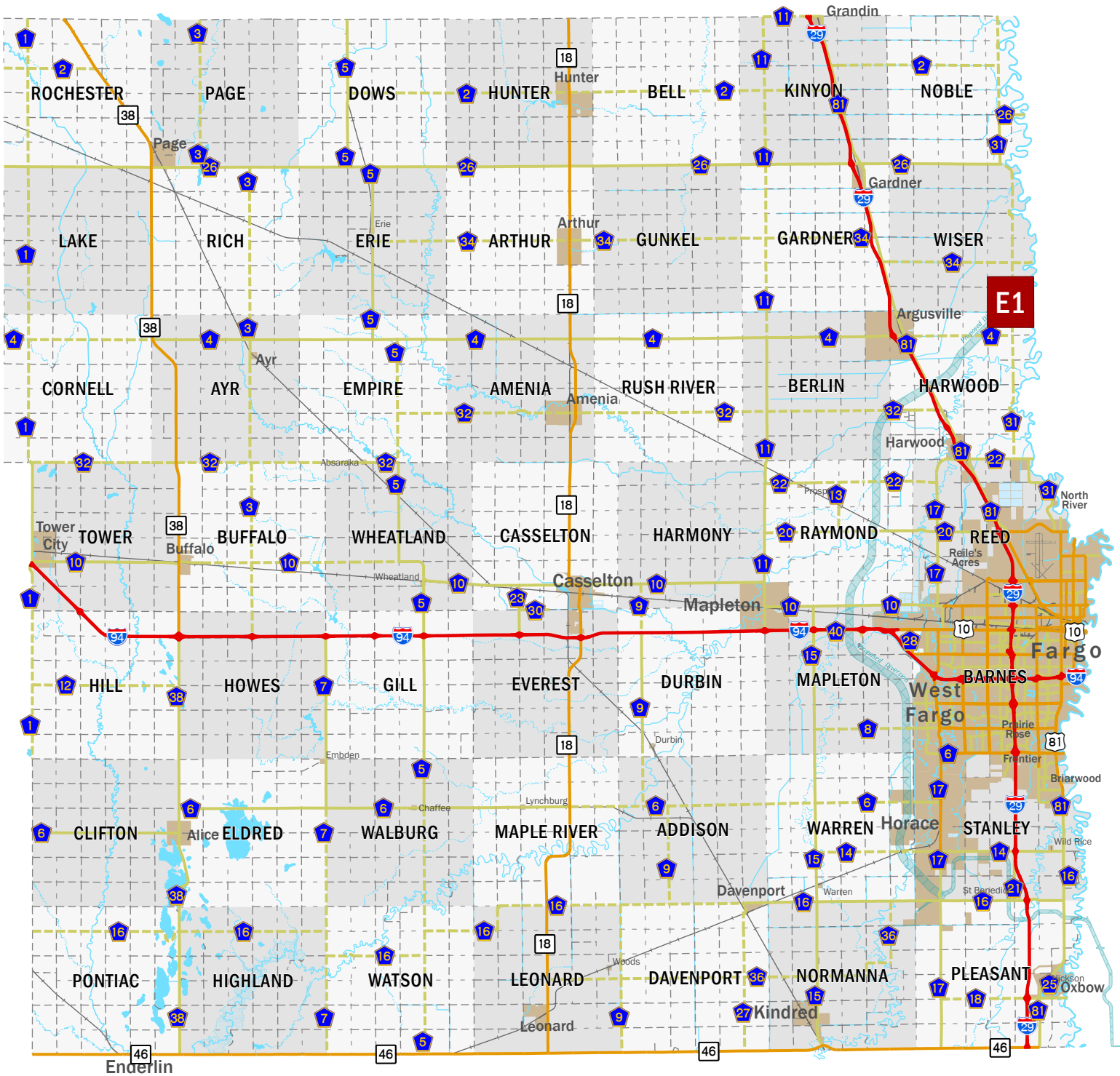
H. ADJOURNMENT

On motion by Mr. Gust seconded by Mr. Olson and all voting in favor, the meeting was adjourned at 7:18 am.

Agenda Items

Cass County Planning Commission

September 28, 2023



Agenda Items:

E1 - FMD-Wiser Subdivision

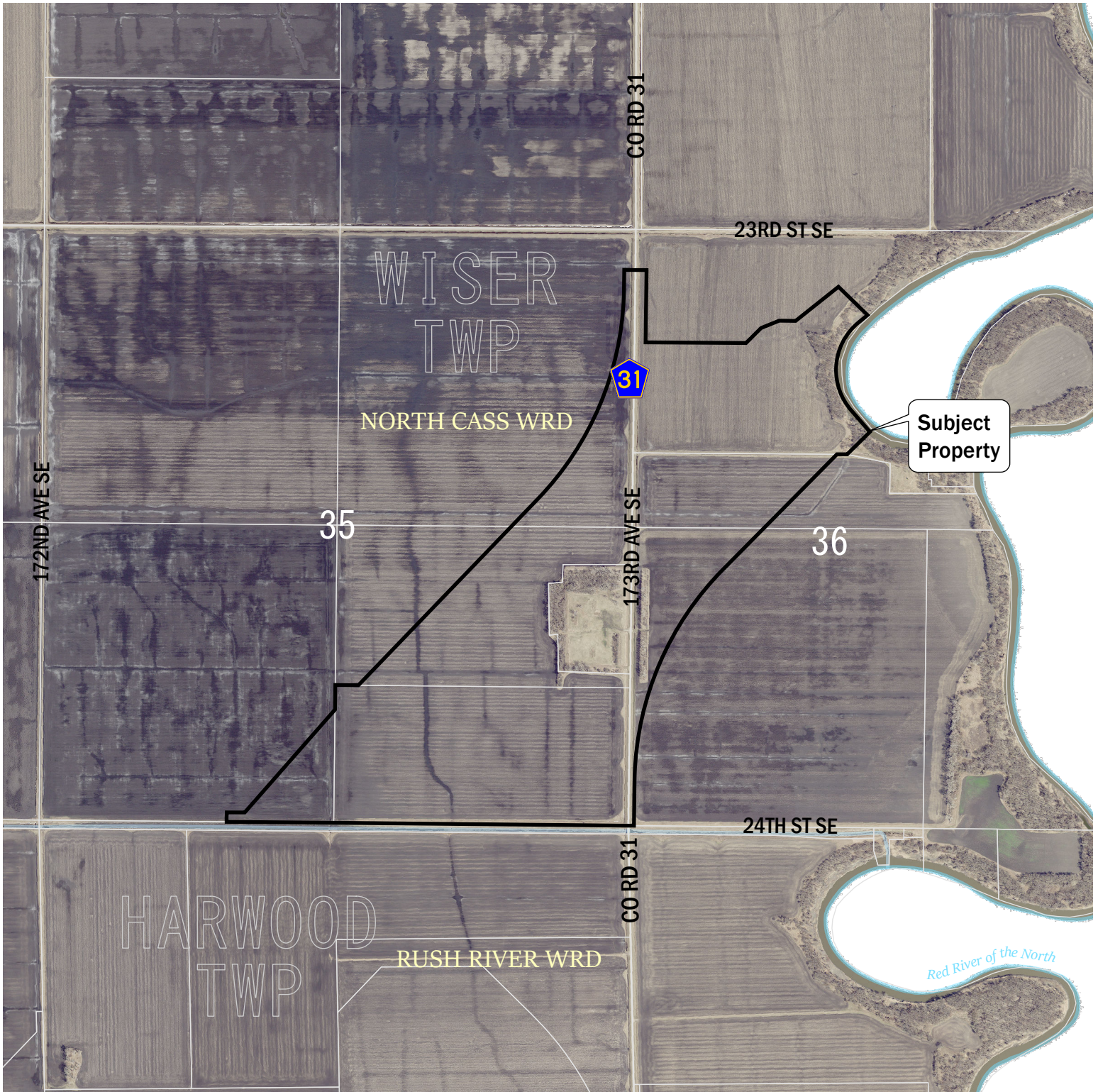
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



Minor Subdivision

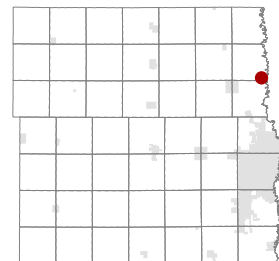
FMD-Wiser Subdivision

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



Subject Property

Cass County Planning Commission
September 28, 2023



Imagery: spring 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.





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (5 Lots) of a part of the Sections 35 and 36, Township 142 North, Range 49 West		
Title:	FMD-Wiser Subdivision	Date:	9-28-2023
Location:	Sections 35 and 36, Township 142 North, Range 49 West (Wiser Township)	Staff Contact:	Cole Hansen
Parcel Number:	70-0000-13643-020, 70-0000-13644-030, 70-0000-13647-020, 70-0000-13644-060	Water District:	Northern Cass Water District
Owner(s)/Applicant:	Cass County Joint Water Resource District	Engineer/Surveyor:	Advanced Engineering and Environmental Services
Status:	Planning Commission Hearing: September 28, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Flood Control
Proposal	

The applicant is seeking approval of a minor subdivision entitled **FMD-Wiser Subdivision** to plat a five (5) Lot subdivision of approximately 259.5 acres. According to the applicant, the subdivision is requested to consolidate exiting parcels into larger parcels and assign Lot and Block names for use of management as well as vacate previously plated ROW and easements.

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

Agency Comments	
County Engineer	No comments were received prior to publishing the staff report.
Water Resource District	No comment to submit.
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	No comment.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issues with proposed subdivision.
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, east, west, and south. It is located about 3.4 miles northeast of Argusville in sections 35 and 36 of Wisner Township.

Floodzone
 This subdivision is for the Fargo-Moorhead Flood Diversion project and as such has been designed to flood during high water events. This section will have a meandering channel at the bottom creating additional wetlands in this area within the diversion channel.

Land Development Rights
 Due to the nature of the diversion project, development within this subdivision will be incredibly restricted. Lot 2 of Block 2 has been set aside for potential future recreational development and as such will be the only section of this subdivision to not be deed restricted.

Staff Recommendation

To accept the findings and recommendations of staff and recommend **approval** to the County Commission of the subdivision application with 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.

Accept the request for variance:
 Due to this subdivision being for the diversion, only recreational development will be taking place within this subdivision and therefore it is recommended to approve the variance request for this to be a minor subdivision instead of a major subdivision.

Attachments

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

PLAT of FMD-WISER SUBDIVISION

IN SECTIONS 35 & 36, TOWNSHIP 142 NORTH, RANGE 49 WEST of the 5th PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA

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 of the SW1/4 a distance of 85.00 feet; thence N88°32'33"E parallel with, and 85.00 feet north of, said south line of the SW1/4 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; thence N01°21'41"W on said east line of the SW1/4 a distance of 219.12 feet; thence N88°32'38"E a distance of 206.71 feet; thence N41°56'12"E a distance of 2,323.10 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 of the NE1/4 a distance of 200.00 feet; thence S01°16'54"E parallel with, and 100.00 feet east of, the west line of the Northwest Quarter (NW1/4) of Section 36 a distance of 647.50 feet; thence N88°21'19"E parallel with the north line of said NW1/4 of Section 36 a distance of 900.00 feet; thence N43°21'19"E a distance of 190.00 feet; thence N65°51'19"E a distance of 175.00 feet; thence N88°21'19"E a distance of 147.53 feet; thence N49°35'00"E a distance of 489.82 feet; thence S47°52'49"E a distance of 364.18 feet to a meander line of the Red River of the North; thence S49°00'00"W on said meander line a distance of 101.30 feet; thence on said meander line 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 on said meander line a distance of 230.00 feet; thence on said meander line 26.97 feet on the arc of a tangential curve, concave to the northeast, having a radius of 450.00 feet, a central angle of 3°26'04", and a long chord length of 26.97 feet bearing S44°43'02"E to the westerly line of Auditor's Lot 2 of the North Half of said Section 36 as described in Doc. No. 646117, Records of Cass County; thence S43°22'31"W on said westerly line of Auditor's Lot 2 a distance of 286.53 feet to the northerly line of Auditor's Lot 1 of the North Half of said Section 36 as described in Doc. No. 646116, Records of Cass County; thence S88°21'22"W on said northerly line of Auditor's Lot 1 a distance of 92.64 feet; thence S42°40'18"W a distance of 1,451.01 feet; thence 2,106.17 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°52'54", and a long chord length of 2,055.07 feet bearing S20°43'51"W; thence S01°16'54"E parallel with, and 50.00 feet east of, the west line of the SW1/4 of Section 36 a distance of 402.25 feet to the south line of said SW1/4 of Section 36; thence S88°31'20"W on said south line of the SW1/4 a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 259.49 acres, more or less.

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 and 2) said subdivision shall be known as FMD-Wiser Subdivision.

Cass County Joint Water Resource District Owner, Blocks 1 & 2

Dated this _____ day of _____, 2023.

Rodger Olson, Chairman
Carol Harbeke Lewis, Secretary-Treasurer

STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 2023, before me personally appeared Rodger Olson, 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 they executed the same.

Notary Public for the State of _____
Residing at _____
My commission expires _____

Cass County

Dated this _____ day of _____, 2023.

Chad M. Peterson, Chairman
Cass County Board of Commissioners
Brandy Madrigga
Cass County Finance Director

STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 2023, before me personally appeared Chad M. Peterson, Chairman of the Board of County Commissioners, and Brandy Madrigga, County Finance Director, 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 _____

OWNERS

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

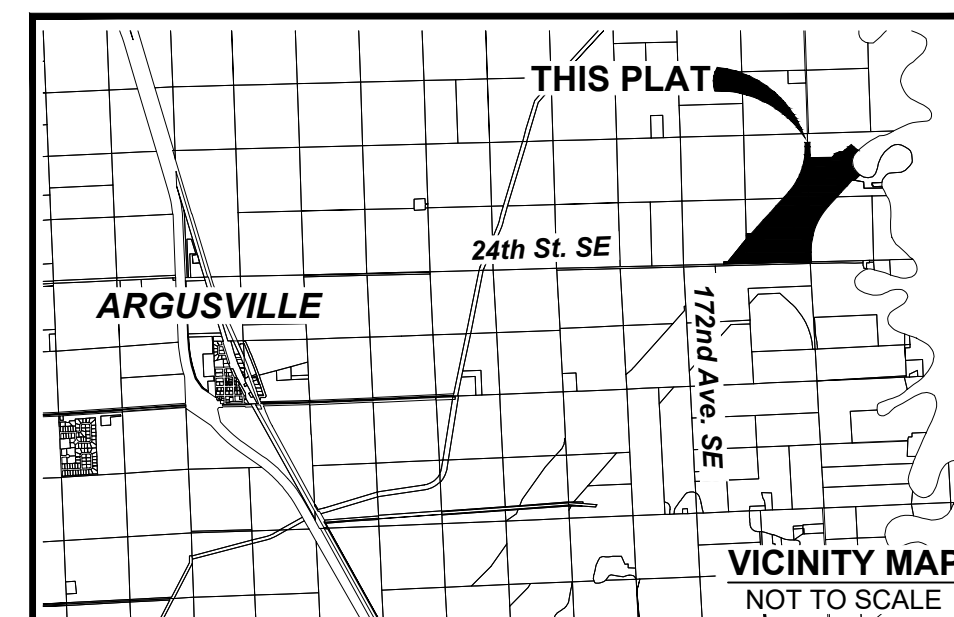
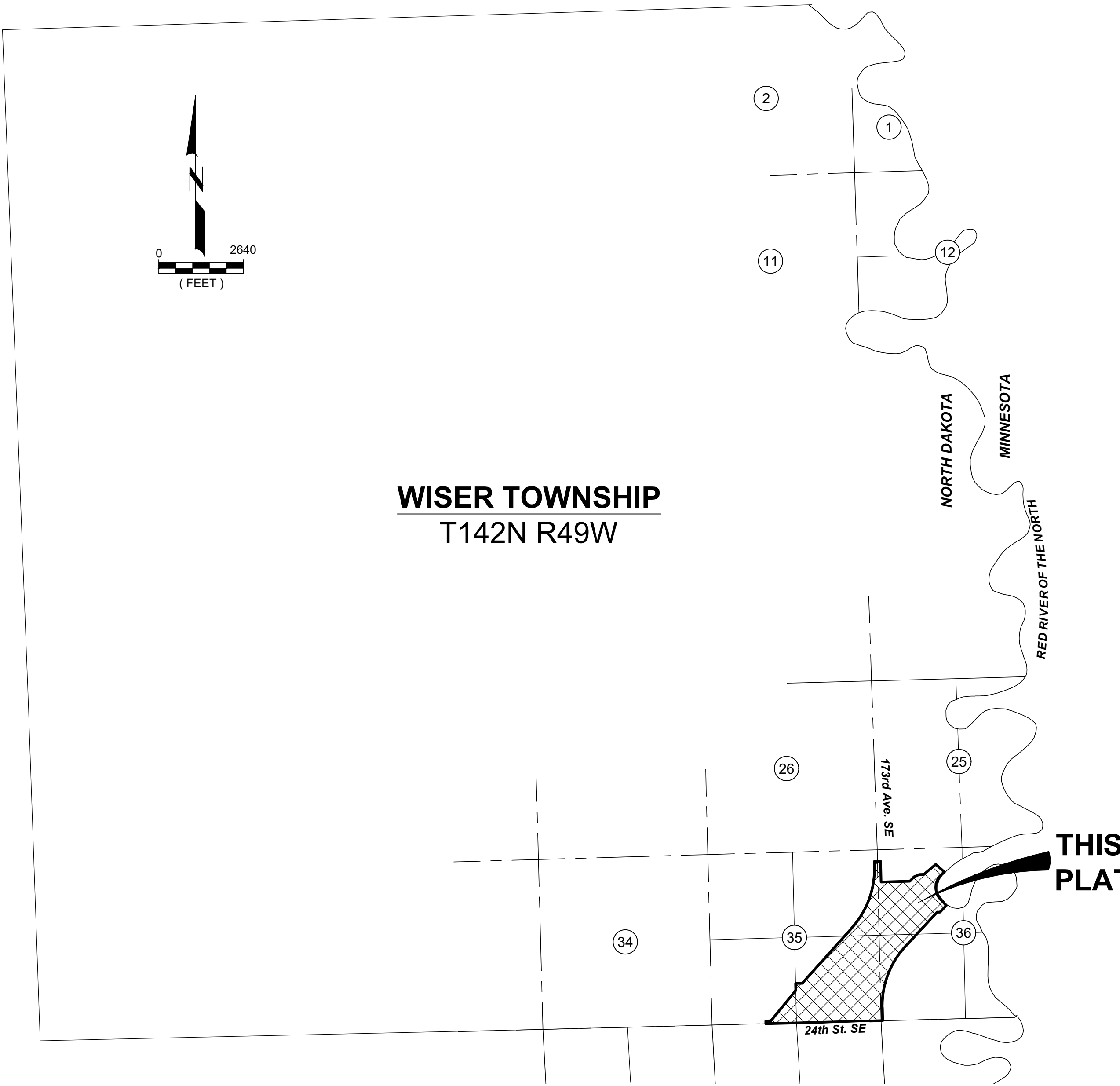
CASS COUNTY
211 9th STREET SOUTH
FARGO, ND 58103

PURPOSES

The purposes of this subdivision are to :
- Consolidate existing parcels of record into larger parcels and assign parcel lot and block names for ease of management.
- Vacate certain 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.

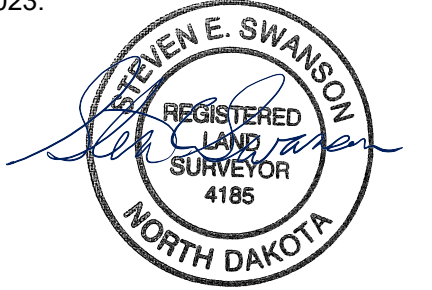


CERTIFICATE OF SURVEYOR

I, Steven E Swanson, 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 14th day of September, 2023.

Steven E Swanson, PLS
ND Reg. No. LS-4185



STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 2023, before me personally appeared Steven E Swanson, 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 _____, 2023.

Jason Benson
Cass County Engineer

CERTIFICATE OF WISER TOWNSHIP

Reviewed by Wiser Township this _____ day of _____, 2023.

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 _____, 2023.

Ken Lougheed
Chairman

Lisa Shasky
Secretary

CERTIFICATE OF CASS COUNTY COMMISSIONERS

The Cass County Board of County Commissioners reviewed this plat at its meeting on the _____ day of _____, 2023, and, having found it to be in the interest of the public health, safety, and welfare, hereby approves it.

Chad M. Peterson, Chairman
Cass County Board of Commissioners

Attest: Brandy Madrigga
Cass County Finance Director

COUNTY RECORDER



Advanced Engineering and Environmental Services, Inc.
4170 28th Ave South, Fargo, ND 58104
Ph: 701-364-9111 Web: www.AES2.com
W:\CH2M\CH2M\Hill - FM Diversion Land Acquisition
Management\Survey Support\Survey Data\Drawings\T142N
R49W\ND\Plat-Township\PLAT-Wiser-Plot.dwg
PAGE 1 OF 2

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
Northwestern Bell Tel.	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

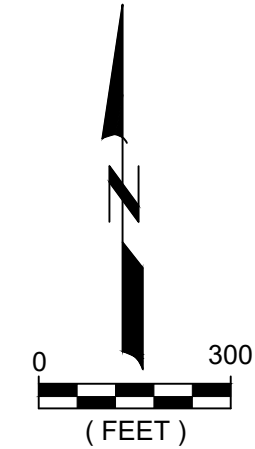
Land within this plat is subject to a floodway and floodplain as shown on FEMA Flood Insurance Rate Map Community Panel No. 3802670005B.

ADJACENT LANDOWNERS

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

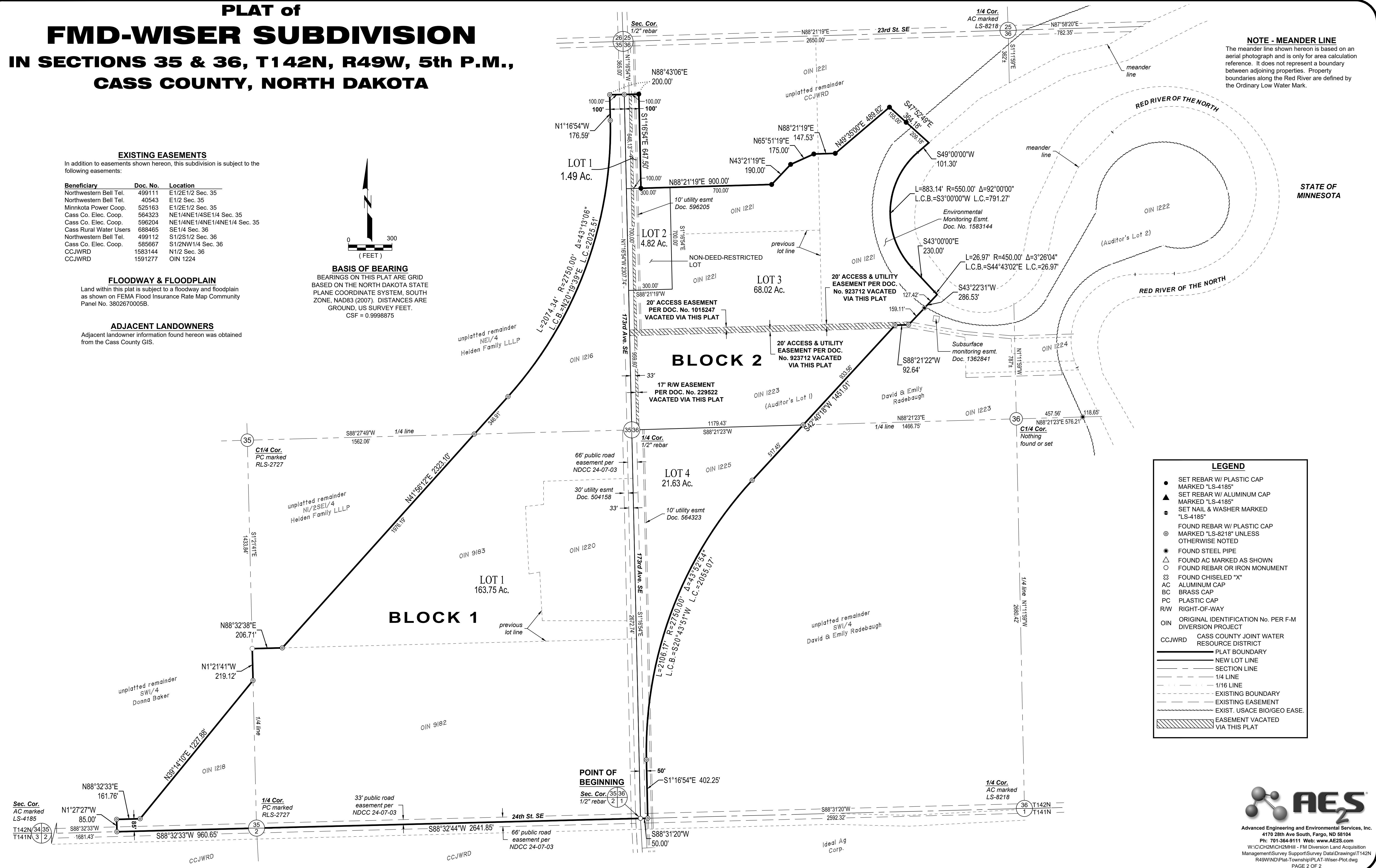
BASIS OF BEARING

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.

STATE OF MINNESOTA



LEGEND

- SET REBAR W/ PLASTIC CAP MARKED "LS-4185"
- ▲ SET REBAR W/ ALUMINUM CAP MARKED "LS-4185"
- SET NAIL & WASHER MARKED "LS-4185"
- ⊙ 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
- CCJWRD CASS COUNTY JOINT WATER RESOURCE DISTRICT
- 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

VARIANCE APPLICATION



Cass County Planning Department
 1201 Main Ave W
 West Fargo, ND 58078
 701-298-2375

FOR OFFICE USE ONLY

PC Meeting Date	
PC Meeting Decision	
CC Meeting Date	
CC Meeting Decision	

Please fill out the following information.

PROPERTY OWNER

APPLICANT (IF DIFFERENT THEN OWNER)

Name: <u>Cass County Joint Water Resource District</u> Address: <u>1201 Main Ave W</u> <u>West Fargo, ND 58078</u> Phone: <u>701-298-2381</u> Email: <u>lewisc@casscounty.gov , olsonrodger@aol.com</u>	Name: <u>Steve Swanson (Surveyor)</u> Address: <u>4170 28th Avenue S.</u> <u>Fargo, ND 58104</u> Phone: <u>701-402-0324</u> Email: <u>steve.swanson@ae2s.com</u>
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SUBJECT PROPERTY

Legal Description: FMD-WISER SUBDIVISION, Sections 35 & 36, T142N, R49W, Cass County, ND

Parcel ID Number: _____

Address: _____

Current Zoning Classification _____

Description of requested variance and applicable conditions/circumstances justifying request
 (continue on separate sheet, if necessary):

We 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 there will be no
residential or commercial development within the plat. Also Lot 2, Block 2 will be platted with no deed
restriction. This Lot will be used for future recreational facilities.

Signature of Applicant	Print Name	Date
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