



Planning Department

Telephone: 701-298-2375

Fax: 701-298-2395

planning@casscountynd.gov

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: July 29, 2024

SUBJECT: Regular Agenda Topic for the August 5, 2024 Commission Meeting:
Cameron Wischer Second Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Kinyon Township, Section 5 at a Public Hearing on July 25, 2024. The intended purpose of the subdivision is to expand a commercial operation from an existing subdivision.

The Planning Commission is recommending approval of the proposed plat entitlement request and Tower Township has verified meets all applicable zoning and flood plain regulations. Therefore, the Planning Commission recommendation is forwarded to the Cass County Board of Commissioners for action.

SUGGESTED MOTION:

To accept the findings and recommendations of the Planning Commission and staff and recommend approval of the Final Plat as the proposal meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance, and all other applicable regulations.



Cass County Planning Commission Staff Report

| | | | |
|--------------------------------|--|---------------------------|------------------------------|
| Entitlements Requested: | Minor Subdivision (1 Lot) of a part of the NW ¼ of Section 5, Township 143 North, Range 50 West | | |
| Title: | Cameron Wischer Second Subdivision | Date: | 07/25/24 |
| Location: | NW ¼ of Section 5, Township 143 North, Range 50 West (Kinyon Township) | Staff Contact: | Cole Hansen |
| Parcel Number: | 49-0100-00010-000 | Water District: | Northern Cass Water District |
| Owner(s)/Applicant: | Cameron Wischer | Engineer/Surveyor: | Houston Engineering |
| Status: | Planning Commission Hearing: July 25, 2024 County Commission Hearing: August 5, 2024 | | |

| | |
|-------------------|-------------------|
| Existing Land Use | Proposed Land Use |
| Commercial | Commercial |
| Proposal | |

The applicant is seeking approval of a minor subdivision entitled **Cameron Wischer Second Subdivision** to plat a one (1) Lot subdivision of approximately 8 acres. According to the applicant, the subdivision is requested to replat a lot for an expanded commercial use.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Road 11 for road access, ditches for storm sewer conveyance, rural water. The property currently does have an on-site septic system for wastewater treatment.

| Agency Comments | |
|---|---|
| County Engineer | No comments were received prior to publishing the staff report. |
| 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/T-Mobile/Congent | 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 comments were received prior to publishing the staff report. |
| North Dakota Department of Transportation | No comments were received prior to publishing the staff report. |
| County Sanitarian | No issue with proposal. |
| 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, south, and east. County Road 11 borders the north 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 5.04 (e) 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.

Attachments

1. Location Map
2. Plat Document

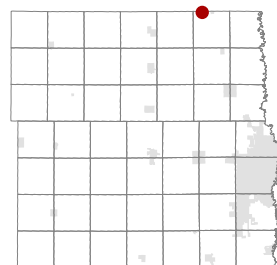
Minor Subdivision

Cameron Wischer Second Subdivision

Section 5, Kinyon Township
Township 143 North - Range 50 West



Cass County Planning Commission
July 25, 2024



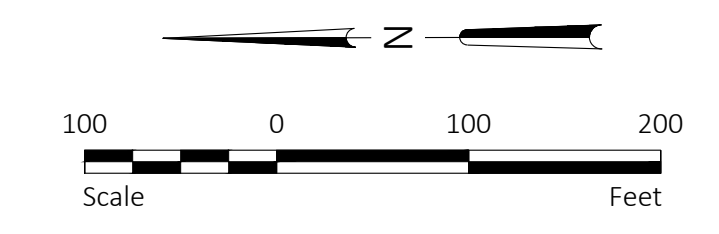
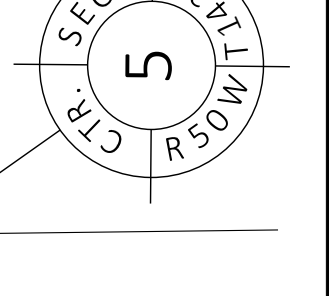
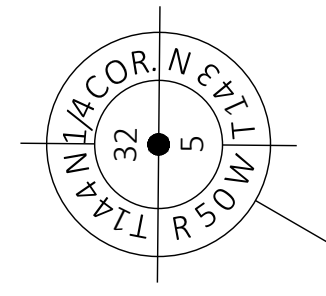
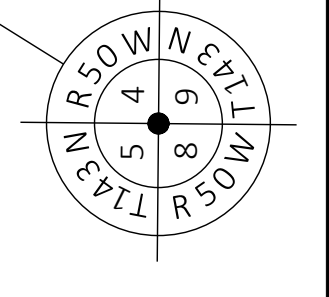
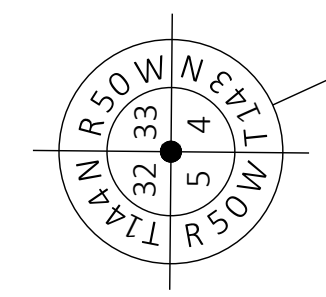
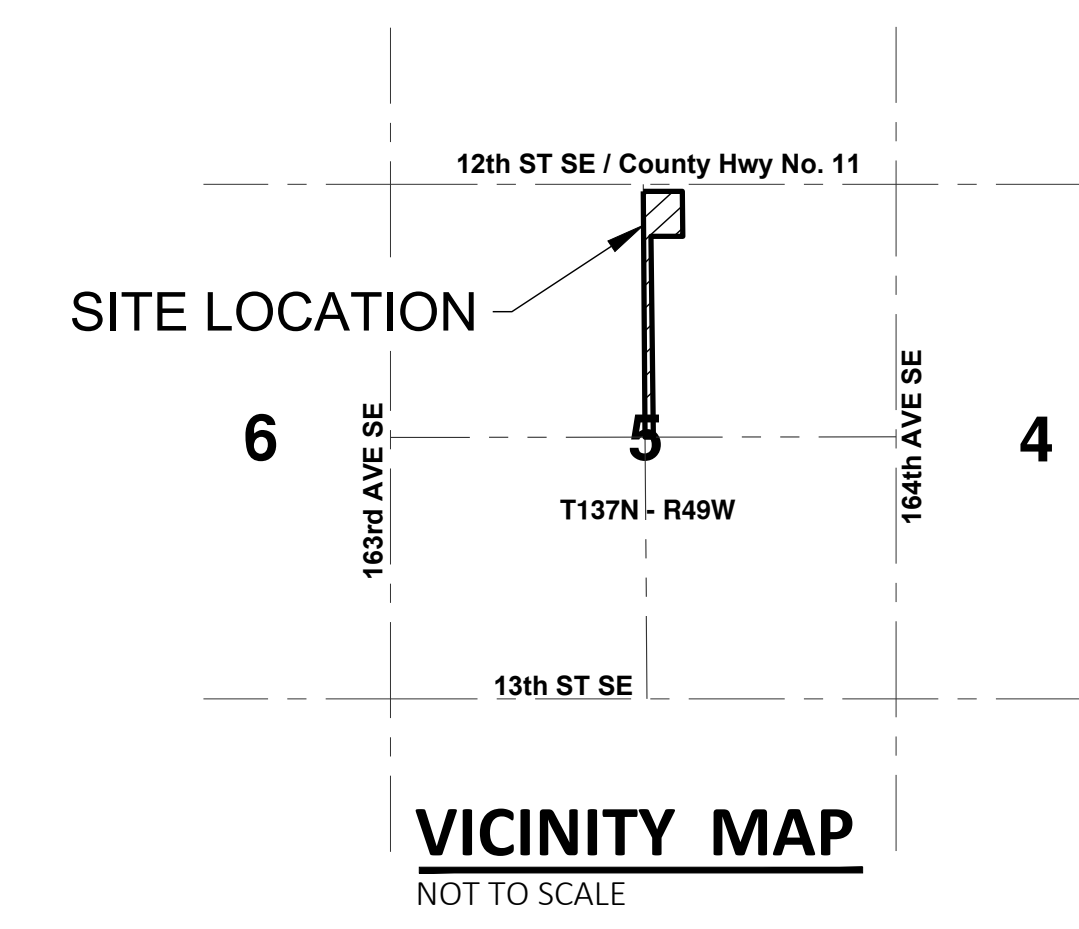
Imagery: NAIP, summer/fall 2023

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.



CAMERON WISCHER SECOND SUBDIVISION

BEING A REPLAT OF LOT 1, BLOCK 1, CAMERON WISCHER SUBDIVISION AND A PLAT OF PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND GOVERNMENT LOT 2, SECTION 5, T143N, R50W, 5th P.M. CASS COUNTY, NORTH DAKOTA



LEGEND

| | |
|----------------------------|-------------|
| IRON MONUMENT FOUND | ● |
| 1/2" I.D. IRON PIPE SET | ○ |
| MEASURED BEARING | N00°00'00"E |
| MEASURED DISTANCE | 100.00' |
| PLAT BOUNDARY | ————— |
| EXISTING UTILITY EASEMENT | - - - - - |
| SECTION LINE | - - - - - |
| EXISTING RIGHT-OF-WAY LINE | - - - - - |

BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE

H:\BNA\8100\8173\8173_0002\CAD\Cameron Wischer Second Addition Prelim Plat.dwg

PRELIMINARY PLAT

Project No. 8173-0002
Houston Engineering Inc.
 Phone: 701.237.5065

CAMERON WISCHER SECOND SUBDIVISION

BEING A REPLAT OF LOT 1, BLOCK 1, CAMERON WISCHER SUBDIVISION AND A PLAT OF PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND GOVERNMENT LOT 2, SECTION 5, T143N, R50W, 5th P.M. CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: That Cameron J. Wischer is the owner and proprietor of Lot 1, Block 1, Cameron Wischer Subdivision, and part of the Southwest Quarter of the Northeast Quarter and Government Lot 2, Section 5, Township 143 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, all described as follows:

Commencing at the northwest corner of said Northeast Quarter; thence South 03°12'20" East, along the westerly line of said Northeast Quarter, for a distance of 75.00 feet to a point of intersection with the southerly right-of-way line of Cass County Highway No. 11 and the northwest corner of Lot 1, Block 1, Cameron Wischer Subdivision, on file at the Cass County Recorder's Office, and the true point of beginning; thence North 87°26'59" East, along the southerly right-of-way line of said Cass County Highway No. 11, for a distance of 407.50 feet; thence South 03°12'20" East, parallel with the westerly line of said Northeast Quarter, for a distance of 470.00 feet; thence South 87°26'59" West, parallel with the northerly line of said Northeast Quarter, for a distance of 332.50 feet to a point of intersection with the easterly line of said Lot 1; thence South 03°12'20" East, along the easterly line of said Lot 1, for a distance of 2114.90 feet to the southeast corner of said Lot 1; thence South 87°44'14" West, along the southerly line of said Lot 1, for a distance of 75.00 feet to the southwest corner of said Lot 1; thence North 03°12'20" West, along the westerly line of said Lot 1, for a distance of 2584.52 feet to the true point of beginning.

Said tract contains 8.04 acres, more or less.

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

In witness whereof I have set my hands and seal.

Owner:

Cameron J. Wischer

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Cameron J. Wischer, known to me 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: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, James A. Schlieman, Professional 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 monuments for the guidance of future surveys have been located or placed in the ground as shown.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared James A. Schlieman, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

Cass County Engineer:
Reviewed by the Interim Cass County Engineer this _____ day of _____, 20____.

Tom Soucy, Interim Cass County Engineer

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

Ken Lougheed, Chairman

Attest: _____
Secretary

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

Robert Sterling, Chair

Attest: _____
Louis Rosenau, Clerk

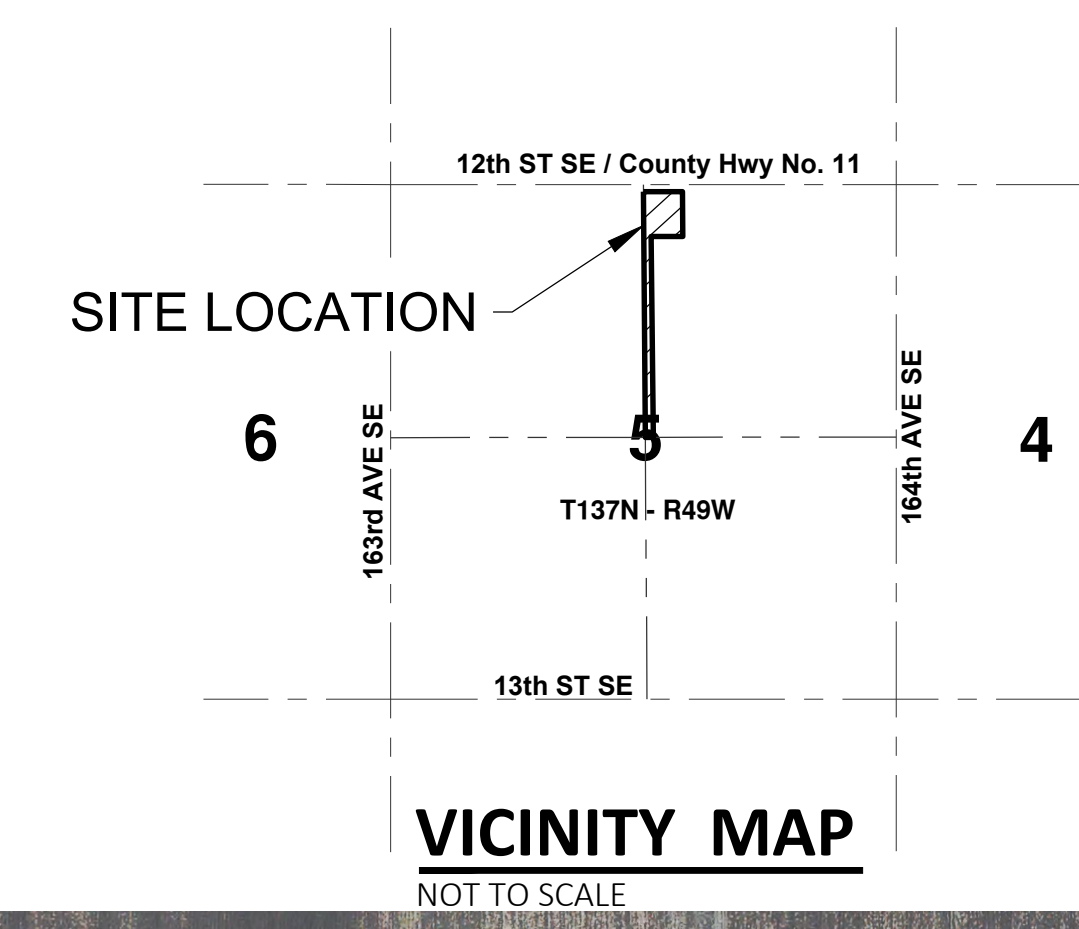
Cass County Board of Commissioners' Approval:
Approved by Cass County, North Dakota, this _____ day of _____, 20____.

Chad M. Peterson, Chair

Attest: _____
Brandy Madrigga, Cass County Finance Director

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PRELIMINARY PLAT

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