

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, October 26, 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 September 28, 2023

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **Lehman Subdivision** located in Section 14, Township 141 North, Range 51 West of the 5th Principal Meridian, Rush River Township, Cass County, North Dakota.
2. Hearing on an application requesting a Minor Subdivision Plat of **Pfaff Subdivision** located in Section 17, Township 138 North, Range 55 West of the 5th Principal Meridian, Clifton Township, Cass County, North Dakota.
3. Hearing on an application requesting a Minor Subdivision Plat of **Arthur Puntton Subdivision** located in Section 22, Township 141 North, Range 54 West of the 5th Principal Meridian, Ayr Township, Cass County, North Dakota.

F. New Business

G. Old Business

H. Adjournment

**CASS COUNTY PLANNING COMMISSION
September 28, 2023**

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on September 28, 2023 at 7:00 am in the West Fargo Public Works conference room.

B. ROLL CALL

Planning Commissioners attending in person were Rocky Bertsch, David Gust, Ken Lougheed, Dr. Tim Mahoney, Keith Monson, Brad Olson, Keith Gohdes and Hugh Veit. Commissioner Duane Breitling was 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 attended via Teams. Steve Swanson and Dean Vetter from AE2S attended in person. Kyle Oetker, a 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 August 24, 2023 meeting as presented.

Motion carried.

E. PUBLIC HEARING

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.

Mr. Lougheed opened the public hearing.

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.

Mr. Benson clarified that there are more of these diversion subdivisions coming in the near future. They will eliminate existing easements that run along the diversion channel, and there will be one plat per township. Mr. Swanson and Mr. Vetter were introduced as members of the FM Diversion Authority for any questions.

Mr. Lougheed asked what type of structures are being planned. Mr. Benson said that there are several concepts in mind, such as a bike path. Mr. Olson said it could be a state or county park.

The road would be large enough to have maintenance or people walking. There would also be a gravel parking lot, trash receptacles and toilets.

Mr. Lougheed asked about the floodway and how FEMA would handle any floods. Mr. Benson there will be no more elevation, and rip rap will be added. Mr. Lougheed said that Lot 2 rec areas could be in the floodway, would there need to be a waiver. Mr. Benson said it is possible to do a replat in later years. Mr. Veit had a question regarding the levy. Mr. Benson said there will be an embedded levy that is 6-8' tall and will be built to the Corps of Engineers standards. There will be dirt moved all winter in preparation for summer work.

Mr. Oetker asked about CR31 and CR4 as he has a farmstead on 23rd St SE. Mr. Benson showed that there will be one bridge that cuts across a field at a 90-degree angle. The bridge will be concrete with asphalt on either edge of the bridge, and the rest of the road will remain gravel. Mr. Benson clarified that the channel on the west side will be built like a legal drain.

Mr. Gust said that non-flood control construction will go through the Wisner Township board for approvals.

Mr. Vetter did mention that the FM Diversion Authority has approved this process but Cass County Planning and Engineering departments wanted to make sure that Wisner was fully correct before proceeding to the other subdivision plats.

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

MOTION, *passed*

Mr. Bertsch moved, Mr. Olson 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, including that all flood control issues be brought to Wisner Township Zoning board.

Accept the request for variance:

Due to this subdivision being for the FM 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.

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

F. NEW BUSINESS

G. OLD BUSINESS

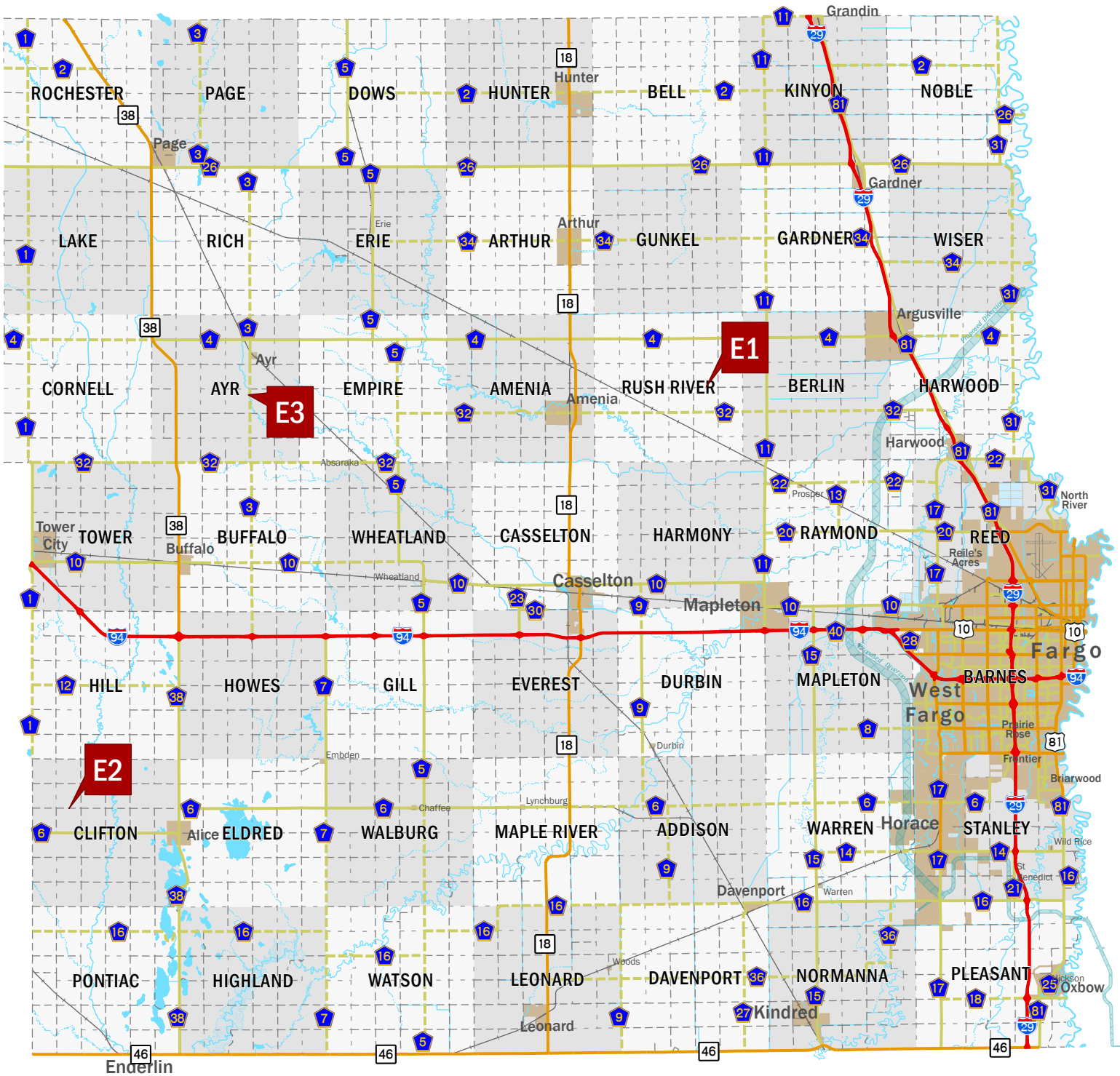
H. ADJOURNMENT

On motion by Mr. Gust seconded by Mr. Bertsch and all voting in favor, the meeting was adjourned at 7:36 am.

Agenda Items

Cass County Planning Commission

October 26, 2023



Agenda Items:

E1 - Lehman Subdivision

E2 - Pfaff Subdivision

E3 - Arthur Punton 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 (1 Lot) of a part of the SE ¼ of Section 14, Township 141 North, Range 51 West		
Title:	Lehman Subdivision	Date:	10/19/23
Location:	SE ¼ of Section 14, Township 141 North, Range 51 West (Rush River Township)	Staff Contact:	Cole Hansen
Parcel Number:	63-0000-11769-000, 63-0000-11770-000	Water District:	Rush River Water District
Owner(s)/Applicant:	Dallas Lehman	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: October 26, 2023		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Lehman Subdivision** to plat a one (1) Lot subdivision of approximately 3.5 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 27th St SE 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 concerns from the Highway Department.
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/Cogent	No concerns.
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	Property already has service from CRWD.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	FCPH has no issue with this 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 all sides of the lot. Township road 27th St SE borders the south 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 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

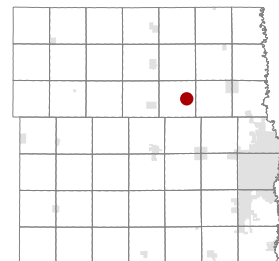
Minor Subdivision

Lehman Subdivision

Section 14, Rush River Township
Township 141 North - Range 51 West



Cass County Planning Commission
October 26, 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.



DEED RESTRICTION

Pursuant to Section 5.04 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this ____ day of _____, 20__, by

Owner(s):

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 5.04 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 5.04 (g) of the Cass County Subdivision Ordinance and any amendment thereto:

1. 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;
2. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
3. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Section 6.05 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, streetlights, 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 5.04 (e) of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 5.04 (g) 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.

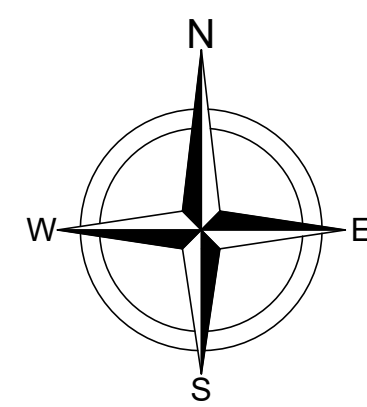
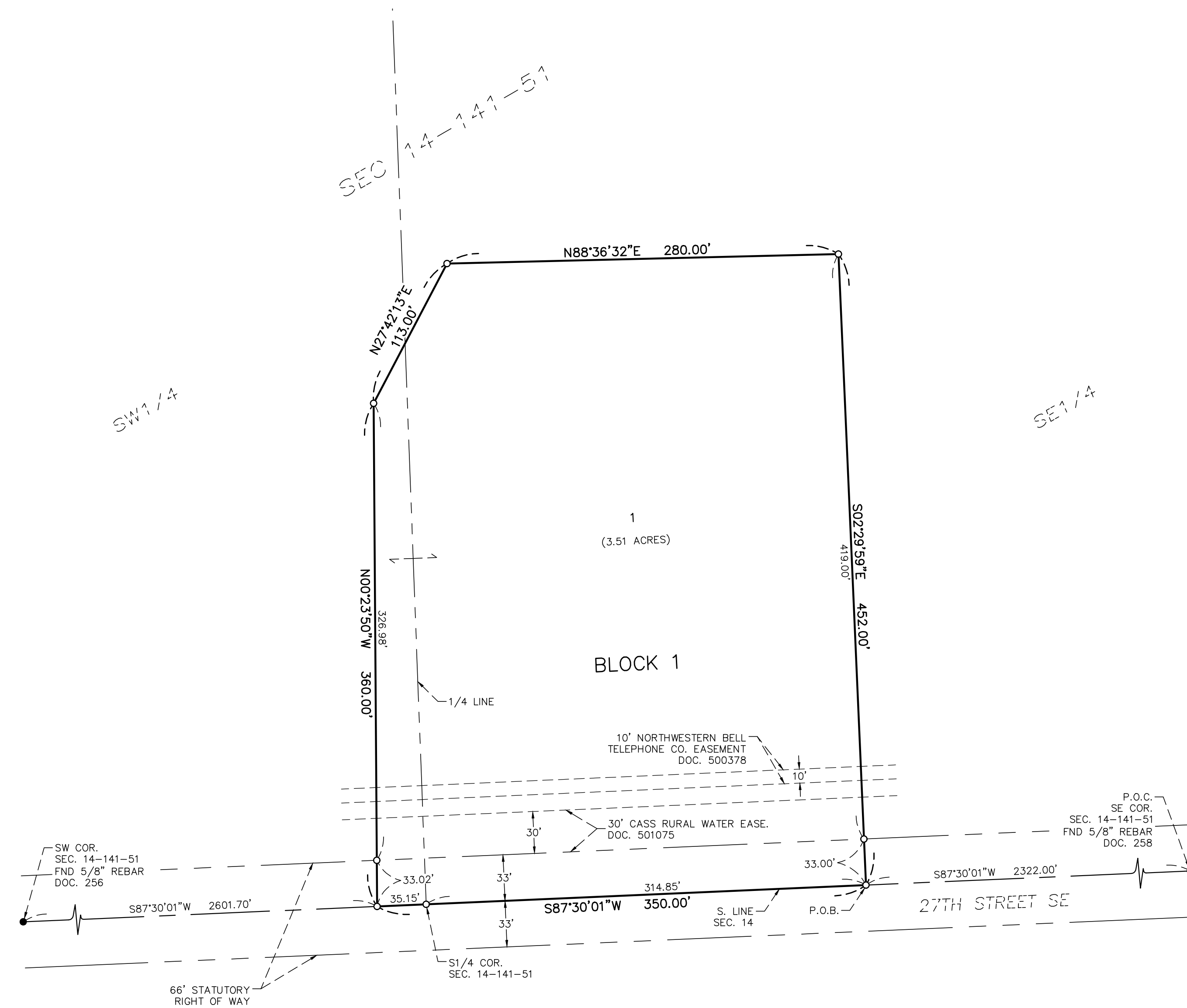
3. VIOLATION OF DEED RESTRICTION

In the event of a violation of this **DEED RESTRICTION**, the penalties and remedies provided under North Dakota law shall apply. (NDCC 11-33.2-15)

4. LEGAL DESCRIPTION OF THE RESTRICTED PARCEL

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14,
TOWNSHIP 141 NORTH, RANGE 51 WEST OF THE FIFTH PRINCIPAL
MERIDIAN, CASS COUNTY, NORTH DAKOTA, LESS LEHMAN SUBDIVISION,
ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD
IN THE OFFICE OF THE RECORDER, SAID COUNTY.

**PLAT OF
LEHMAN SUBDIVISION**
A PLAT OF PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 141 NORTH,
RANGE 51 WEST, CASS COUNTY, NORTH DAKOTA



0 60
Scale in Feet

BASIS OF BEARINGS: THE SOUTH LINE OF SECTION 14 HAS AN ASSUMED BEARING OF S87°30'01\"/>

- LEGEND**
- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. LS-6571
 - IRON MONUMENT FOUND
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING

NOTE:
1. FEMA HAS NOT COMPLETED A STUDY TO DETERMINE THE FLOOD HAZARD FOR THIS AREA.

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "LEHMAN SUBDIVISION" A PLAT OF PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 141 NORTH, RANGE 51 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 141 NORTH, RANGE 51 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 87 DEGREES 30 MINUTES 01 SECOND WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID SECTION 14 FOR A DISTANCE OF 2322.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 30 MINUTES 01 SECOND WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 350.00 FEET; THENCE NORTH 00 DEGREES 23 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 360.00 FEET; THENCE NORTH 27 DEGREES 42 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 113.00 FEET; THENCE NORTH 88 DEGREES 36 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 280.00 FEET; THENCE SOUTH 02 DEGREES 29 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 452.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 3.51 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "LEHMAN SUBDIVISION", A PLAT OF PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 141 NORTH, RANGE 51 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

OWNERS: ESTATE OF DALLAS LEHMAN:

MARTIN LEHMAN, CO-PERSONAL REPRESENTATIVE

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARTIN LEHMAN, CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF DALLAS LEHMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE DALLAS LEHMAN ESTATE.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

JAMES LEHMAN, CO-PERSONAL REPRESENTATIVE

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JAMES LEHMAN, CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF DALLAS LEHMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE DALLAS LEHMAN ESTATE.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MARLENE RORMAN, CO-PERSONAL REPRESENTATIVE

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARLENE RORMAN, CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF DALLAS LEHMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE DALLAS LEHMAN ESTATE.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

RUSH RIVER TOWNSHIP REVIEW

REVIEWED BY RUSH RIVER TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2023.

SIGNED: _____
KEN CRAMER, CHAIR

ATTEST: _____
AUDREY CRAMER, CLERK

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2023.

SIGNED: _____
JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2023.

SIGNED: _____
KEN LOUGHEED, CHAIR

ATTEST: _____
SECRETARY

CASS COUNTY COMMISSION APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2023.

SIGNED: _____
CHAD PETERSON, CHAIR

ATTEST: _____
BRANDY MADDRIGA, FINANCE DIRECTOR



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NE ¼ of Section 17, Township 138 North, Range 55 West		
Title:	Pfaff Subdivision	Date:	10/19/23
Location:	NE ¼ of Section 17, Township 138 North, Range 55 West (Clifton Township)	Staff Contact:	Cole Hansen
Parcel Number:	30-0000-02473-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Greg and Sara Pfaff	Engineer/Surveyor:	Neset Surveys
Status:	Planning Commission Hearing: October 26, 2023		

Existing Land Use	Proposed Land Use
Agricultural	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Pfaff Subdivision** to plat a one (1) Lot subdivision of approximately 2 acres. According to the applicant, the subdivision is requested to build a new residential building and/or shop.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 44th St SE for road access, ditches for storm sewer conveyance, rural water. The property currently does not have an on-site septic system for wastewater treatment.

Agency Comments	
County Engineer	No concerns from the Highway Department.
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 concerns.
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	Water service available from main located on the north side of 43 rd St SE. No application for service has been received.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	FCPH has no issue with this 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 all sides of the lot. Township road 44th St SE borders the north of the property.

Floodzone

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

Land Development Rights

The subject quarter-quarter section currently is developed and requires the transfer of a development right. Section 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

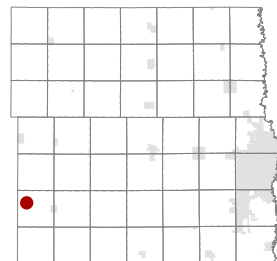
Minor Subdivision

Pfaff Subdivision

Section 17, Clifton Township
Township 138 North - Range 55 West



Cass County Planning Commission
October 26, 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.



DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 10 day of August, 2023, by

Owner(s): Greg Pfaff and Sara Pfaff

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

PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 138 NORTH, RANGE 55 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY NORTH DAKOTA, LESS A ±1.63 ACRE PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 17; THENCE N89°26'36"W ON AN ASSUMED BEARING ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 2488.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°26'36"W ALONG SAID NORTH LINE A DISTANCE OF 167.10 FEET TO THE NORTH QUARTER CORNER OF SECTION 17; THENCE S00°16'44"E ALONG THE NORTH/SOUTH QUARTER LINE OF SECTION 17 A DISTANCE OF 424.37 FEET; THENCE S89°26'36"E PARALLEL WITH THE NORTH LINE OF SECTION 17 A DISTANCE OF 167.10 FEET; THENCE N00°16'44"W PARALLEL WITH THE NORTH/SOUTH QUARTER LINE A DISTANCE OF 424.37 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±1.63 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

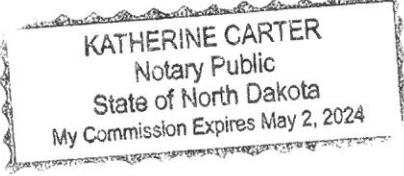
IN WITNESS of the restrictions, the Owner(s) have caused this DEED RESTRICTION to be executed effective as of:

[Signature]
Owner(s) Signature

8-10-23
Date

State of North Dakota)
) ss
County of Cass)

On this 10th day of August, 2023 before me, a notary public within and for said county and state, personally appeared _____, 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 _____, 20__, by Jason Benson, County Engineer.

County Engineer Signature

Date

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20__, 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 NE ¼ of Section 22, Township 141 North, Range 54 West		
Title:	Arthur Punton Subdivision	Date:	10/19/23
Location:	NE ¼ of Section 22, Township 141 North, Range 54 West (Ayr Township)	Staff Contact:	Cole Hansen
Parcel Number:	24-0000-00990-030	Water District:	Maple River Water District
Owner(s)/Applicant:	Arthur and Candace Punton	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: October 26, 2023		

Existing Land Use	Proposed Land Use
Agricultural	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Arthur Punton Subdivision** to plat a one (1) Lot subdivision of approximately 2 acres. According to the applicant, the subdivision is requested to construct a residential building.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing County Road 3 road access, ditches for storm sewer conveyance, rural water. The property currently does not have an on-site septic system for wastewater treatment.

Agency Comments

County Engineer	No concerns from the Highway Department.
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 concerns.
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	Water service will be available from a main located approximately 1,000 feet north of the property. Have not received an application for service.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	FCPH has no issue with this 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 all sides of the lot. County Highway 3 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 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

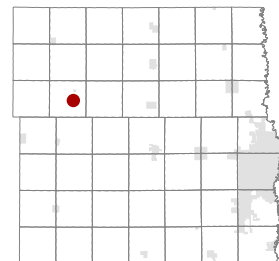
Minor Subdivision

Arthur Punton Subdivision

Section 22, Ayr Township
Township 141 North - Range 54 West



Cass County Planning Commission
October 26, 2023

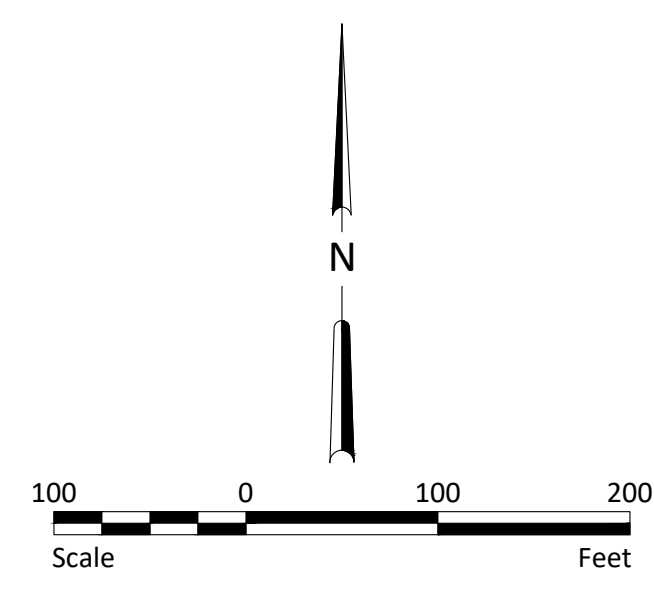


Imagery: spring 2021
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



ARTHUR PUNTON SUBDIVISION

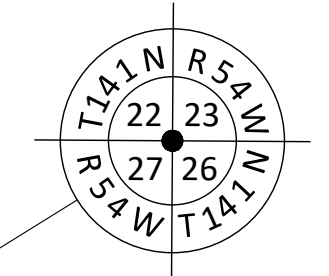
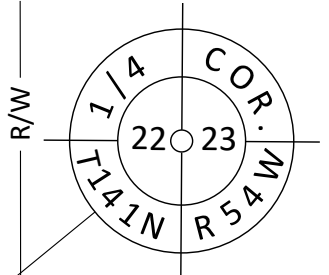
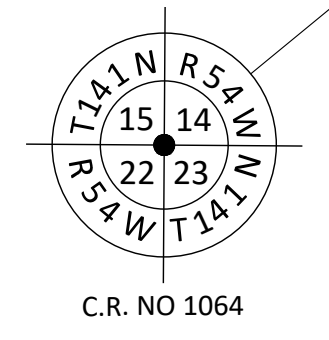
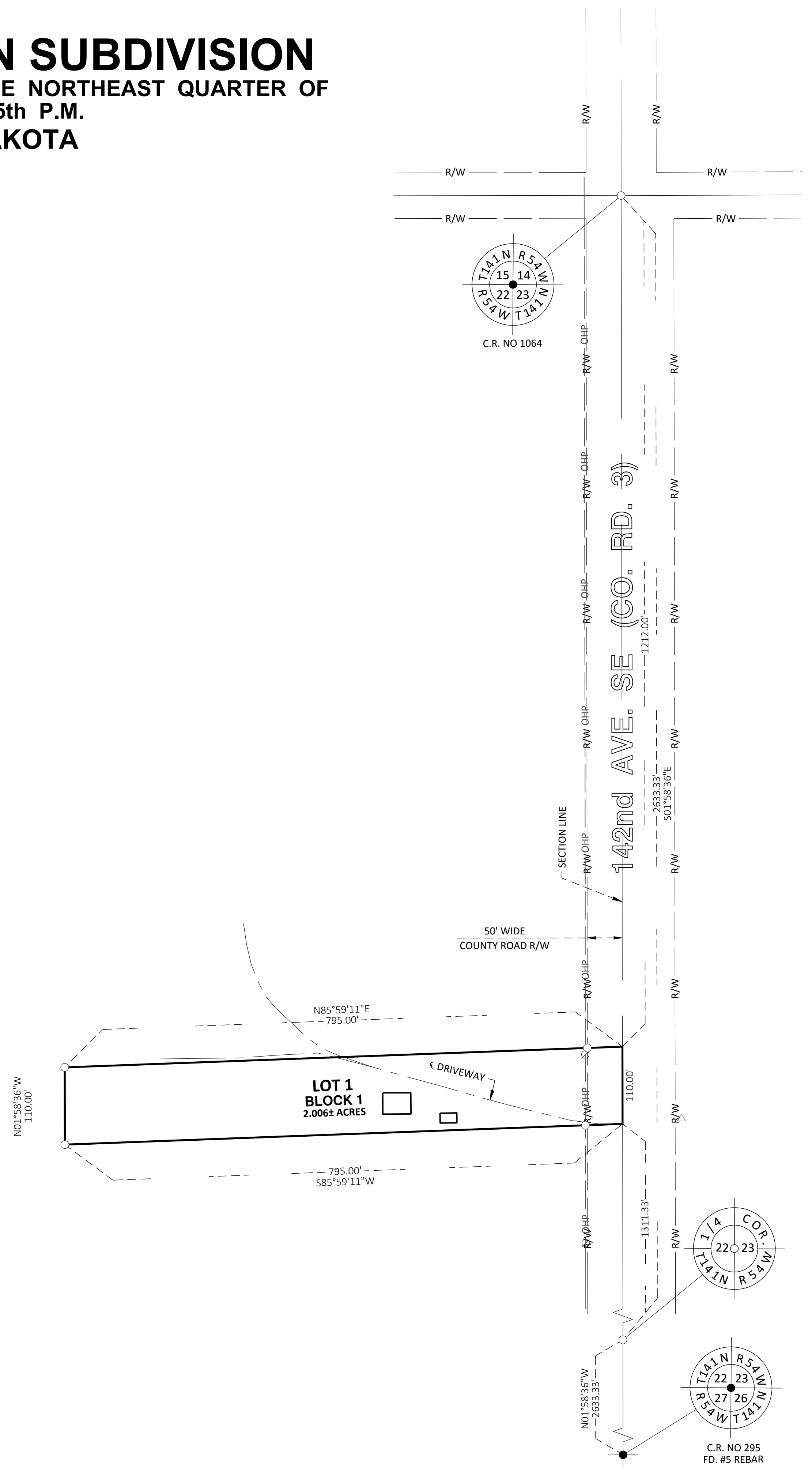
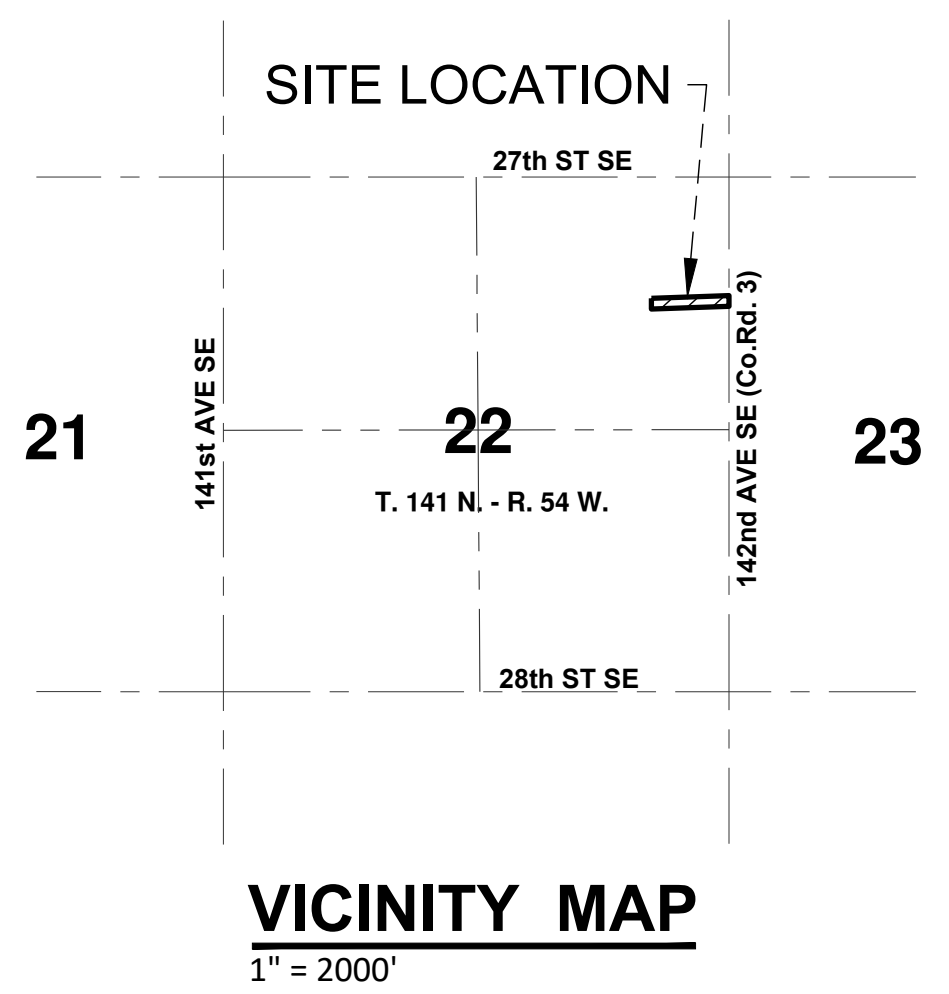
BEING A PLAT OF PART OF THE NORTHEAST QUARTER OF SECTION 22, T. 141 N., R. 54 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
UTILITY POLE	⊗
TELEPHONE RISER	△
PLAT BOUNDARY	—————
LOT LINE	—————
DRIVEWAY CENTERLINE	—————
EXISTING RIGHT OF WAY LINE	— R/W —
OVERHEAD ELEC. POWER LINE	— OHP —

BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE
MEASURED DISTANCES SHOWN ARE GRID DISTANCES IN TERMS OF U.S. SURVEY FEET.



Owners' Certificate and Dedication:

Know all persons by these presents: Candace Punton and Arthur R. Punton, Jr., wife and husband, are the owners and proprietors of that part of the Northeast Quarter of Section 22, Township 141 North, Range 54 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

COMMENCING at the northeast corner of said Section 22; thence South 01°58'36" East (assumed bearing), along the easterly line of the Northeast Quarter of said Section 22, for a distance of 1212.00 feet to the TRUE POINT OF BEGINNING; thence continue South 01°58'36" East, along the easterly line of the Northeast Quarter of said Section 22, for a distance of 110.00 feet; thence South 85°59'11" West for a distance of 795.00 feet; thence North 01°58'36" West for a distance of 110.00 feet; thence North 85°59'11" East for a distance of 795.00 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.006 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **ARTHUR PUNTON SUBDIVISION**.

In witness whereof we have set our hands and seals.

Owners:

Candace Punton _____ Arthur R. Punton, Jr. _____

State of _____)
County of _____) ss

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Candace Punton and Arthur R. Punton, Jr., wife and husband, known to me 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, Chairman

Attest: _____
Secretary

Ayr Township:

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

Larry Wilcox, Chair

Attest: _____
Timothy Rand, 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

PRELIMINARY PLAT

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