

## **Planning Department**

Telephone: 701-298-2375 Fax: 701-298-2395 planning@casscountynd.gov

## **MEMORANDUM**

то:	Cass County Board of Commissioners
FROM:	Cole Hansen, Cass County Planner
DATE:	July 8, 2024
SUBJECT:	Regular Agenda Topic for the July 16, 2024 Commission Meeting: FMD- Raymond Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Raymond Township, Sections 2, 11, 14, 23, 26, 27, and 34 at a Public Hearing on June 27, 2024. The intended purpose of the subdivision is to a utility site.

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 on the condition that access to the existing property is modified to comply with the Cass County Highway Access Ordinance, 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 (11 Lots) of a part of Sections 2, 11, 14, 23, 26, 27, and 34 Township 140 North, Range 50 West		
Title:	FMD-Raymond Subdivision	Date:	06/27/24
Location:	Sections 2, 11, 14, 23, 26, 27, 34 Township 140 North, Range 50 West (Raymond Township)	Staff Contact:	Cole Hansen
Parcel Number:	Various	Water District:	Rush River and Maple River Water Districts
<b>Owner(s)/Applicant:</b> Cass County Joint Water Resource District		Engineer/ Surveyor:	AE2S
Status:	Planning Commission Hearing: June 27, 2024 County Commission Hearing: July 16, 2024		

Existing Land Use	Proposed Land Use			
Agricultural	Agricultural			
Proposal				

The applicant is seeking approval of a minor subdivision entitled **FMD-Raymond Subdivision** to plat an eleven (11) Lot subdivision of approximately 1,571 acres. According to the applicant, the subdivision is requested to plat the diversion channel.

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.			
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 sides of the lot.

#### Floodzone

Plat is for diversion channel and as such is a facility that is designed to flood and direct flood waters during a flood event.

#### 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.

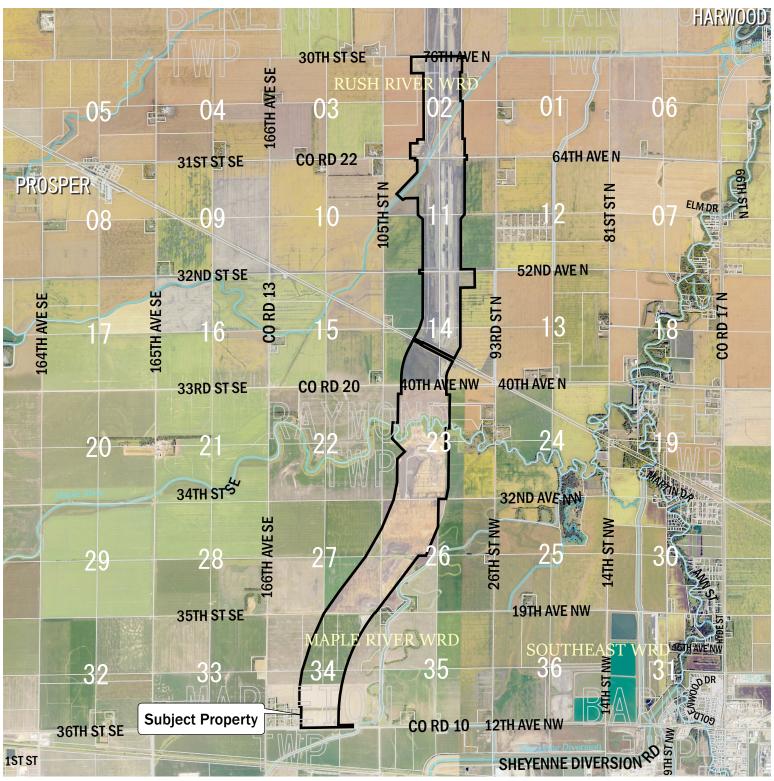
#### Attachments

- 1. Location Map
- 2. Plat Document

# **Minor Subdivision**

## **FMD-Raymond Subdivision**

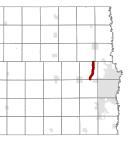
Section 2, 11, 14, 23, 26, 27, 34, Raymond Township Township 140 North - Range 50 West



Cass County Planning Commission June 27, 2024

1 ⊐ Mile

6



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 Habilities due to the accuracy, availability, use or misuse of the information herein provided.

CASS COUNTY GOVERNMENT

#### DESCRIPTION OF PLAT BOUNDARIES

Those portions of Sections 2, 11, 14, 23, 26, 27, and 34, T140, R50, 5th P.M., Cass County, North Dakota, being further described as follows:

#### BLOCKS 1, 2, 3, 4, 5, 6, 7, & 8

Commencing at the northwest corner of said Section 2; thence N87°25'03"E on the north line of said Section 2 a distance of 1.327.41 feet to the Point of Beginning; thence continuing N87°25'03"E on the north line of said Section 2 a distance of 2,470.80 feet; thence S02°34'57"E a distance of 65.00 feet; thence S87°25'03"W parallel with, and 65.00 feet south of, the north line of said Section 2 a distance of 105.00 feet; thence S02°34'57"E a distance of 682.98 feet; thence S87°25'05"W a distance of 95.42 feet; thence S03°01'42"E a distance of 1.339.40 feet to the south line of the Northeast Quarter (NE1/4) of said Section 2: thence N87°17'31"E on the south line of the NE1/4 of said Section 2 a distance of 99.26 feet; thence S01°52'33"E parallel with the east line of the Southeast Quarter (SE1/4) of said Section 2 a distance of 1,771.00 feet; thence N88°07'27"E a distance of 100.00 feet; thence S01°52'33"E parallel with the east line of the SE1/4 of said Section 2 a distance of 775.00 feet; thence N87°12'25"E parallel with, and 100.00 feet north of, the south line of the SE1/4 of said Section 2 a distance of 100.00 feet; thence S02°47'35"E a distance of 200.00 feet; thence S87°12'25"W parallel with, and 100.00 feet south of, the south line of the SE1/4 of said Section 2 a distance of 100.00 feet; thence S01°55'00"E parallel with the east line of the Northeast Quarter (NE1/4) of said Section 11 a distance of 2,554.20 feet to the south line of the NE1/4 of said Section 11; thence S38°52'37"W a distance of 267.88 feet; thence S01°54'43"E parallel with the east line of the Southeast Quarter (SE1/4) of said Section 11 a distance of 2,369.22 feet; thence N87°07'49"E parallel with, and 85.00 feet north of, the south line of the SE1/4 of said Section 11 a distance of 644.21 feet; thence S02°52'11"E a distance of 855.00 feet; thence S87°07'49"W parallel with, and 770.00 feet south of, the south line of the SE1/4 of said Section 11 a distance of 675.00 feet; thence S01°55'29"E parallel with, and 970.00 feet east of, the west line of the Northeast Quarter (NE1/4) of said Section 14 a distance of 2,763.26 feet; thence S25°20'54"W a distance of 615.59 feet to the northerly right-of-way line of BNSF Railway; thence continuing S25°20'54"W a distance of 150.00 feet to the southerly right-of-way line of BNSF Railway; thence continuing S25°20'54"W a distance of 436.28 feet; thence 460.82 feet on the arc of a tangential curve, concave to the southeast, having a radius of 950.00 feet, a central angle of 27°47'33", and a long chord length of 456.31 feet bearing S11°27'08"W; thence S02°26'36"E a distance of 247.74 feet to the south line of the Southeast Quarter (SE1/4) of said Section 14; thence continuing S02°26'36"E a distance of 475.00 feet; thence N87°33'21"E parallel with, and 475.00 feet south of, the north line of said Section 23 a distance of 163.00 feet; thence S01°17'14"E parallel with the west line of said Section 23 a distance of 419.99 feet to the north line of Lot 1. Block 1. Gust Subdivision: thence continuing S01°17'14"E parallel with the west line of said Section 23 a distance of 90.01 feet to the south line of Lot 1, Block 1, Gust Subdivision: thence continuing S01°17'14"E parallel with the west line of said Section 23 a distance of 1.067.80 feet; thence S88°42'46"W a distance of 165.00 feet: thence S01°17'14"E parallel with the west line of said Section 23 a distance of 975.00 feet: thence N88°42'46E a distance of 150.00 feet; thence S01°17'14"E parallel with the west line of said Section 23 a distance of 1,800.00 feet; thence S09°12'42"W a distance of 1.285.46 feet; thence S20°39'35"W a distance of 2.072.63 feet to the north line of the Southwest Quarter (SW1/4) of said Section 26: thence S87°07'23"W on the north line of the SW1/4 of said Section 26 a distance of 344.84 feet; thence S35°07'21"W a distance of 3,347.83 feet to the south line of said Section 27; thence S87°04'51"W on the south line of said Section 27 a distance of 31.74 feet; thence S35°07'21"W a distance of 122.23 feet; thence 5,045.67 feet on the arc of a tangential curve, concave to the east, having a radius of 7,950.00 feet, a central angle of 36°21'51", and a long chord length of 4,961.41 feet bearing S16°56'25"W; thence S01°14'30"E a distance of 453.14 feet; thence N87°07'54"E parallel with, and 100.00 feet north of, the south line of said Section 34 a distance of 668.42 feet; thence S02°52'06"E a distance of 100.00 feet to the south line of said Section 34: thence S87°07'54"W on the south line of said Section 34 a distance of 1.428.34 feet to the Southeast Corner of the Southwest Quarter (SW1/4) of said Section 34: thence S87°09'37"W on the south line of the SW1/4 of said Section 34 a distance of 990.51 feet; thence N01°13'31"W a distance of 1,000.06 feet; thence S87°09'37"W a distance of 100.04 feet; thence N01°13'31"W a distance of 849.96 feet; thence N06°29'21"E a distance of 818.61 feet to the south line of the North Half (N1/2) of said Section 34; thence N15°36'03"E a distance of 1,413.70 feet; thence N21°53'57"E a distance of 1,450.00 feet to the Northwest Corner of the Northeast Quarter (NE1/4) of said Section 34; thence N32°54'41"E a distance of 1,343.34 feet; thence N35°07'21"E a distance of 1,968.23 feet to the north line of the Southeast Quarter (SE1/4) of said Section 27; thence N27°46'08"E a distance of 1,491.56 feet; thence N20°39'35"E a distance of 1,476.90 feet to the north line of said Section 26; thence N09°12'42"E a distance of 824.39 feet; thence N01°17'14"W parallel with the west line of said Section 23 a distance of 1,100.00 feet; thence N43°42'46"E a distance of 484.41 feet; thence N46°17'14"W a distance of 850.00 feet; thence N01°17'14"W parallel with the west line of said Section 23 a distance of 750.00 feet; thence N88°42'46"E a distance of 260.00 feet; thence N01°17'14"W parallel with the west line of said Section 23 a distance of 1,340.00 feet; thence N87°33'21"E parallel with, and 425.00 feet south of, the north line of said Section 23 a distance of 150.00 feet; thence N02°26'39"W a distance of 672.74 feet; thence 1,479.46 feet on the arc of a tangential curve, concave to the east, having a radius of 3,050.00 feet, a central angle of 27°47'33", and a long chord length of 1,465.00 feet bearing N11°27'08"E; thence N25°20'54"E a distance of 1,092.73 feet to the south line of the Northwest Quarter (NW1/4) of said Section 14; thence N16°44'33"E a distance of 489.14 feet; thence N01°55'29"W parallel with the east line of the NW1/4 of said Section 14 a distance of 2.095.79 feet: thence S87°08'29"W parallel with, and 80.00 feet south of, the north line of the NW1/4 of said Section 14 a distance of 155.00 feet; thence N02°51'31"W a distance of 165.00 feet; thence N87°08'29"E parallel with, and 85.00 feet north of, the north line of the NW1/4 of said Section 14 a distance of 160.00 feet; thence N02°02'57"W parallel with the west line of said Section 11 a distance of 2,370.00 feet; thence N50°23'30"W a distance of 296.87 feet to the north line of the Southwest Quarter (SW1/4) of said Section 11; thence N02°49'36"W a distance of 790.00 feet; thence S87°10'24"W parallel with the north line of the SW1/4 of said Section 11 a distance of 575.00 feet; thence S58°04'09"W a distance of 146.57 feet; thence N48°22'31"W a distance of 400.00 feet; thence N41°37'29"E a distance of 1,400.00 feet; thence N02°02'57"W parallel with the west line of said Section 11 a distance of 557.03 feet; thence S87°12'25"W parallel with, and 100.00 feet south, of the north line of the Northwest Quarter (NW1/4) of said Section 11 a distance of 95.00 feet; thence N02°47'35"W a distance of 100.00 feet to the north line of the NW1/4 of said Section 11; thence S87°12'25"W on the north line of the NW1/4 of said Section 11 a distance of 228.34 feet; thence N02°12'47"W parallel with the west line of the Southwest Quarter (SW1/4) of said Section 2 a distance of 700.00 feet; thence N87°47'13"E a distance of 335.00 feet; thence N02°12'47W parallel with the west line of the SW1/4 of said Section 2 a distance of 180.00 feet; thence N87°47'13"E a distance of 300.00 feet; thence N02°12'47"W parallel with the west line of the SW1/4 of said Section 2 a distance of 1,776.54 feet to the north line of the SW1/4 of said Section 2; thence N02°12'35"W parallel with the west line of the Northwest Quarter (NW1/4) of said Section 2 a distance of 1,322.72 feet; thence S87°17'40"W a distance of 573.74 feet; thence N02°07'39"W a distance of 769.68 feet to the Point of Beginning.

EXCEPT the Burlington Northern Santa Fe Railway right-of-way in said Section 14.

Said Plat contains 1,571.23 acres and is subject to any existing easements.

#### **CERTIFICATE OF SURVEYOR**

I, Steven E. Swanson, a Professional Land Surveyor in the State of North Dakota, hereby certify that this survey of FMD-Raymond 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 \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2024.

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

STATE OF NORTH DAKOTA

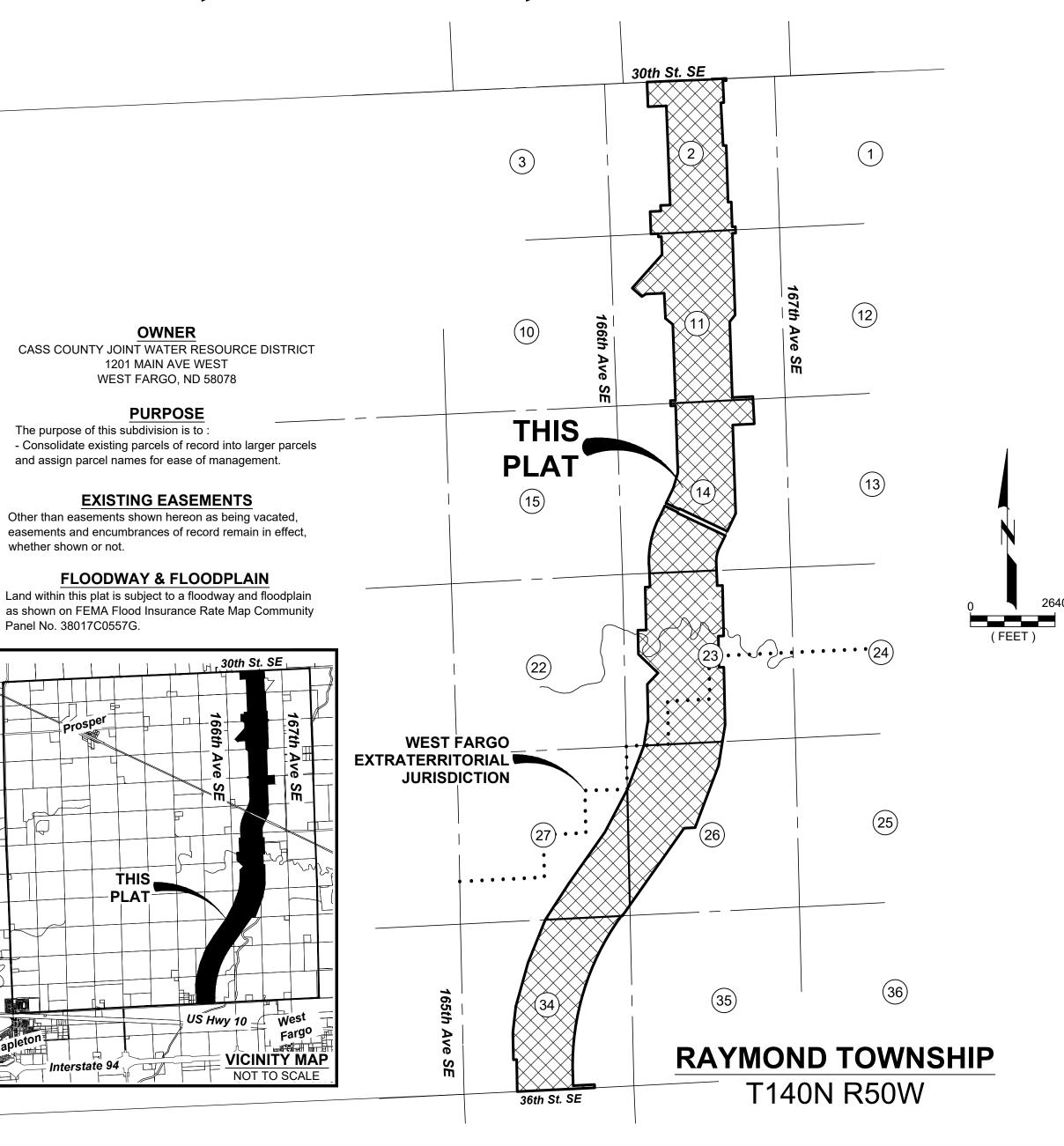
COUNTY OF CASS

On this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2024, 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: State of North Dakota My commission expires

# PLAT of FMD-RAYMOND SUBDIVISION

# IN SECTIONS 2, 11, 14, 23, 26, 27, and 34, T140N, R50W, 5th P.M., CASS COUNTY, NORTH DAKOTA



CERTIFICATE O	F CASS COUN	TY ENGINEER
Reviewed by the Cass County Engineer this	day of	, 2024.
Thomas Soucy Interim Cass County Engineer		
CERTIFICATE Reviewed by Raymond Township this da		
	ay oi	, 2024.
David Gust Chairman	Attest: Barry Bo Clerk/Treasurer	wman
Chairman		
We, Cass County Joint Water Resource District, certify that we are the owner of the lands describ into lots and blocks as shown hereon and 2) said	bed above and that d subdivision shall b	on of the State of North Dakota, hereby 1) we have caused the same to be platted
Cass County Joint Water Resource District (' Owner, Blocks 1-8	<u>"CCJWRD")</u>	
Dated this day of	, 2024.	
Rodger Olson, Chairman	Melissa Hinkem	eyer, Secretary-Treasurer
STATE OF NORTH DAKOTA ) ) SS		
COUNTY OF CASS )		
On this day of appeared, Rodger Olson, CCJWRD Chairman, a to me to be the persons described in the within i same on behalf of CCJWRD.	and Melissa Hinkem Instrument, and who	, 2024, before me personally eyer, CCJWRD Secretary-Treasurer, known acknowledged to me that they executed the
Notary Public: State of North Dakota My commission expires		
CERTIFICATE OF RUSH I         Dated this day of         William Hejl, Chairman	, 2024.	RESOURCE DISTRICT
STATE OF NORTH DAKOTA )		
ÓSS COUNTY OF CASS )		
On this day of appeared, William Hejl, Chairman, and Melissa I Resource District, known to me to be the person me that they executed the same on behalf of the	ns described in the w	ithin instrument, and who acknowledged to
Notary Public: State of North Dakota My commission expires		
CERTIFICATE OF CASS	viewed this plat and h	hereby approves it.
Dated this day of		, 2024.
Ken Lougheed Chairman	Lisa Shasky Secretary	
<b>CERTIFICATE OF C</b> Cass County Approval includes Blocks 1, 2, 3, 4 Extraterritorial Jurisdiction. The Cass County Bo the day of, 2024, and, ha welfare, hereby approves it.	, and that part of Blo ard of County Comr	ock 5 outside of the City of West Fargo nissioners reviewed this plat at its meeting on
	Attest: Brandy Madrig Cass County Finance	
		Advanced Engineering and Environmental Services, Inc.
		4170 28th Ave South, Fargo, ND 58104 Ph: 701-364-9111 Web: www.AE2S.com W:\C\CH2M\CH2MHill - FM Diversion Land Acquisition Management\Survey Support\Survey Data\Drawings\T140N

R50W\Plat-Township\PLAT FMD-Raymond Sub.dwg PAGE 1 OF 5

