

# Subdivision Platting Process Procedure Minor Subdivision

Cass County Planning Office  
1201 Main Avenue W.  
West Fargo, ND 58078-1301



Phone: 701-298-2370  
Fax: 701-298-2395  
[www.casscountynd.gov](http://www.casscountynd.gov)

The following summary is designed to help clarify the steps for subdividing land. Name and numbers for various agencies are included in the attached [Contact List](#).

<b>Minor Subdivision (1-4 Lots)</b>	
Planning Commission	Single Review
Township Zoning Approval	Mandatory
Comply with 1:40 Density Restriction	Yes
Subdivision Roads	Gravel 6" above BFE
Drainage	Ditches
Sanitary System	On-site allowed <i>(unless in close proximity to a sanitary main)</i>
Water Supply	Private wells allowed <i>(unless in close proximity to a water main)</i>
Sidewalks	No
Street Trees	No
Street Lights	No
Fire Hydrants	No
Windbreaks	No
River Setbacks	Yes
Vegetative Riparian Buffer	Yes
Park Dedication	No
Final Lot Grading Assurance	No
¼ mile spacing on section line roads	Yes
Primary Access	Gravel <i>No minimum maintenance roads</i>
Primary Access	At or above BFE
Transportation Study	N/A*

\* Transportation study required if

- (1) Current traffic problems exist in the local area, such as a high-accident location, confusing intersection, or a congested intersection which directly affects access to the development.
- (2) The ability of the existing, roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.

## Density Restriction

The density restriction provides landowners the choice to either build low density rural style developments or higher density urban style developments.

- The density limitation allows a person to subdivide or plat one lot for every forty acres of land they own.
- Lots do not need to be 40 acres, however the balance of the 40 acres will be deed restricted to prevent any future subdivision of land or additional homes. For example, plat a 4 acre lot and deed restrict the remaining 36 acres.
- Total number lots allowed in a subdivision is based on total undeveloped contiguous land owned by applicant. If 160 acres are owned, applicant can plat a 4 lot subdivision, 320 acres = 8 lots, with a maximum number of lots capped at 12.
- Lots can be grouped together by transferring the “development rights”. For example, if applicant owns 480 acres of contiguous land, they can transfer the development rights for the 12 lots to one area allowing for a clustered 12 lot development.
- Land owners have the choice of building beyond the density limitations if the development is built with full supportive infrastructure including public water and sewer and city design designed streets with curb and gutter, sidewalks, parks, street trees, functioning fire hydrants and street lights. If built without full infrastructure the density limitation applies.

## Watercourse Setbacks

- Applies to all new platted subdivisions adjacent to a watercourse or steep terrain
- Developed to reduce the damage to structures from river bank instability
- Total setback measured from centerline of the Red and Wild Rice Rivers: 450 feet
  - Limited Disturbance Zone: first 350 feet from centerline of river.
    - No permanent structures
    - No additional fill
    - No on-site septic systems or irrigation systems
    - No clear cutting of vegetation and native riparian vegetation only
  - Minimal Disturbance Zone: 100 feet outside of the Limited Disturbance Zone
    - No permanent structures, except small outbuildings
    - No additional fill
    - No on-site septic systems or irrigation systems
    - Vegetation not restricted, allowing for a “traditionally” landscaped backyard
- Setback areas will be shown on plat and maintained through a declaration of protective covenant
- Setback for all other rivers and steep slopes is based on an 8:1 slope using elevation difference between top of bank and river bottom plus an additional 100’ Minimal Disturbance Zone

## Initial Consultation

- Refer to the [Cass County Subdivision Ordinances](#)
- Refer to the [County Highway Access Ordinance](#)
- Refer to the [Prospective Developers and New Home Construction](#) and other [planning documents](#)
- Contact the [County Planner](#)
  - Provide an *Area Sketch* of the subdivision (*optional*)
- Contact the [County Engineer](#)
  - Provide an *Area Sketch* of the subdivision (*optional*)
- Contact the appropriate [Township Zoning Administrator](#)
  - Determine the zoning of the property, minimum lot size and flood plain information
- Contact the [County Recorder](#)
  - Determine if proposed subdivision name is acceptable
  - Names similar to existing subdivisions are discouraged

## Minor Subdivisions

### 1-4 Lots

- Hire a surveyor or engineering firm
  - Have land surveyed
  - Final Plat prepared meeting subdivision ordinance
  
- Contact County Sanitarian (if utilizing an on-site septic system)
  
- Provide copies of the Final Plat and drainage plan to the [County Planner](#)
  - Copies of plat and all supplemental materials must be provided at least twenty-one (21) days prior to the next regularly scheduled Planning Commission meeting (4<sup>th</sup> Thursday of the month).
  - Eight (8) full size and twenty (20) 11x17 reduced copies of plat
  - Two (2) copies of all applicable supplementary data
  
- Provide completed [Plat Review Application](#)
  
- Provide completed [Certificate of Accuracy - Appendix 11](#)
  - Copy of attorney's opinion of title stating the name of the owner of record and all recorded easements, pursuant to [North Dakota Century Code 40-50.1-03](#) platting requirements.
  
- Provide completed [Certificate of Ownership - Appendix 13](#)
  
- Provide [Memorandum of Understanding - Appendix 19](#) (if applicable)
  - County Commission will sign following County Commission Plat review and approval
  
- Provide [Deed Restriction - Appendix 14](#) (if applicable)
  - County Commission will sign following County Commission Plat review and approval
  
- Provide copies of written notices if a public water or sanitary system will be utilized
  - The Final Plat application shall include a statement from the authority or organization providing such service indicating approval of the plans for design, installation and financial guarantees as well as indicating the reservation of sufficient capacity to accommodate the project.
  
- Provide controlling agreement if private streets will be used (Section 602.02 E)
  
- Provide copy of Construction Activity Permit from ND Department of Health
  - If land disturbance is greater than one (1) acre
  
- Provide copy of Shared Well Agreement if shared wells will be utilized
  
- Provide copy of archeological investigation if identified as archeological significant site
  
- Submit soil boring tests to County Sanitarian for drain-field design (if applicable)
  
- Provide copy of [Improvement Agreement - Appendix 21](#)
  
- Cass County Planner will review the completeness of submitted material within seven (7) days from date of submission
  - Planner will either schedule public meeting or return incomplete subdivision application
  - Planner will publish Public Notice in official newspaper
  - Planner will distribute subdivision plat application to township and review agencies

- Cass County Planning Commission-Final Plat Review
  - Attendance by the applicant or their representing agent
  - Fourth Thursday of the month- 7:00 AM
  - [Cass County Highway Department](#), 1201 Main Ave W, West Fargo
  
- Plat adjusted to meet the desires of the Planning Commission
  
- Final Plat Approval recommendation of County Planning Commission and Board of Township Supervisors forwarded to the Cass County Commission by County Planner
  
- Cass County Commission - Final Plat Review
  - Attendance by the applicant or their representing agent
  - First and third Monday of the month- 3:30 PM
  - [Cass County Commission Chambers](#), 211 9th Street South, Fargo, North Dakota 58103
  
- [Memorandum of Understanding - Appendix 19](#) signed by applicant and County Commission (if applicable)
  
- [Deed Restriction - Appendix 14](#) signed by applicant and County Commission (if applicable)
  
- Applicant establishes the Improvement Construction Guarantee
  - 1. All required improvements completed
    - Applicant requests (in writing) inspection of improvements
    - Improvements inspected by County Engineer
    - Applicant provides "As-Built" plans of subdivision to County Engineer
    - County Engineer approves required improvements
    - [Final Plat Recorded](#)
  
  - 2. Financial Security deposited by applicant for required improvements
    - [Final Plat Recorded](#)
    - All required improvements completed
    - Applicant requests (in writing) inspection of improvements
    - Improvements inspected by County Engineer
    - Applicant provides "As-Built" plans of subdivision to County Engineer
    - County Engineer approves required improvements
    - Financial Security released back to applicant

## Contact List

### County Planner

Tim Solberg  
1201 Main Ave W  
West Fargo, ND 58078-1301

Phone: 701.298.2375  
Fax: 701.298.2395

### County Engineer

Keith Berndt  
1201 Main Ave W  
West Fargo, ND 58078-1301

Phone: 701.298.2370  
Fax: 701.298.2395

### Township Zoning Administrator

Township List available online:  
<http://www.casscountygov.com/townships/townships.htm>

### County Recorder

Jewel Spies  
211 9 St S  
P.O. Box 2806  
Fargo, North Dakota 58103

Phone: 701.241.5620  
Fax: 701.241.5621

### Water Resource District

1201 Main Ave W  
P.O. Box 5012  
West Fargo, ND 58078-0698

Phone: 701.281.0223  
Fax: 701.281.0280

### County Sanitarian

Brady Scribner  
Fargo Cass Public Health  
401 3rd Avenue North  
Fargo, ND 58102

Phone: 701.298.6917  
btscibner@ci.fargo.nd.us

### North Dakota Dept. of Health

*General Construction Permit:*  
Randy Kowalski  
1200 Missouri Ave  
Bismarck, ND 58506

Phone: 701.328.5244  
Fax: 701.328.5200

### Cass County Commission

Heather Worden, Secretary  
211 9 St S  
P.O. Box 2806  
Fargo, North Dakota 58108-2806

Phone: 701.241.5609  
Fax: 701.297.6009

### Cass County Planning Commission Chair

Ken Lougheed  
17142 18 ST SE  
Gardner, ND 58036

Phone: 701.484.5247

### Cass County Auditor

Michael Montplaisir  
211 9 St S  
P.O. Box 2806  
Fargo, North Dakota 58108-2806

Phone: 701.241.5600  
Fax: 701.297.5736