

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: September 24, 2020

SUBJECT: Consent Agenda Topic for the October 5, 2020
Commission Meeting: Slot10 Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Reed Township, Section 18 at a Public Hearing on September 24, 2020. The intended purpose of the subdivision is to combine Auditor Lots 3-6 and part of 7 back into one 9'acre parcel to build one residential house.

The Planning Commission is recommending approval of the proposed plat entitlement request and Reed Township has verified that they do not have township zoning requirements. 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 NE ¼ of Section 18, Township 140 North, Range 49 West | | |
| Title: | Slot10 Subdivision | Date: | 09-02-2020 |
| | | Update: | 09-24-2020 |
| Location: | Auditor's Lots 3-6 and part of Lot 7, NE ¼ of Section 18, Township 140 North, Range 49 West (Reed Township) | Staff Contact: | Grace Puppe |
| Parcel Number: | 60-0000-01190-030; 60-0000-01190-040; 60-0000-01190-050; 60-0000-01190-060; 60-0000-01190-080 | Water District: | Maple River Water District |
| Owner(s)/Applicant: | Dylan Slotten | Engineer/Surveyor: | Lowry Engineering |
| Status: | County Commission Hearing: October 5, 2020 | | |

| | |
|-------------------|-------------------|
| Existing Land Use | Proposed Land Use |
| Agriculture | Residential |
| Proposal | |

The applicant is seeking approval of a minor subdivision entitled **Slot10 Subdivision** to combine auditor's lots 3-7 to plat a one (1) Lot subdivision of approximately 9 acres. According to the applicant, the lots would be combined back into one 9-acre parcel to build one residential house on.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 48th Ave N road access, ditches for storm sewer conveyance, public water, and on-site septic systems for wastewater treatment. The property currently does not have a connection to water and electricity.

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 | No comments were received prior to publishing the staff report. |
| AT&T | No comments were received prior to publishing the staff report. |

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| 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 to the property can potentially be made from a line that runs along County Road 17. We have been contacted by the applicant but to date we have not received an application for service. |
| North Dakota Department of Transportation | No comments were received prior to publishing the staff report. |
| County Sanitarian | No comments were received prior to publishing the staff report. |
| Township Chairman | No comments were received prior to publishing the staff report. |
| The City of Fargo | The subject property is located in Reed Township but is outside of the Fargo City limits and Fargo’s extraterritorial jurisdiction. The City has no comment. |
| 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 west and south, with residential property to the north. County Road 17 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 308 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. A request for a variance has been submitted to waive the deed restriction to transfer a development right as these properties were platted as Auditor’s Lots in 1985 with an ingress/egress easement on the west side of lots 2-4.

Staff Recommendation

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

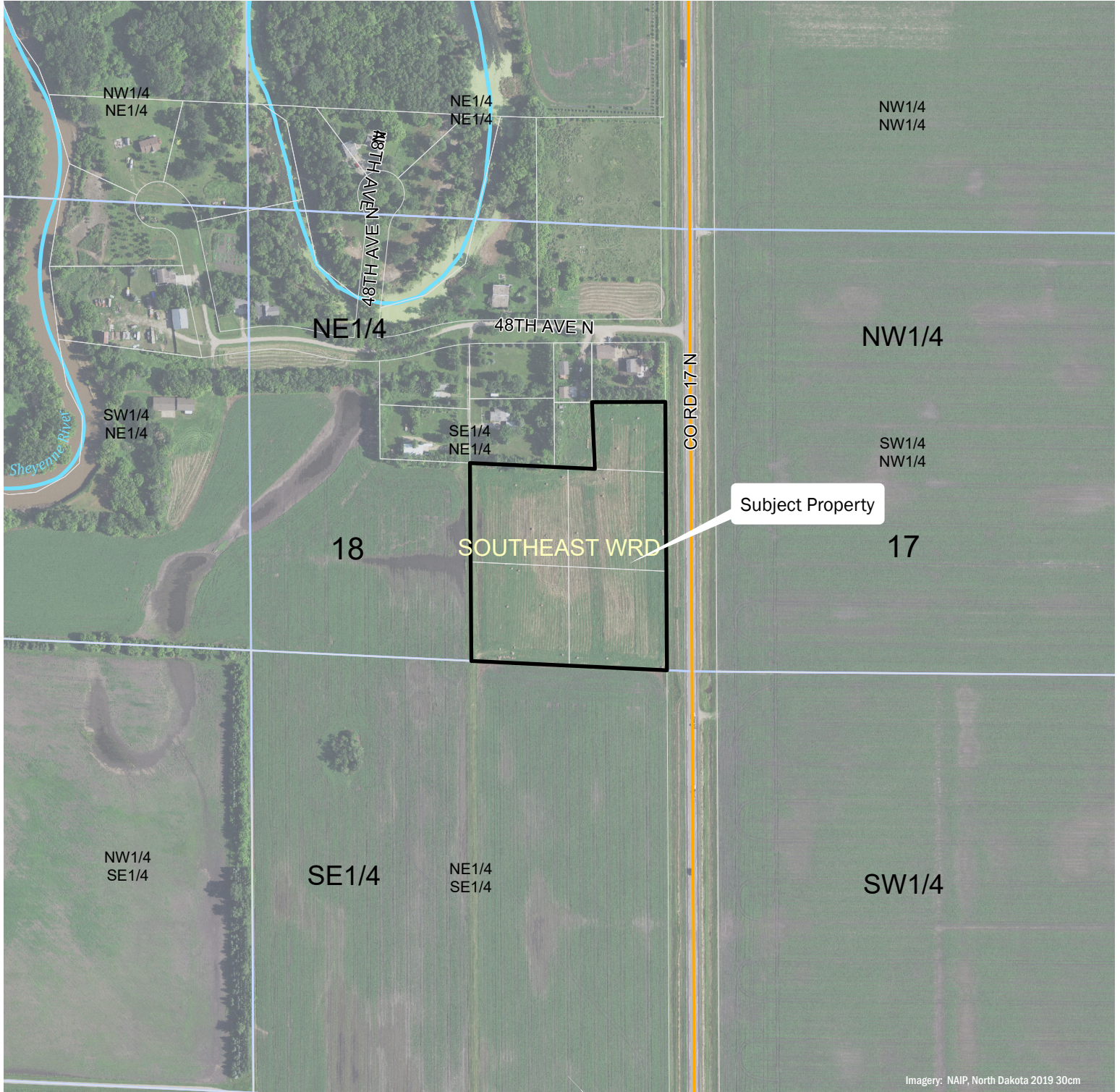
Attachments

1. Location Map
2. Plat Document

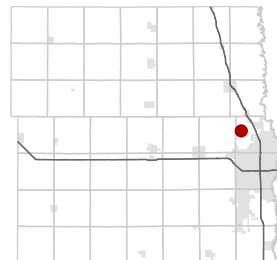
Minor Subdivision

Slot10 Subdivision

Reed Twp. Section 18 - Township 140 North - Range 49 West



Cass County Planning Commission
September 24, 2020

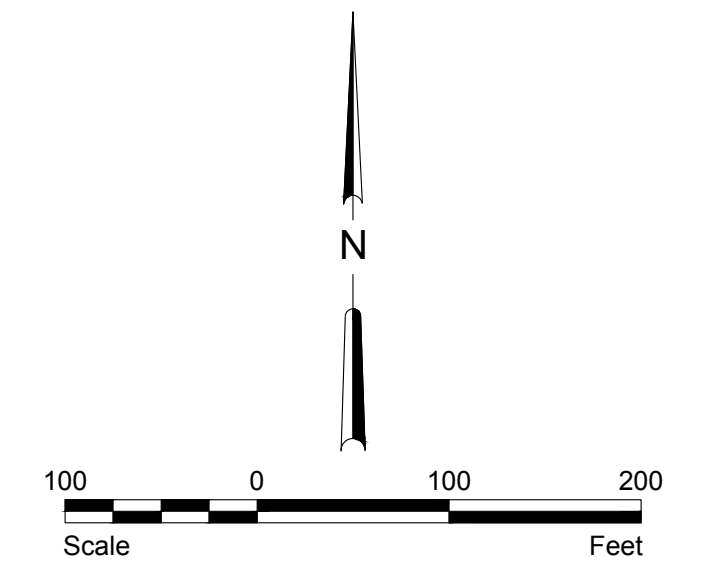
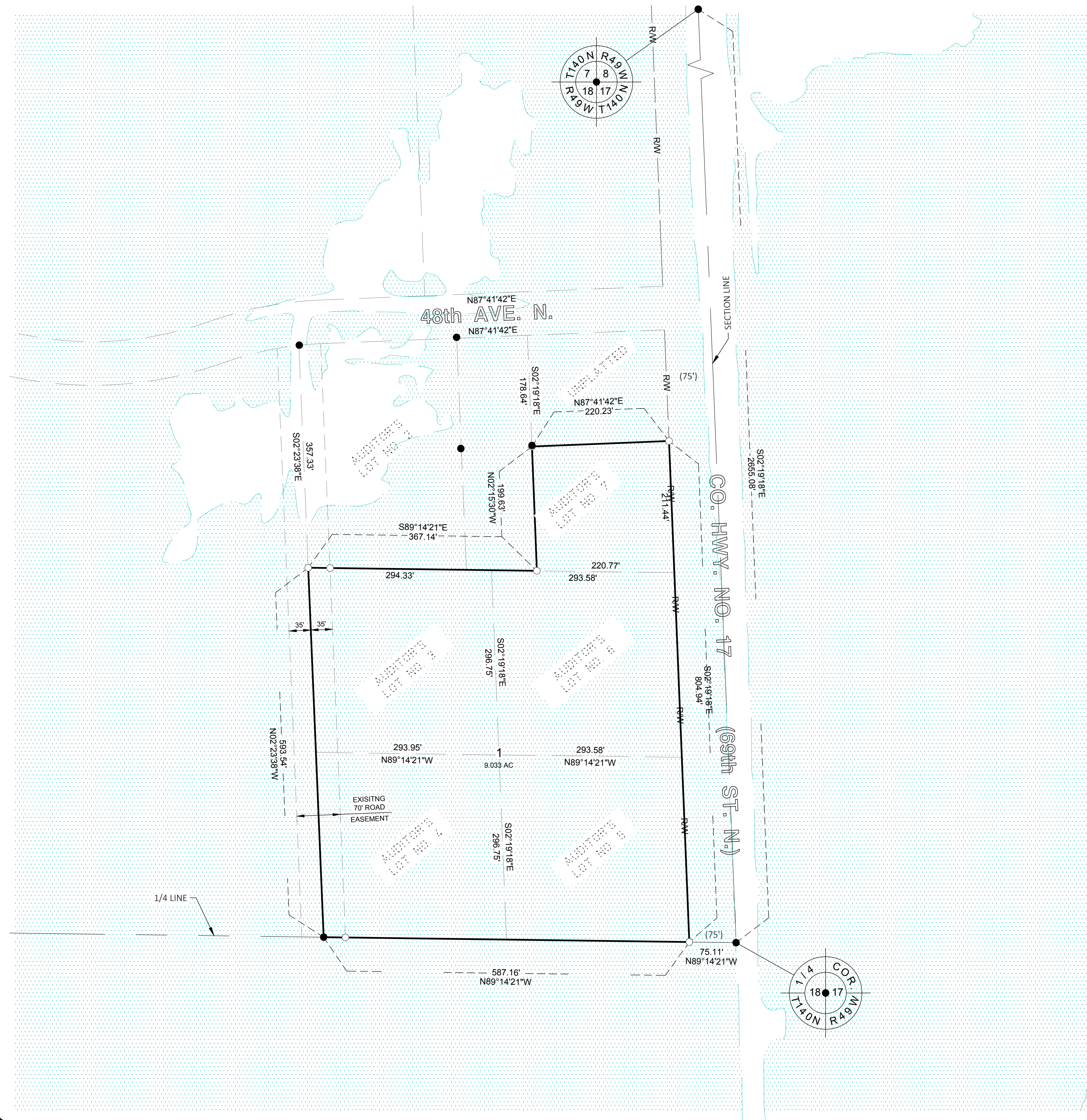


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



SLOT10 FIRST SUBDIVISION

BEING A PLAT OF AUDITOR'S LOT NOS. 3, 4, 5, 6, AND PART OF 7,
OF THE NE 1/4 OF SECTION 18, T. 140 N., R. 49 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

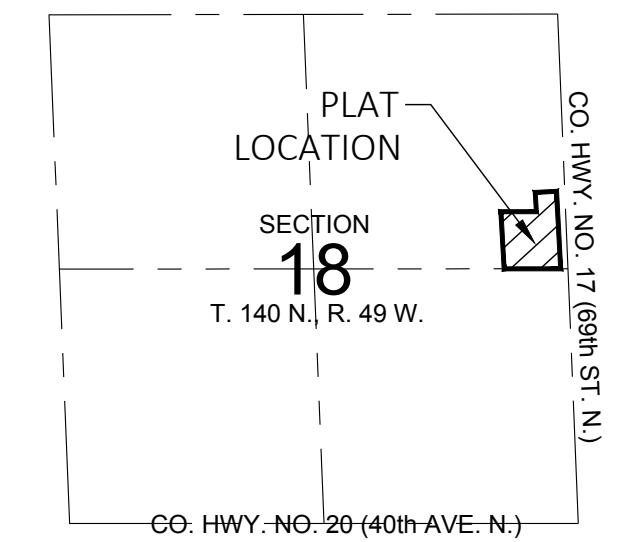


LEGEND

- IRON MONUMENT FOUND ●
- 1/2" I.D. PIPE SET ○
- PLAT BOUNDARY —————
- EXISTING PROPERTY LINE - - - - -
- EXISTING EASEMENT - - - - -
- AREA WITHIN FEMA ZONE AE
SPECIAL FLOOD HAZARD AREA
(100-YEAR FLOODPLAIN) [Stippled Area]

NOTES:

1. THIS PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0559G, DATED JANUARY 16, 2015. BASE FLOOD ELEVATION = 897.5' (NAVD 1988).



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SLOT10 FIRST SUBDIVISION

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OF THE NE 1/4 OF SECTION 18, T. 140 N., R. 49 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know All Persons by these Presents: That Slot10 LLP, a North Dakota limited liability partnership, is the Owner and Proprietor of Auditor's Lots Three, Four, Five, and Six of the Northeast Quarter of Section 18, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, together with that part of Auditor's Lot Seven of the Northeast Quarter of said Section 18, described as follows.

BEGINNING at the southeast corner of said Auditor's Lot Seven; thence North 89°14'21" West (assumed bearing), along the south line of said Auditor's Lot Seven, for a distance of 220.77 feet to the southeast corner of a tract of land described in Document No. 1480161, on file and of record at the Cass County Recorder's office; thence North 02°15'30" West, along the east line of a tract of land described in said Document No. 1480161, for a distance of 199.63 feet to the northeast corner of a tract of land described in said Document No. 1480161, said point also being a corner point on the north line of said Auditor's Lot Seven; thence North 87°41'42" East, along the north line of said Auditor's Lot Seven, for a distance of 220.23 feet to the northeast corner of said Auditor's Lot Seven; thence South 02°19'18" East, along the east line of said Auditor's Lot Seven, for a distance of 211.44 feet to the POINT OF BEGINNING.

Said tract contains 9.033 acres, more or less.

And that said parties have caused the same to be surveyed and platted as SLOT10 FIRST SUBDIVISION.

In witness whereof we have set our hands and seals:

Owner:

Slot10 LLP

Dylan Slotten, Partner

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 Dylan Slotten, Partner of Slot10 LLP, a North Dakota limited liability partnership, known to be the person described in and who executed the foregoing instrument on behalf of said limited liability partnership.

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)
) ss
County of Cass)

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, Chair

Attest: _____
Secretary

Reed Township:

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

Mark McAllister, Chair

Attest: _____
Melissa Quern, Clerk

Cass County Board of Commissioners' Approval:

Approved by Cass County, North Dakota, this ____ day of _____, 20____.

Chad Peterson, Chair

Attest: _____
Michael Montplaisir, Cass County Auditor