



MEMORANDUM

Highway Department

Jason, Benson, P.E.
County Engineer

Tomas B. Soucy, P.E.
Deputy County Engineer

Blaine Laaveg
Superintendent

TO: Cass County Board of Commissioners
FROM: Grace Puppe, Cass County Planner
DATE: February 14, 2022
SUBJECT: Consent Agenda Topic for the February 22, 2022
Commission Meeting: Morris Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Watson Township, Section 20 at a Public Hearing on January 27, 2022. The intended purpose of the subdivision is to split the existing farmstead off from the quarter section of ag land.

The Planning Commission is recommending approval of the proposed plat entitlement request and Watson 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 20, Township 137 North, Range 53 West		
Title:	Morris Subdivision	Date:	01-05-2022
		Update:	02-01-2022
Location:	NE ¼ of Section 20, Township 137 North, Range 53 West (Watson Township)	Staff Contact:	Grace Puppe
Parcel Number:	68-0000-12987-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Dean Morris	Engineer/Surveyor:	Houston Engineering, Inc
Status:	County Commission Hearing: February 22, 2022		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Morris Subdivision** to plat a one (1) Lot subdivision of approximately 6.748 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the quarter section of ag land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 178th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No issues
Water Resource District	No comments.
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 conflict with Sprint.
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	There is currently a water service on this site.
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	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 and south. Township road 147th Ave SE 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. 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 with the 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
3. Deed Restriction

Minor Subdivision

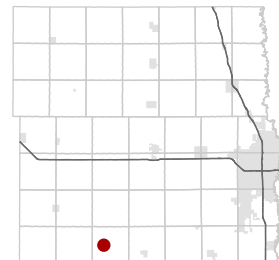
Morris Subdivision

Watson Twp, Section 20 - Township 137 North - Range 53 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission
January 27, 2022

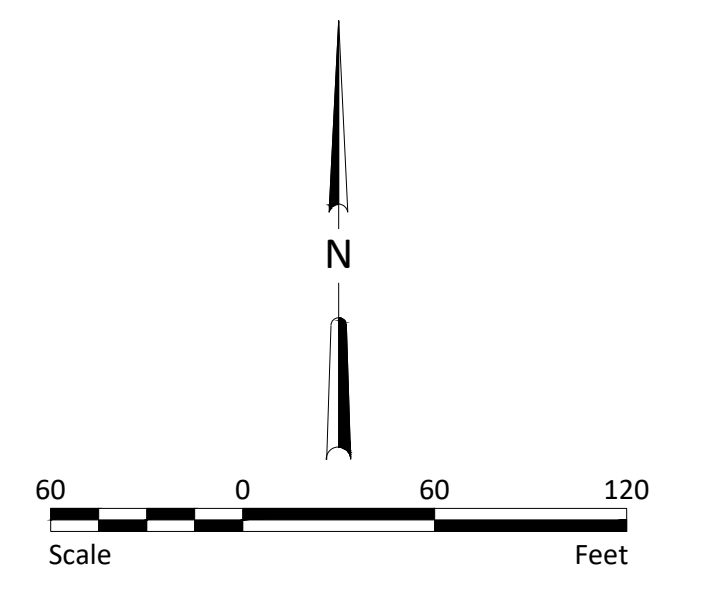


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

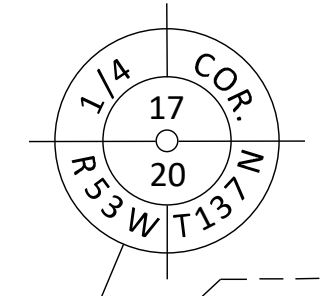


MORRIS SUBDIVISION

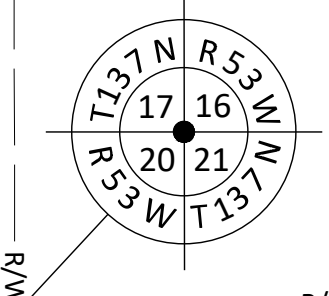
BEING A PLAT OF PART OF THE NE 1/4
SECTION 20, T. 137 N., R. 53 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA



1/2" I.D. PIPE
YELLOW CAP RLS 4723



5/8" REBAR
DOC. NO. 302

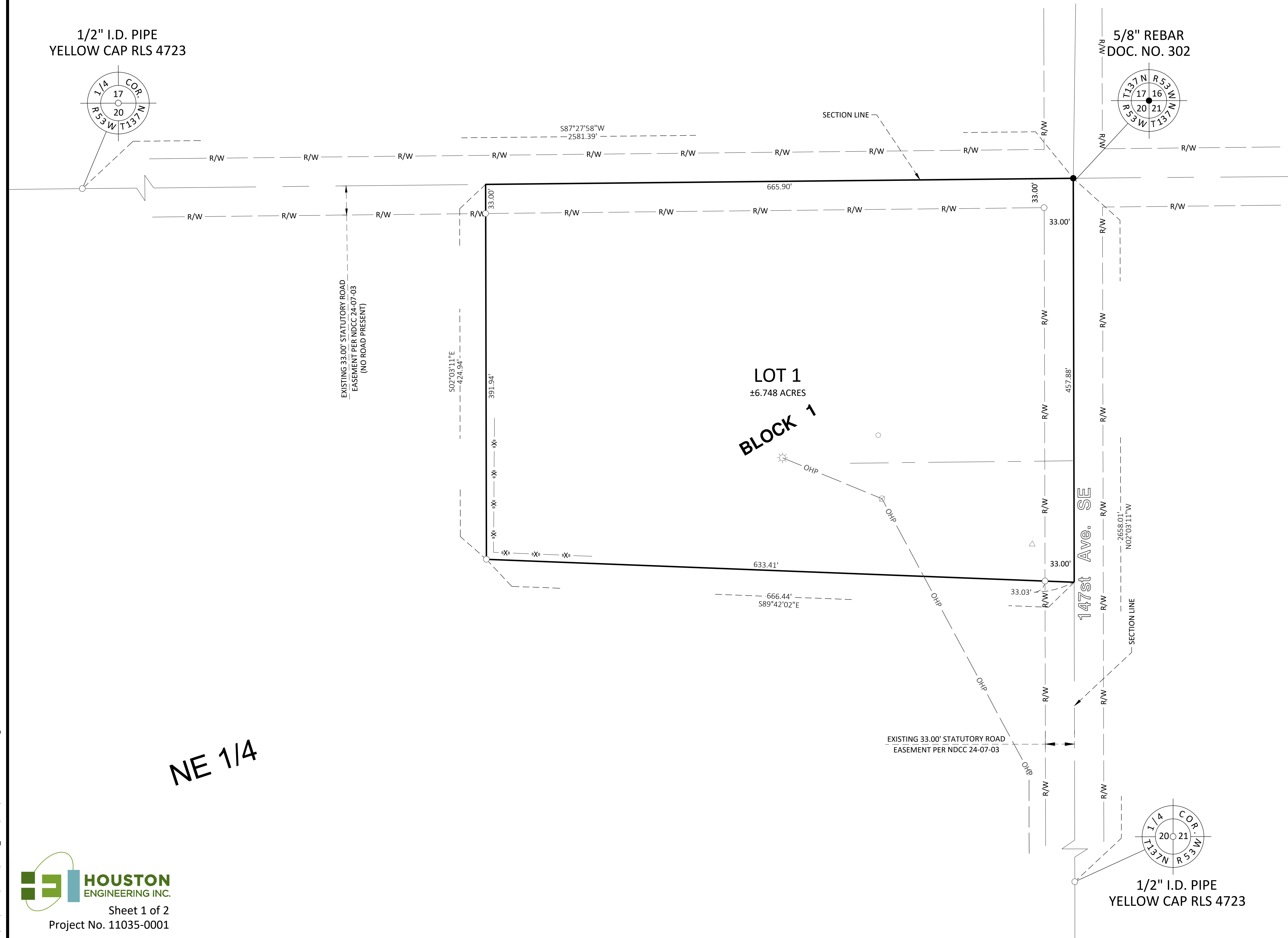


LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
UTILITY POLE	⊗
W / GUY WIRE	⊗→
LIGHT POLE	⊙
TELEPHONE RISER	⊕
WATER SERVICE CURB STOP	⊖
SECTION LINE	---
PLAT BOUNDARY	—
DRIVEWAY CENTERLINE	- - -
EXISTING RIGHT OF WAY LINE	- · - · -
OVERHEAD ELEC. POWER LINE	- OHP -
BARB WIRE FENCE	- X - X - X -

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

MEASURED DISTANCES SHOWN ARE GROUND
DISTANCES IN TERMS OF U.S. SURVEY FEET. USE
COMBINATION FACTOR OF 1.0001125127 TO CONVERT
STATE PLANE DISTANCES TO GROUND DISTANCES.



NE 1/4

LOT 1
±6.748 ACRES
BLOCK 1

147st Ave. SE

H:\BNA\11000\11035\11035_0001\CAD\Dean Morris Plat.dwg

MORRIS SUBDIVISION

BEING A PLAT OF PART OF THE NE 1/4 SECTION 20, T. 137 N., R. 53 W., 5th P.M. CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know All Persons by these Presents: That Dean Morris and Karen Morris, husband and wife, are the owners and proprietors of the following described tract of land:

That part of the Northeast Quarter of Section 20, Township 137 North, Range 53 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence South 87°27'58" West, along the northerly line of said Northeast Quarter, for a distance of 665.90 feet; thence South 02°03'11" East for a distance of 424.94 feet; thence South 89°42'02" East for a distance of 666.44 feet to a point of intersection with the easterly line of said Northeast Quarter; thence North 02°03'11" West, along the easterly line of said Northeast Quarter, for a distance of 457.88 feet to the Point of Beginning.

Said tract contains 6.748 acres, more or less, and is subject to easements as may be of record.

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

In witness whereof we have set our hands and seals:

Owners:

Dean Morris Karen Morris

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 Dean Morris, husband and wife, known to be the people 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, Professional Land Surveyor
 North Dakota Reg. No. 4723
 1401 21st Ave. N.
 Fargo, ND 58102
 701-237-5065
 cskarphol@houstoneng.com

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

Watson Township:

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

 Don Gibson, Chair

Attest: _____
 Lori Torgerson Hegvick, Clerk

Cass County Planning Commission:

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

 Ken Lougheed, Chair

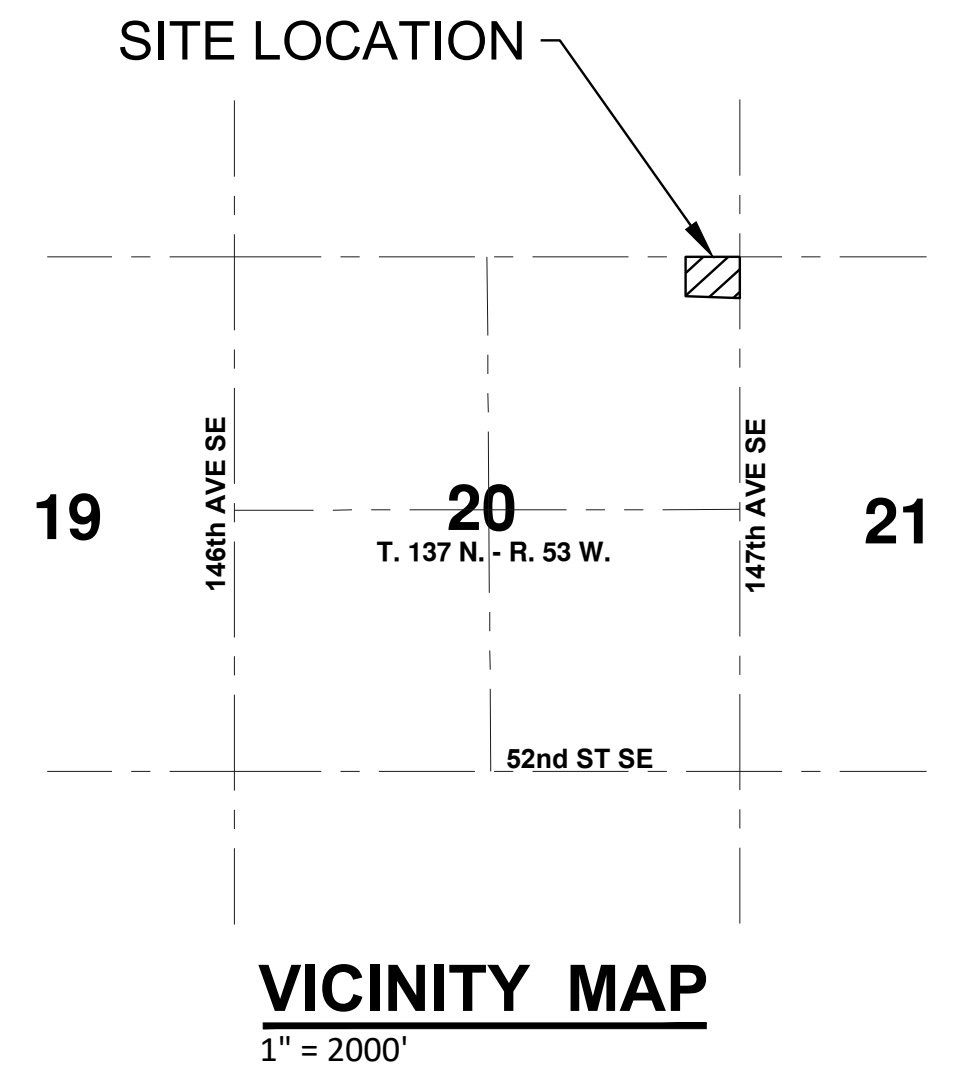
Attest: _____
 Secretary

Cass County Board of Commissioners' Approval:

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

 Rick Steen, Chair

Attest: _____
 Brandy Madrigga, Cass County Finance Director



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DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 12th day of January, 2022, by

Owner(s): Dean Morris and Karen Morris, husband and wife

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 to: 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**

The Northwest Quarter of the Northeast Quarter of Section 20, Township 137 North, Range 53 West of the Fifth Principal Meridian, Cass County, North Dakota.

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

[Signature]
Dean Morris

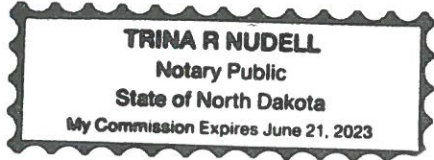
1-22-22
Date

[Signature]
Karen Morris

1-22-22
Date

State of North Dakota)
) ss
County of Cass)

On this 22 day of January, 2022, before me, a notary public within and for said county and state, personally appeared Dean Morris and Karen Morris, husband and wife, 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 _____, 2020, 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



MEMORANDUM

Highway Department

Jason, Benson, P.E.
County Engineer

Tomas B. Soucy, P.E.
Deputy County Engineer

Blaine Laaveg
Superintendent

TO: Cass County Board of Commissioners
FROM: Grace Puppe, Cass County Planner
DATE: February 14, 2022
SUBJECT: Consent Agenda Topic for the February 22, 2022
Commission Meeting: Thomsen Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Amenia Township, Section 11 at a Public Hearing on January 27, 2022. The intended purpose of the subdivision is to separate a lot from the tillable land to build a farmstead.

The Planning Commission is recommending approval of the proposed plat entitlement request and Amenia 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 NW ¼ of Section 11, Township 141 North, Range 52 West		
Title:	Thomsen Subdivision	Date:	01-12-2022
		Update:	02-14-2022
Location:	NW ¼ of Section 11, Township 141 North, Range 52 West (Amenia Township)	Staff Contact:	Grace Puppe
Parcel Number:	22-0000-00347-000	Water District:	Rush River Water District
Owner(s)/Applicant:	Floyd Longlet	Engineer/Surveyor:	Neset
Status:	County Commission Hearing: February 22, 2022		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Thomsen Subdivision** to plat a one (1) Lot subdivision of approximately 4.88 acres. According to the applicant, the subdivision is requested to separate from tillable land to build a farmstead.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 154th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No concerns.
Water Resource District	The Rush River Water Resource District has no comment to submit.
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	Clear.
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	This property can be served from a water line located on the north side of 25th Street SE.
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	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 west, east and south. County road 4 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 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. 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 with the 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
3. Deed Restriction