



## 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: October 31, 2022  
SUBJECT: Agenda Topic for the November 21, 2022  
Commission Meeting: Sorby Subdivision  
Application

---

---

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Pleasant Township, Section 2 at a Public Hearing on October 27, 2022. The intended purpose of the subdivision is to split the land between David & Lucy Sorby Irrevocable Trust and Gary & Diane Meyer.

The farmstead has been on the existing lot since 1950s. Platting of this subdivision would include the platting of an existing unplatted parcel. The portion west of the river would remain an unplatted parcel and will need to go through the subdivision process to be developable.

Upon roll call vote with all in favor, motion carried to approve the variance from the deed restriction requirement by the Planning Commission.

The Planning Commission is recommending approval of the proposed plat entitlement request and Pleasant 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 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.



## Cass County Planning Commission Staff Report

|                                |  |                           |                          |
|--------------------------------|--|---------------------------|--------------------------|
| <b>Entitlements Requested:</b> | <b>Minor Subdivision (1 Lot)</b> of a part of the NE ¼ of Section 2, Township 137 North, Range 49 West |                           |                          |
| <b>Title:</b>                  | <b>Sorby Subdivision</b>   | <b>Date:</b>              | 10-12-2022               |
|                                |  | <b>Update:</b>            | 10-31-2022               |
| <b>Location:</b>               | NE ¼ of Section 2, Township 137 North, Range 49 West (Pleasant Township)                               | <b>Staff Contact:</b>     | Grace Puppe              |
| <b>Parcel Number:</b>          | 57-0000-10230-010  | <b>Water District:</b>    | Southeast Water District |
| <b>Owner(s)/Applicant:</b>     | David & Lucille Sorby Irrevocable Trust  | <b>Engineer/Surveyor:</b> | Moore Engineering        |
| <b>Status:</b>                 | Planning Commission Hearing: October 27, 2022<br>County Commission Hearing: November 21, 2022          |                           |                          |

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

The applicant is seeking approval of a minor subdivision entitled **Sorby Subdivision** to plat a one (1) Lot subdivision of approximately 15.6 acres. According to the applicant, the subdivision is requested to split the land between David & Lucy Sorby Irrevocable Trust and Gary and Diane Meyer.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 174<sup>th</sup> Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

| Agency Comments                         |   |
|---|---|
| <b>County Engineer</b>                  | Since this is an existing home site, I don't have any issues. Any new construction needs to be set back 450' from the center of the Wild Rice River in accordance with the MDZ/LDZ. |
| <b>Water Resource District</b>          | No comments.  |
| <b>Cass County Electric Cooperative</b> | No comments were received prior to publishing the staff report.   |
| <b>Century Link</b>                     | No comments were received prior to publishing the staff report.   |
| <b>Sprint</b>                           | Clear.  |
| <b>AT&amp;T</b>                         | No comments were received prior to publishing the staff report.   |
| <b>Xcel Energy</b>                      | No comments were received prior to publishing the staff report.   |

|  |   |
|--|---|
| <b>Otter Tail Power Company</b>                  | No comments were received prior to publishing the staff report.   |
| <b>Magellan Pipeline Company</b>                 | No comments were received prior to publishing the staff report.   |
| <b>NuStar Energy</b>                             | No comments were received prior to publishing the staff report.   |
| <b>Cass Rural Water</b>                          | This site currently has rural water service.  |
| <b>North Dakota Department of Transportation</b> | No comments were received prior to publishing the staff report.   |
| <b>County Sanitarian</b>                         | The department has no issues with this subdivision as proposed.   |
| <b>Township Chairman</b>                         | The proposed subdivision meets the zoning and floodplain requirements of Pleasant Township.   |
| <b>The City of Fargo</b>                         | No comments were received prior to publishing the staff report.   |
| <b>The City of West Fargo</b>                    | No comments were received prior to publishing the staff report.   |
| <b>Public Comment</b>                            | The proposed Sorby Subdivision is located in Section 2 of Pleasant Township. This location is outside of Fargo’s city limits and extra-territorial jurisdiction (ETJ). We have no comment. Thank you for the opportunity to review this plat. |

**Staff Analysis**

*Land Use and Surrounding Uses*

The subject property is bound by agricultural production land on the north, west and south with Township road 174<sup>th</sup> Ave SE to the east of the property.

*Floodzone*

According to the FEMA Flood Map Service Center, this property is located in Special Hazard Flood Areas Zone AE, Zone A and Floodway. 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 the Planning Commission and staff and recommend approval to the County Commission of the subdivision application with 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.

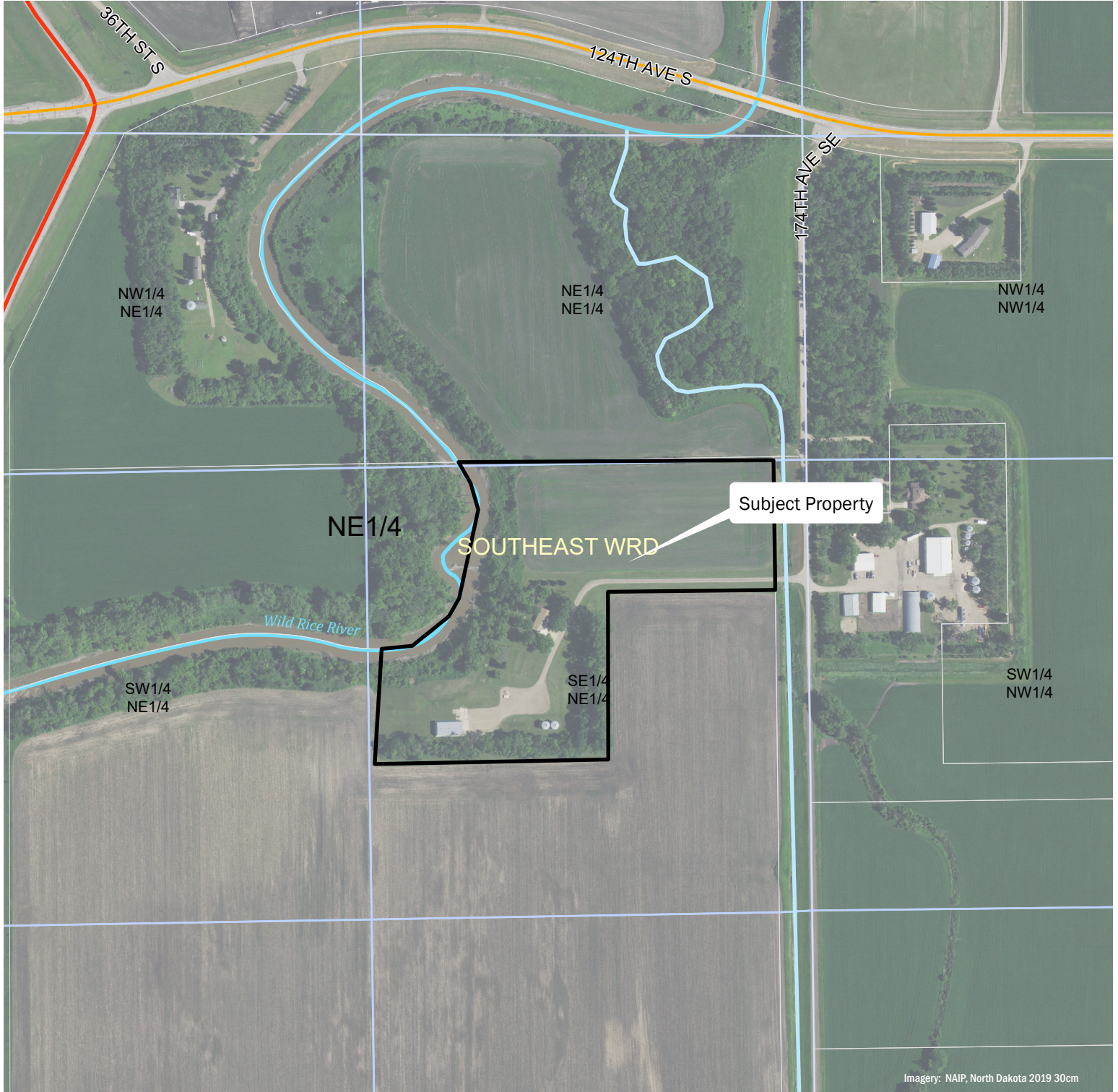
**Attachments**

1. Location Map
2. Plat Document

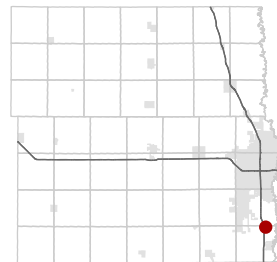
# Minor Subdivision

## Sorby Subdivision

Pleasant Twp, Section 2 - Township 137 North - Range 49 West



Cass County Planning Commission  
October 27, 2022

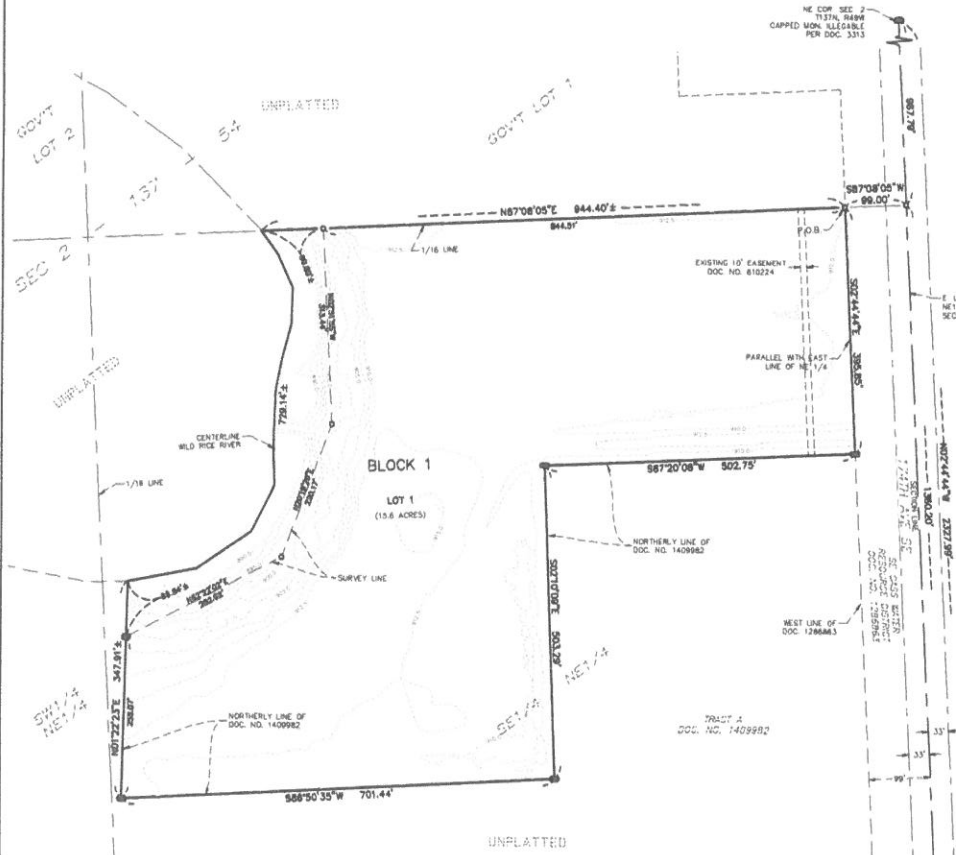


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



A MINOR SUBDIVISION PLAT OF  
**SORBY SUBDIVISION**

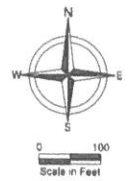
A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2,  
TOWNSHIP 137 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.



**BENCHMARK LIST**  
ALL ELEVATIONS SHOWN ARE NAVD 88

| NO. | 2008                      | LOCATION   | ELEV.   |
|-----|---------------------------|--|---------|
| 1   | ALUMINUM ROD INSIDE BLEVE | NORTHWEST CORNER OF INTERSECTION OF 117TH AVE SOUTH AND COUNTY ROAD B1 | 808.40' |

- LEGEND**
- IRON MONUMENT FOUND
  - SET 3/8" DIA REBAR W/ PINK PLASTIC CAP #28251
  - P.O.C. POINT OF COMMENCEMENT
  - P.O.B. POINT OF BEGINNING
  - PLAT BOUNDARY LINE
  - - - EXISTING EASEMENT LINE
  - - - EXISTING PROPERTY LINE
  - - - CONTOUR LINE WITH ELEVATION 912.5' (NAVD 88)



BASIS OF BEARINGS: THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 2 HAS AN ASSUMED BEARING OF N02°44'44\"/>

**NOTES**

- AREA LIES WITHIN ZONE AE, FIRM MAP NO. 3801700000, BASE FLOOD ELEVATION = 912.5' (NAVD88)
- CONTOURS SHOWN ARE FROM 2020 LIDAR DATA

**EASEMENTS OF RECORD:**

- RIGHT OF WAY EASEMENT TO CASS COUNTY ELECTRIC COOPERATIVE, INC. (RECORDED JUNE 23, 1972 AS DOCUMENT NO. 499918)
- EASEMENT TO CASS RURAL WATER USERS, INC., DOCUMENT NO. 499878

**CERTIFICATE**

JACOB R. DUCHSHERER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "SORBY SUBDIVISION" A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 137 NORTH, RANGE 49 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 ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 02 DEGREES 44 MINUTES 44 SECONDS WEST (ASSUMED BEARING) ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1360.20 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 87 DEGREES 08 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER FOR A DISTANCE OF 99.00 FEET TO THE WEST LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN COUNTY CLAIM DEED DOCUMENT NO. 126888A, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, HEREINAFTER REFERRED TO AS "TRACT A" AND THE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 44 MINUTES 44 SECONDS EAST ALONG THE WEST LINE OF SAID "TRACT A" AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 385.50 FEET TO THE NORTHERLY LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN WARRANTY DEED DOCUMENT NO. 1409982, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, HEREINAFTER DESCRIBED AS "TRACT B"; THENCE SOUTH 87 DEGREES 20 MINUTES 06 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID "TRACT B" FOR A DISTANCE OF 502.75 FEET; THENCE SOUTH 02 DEGREES 10 MINUTES 09 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID "TRACT B" FOR A DISTANCE OF 729.14 FEET; THENCE SOUTH 86 DEGREES 50 MINUTES 38 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID "TRACT B" FOR A DISTANCE OF 701.44 FEET; THENCE NORTH 01 DEGREES 22 MINUTES 23 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID "TRACT B" FOR A DISTANCE OF 347.81 FEET MORE OR LESS, TO THE CENTERLINE OF THE WILD RICE RIVER; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID WILD RICE RIVER FOR A DISTANCE OF 729.14 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE NORTH LINE OF THE SAID SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 87 DEGREES 08 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER FOR A DISTANCE OF 844.40 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 15.6 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

JACOB R. DUCHSHERER  
REGISTERED LAND SURVEYOR  
REG. NO. LS-28251  
STATE OF NORTH DAKOTA  
COUNTY OF CASS



ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JACOB R. DUCHSHERER, 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 "SORBY SUBDIVISION", A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 137 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF JACOB R. DUCHSHERER, REGISTERED LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

OWNERS: LOT 1, BLOCK 1, SORBY SUBDIVISION

ONE-HALF (1/2) INTEREST GARY R. MAIER

GARY R. MAIER  
STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED GARY R. MAIER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

ONE-HALF (1/2) INTEREST: DAVID AND LUCILLE SORBY IRREVOCABLE TRUST DATED MARCH 24, 2014

LUCILLE F. SORBY, TRUSTEE      JOHN DAVID SORBY, TRUSTEE      DAVID B. SORBY, TRUSTEE

STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LUCILLE F. SORBY, JOHN DAVID SORBY AND DAVID B. SORBY, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**PLEASANT TOWNSHIP REVIEW**

REVIEWED BY PLEASANT TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

SIGNED: \_\_\_\_\_  
MARK HATTI, CHAIR  
ATTEST: \_\_\_\_\_  
NICOLE BICE, CLERK

**COUNTY ENGINEER REVIEW**

REVIEWED BY THE CASS COUNTY ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

SIGNED: \_\_\_\_\_  
JASON BENSON, CASS COUNTY ENGINEER

**CASS COUNTY PLANNING COMMISSION REVIEW**

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

SIGNED: \_\_\_\_\_  
KEN LOUGHNEE, CHAIR  
ATTEST: \_\_\_\_\_  
SECRETARY

**CASS COUNTY COMMISSION APPROVAL**

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

SIGNED: \_\_\_\_\_  
DHAD PETERSON, CHAIR  
ATTEST: \_\_\_\_\_  
ROBERT WILSON, FINANCE DIRECTOR