



Planning Department

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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Jason Benson, County Engineer *JMB*

DATE: June 23, 2023

SUBJECT: Consent Agenda Topic for the July 17, 2023 Commission
Link Subdivision Application

Meeting:

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Everest Township, Section 20 at a Public Hearing on June 22, 2023. The intended purpose of the subdivision is to build a new home on an established farmstead.

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

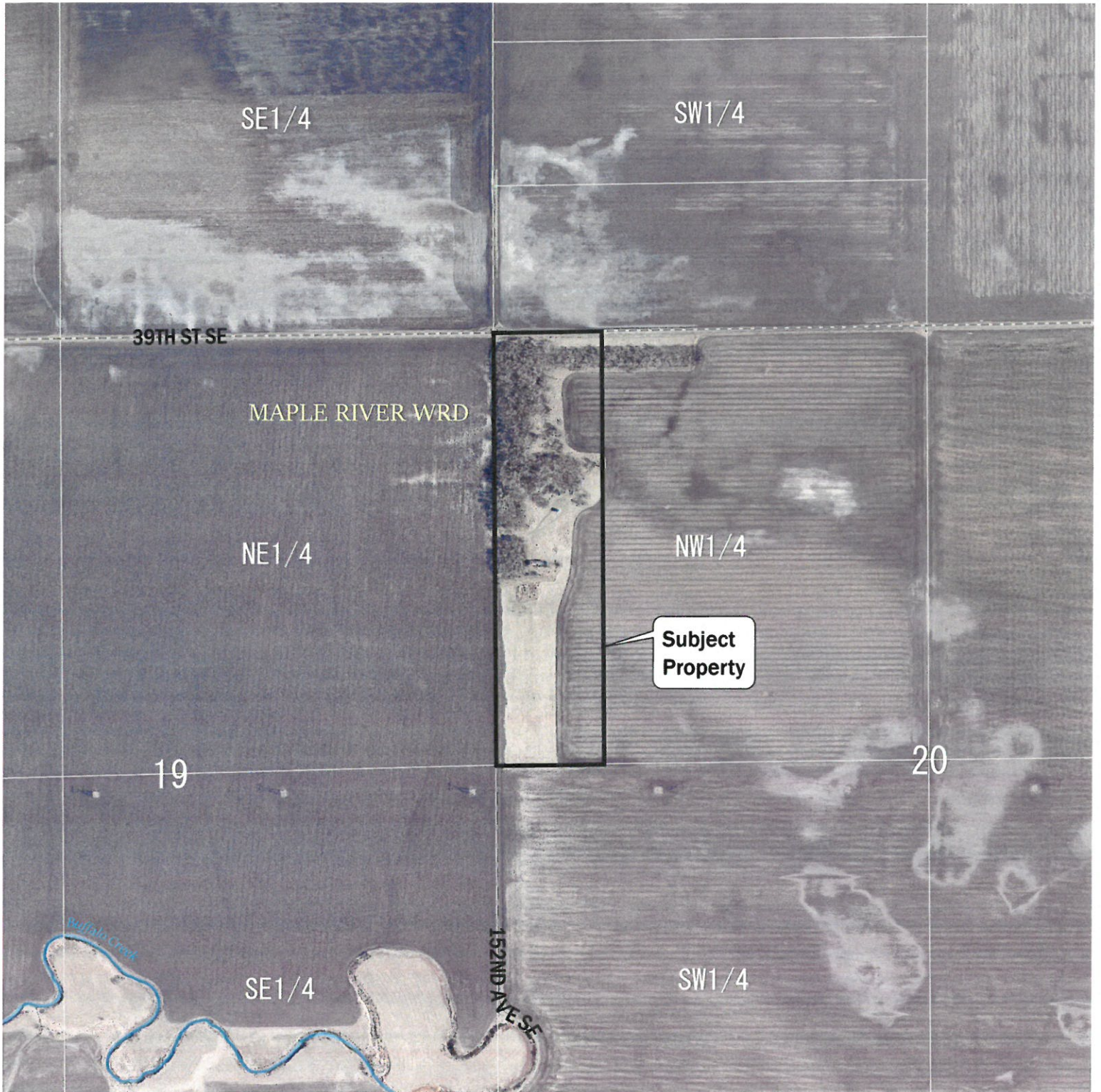
SUGGESTED MOTION:

To accept the findings and recommendations of the Planning Commission and staff and recommend approval of the Final Plat, 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.

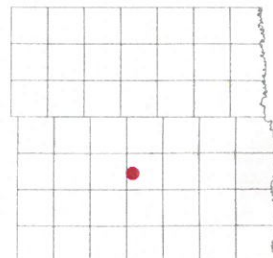
Minor Subdivision

Link Subdivision

Section 20, Everest Township
Township 139 North - Range 52 West



Cass County Planning Commission
June 22, 2023



Imagery: spring 2021
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.





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the W ½ of W ½ of NW ¼ of Section 20, Township 139 North, Range 52 West		
Title:	Link Subdivision	Date:	06/22/23
Location:	W ½ of W ½ of NW ¼ of Section 20, Township 139 North, Range 52 West (Everest Township)	Staff Contact:	Jason Benson
Parcel Number:	38-0000-04892-010	Water District:	Maple River Water District
Owner(s)/Applicant:	Steven and Stacy Link	Engineer/Surveyor:	engineer
Status:	Planning Commission Hearing: June 22, 2023 County Commission Hearing: July 17, 2023		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Link Subdivision** to plat a one (1) Lot subdivision of approximately 40.19 acres. According to the applicant, the subdivision is requested to build a new home on the established farmstead.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 152nd 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 or concerns from the Highway Department or County Engineer standpoint.
Water Resource District	The Maple 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/T-Mobile/Cogent	Sprint/T-Mobile/Cogent is clear and has no facilities near this location.
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	The Links have made an application for water service at this site and we are seeking easements for a water line route. Otherwise, we have no additional comments at this time.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	Health has no issue with this 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 all sides of the lot. Township road 39th St SE 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 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

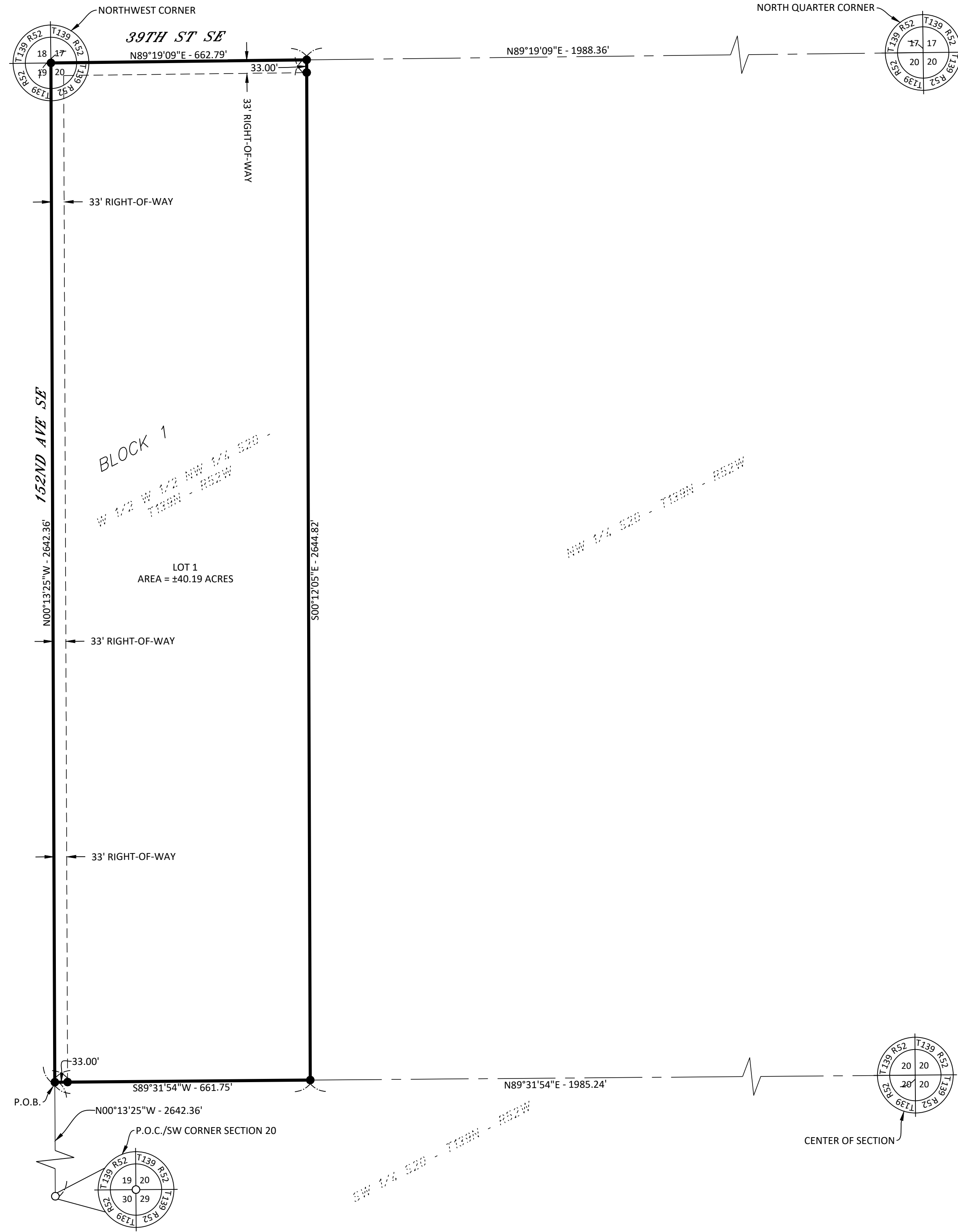
To accept the findings and recommendations of staff and recommend **approval** to the County Commission of the subdivision application as the proposal **meets** the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance and all other applicable regulations.

Attachments

1. Location Map
2. Plat Document

LINK SUBDIVISION

THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER,
SECTION 20, TOWNSHIP 139 NORTH, RANGE 52 WEST
CASS COUNTY, NORTH DAKOTA



CASS COUNTY ENGINEER

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2023.

JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

REVIEWED BY CASS COUNTY, NORTH DAKOTA THIS _____ DAY OF _____, 2023.

CHAD PETERSON, CHAIRMAN

ATTEST: _____
BRANDY MADRIGGA, CASS COUNTY FINANCIAL DIRECTOR

CASS COUNTY PLANNING COMMISSION

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2023.

KEN LOUGHEED, CHAIRMAN

ATTEST: _____
SECRETARY

EVEREST TOWNSHIP

REVIEWED BY EVEREST TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2023.

CARYN WEBER, CHAIRMAN

ATTEST: _____
BRIAN OTTESON, CLERK

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT STEVEN AND STACY LINK ARE THE OWNERS OF LOT 1, BLOCK 1, LINK SUBDIVISION IN THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 139 NORTH, RANGE 52 WEST OF THE 5TH PRINCIPAL MERIDIAN, EVEREST TOWNSHIP, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20; THENCE N00°13'25\"/>

SAID TRACT OF LAND CONTAINS ±40.19 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS LINK A MINOR SUBDIVISION TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA.

BY: _____
STEVEN S. LINK, OWNER

BY: _____
STACY A. LINK, OWNER

STATE OF _____)
COUNTY OF _____)SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2023, BEFORE ME PERSONALLY APPEARED STEVEN S. LINK AND STACY A. LINK, KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

NOTARY PUBLIC

SURVEYORS CERTIFICATE

I, COLE A. NESET HEREBY CERTIFY THAT THIS SURVEY, PLAN AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

COLE A. NESET
REGISTERED LAND SURVEYOR
LS-7513

DATE

STATE OF NORTH DAKOTA

STATE OF _____)
COUNTY OF _____)SS

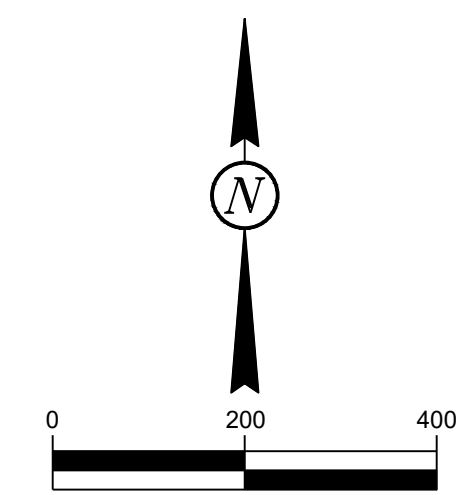
BE IT KNOWN ON THIS _____ DAY OF _____, 2023, BEFORE ME PERSONALLY APPEARED COLE A. NESET, NORTH DAKOTA REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

NOTARY PUBLIC

FOR RECORDING PURPOSES ONLY



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- - - - - EX. EASEMENT
- - - - - EX. PROPERTY LINE
- - - - - EX. SECTION LINE
- PROPERTY BOUNDARY LINE

SURVEY INFORMATION

DATE OF SURVEY: 10/24/2022
BASIS OF BEARING: ASSUMED NORTH LINE OF THE NORTHWEST QUARTER - N89°19'09\"/>