



Planning Department

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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, County Planner *CH*

DATE: August 24, 2023

SUBJECT: Consent Agenda Topic for the September 5, 2023 Commission Meeting: Jeremy King Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Amenia Township, Section 9 at a Public Hearing on August 24, 2023. The intended purpose of the subdivision is to increase the size of 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.



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SW 1/4 of SE 1/4 of Section 9, Township 141 North, Range 52 West		
Title:	Jeremy King Subdivision	Date:	08/17/23
Location:	SW 1/4 of SE 1/4 of Section 9, Township 141 North, Range 52 West (Amelia Township)	Staff Contact:	Cole Hansen
Parcel Number:	22-0000-00341-020	Water District:	Rush River Water District
Owner(s)/Applicant:	Terry Sullivan	Engineer/Surveyor:	engineer
Status:	Planning Commission Hearing: August 24, 2023 County Commission Hearing: September 5, 2023		

Existing Land Use	Proposed Land Use
Residential/Agriculture	Residential/Agriculture
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Jeremy King Subdivision** to plat a one (1) Lot subdivision of approximately 9.36 acres. According to the applicant, the subdivision is requested to increase the size of an existing farmstead tract from 9.36 acres to 10.124 acres.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 26th St SE road access, ditches for storm sewer conveyance, rural water. The property currently does not have an on-site septic system for wastewater treatment.

Agency Comments	
County Engineer	No concerns from the Highway Department.
Water Resource District	The Rush River WRD 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/Congent	No comments were received prior to publishing the staff report.
AT&T	Clear, no conflict.
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 is currently served by Cass Rural Water District. As a result, we have no comments.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	FCPH has no permit on file for the septic system on this property. While the subdivision change does not violate any of our codes, the department cannot say whether the house on the property currently has a septic system that meets current Requirements.
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 26th St SE borders the west 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

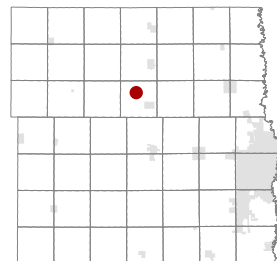
Minor Subdivision

Jeremy King Subdivision

Section 9, Amenia Township
Township 141 North - Range 52 West



Cass County Planning Commission
August 24, 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.



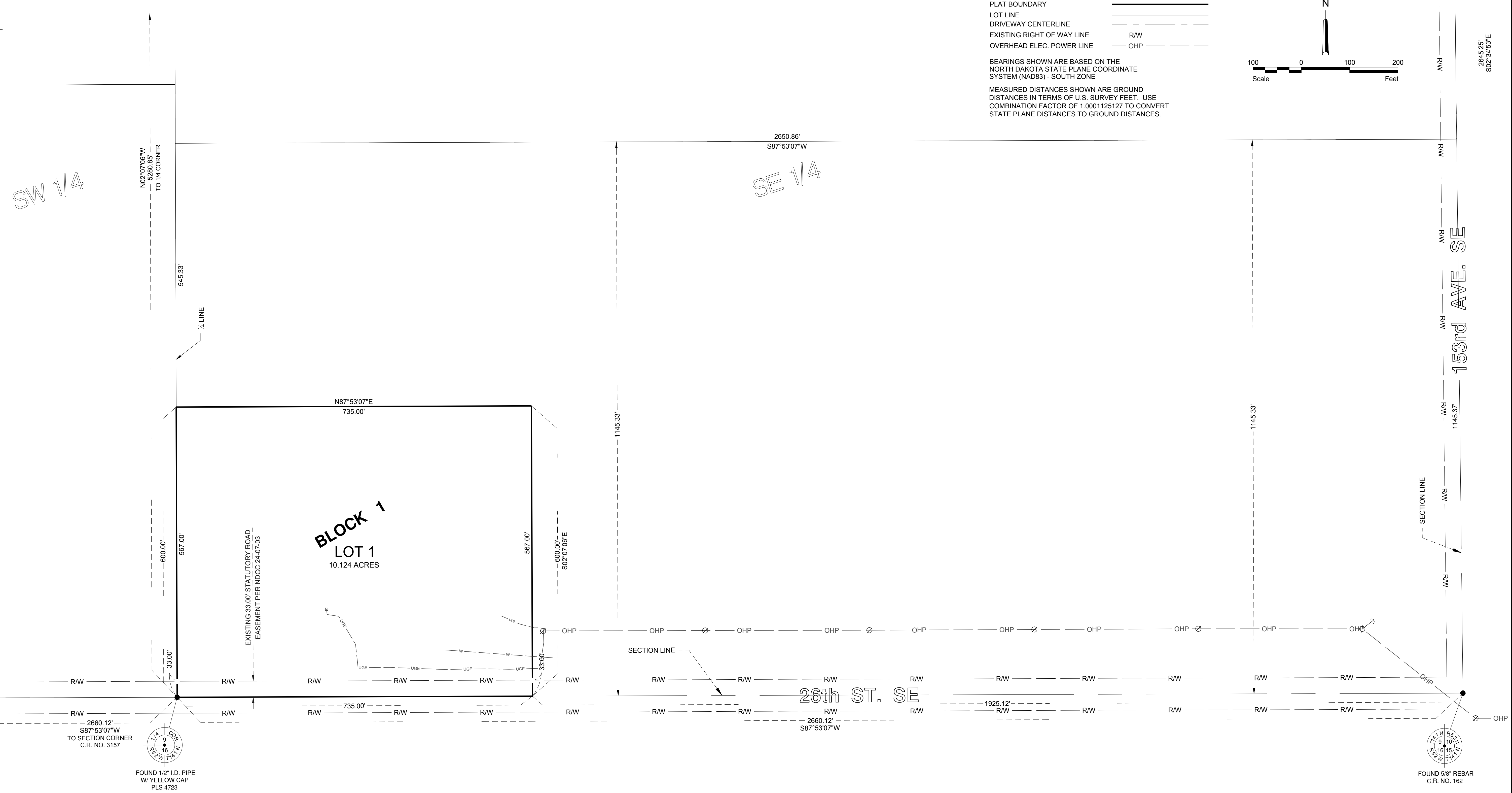
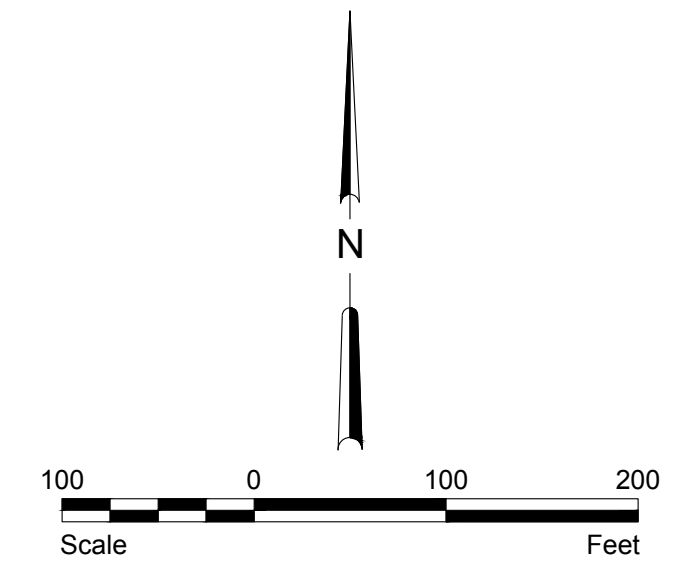
JEREMY KING SUBDIVISION

BEING A PLAT OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER
SECTION 9, T. 141 N., R. 52 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

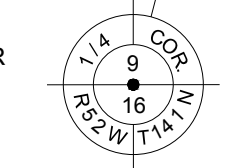
LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. IRON PIPE SET
- UTILITY POLE
- W / GUY WIRE →
- LIGHT POLE
- TELEPHONE RISER
- PLAT BOUNDARY
- LOT LINE
- DRIVEWAY CENTERLINE
- EXISTING RIGHT OF WAY LINE R/W
- OVERHEAD ELEC. POWER LINE OHP

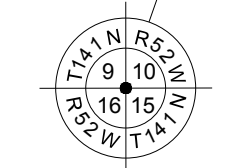
BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE
MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET. USE COMBINATION FACTOR OF 1.0001125127 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.



2660.12'
S87°53'07"W
TO SECTION CORNER
C.R. NO. 3157



FOUND 1/2" I.D. PIPE
W/ YELLOW CAP
PLS 4723



FOUND 5/8" REBAR
C.R. NO. 162

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JEREMY KING SUBDIVISION

BEING A PLAT OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER
SECTION 9, T. 141 N., R. 52 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: Terrence J. Sullivan and Luzviminda B. Sullivan, husband and wife, are the owners and proprietors of that part of the Southeast Quarter of Section 9, Township 141 North, Range 52 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

COMMENCING at the southeast corner of said Section 9; thence South 87°53'07" West (assumed bearing), along the southerly line of the Southeast Quarter of said Section 9, for a distance of 1925.12 feet to the TRUE POINT OF BEGINNING; thence continue South 87°53'07" West, along the southerly line of the Southeast Quarter of said Section 9, for a distance of 735.00 feet to the southwest corner of the Southeast Quarter of said Section 9; thence North 02°07'06" West, along the westerly line of the Southeast Quarter of said Section 9, for a distance of 600.00 feet; thence North 87°53'07" East for a distance of 735.00 feet; thence South 02°07'06" East for a distance of 600.00 feet to the TRUE POINT OF BEGINNING.

Said tract contains 10.124 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **JEREMY KING SUBDIVISION**.

In witness whereof we have set our hands and seals.

Owners:

Terrence J. Sullivan

Luzviminda B. Sullivan

State of _____)
County of _____) ss

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Terrence J. Sullivan and Luzviminda B. Sullivan, husband and wife, known to me to be the persons 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
North Dakota PLS No. 4723

State of North Dakota)
County of Cass) ss

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, Chairman

Attest: _____
Secretary

Amenia Township:

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

Kim Brucsh, Chair

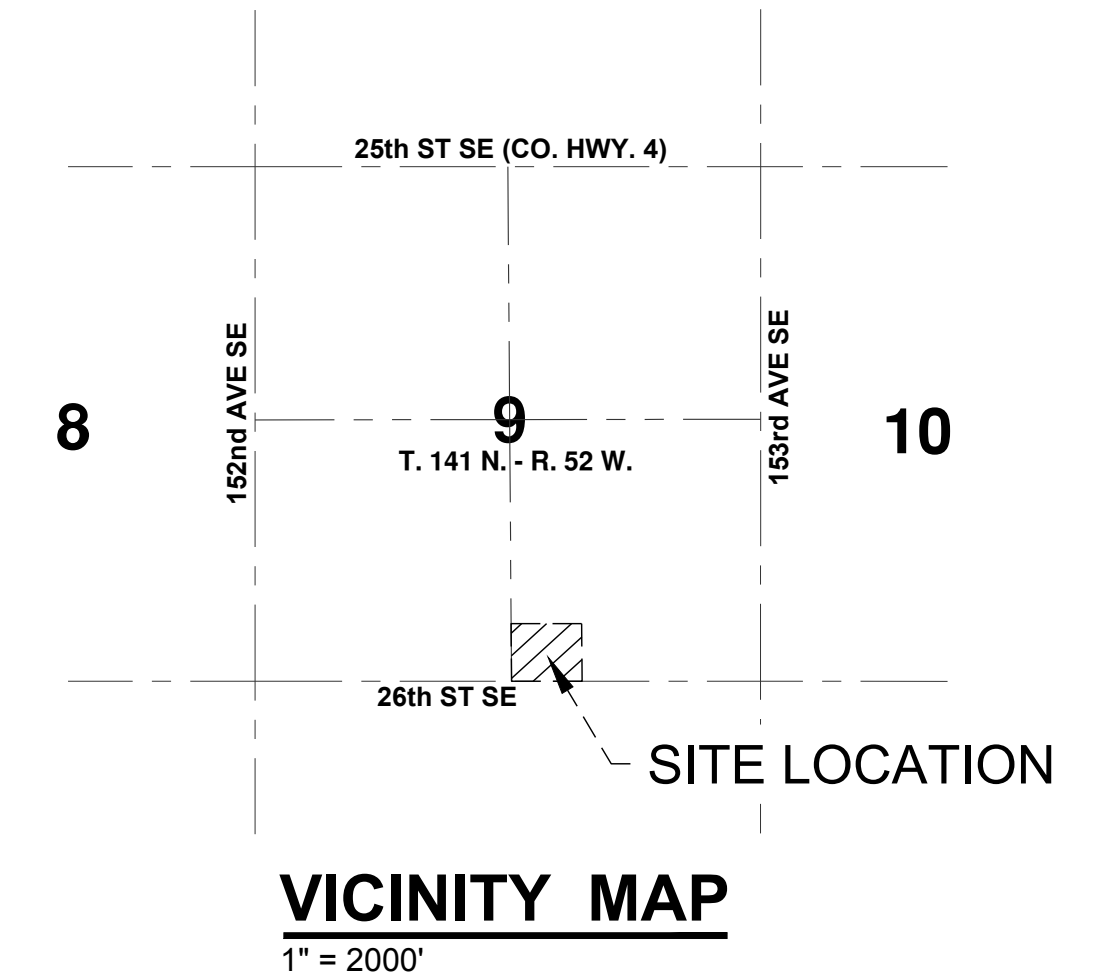
Attest: _____
John Hejl, Clerk

Cass County Board of Commissioners' Approval:

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

Chad M. Peterson, Chair

Attest: _____
Brandy Madrigga, Cass County Finance Director



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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, County Planner *CH*

DATE: August 24, 2023

SUBJECT: Consent Agenda Topic for the September 5, 2023 Commission Meeting: Twin Birch Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Erie Township, Section 35 at a Public Hearing on August 24, 2023. The intended purpose of the subdivision is to sell the existing farmstead and separate it from the balance of the parcel.

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.



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NW ¼ of Section 35, Township 142 North, Range 53 West		
Title:	Twin Birch Subdivision	Date:	08/17/23
Location:	NW ¼ of Section 35, Township 142 North, Range 53 West (Erie Township)	Staff Contact:	Cole Hansen
Parcel Number:	37-0000-04650-000	Water District:	Rush River Water District
Owner(s)/Applicant:	Dawn Moore	Engineer/Surveyor:	engineer
Status:	Planning Commission Hearing: August 24, 2023 County Commission Meeting: September 5, 2023		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Twin Birch Subdivision** to plat a one (1) Lot subdivision of approximately 7 acres. According to the applicant, the subdivision is requested to sell the existing farmstead and separate it from the balance of the parcel.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 148th Ave SE road access, ditches for storm sewer conveyance, rural water. The property currently does not have an on-site septic system for wastewater treatment.

Agency Comments	
County Engineer	No concerns from the Highway Department.
Water Resource District	The Rush River WRD 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/Congent	No comments were received prior to publishing the staff report.
AT&T	Clear, no conflict.
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 property is not currently served by CRWD. The site could be served from a water main located about 1,400 feet north along 23rd Street SE. To date we have received no application for service.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	FCPH has no issue with this subdivision, as there is ample room for a future septic system.
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 148th Ave SE borders the west 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

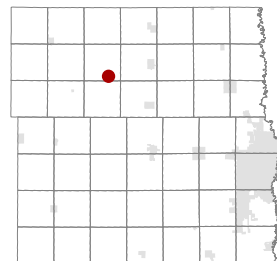
Minor Subdivision

Twin Birch Subdivision

Section 35, Erie Township
Township 142 North - Range 53 West



Cass County Planning Commission
August 24, 2023

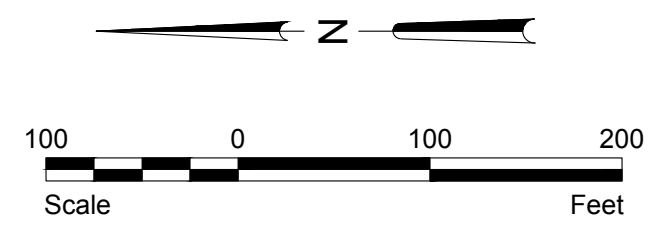


Imagery: spring 2021
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



TWIN BIRCH SUBDIVISION

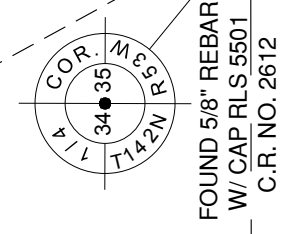
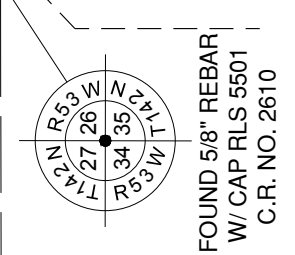
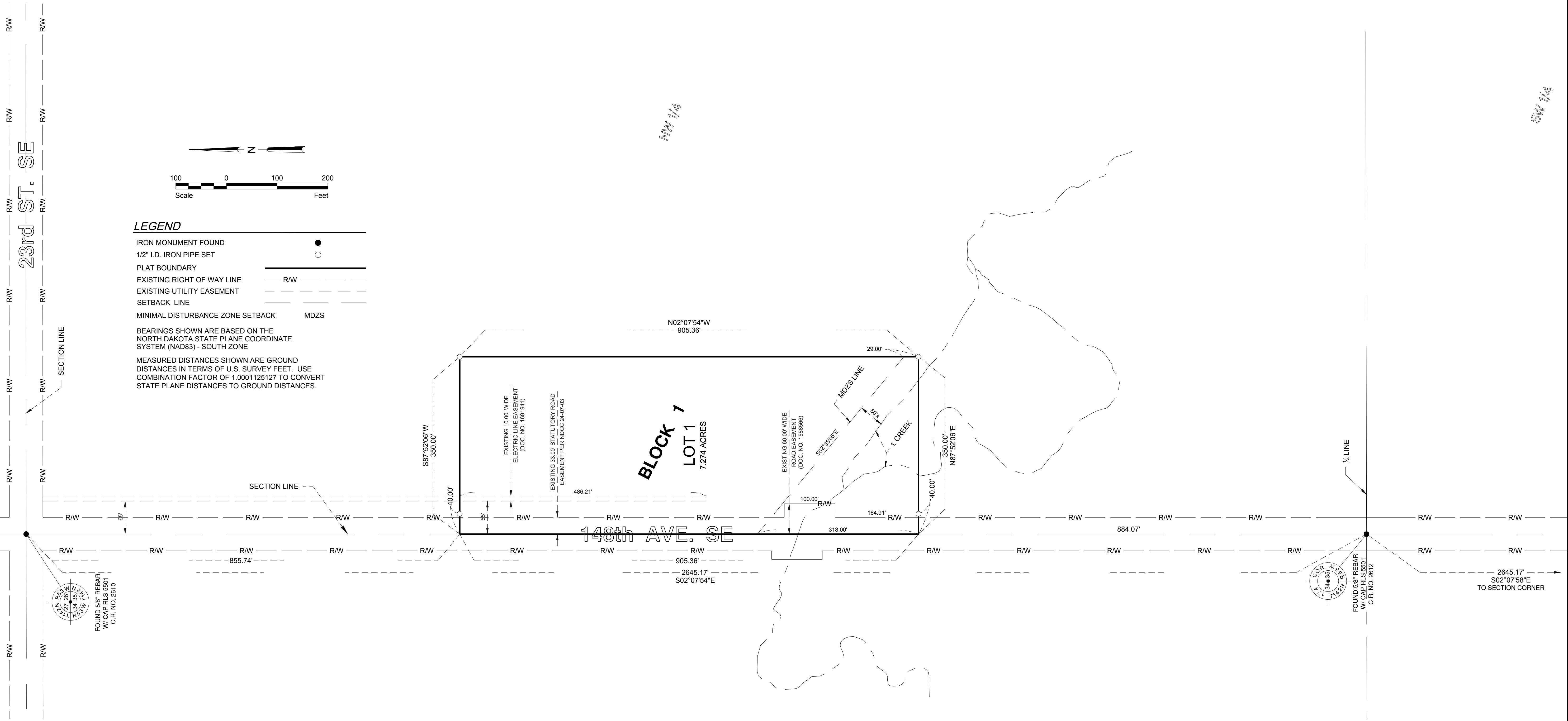
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 35, T. 142 N., R. 53 W., 5th P.M. CASS COUNTY, NORTH DAKOTA



LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. IRON PIPE SET
- PLAT BOUNDARY
- EXISTING RIGHT OF WAY LINE R/W
- EXISTING UTILITY EASEMENT
- SETBACK LINE
- MINIMAL DISTURBANCE ZONE SETBACK MDZS

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.



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TWIN BIRCH SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 35, T. 142 N., R. 53 W., 5th P.M. CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: Dawn B. Moore and Joel C. Moore, wife and husband, are the owners and proprietors of that part of the Northwest Quarter of Section 35, Township 142 North, Range 53 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

COMMENCING at the northwest corner of said Section 35; thence South 02°27'54" East (assumed bearing), along the westerly line of the Northwest Quarter of said Section 35, for a distance of 855.74 feet to the TRUE POINT OF BEGINNING; thence continue South 02°27'54" East, along the westerly line of the Northwest Quarter of said Section 35, for a distance of 905.36 feet; thence North 87°52'06" East for a distance of 350.00 feet; thence North 02°27'54" West for a distance of 905.36 feet; thence South 87°52'06" West for a distance of 350.00 feet to the TRUE POINT OF BEGINNING.

Said tract contains 7.274 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **TWIN BIRCH SUBDIVISION**.

In witness whereof we have set our hands and seals.

Owners:

Dawn B. Moore Joel C. Moore

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Dawn B. Moore and Joel C. Moore, wife and husband, known to me to be the persons 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
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, Chairman

Attest: _____
Secretary

Erie Township:

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

Robert Kyser, Chair

Attest: _____
Alan Idso, Clerk

Cass County Board of Commissioners' Approval:

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

Chad M. Peterson, Chair

Attest: _____
Brandy Madrigga, Cass County Finance Director

