



Planning Department

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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: October 30, 2023

SUBJECT: Regular Agenda Topic for the November 20, 2023 Commission Meeting:
Arthur Punton Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Ayr Township, Section 22 at a Public Hearing on October 26, 2023. The intended purpose of the subdivision is to create a separate parcel for the construction of a new residential structure.

The Planning Commission is recommending approval of the proposed plat entitlement request and Ayr 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 on the condition that access to the existing property is modified to comply with the Cass County Highway Access Ordinance, 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 22, Township 141 North, Range 54 West		
Title:	Arthur Punton Subdivision	Date:	10/19/23
Location:	NE ¼ of Section 22, Township 141 North, Range 54 West (Ayr Township)	Staff Contact:	Cole Hansen
Parcel Number:	24-0000-00990-030	Water District:	Maple River Water District
Owner(s)/Applicant:	Arthur and Candace Punton	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: October 26, 2023 County Commission Hearing: November 20, 2023		

Existing Land Use	Proposed Land Use
Agricultural	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Arthur Punton Subdivision** to plat a one (1) Lot subdivision of approximately 2 acres. According to the applicant, the subdivision is requested to construct a residential building.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing County Road 3 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	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/T-Mobile/Congent	No concerns.
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	Water service will be available from a main located approximately 1,000 feet north of the property. Have not received an 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.
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. County Highway 3 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 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

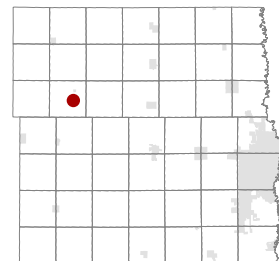
Minor Subdivision

Arthur Punton Subdivision

Section 22, Ayr Township
Township 141 North - Range 54 West



Cass County Planning Commission
October 26, 2023

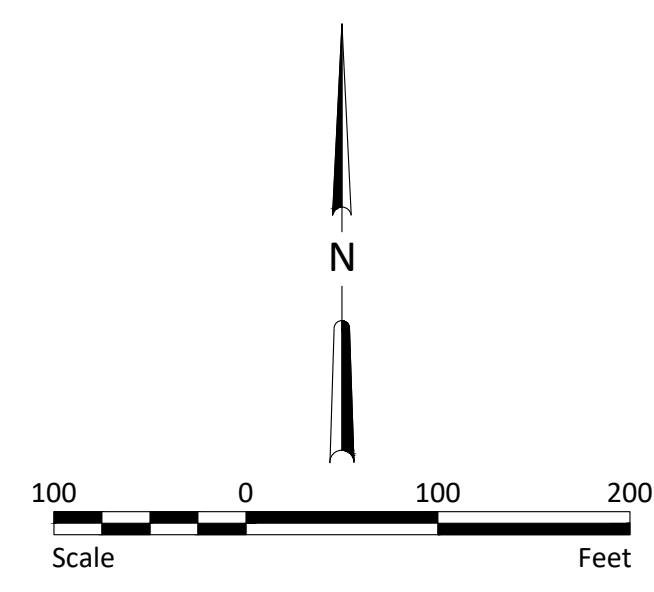


Imagery: spring 2021
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



ARTHUR PUNTON SUBDIVISION

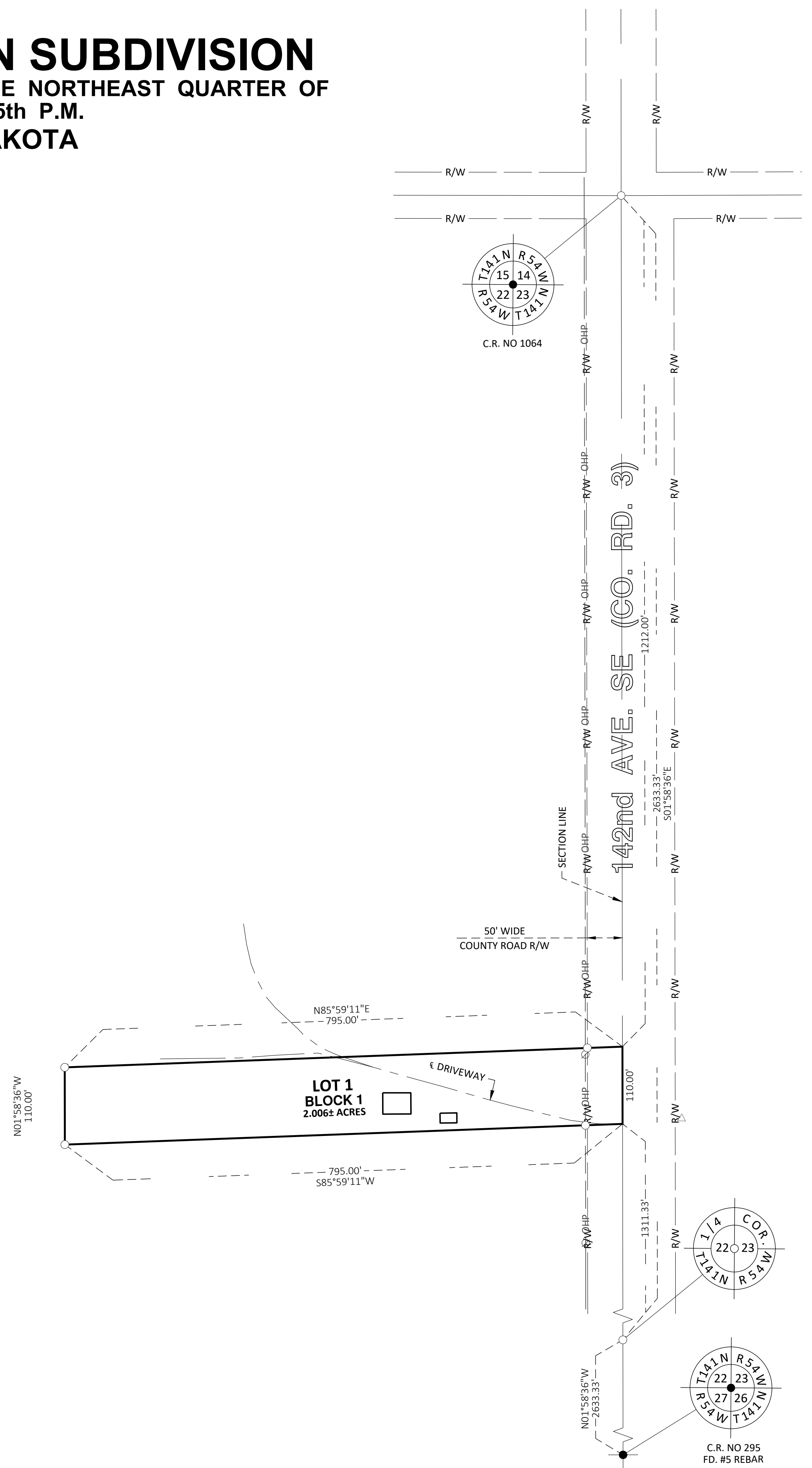
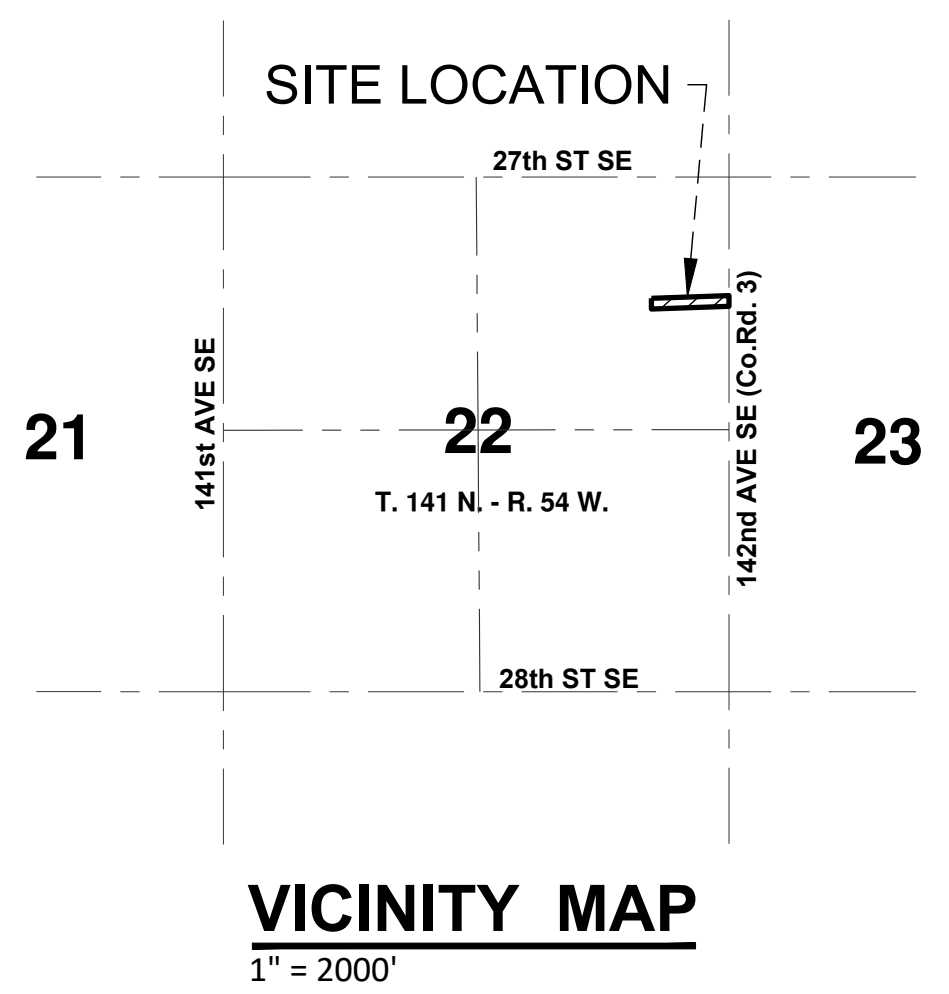
BEING A PLAT OF PART OF THE NORTHEAST QUARTER OF SECTION 22, T. 141 N., R. 54 W., 5th P.M. CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
UTILITY 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 GRID DISTANCES IN TERMS OF U.S. SURVEY FEET.



Owners' Certificate and Dedication:

Know all persons by these presents: Candace Punton and Arthur R. Punton, Jr., wife and husband, are the owners and proprietors of that part of the Northeast Quarter of Section 22, Township 141 North, Range 54 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

COMMENCING at the northeast corner of said Section 22; thence South 01°58'36" East (assumed bearing), along the easterly line of the Northeast Quarter of said Section 22, for a distance of 1212.00 feet to the TRUE POINT OF BEGINNING; thence continue South 01°58'36" East, along the easterly line of the Northeast Quarter of said Section 22, for a distance of 110.00 feet; thence South 85°59'11" West for a distance of 795.00 feet; thence North 01°58'36" West for a distance of 110.00 feet; thence North 85°59'11" East for a distance of 795.00 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.006 acres, more or less.

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

In witness whereof we have set our hands and seals.

Owners:

Candace Punton _____ Arthur R. Punton, Jr. _____

State of _____)
 County of _____) ss

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Candace Punton and Arthur R. Punton, Jr., 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)
 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

Ayr Township:

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

Larry Wilcox, Chair

Attest: _____
 Timothy Rand, 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

PRELIMINARY PLAT

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