



Planning Department

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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: November 24, 2023

SUBJECT: Consent Agenda Topic for the December 4, 2023 Commission Meeting:
Lehman Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Rush River Township, Section 14 at a Public Hearing on October 26, 2023. The intended purpose of the subdivision is to separate the farmstead from the farmland to sell.

The Planning Commission is recommending approval of the proposed plat entitlement request and Rush River 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 SE ¼ of Section 14, Township 141 North, Range 51 West | | |
| Title: | Lehman Subdivision | Date: | 10/19/23 |
| Location: | SE ¼ of Section 14, Township 141 North, Range 51 West (Rush River Township) | Staff Contact: | Cole Hansen |
| Parcel Number: | 63-0000-11769-000, 63-0000-11770-000 | Water District: | Rush River Water District |
| Owner(s)/Applicant: | Dallas Lehman | Engineer/Surveyor: | Moore Engineering |
| Status: | Planning Commission Hearing: October 26, 2023 County Commission Hearing: November 10, 2023 | | |

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

The applicant is seeking approval of a minor subdivision entitled **Lehman Subdivision** to plat a one (1) Lot subdivision of approximately 3.5 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 27th St SE road access, ditches for storm sewer conveyance, rural water. The property currently does 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/Cogent | 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 | Property already has service from CRWD. |
| 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. Township road 27th St SE borders the south 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

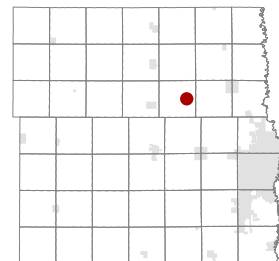
Minor Subdivision

Lehman Subdivision

Section 14, Rush River Township
Township 141 North - Range 51 West



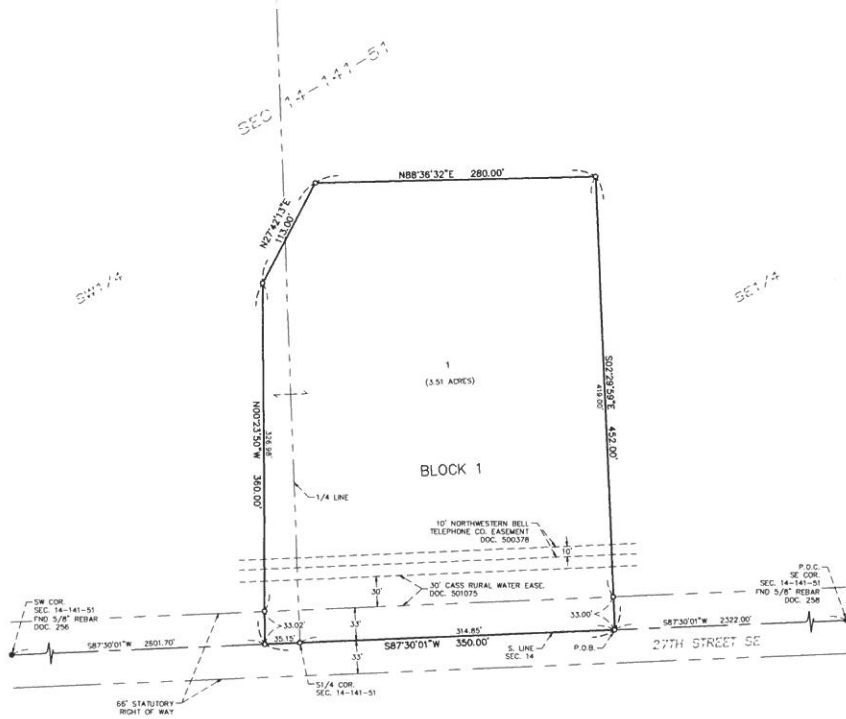
Cass County Planning Commission
October 26, 2023



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.



**PLAT OF
LEHMAN SUBDIVISION**
A PLAT OF PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 141 NORTH,
RANGE 51 WEST, CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS: THE SOUTH LINE OF SECTION 14 HAS AN ASSUMED BEARING OF S87°30'01\"/>

- LEGEND**
- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. LS-6571
 - IRON MONUMENT FOUND
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING

NOTE:

1. FEMA HAS NOT COMPLETED A STUDY TO DETERMINE THE FLOOD HAZARD FOR THIS AREA.

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "LEHMAN SUBDIVISION", A PLAT OF PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 141 NORTH, RANGE 51 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 SUBDIVISION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 141 NORTH, RANGE 51 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 87 DEGREES 30 MINUTES 01 SECOND WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID SECTION 14 FOR A DISTANCE OF 2322.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 30 MINUTES 01 SECOND WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 500.00 FEET; THENCE NORTH 60 DEGREES 23 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 360.00 FEET; THENCE NORTH 27 DEGREES 42 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 113.00 FEET; THENCE NORTH 88 DEGREES 36 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 280.00 FEET; THENCE SOUTH 02 DEGREES 29 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 452.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 3.51 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571
COUNTY OF CASS



ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, 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 "LEHMAN SUBDIVISION", A PLAT OF PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 141 NORTH, RANGE 51 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

OWNERS: ESTATE OF DALLAS LEHMAN:

MARTIN LEHMAN, CO-PERSONAL REPRESENTATIVE

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARTIN LEHMAN, CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF DALLAS LEHMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE DALLAS LEHMAN ESTATE.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

JAMES LEHMAN, CO-PERSONAL REPRESENTATIVE

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JAMES LEHMAN, CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF DALLAS LEHMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE DALLAS LEHMAN ESTATE.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MARLENE ROSMAN, CO-PERSONAL REPRESENTATIVE

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARLENE ROSMAN, CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF DALLAS LEHMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE DALLAS LEHMAN ESTATE.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

RUSH RIVER TOWNSHIP REVIEW

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

SIGNED: _____
KEN CRAMER, CHAIR

ATTEST: _____
AUDREY CRAMER, CLERK

COUNTY ENGINEER REVIEW

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

SIGNED: _____
JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

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

SIGNED: _____
KEN LOUGHEED, CHAIR

ATTEST: _____
SECRETARY

CASS COUNTY COMMISSION APPROVAL

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

SIGNED: _____
CHAD PETERSON, CHAIR

ATTEST: _____
BRANDY MADRIGA, FINANCE DIRECTOR