



## Planning Department

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### MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: August 26, 2024

SUBJECT: Consent Agenda Topic for the September 3, 2024 Commission Meeting:  
Dam Faughts Subdivision Application

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The Cass County Planning Commission reviewed the application of the proposed subdivision located in Empire Township, Section 33 at a Public Hearing on August 22, 2024. The intended purpose of the subdivision is to plat a lot for purchase and construction of a new home.

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

<b>Entitlements Requested:</b>	<b>Minor Subdivision (1 Lot)</b> of a part of the NE ¼ of Section 33, Township 141 North, Range 53 West		
<b>Title:</b>	<b>Dam Faughts Subdivision</b>	<b>Date:</b>	08/22/24
<b>Location:</b>	NE ¼ of Section 33, Township 141 North, Range 53 West (Empire Township)	<b>Staff Contact:</b>	Cole Hansen
<b>Parcel Number:</b>	36-0000-04337-000	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	David and Kristina Faught	<b>Engineer/Surveyor:</b>	Bolton and Menk, Inc
<b>Status:</b>	Planning Commission Hearing: August 22, 2024 County Commission Hearing: September 3, 2024		

Existing Land Use	Proposed Land Use
Agricultural	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Dam Faughts Subdivision** to plat a one (1) Lot subdivision of approximately 26.27 acres. According to the applicant, the subdivision is requested to plat a lot for sale and development of a residential site.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 147<sup>th</sup> Ave SE for 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	
<b>County Engineer</b>	No comments were received prior to publishing the staff report.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<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/T-Mobile/Congent</b>	No comments were received prior to publishing the staff report.
<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>	No comments were received prior to publishing the staff report.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	No issue with proposal.
<b>Township Chairman</b>	No comments were received prior to publishing the staff report.
<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>	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 the north, south, west, and east sides of the lot. 147<sup>th</sup> Ave SE borders the east of the property.

#### *Floodzone*

According to the FEMA Flood Map Service Center, this property is currently unmapped and no 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



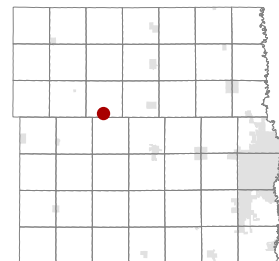
# Minor Subdivision

## Dam Faughts Subdivision

Section 33, Empire Township  
Township 141 North - Range 53 West



Cass County Planning Commission  
August 22, 2024



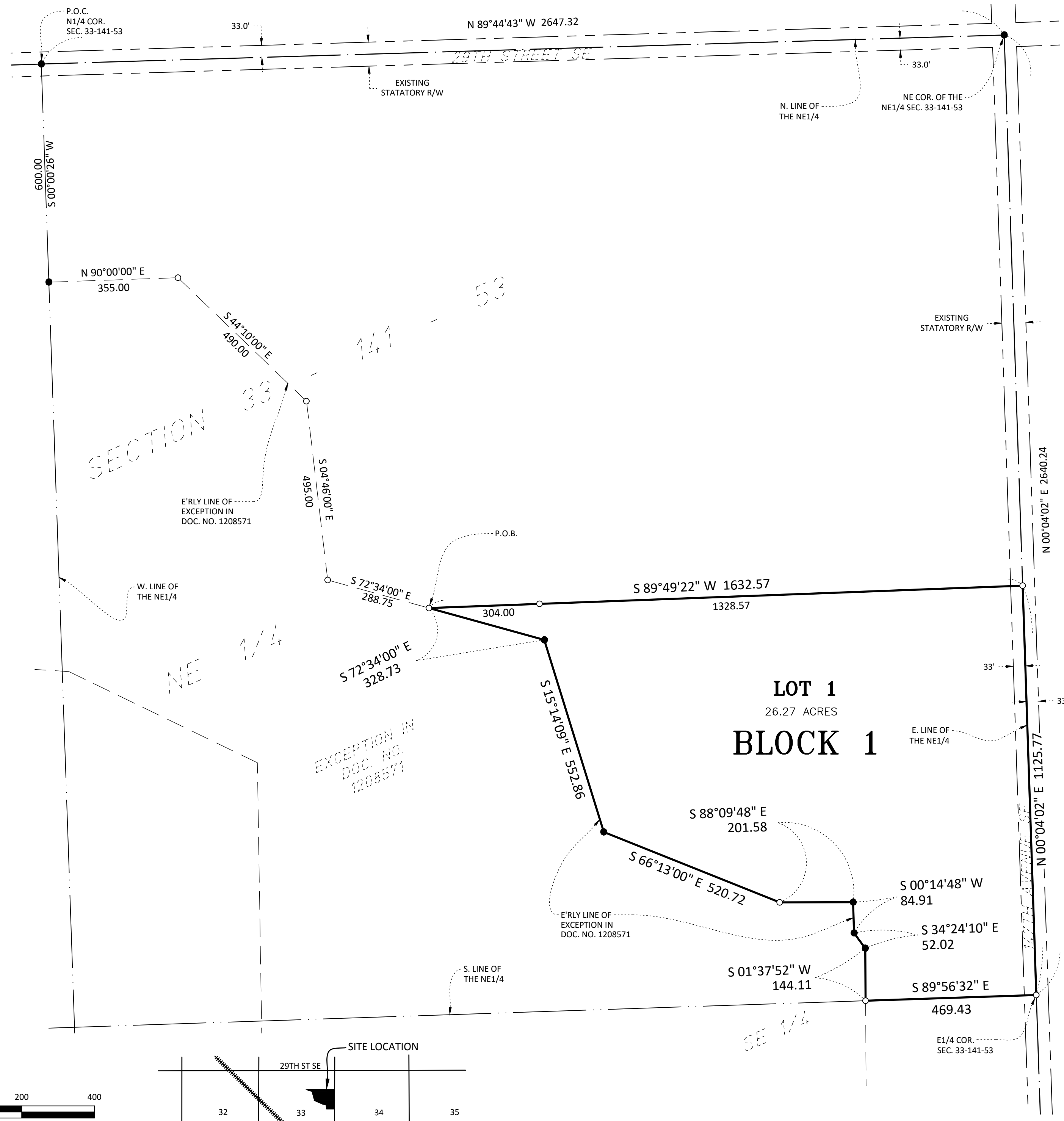
Imagery: NAIP, summer/fall 2023

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.



# DAM FAUGHTS SUBDIVISION

PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 141 NORTH, RANGE 53 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WHEATLAND TOWNSHIP, CASS COUNTY, NORTH DAKOTA



### OWNERS DESCRIPTION AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, that David Faught, a single person, as owner of a parcel of land located in the Northeast Quarter of Section 33, Township 141 North, Range 53 West of the Fifth Principal Meridian, Cass County, North Dakota and more particularly described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 33; thence South 00 degrees 00 minutes 26 seconds West on a record bearing along the west line of the Northeast Quarter of said Section 33 for a distance of 600.00 feet to a found iron monument on the easterly line of a tract of land described in Document No. 1208571, on file and of record in the office of the Recorder, said Cass County; thence North 90 degrees 00 minutes 00 seconds East along said easterly line for a distance of 355.00 feet to an iron monument; thence South 44 degrees 10 minutes 00 seconds East along said easterly line for a distance of 490.00 feet to an iron monument; thence South 04 degrees 46 minutes 00 seconds East along said easterly line for a distance of 495.00 feet to an iron monument; thence South 72 degrees 34 minutes 00 seconds East along said easterly line for a distance of 288.75 feet to an iron monument and the point of beginning; thence continuing South 72 degrees 34 minutes 00 seconds East along said easterly line for a distance of 328.73 feet to a found iron monument; thence South 15 degrees 09 seconds East along said easterly line for a distance of 552.86 feet to a found iron monument; thence South 66 degrees 13 minutes 00 seconds East along said easterly line for a distance of 520.72 feet to an iron monument; thence South 88 degrees 09 minutes 48 seconds East along said easterly line for a distance of 201.58 feet to a found iron monument; thence South 00 degrees 14 minutes 48 seconds West along said easterly line for a distance of 84.91 feet to a found iron monument; thence South 34 degrees 24 minutes 10 seconds East along said easterly line for a distance of 52.02 feet to a found iron monument; thence South 01 degree 37 minutes 52 seconds West along said easterly line for a distance of 144.11 feet to a found iron monument on the south line of the Northeast Quarter of said Section 33; thence South 89 degrees 56 minutes 32 seconds East along said easterly line for a distance of 469.43 feet to an iron monument which designates the east quarter corner of said Section 33; thence North 00 degrees 04 minutes 02 seconds East along the east line of the Northeast Quarter of said Section 33 for a distance of 1125.77 feet to a found iron monument; thence South 89 degrees 49 minutes 22 seconds West for a distance of 1632.57 feet to the point of beginning.

Said tract contains 26.27 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcel of land to be surveyed and platted as name of DAM FAUGHTS SUBDIVISION to Cass County, North Dakota.

### OWNER:

By: David Faught, a single person

State of North Dakota }  
County of Cass } SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public within and for said County and State, personally appeared David Faught, a single person, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

### SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Shawn M. Thomasson, Registered Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.

Shawn M. Thomasson, Professional Land Surveyor  
North Dakota License Number LS-5900

State of North Dakota }  
County of Cass } SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

### EMPIRE TOWNSHIP

Reviewed by Empire Township, Cass County, North Dakota this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Phil Faught, Chairman

Attest: \_\_\_\_\_  
Jenna McPherson, Clerk

### CASS COUNTY ENGINEER

Reviewed by the Cass County Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Tom Soucy, Interim Cass County Engineer

### CASS COUNTY PLANNING COMMISSION

Reviewed by the Cass County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Ken Lougheed, Chairman

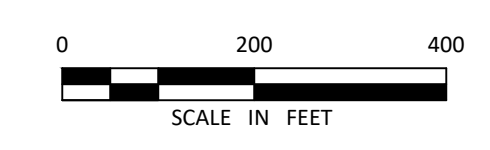
Attest: \_\_\_\_\_  
Secretary

### CASS COUNTY BOARD OF COMMISSIONERS APPROVAL

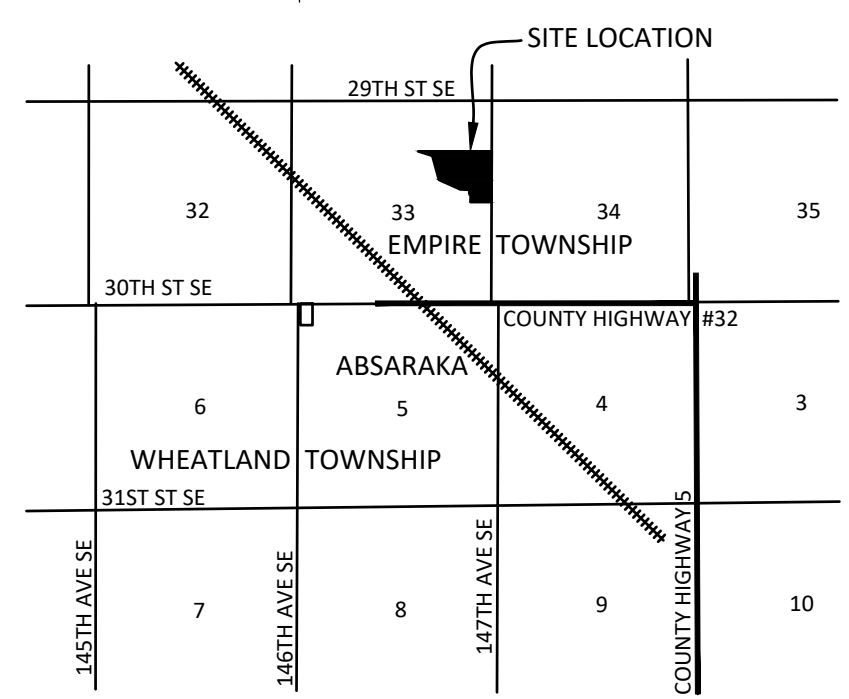
Approved by Cass County, North Dakota this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By: Chad Peterson, Chairman

Attest: \_\_\_\_\_  
Brandy Madrigga, Finance Director



Basis of Bearing:  
The West Line of the NE1/4  
has an assumed bearing of  
South 00 degrees 00 minutes 26 seconds West  
Date of Survey: April, 2024



LEGEND	
○	5/8"x18" REBAR MONUMENT SET MARKED BY CAP NO. LS-5900
●	MONUMENT FOUND
—	SUBJECT PROPERTY LINE
- - -	SECTION LINE
- · - · -	QUARTER LINE
- - - - -	EXISTING PROPERTY LINE
- · - · - · -	EXISTING RIGHT OF WAY LINE

### EASEMENTS OF RECORD

- Flood Prevention Easement to Maple River Water Conservation and Flood Control District, Recorded April 20, 1959 as Doc. No. 352757.
- Flood Prevention Easement to Maple River Water Conservation and Flood Control District, Recorded April 20, 1959 as Doc. No. 352758.



# PRELIMINARY





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### MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: August 26, 2024

SUBJECT: Consent Agenda Topic for the September 3, 2024 Commission Meeting:  
Jenkins Subdivision Application

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The Cass County Planning Commission reviewed the application of the proposed subdivision located in Erie Township, Section 16 at a Public Hearing on July 25, 2024. The intended purpose of the subdivision is to plat a lot for residential construction.

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

<b>Entitlements Requested:</b>	<b>Minor Subdivision (1 Lot)</b> of a part of the NE ¼ of Section 16, Township 142 North, Range 53 West		
<b>Title:</b>	<b>Jenkins Subdivision</b>	<b>Date:</b>	07/25/24
<b>Location:</b>	NE ¼ of Section 16, Township 142 North, Range 53 West (Erie Township)	<b>Staff Contact:</b>	Cole Hansen
<b>Parcel Number:</b>	37-0000-04566-010	<b>Water District:</b>	Northern Cass Water District
<b>Owner(s)/Applicant:</b>	Brent Jenkins	<b>Engineer/Surveyor:</b>	Mead and Hunt Engineering
<b>Status:</b>	Planning Commission Hearing: July 25, 2024 County Commission Hearing: September 3, 2024		

Existing Land Use	Proposed Land Use
Agricultural	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Jenkins Subdivision** to plat a one (1) Lot subdivision of approximately 13 acres. According to the applicant, the subdivision is requested to plat a lot for sale and development of a residential site.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Road 5 for road access, ditches for storm sewer conveyance, rural water. The property currently does have an on-site septic system for wastewater treatment.

Agency Comments	
<b>County Engineer</b>	No comments were received prior to publishing the staff report.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<b>Cass County Electric Cooperative</b>	No comments were received prior to publishing the staff report.
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### Staff Analysis

#### *Land Use and Surrounding Uses*

The subject property is bound by agricultural production land on the north, west, and east sides of the lot and is bound by residential land on the south. County Road 5 borders the east of the property.

#### *Floodzone*

According to the FEMA Flood Map Service Center, this property is currently unmapped and no 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



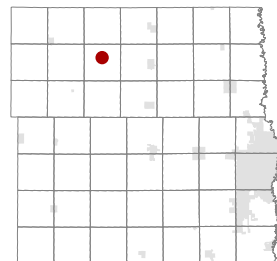
# Minor Subdivision

## Jenkins Subdivision

Section 16, Erie Township  
Township 142 North - Range 53 West



Cass County Planning Commission  
July 25, 2024



Imagery: NAIP, summer/fall 2023

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