



Planning Department

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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: February 10, 2025

SUBJECT: Consent Agenda Topic for the February 18, 2025 Commission Meeting:
Kurtz Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Davenport Township, Section 4 at a Public Hearing on October 24, 2024. The intended purpose of the subdivision is to break out an existing farmstead from the farmland.

The Planning Commission is recommending approval of the proposed plat entitlement request and Davenport 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 4, Township 137 North, Range 51 West		
Title:	Kurtz Subdivision	Date:	10/24/24
Location:	NW ¼ of Section 4, Township 137 North, Range 51 West (Davenport Township)	Staff Contact:	Cole Hansen
Parcel Number:	32-0000-03016-010	Water District:	Maple River Water District
Owner(s)/Applicant:	Ronald Kurtz & Carol Olgeirson	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: October 24, 2024 County Commission Hearing: February 18, 2025		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Kurtz Subdivision** to plat a one (1) Lot subdivision of approximately 5.37 acres. According to the applicant, the subdivision is requested to plat a lot to break out a farmstead from the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 159th Ave SE for road access, ditches for storm sewer conveyance, rural water. The property currently does not have a licensed on-site septic system for wastewater treatment.

Agency Comments	
County Engineer	No comments were received prior to publishing the staff report.
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 comments were received prior to publishing the staff report.
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	No comments were received prior to publishing the staff report.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issue with 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 the north, south, west, and east sides of the lot. 159th Ave SE borders the west of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently mapped with no Special Hazard Flood Area being 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

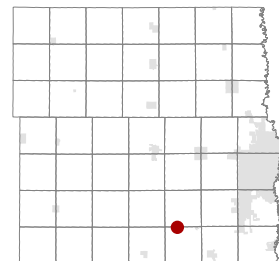
Minor Subdivision

Kurtz Subdivision

Section 4, Davenport Township
Township 137 North - Range 51 West



Cass County Planning Commission
October 24, 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.

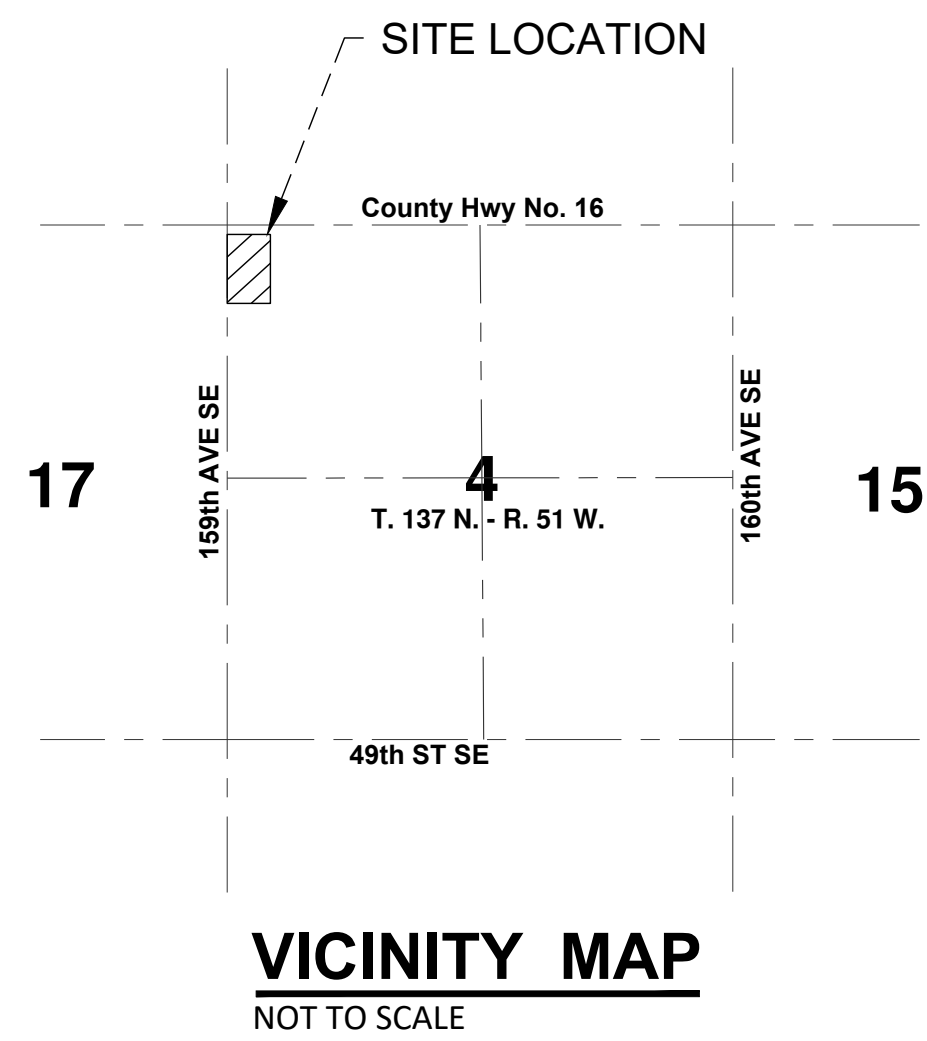
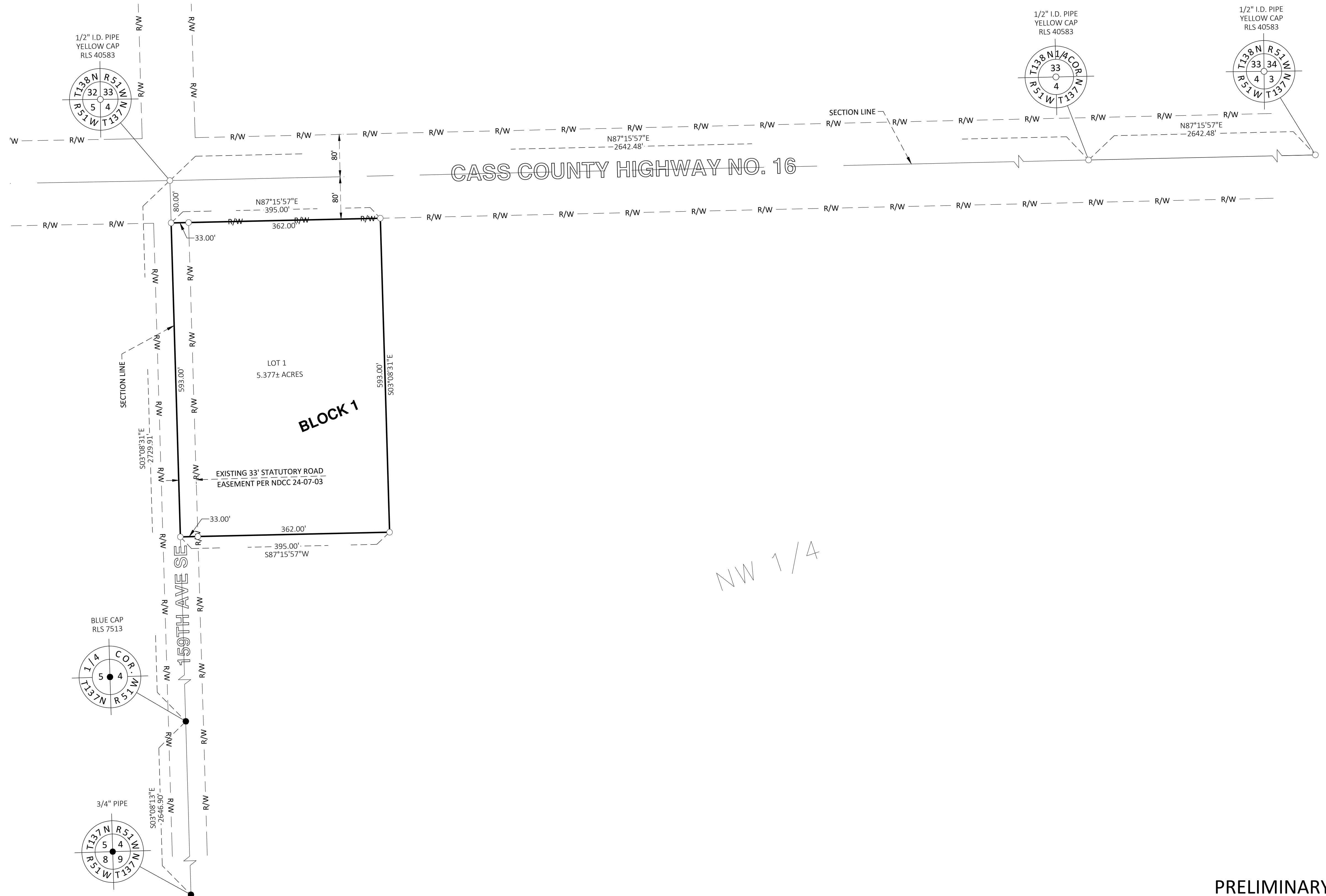
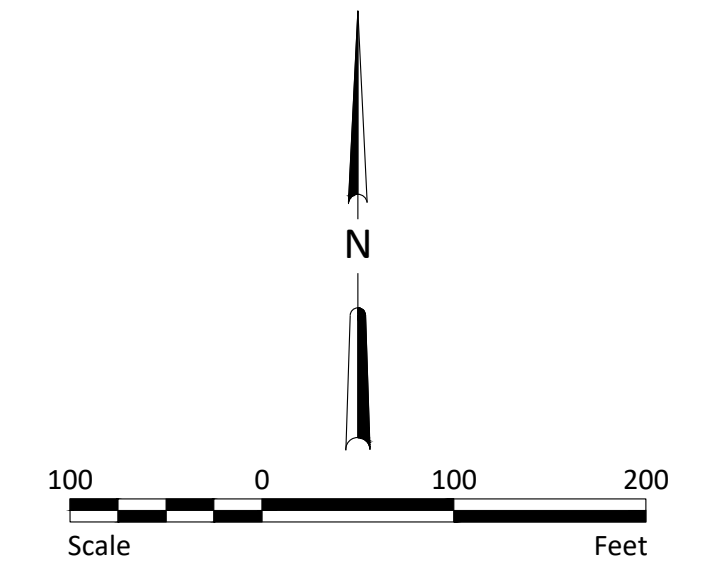


KURTZ SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER
SECTION 4, T. 137 N., R. 51 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
- 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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KURTZ SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER
SECTION 4, T. 137 N., R. 51 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: Ronald Kurtz, Co-Personal Representative and Carol Olgeirson, Co-Personal Representative of the Estate of Roger L. Kurtz, are the owners and proprietors of that part of the Northwest Quarter of Section 4, Township 137 North, Range 51 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence South 03°08'31" East, along the westerly line of said Northwest Quarter for a distance of 80.00 feet to the southerly right-of-way line of Cass County Highway No. 16 and the true point of beginning; thence North 87°15'57" East, along said southerly right-of-way line, for a distance of 395.00 feet; thence South 03°08'31" East, parallel with the westerly line of said Northwest Quarter, for a distance of 593.00 feet; thence South 87°15'57" West, parallel with the northerly line of said Northwest Quarter, for a distance of 395.00 feet to a point of intersection with the westerly line of said Northwest Quarter; thence North 03°08'31" West, along the westerly line of said Northwest Quarter, for a distance of 593.00 feet to the true point of beginning.

Said tract contains 5.377 acres, more or less.

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

In witness whereof we have set our hands and seals.

Ronald Kurtz, Co-Personal Representative

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 Ronald Kurtz, Co-Personal Representative of the Estate of Roger L. Kurtz, known to me to be the person described in and who executed the foregoing instrument and acknowledged that he executed same on behalf of said estate.

Notary Public: _____

Carol Olgeirson, Co-Personal Representative

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 Carol Olgeirson, Co-Personal Representative of the Estate of Roger L. Kurtz, known to me to be the person described in and who executed the foregoing instrument and acknowledged that she executed same on behalf of said estate.

Notary Public: _____

Surveyor's Certificate:

I, Trent R. Karel, 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.

Trent R. Karel
North Dakota PLS No. 40583

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 Trent R. Karel, 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 Interim Cass County Engineer this ____ day of _____, 20____.

Tom Soucy, Interim Cass County Engineer

Cass County Planning Commission:

Reviewed by the Cass County Planning Commission this ____ day of _____, 20____.

Ken Lougheed, Chairman

Attest: _____
Secretary

Davenport Township:

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

Vernon Liebelt, Chair

Attest: _____
Jon Erickson, 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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