



Planning Department

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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: July 8, 2024

SUBJECT: Regular Agenda Topic for the July 16, 2024 Commission Meeting: Kindred Border Station Lot 1 Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Normanna Township, Section 34 at a Public Hearing on June 27, 2024. The intended purpose of the subdivision is to a utility site.

The Planning Commission is recommending approval of the proposed plat entitlement request and Tower 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 34, Township 137 North, Range 50 West		
Title:	Kindred Border Station Lot 1	Date:	06/27/24
Location:	NE ¼ of Section 34, Township 137 North, Range 50 West (Normanna Township)	Staff Contact:	Cole Hansen
Parcel Number:	55-0000-09824-000	Water District:	Southeast Water District
Owner(s)/Applicant:	Richard L Melvin	Engineer/Surveyor:	WBI Energy
Status:	Planning Commission Hearing: June 27, 2024 County Commission Hearing: July 16, 2024		

Existing Land Use	Proposed Land Use
Agricultural	Agricultural (Utility Site)
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Kindred Border Station Lot 1** to plat a one (1) Lot subdivision of approximately 1.4 acres. According to the applicant, the subdivision is requested to plat a lot for a utility site.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 53rd St SE 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	
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, west, south, and east sides of the lot. 53rd St SE borders the north 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
3. Variance Application

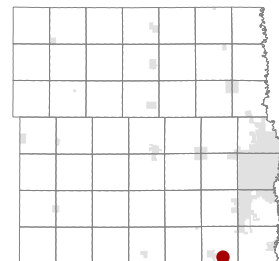
Minor Subdivision

Kindred Border Station Lot 1

Section 34, Normanna Township
Township 137 North - Range 50 West



Cass County Planning Commission
June 27, 2024



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.





VICINITY MAP NOT TO SCALE

KINDRED BORDER STATION LOT 1 MINOR SUBDIVISION

C.R. DOC. NO. _____
R.T. DOC. NO. _____

NORMANNA APPROVAL:

REVIEWED BY NORMANA TOWNSHIP, CASS COUNTY, NORTH DAKOTA, ON THE 20th DAY OF May 2024.

Brandon Kub
BRANDON KUB
CHAIRMAN

Curt Leslie
CURT LESLIE
CLERK

CASS COUNTY ENGINEER:

REVIEWED BY CASS COUNTY ENGINEER, ON THE _____ DAY OF _____ 2024.

TOM SOUCY
CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION:

REVIEWED BY CASS COUNTY PLANNING COMMISSION, ON THE _____ DAY OF _____ 2024.

KEN LOUGHEED
CHAIRMAN

SECRETARY

OWNER'S CERTIFICATE & DEDICATION

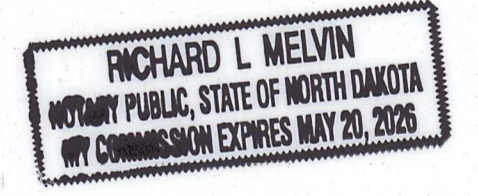
KNOW ALL PERSONS BY THESE PRESENTS: THAT DEBRA PERHUS AND KELLY PERHUS, AS OWNERS, OF THE FOLLOWING DESCRIBED PROPERTY:

PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 137 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, LYING NORTH OF THE SHEYENNE RIVER.

HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS WBI ENERGY KINDRED VALVE MINOR SUBDIVISION PLAT.

IN WITNESS WHEREOF SAID DEBRA PERHUS AND KELLY PERHUS, AS OWNERS, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS 20th DAY OF May, 2024.

DEBRA PERHUS AND KELLY PERHUS
Debra Perhus Kelly Perhus



STATE OF North Dakota)
) SS
COUNTY OF Cass)

BE IT KNOWN ON THIS 20th DAY OF May, 2024, BEFORE ME PERSONALLY APPEARED DEBRA PERHUS AND KELLY PERHUS, AS OWNERS, ACKNOWLEDGED THE EXECUTION AND SIGNING OF THE ABOVE CERTIFICATE TO BE THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLIC, *Richard L. Melvin* COUNTY, _____

MY COMMISSION EXPIRES: 5/20/26

PROPERTY SUMMARY

- SUBJECT PROPERTY'S ADDRESS IS RURAL, NORMANA TOWNSHIP, NORTH DAKOTA.
- SUBJECT PROPERTY'S PROPERTY IDENTIFICATION NUMBER IS 55-0000-09824-000.
- THE SUBJECT PROPERTY IS ZONED AG LAND, PER CASS COUNTY GIS, 04/24/2024.

EXISTING DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY FOUR (34), TOWNSHIP ONE HUNDRED THIRTY SEVEN (137) NORTH OF RANGE FIFTY (50) WEST, IN CASS COUNTY, NORTH DAKOTA, LYING NORTH OF THE SHEYENNE RIVER.

PROPOSED LOT 1 DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 137 NORTH, RANGE 50 WEST OF THE 5TH PRINCIPAL MERIDIAN, RICHLAND COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 34 FROM WHICH LIES THE NORTHEAST CORNER OF SAID SECTION 34, BEARING NORTH 86 DEGREES 47 MINUTES 28 SECONDS EAST, NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, A DISTANCE OF 2664.32 FEET; THENCE NORTH 86 DEGREES 47 MINUTES 28 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 340.00 FEET; THENCE SOUTH 02 DEGREES 33 MINUTES 19 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 260.00 FEET; THENCE SOUTH 86 DEGREES 47 MINUTES 28 SECONDS WEST PARALLEL TO SAID NORTH LINE, A DISTANCE OF 340.00 FEET; THENCE NORTH 02 DEGREES 33 MINUTES 19 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 260.00 FEET TO THE POINT OF BEGINNING.

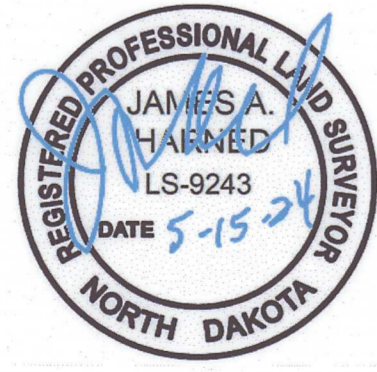
CONTAINS 2.03 ACRES OF LAND, MORE OR LESS.

NOTES:

- NO TITLE OPINION WAS PROVIDED TO THE SURVEYOR. ONLY DOCUMENTS REFERENCED HEREIN, IF ANY, WERE UTILIZED TO DETERMINE THE PROPERTY BOUNDARY. A CURRENT TITLE OPINION MAY PRODUCE ADDITIONAL DOCUMENTS THAT MAY IMPACT DEVELOPMENT.
- A PORTION OF THE PARENT TRACT LIES IN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE OF FLOOD, ZONE AE. LOWEST BASE FLOOD ELEVATION DETERMINED TO BE 938.00 PER REVISED PRELIMINARY MAP NO. 38017C0965H, EFFECTIVE DATE JULY 18, 2018.

CERTIFICATE OF SURVEYOR:

I, JAMES A. HARNED, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT I MADE THE WITHIN AND FOREGOING PLAT WHICH IS A CORRECT REPRESENTATION OF THE SURVEY PREPARED UNDER MY DIRECT SUPERVISION AND COMPLETED ON JULY 28, 2023, THAT ALL DISTANCES ARE CORRECT, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED HEREON, THAT ALL DIMENSIONAL AND GEODETIC DETAILS SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT ALL REQUIRED MONUMENTS ARE PLACED IN THE GROUND AS SHOWN.

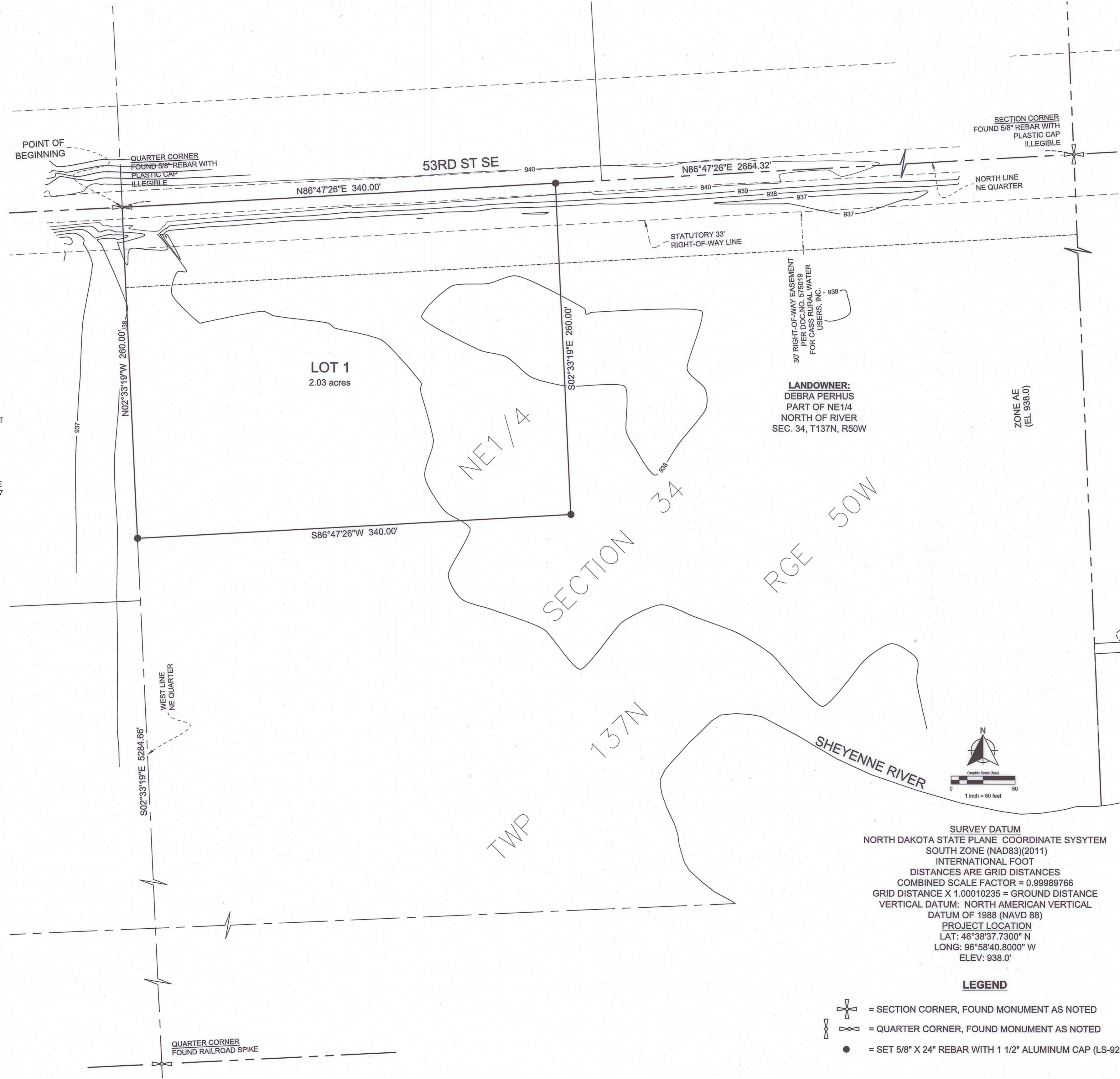
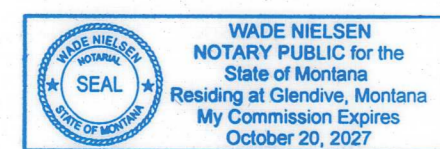


STATE OF MONTANA
COUNTY OF DAWSON

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 15th DAY OF May, 2024, PERSONALLY APPEARED JAMES A. HARNED, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE WITHIN INSTRUMENT.

NOTARY PUBLIC, Dawson COUNTY,
Montana

MY COMMISSION EXPIRES: 10-20-2027



SURVEY DATUM
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
SOUTH ZONE (NAD83)(2011)
INTERNATIONAL FOOT
DISTANCES ARE GRID DISTANCES
COMBINED SCALE FACTOR = 0.99989766
GRID DISTANCE X 1.00010235 = GROUND DISTANCE
VERTICAL DATUM: NORTH AMERICAN VERTICAL
DATUM OF 1988 (NAVD 88)
PROJECT LOCATION
LAT: 46°38'37.7300" N
LONG: 96°58'40.8000" W
ELEV: 938.0'

LEGEND

- = SECTION CORNER, FOUND MONUMENT AS NOTED
- = QUARTER CORNER, FOUND MONUMENT AS NOTED
- = SET 5/8" X 24" REBAR WITH 1 1/2" ALUMINUM CAP (LS-9243)

				KINDRED BORDER STATION LOT 1		1 OF 1
				MINOR SUBDIVISION PLAT NE 1/4 OF SECTION 34, TOWNSHIP 137 NORTH, RANGE 50 WEST, 5TH P.M., CASS COUNTY, NORTH DAKOTA		
Drawn By <u>A. Lobe</u>	Project No. <u>018011</u>	Revision No. _____			Sheet Number	
Checked By <u>J. Harned</u>	Date <u>May 15, 2024</u>	Revision Date _____				