

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, January 25, 2024 at 7:00 a.m.

West Fargo Public Works, 810 12th Ave NW, West Fargo, ND 58078

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of December 14, 2023

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **Hagensen Subdivision** located in Section 17, Township 139 North, Range 50 West of the 5th Principal Meridian, Mapleton Township, Cass County, North Dakota.
2. Hearing on an application requesting a Minor Subdivision Plat of **Steve King Subdivision** located in Section 3, Township 141 North, Range 53 West of the 5th Principal Meridian, Empire Township, Cass County, North Dakota.
3. Hearing on an application requesting a Minor Subdivision Plat of **Grothmann Subdivision** located in Section 7, Township 142 North, Range 49 West of the 5th Principal Meridian, Wiser Township, Cass County, North Dakota.

F. New Business

1. Opening on Planning Commission for a Fargo Resident
2. NDDA Regional Livestock Planning Grant

G. Old Business

H. Adjournment

**CASS COUNTY PLANNING COMMISSION
December 14, 2023**

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on December 14, 2023 at 7:00 am in the West Fargo Public Works conference room.

B. ROLL CALL

Planning Commissioners attending in person were Rocky Bertsch, David Gust, Ken Lougheed, Dr. Tim Mahoney, Keith Monson, Brad Olson, Keith Gohdes and Hugh Veit. Commissioner Duane Breitling was absent.

Attending in person were Cole Hansen, Cass County Planner, Tom Soucy, Assistant Cass County Engineer. Katherine Naumann, Senior Attorney attended via Teams. Terence and Rosemary Davis appeared in person, regarding the Davis Trust Subdivision.

C. DETERMINATION OF A QUORUM

It was determined that there was a quorum based on the roll call.

D. MINUTES, APPROVED

MOTION, *passed*

Mr. Gust moved and Mr. Olson seconded to approve the minutes of the October 26, 2023 meeting as presented.

Motion carried.

E. PUBLIC HEARING

1. Hearing on an application requesting a Minor Subdivision Plat of Richard Farm Site Subdivision located in Section 3, Township 137 North, Range 49 West of the 5th Principal Meridian, Pleasant Township, Cass County, North Dakota.

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Richard Farm Site Subdivision to plat a one (1) Lot subdivision of approximately 23 acres. According to the applicant, the subdivision is requested to create a parcel for the purpose of developing a new farm site.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 173rd 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.

There was no public comment, the public hearing was closed.

MOTION, *passed*

Mr. Monson moved, Mr. Bertsch seconded 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.

2. Hearing on an application requesting a Minor Subdivision Plat of Davis Trust Subdivision located in Section 6, Township 142 North, Range 55 West of the 5th Principal Meridian, Lake Township, Cass County, North Dakota.

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Davis Trust Subdivision to plat a one (1) Lot subdivision of approximately 14 acres. According to the applicant, the subdivision is requested to separate the existing farmstead from the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Highway 1 for road access, ditches for storm sewer conveyance, rural water. The property currently does have an on-site septic system for wastewater treatment.

There was no public comment, the public hearing was closed.

MOTION, *passed*

Mr. Gust moved, Mr. Gohdes seconded 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.

3. Hearing on an application requesting a Minor Subdivision Plat of Dullum Subdivision located in Section 33, Township 143 North, Range 50 West of the 5th Principal Meridian, Kinyon Township, Cass County, North Dakota.

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Dullum Subdivision to plat a one (1) Lot subdivision of approximately 4 acres. According to the applicant, the subdivision is requested to modify an existing residential parcel to expand it in size as part of the settlement of an estate.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 165th Ave SE for road access, ditches for storm sewer conveyance, rural water. The property currently does have an on-site septic system for wastewater treatment.

There was no public comment, the public hearing was closed.

There was clarification on the tract size, where there are two homes that exist, but expanding one. It was noted that the plat does not encompass tree lines. Mr. Hansen said that he brought this up to the homeowners and they did not want to include the tree line on the plat.

MOTION, passed

Mr. Veit moved, Mr. Monson seconded to accept the findings and recommendations of staff and recommend approval to the County Commission of the subdivision application, including updating the access to only one, 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.

4. Hearing on an application requesting a Minor Subdivision Plat of Rich Satrom Subdivision located in Section 10, Township 143 North, Range 55 West of the 5th Principal Meridian, Rochester Township, Cass County, North Dakota.

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Rich Satrom Subdivision to plat a one (1) Lot subdivision of approximately 8 acres. According to the applicant, the subdivision is requested to separate the farmstead from the farmland to sell the farmstead.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use ND Highway 38 for road access, ditches for storm sewer conveyance, rural water. The property currently does have an on-site septic system for wastewater treatment.

During this process it was discovered that in 1882 there was a platted town of Rochester in this area. It seems that the plat was not technically vacated. There were no structures built, and no population. Mr. Hansen spoke with the States Attorney’s office and there would be no issues with using the plat to erase the platted lots completely. Mr. Hansen will continue to investigate this matter for any other information.

Upon hearing no further public comments, the public hearing was closed.

MOTION, passed

Mr. Gust moved, Mr. Veit seconded to accept the findings and recommendations of staff and recommend approval to the County Commission of the subdivision application, including updating the access to only one, 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.

F. NEW BUSINESS

Road Advisory Board Appointment

Mr. Monson’s position expires on the Road Advisory Board, a new member may apply. Mr. Gust moved and Mr. Olson seconded to have Mr. Monson remain on the Road Advisory Board; with all members in agreement, the motion passed.

Planning Commission opening

Mr. Hansen said there is one opening remaining on the Planning Commission.

Mr. Hansen said that Mr. Bertsch position expires on the Planning Commission at the end of December 2023. He will remain on the commission and the necessary paperwork will be filed.

2024 Meetings and Information

Mr. Hansen asked each member to delete all the Planning Commission meetings created by Grace Puppe for 2024. Mr. Hansen will then resend the meeting invitation, adding information for a phone number to call in.

G. OLD BUSINESS

Mr. Hansen said that the diversion plats previously discussed, have been postponed until further notice.

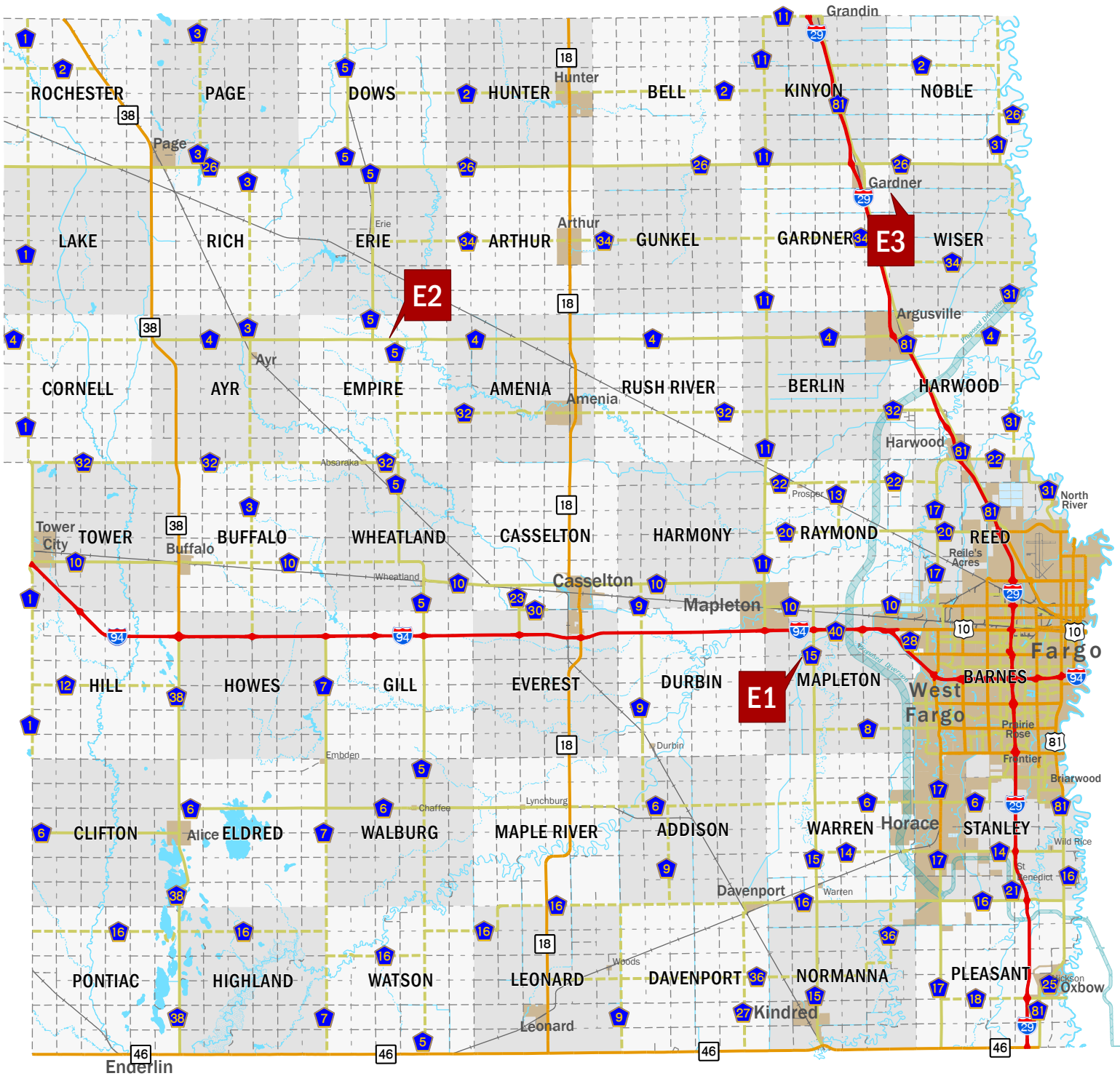
H. ADJOURNMENT

On motion by Mr. Gust seconded by Mr. Veit and all voting in favor, the meeting was adjourned at 7:34 am.

Agenda Items

Cass County Planning Commission

January 25, 2024



Agenda Items:

- E1 - Hagensen Subdivision
- E2 - Steve King Subdivision
- E3 - Grothmann Subdivision

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.





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NE ¼ of Section 17, Township 139 North, Range 50 West		
Title:	Hagensen Subdivision	Date:	01/25/24
Location:	NE ¼ of Section 17, Township 139 North, Range 50 West (Mapleton Township)	Staff Contact:	Cole Hansen
Parcel Number:	53-0000-09092-070	Water District:	Maple River Water District
Owner(s)/Applicant:	James and Anne Hagensen	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: January 25, 2024		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Hagensen Subdivision** to plat a one (1) Lot subdivision of approximately 17 acres. According to the applicant, the subdivision is requested to separate the existing farmstead from the farmland for sale.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 38th 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 comment.
Water Resource District	No comment to submit.
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 comment.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issues with proposed 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 the west, south, and east sides of the lot. An existing residential parcel lies to the north. Township road 38th 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

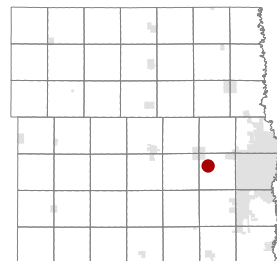
Minor Subdivision

Hagensen Subdivision

Section 17, Mapleton Township
Township 139 North - Range 50 West



Cass County Planning Commission
January 25, 2024

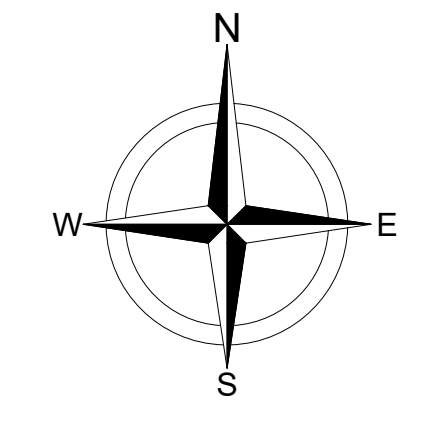
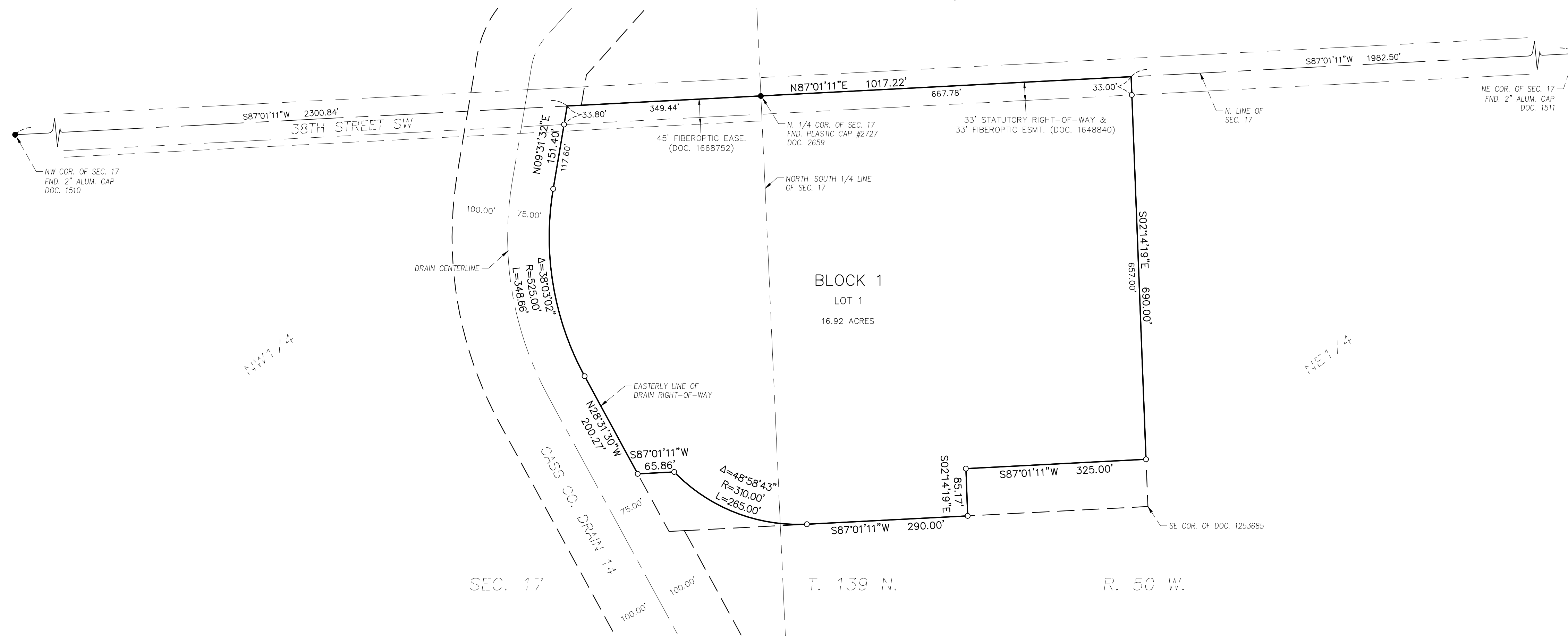


Imagery: spring 2021
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HAGENSEN SUBDIVISION

A MINOR SUBDIVISION PLAT OF PART OF THE NORTH HALF OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 50 WEST CASS COUNTY, NORTH DAKOTA



0 120
Scale in Feet

BASIS OF BEARINGS:
THE NORTH LINE OF SECTION 17 HAS AN ASSIGNED BEARING OF S87°01'11\"/>

- LEGEND**
- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. 6153
 - IRON MONUMENT FOUND
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE
 - SECTION LINE
 - - - 1/4 LINE
 - - - - - EXISTING PROPERTY LINE
 - _____ PLAT BOUNDARY LINE

CERTIFICATE

Aaron Skattum, being duly sworn, deposes and says that he is the registered land surveyor who prepared and made the attached plat of "HAGENSEN SUBDIVISION", a part of the North Half of Section 17, Township 139 North, Range 50 West, Cass County, North Dakota; that said plat is a true and correct representation of said survey; 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:

That part of the North Half of Section 17, Township 139 North, Range 50 West, Cass County, North Dakota, described as follows: Commencing at the northeast corner of said Section 17; thence South 87 degrees 01 minute 11 seconds West on an assigned bearing along the north line of said North Half a distance of 1,982.50 feet to the point of beginning; thence South 02 degrees 19 minutes 19 seconds East a distance of 690.00 feet; thence South 87 degrees 01 minute 11 seconds West parallel with the north line of said North Half a distance of 325.00 feet; thence South 02 degrees 14 minutes 19 seconds East a distance of 85.17 feet; thence South 87 degrees 01 minute 11 seconds West parallel with the north line of said North Half a distance of 290.00 feet; thence northwesterly 265.00 feet along a tangential curve, concave northeasterly, having a radius of 310.00 feet and a central angle of 48 degrees 58 minutes 43 seconds; thence South 87 degrees 01 minute 11 seconds West, not tangent to the last described curve and parallel with the north line of said North Half a distance of 65.86 feet to the easterly right-of-way line of Cass County Drain No. 14, being more particularly described in Document No. 1289637, said document is on file and of record in the Cass County Recorder's office; thence North 28 degrees 31 minutes 30 seconds West along said easterly right-of-way line a distance of 200.27 feet; thence northerly 348.66 feet along said easterly right-of-way line and along a tangential curve, concave easterly, having a radius of 525.00 feet and a central angle of 38 degrees 03 minutes 02 seconds; thence North 09 degrees 31 minutes 32 seconds East along said easterly right-of-way line a distance of 151.40 feet to the north line of said North Half; thence North 87 degrees 01 minute 11 seconds East along the north line of said North Half a distance of 1,017.22 feet to the point of beginning.

The above-described tract contains 16.92 acres, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "HAGENSEN SUBDIVISION", a part of the North Half of Section 17, Township 139 North, Range 50 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 Aaron Skattum, Registered Land Surveyor and that the description as shown in the certificate of the registered professional land surveyor is correct. We hereby dedicate all avenues and utility easements shown on said plat to the use of the public.

Owners:

James Hagensen Anne Hagensen

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 Hagensen and Anne Hagensen, known to me to be the persons described in and who executed the foregoing dedication and acknowledged to me that they executed the same as their free act and deed.

Notary Public, Cass County, North Dakota

MAPLETON TOWNSHIP REVIEW

Reviewed by Mapleton Township, Cass County, North Dakota, this ____ day of _____, 2023.

Signed: _____
Chairperson

Attest: _____
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, Chairperson

Attest: _____
Deann Buckhouse, Secretary

CASS COUNTY COMMISSION APPROVAL

Approved by Cass County, North Dakota, this ____ day of _____, 2023.

Signed: _____
Chad Peterson, Chairperson
Board of County Commissioners

Attest: _____
Michael Montplaisir, Cass County Auditor

PRELIMINARY

Aaron Skattum
Registered Land Surveyor
Reg. No. LS-6153



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 Aaron Skattum, 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

HAGENSEN SUBDIVISION

A MINOR SUBDIVISION PLAT OF PART OF THE NORTH HALF OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 50 WEST CASS COUNTY, NORTH DAKOTA



N
W E
S

0 120
Scale in Feet

BASIS OF BEARINGS:
THE NORTH LINE OF SECTION 17 HAS AN
ASSIGNED BEARING OF S87°01'11"W

LEGEND

- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. 6153
- IRON MONUMENT FOUND
- L ARC LENGTH
- R RADIUS LENGTH
- Δ CENTRAL ANGLE
- SECTION LINE
- - - 1/4 LINE
- - - - - EXISTING PROPERTY LINE
- PLAT BOUNDARY LINE

CERTIFICATE

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That part of the North Half of Section 17, Township 139 North, Range 50 West, Cass County, North Dakota, described as follows: Commencing at the northeast corner of said Section 17; thence South 87 degrees 01 minute 11 seconds West on an assigned bearing along the north line of said North Half a distance of 1,982.50 feet to the point of beginning; thence South 02 degrees 19 minutes 19 seconds East a distance of 690.00 feet; thence South 87 degrees 01 minute 11 seconds West parallel with the north line of said North Half a distance of 325.00 feet; thence South 02 degrees 14 minutes 19 seconds East a distance of 85.17 feet; thence South 87 degrees 01 minute 11 seconds West parallel with the north line of said North Half a distance of 290.00 feet; thence northwesterly 265.00 feet along a tangential curve, concave northeasterly, having a radius of 310.00 feet and a central angle of 48 degrees 58 minutes 43 seconds; thence South 87 degrees 01 minute 11 seconds West, not tangent to the last described curve and parallel with the north line of said North Half a distance of 65.86 feet to the easterly right-of-way line of Cass County Drain No. 14, being more particularly described in Document No. 1289637, said document is on file and of record in the Cass County Recorder's office; thence North 28 degrees 31 minutes 30 seconds West along said easterly right-of-way line a distance of 200.27 feet; thence northerly 348.66 feet along said easterly right-of-way line and along a tangential curve, concave easterly, having a radius of 525.00 feet and a central angle of 38 degrees 03 minutes 02 seconds; thence North 09 degrees 31 minutes 32 seconds East along said easterly right-of-way line a distance of 151.40 feet to the north line of said North Half; thence North 87 degrees 01 minute 11 seconds East along the north line of said North Half a distance of 1,017.22 feet to the point of beginning.

The above-described tract contains 16.92 acres, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "HAGENSEN SUBDIVISION", a part of the North Half of Section 17, Township 139 North, Range 50 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 Aaron Skattum, Registered Land Surveyor and that the description as shown in the certificate of the registered professional land surveyor is correct. We hereby dedicate all avenues and utility easements shown on said plat to the use of the public.

Owners:

James Hagensen Anne Hagensen

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 Hagensen and Anne Hagensen, known to me to be the persons described in and who executed the foregoing dedication and acknowledged to me that they executed the same as their free act and deed.

Notary Public, Cass County, North Dakota

MAPLETON TOWNSHIP REVIEW

Reviewed by Mapleton Township, Cass County, North Dakota, this ____ day of _____, 2023.

Signed: _____
Chairperson

Attest: _____
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, Chairperson

Attest: _____
Deann Buckhouse, Secretary

CASS COUNTY COMMISSION APPROVAL

Approved by Cass County, North Dakota, this ____ day of _____, 2023.

Signed: _____
Chad Peterson, Chairperson
Board of County Commissioners

Attest: _____
Michael Montplaisir, Cass County Auditor

PRELIMINARY

Aaron Skattum
Registered Land Surveyor
Reg. No. LS-6153



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 Aaron Skattum, 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



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SW ¼ of Section 3, Township 141 North, Range 53 West		
Title:	Steve King Subdivision	Date:	01/25/24
Location:	SW ¼ of Section 3, Township 141 North, Range 53 West (Mapleton Township)	Staff Contact:	Cole Hansen
Parcel Number:	36-0000-04212-000, 36-0000-04213-010	Water District:	Rush River Water District
Owner(s)/Applicant:	Lowell Albert Jr.	Engineer/Surveyor:	Neset Surveys
Status:	Planning Commission Hearing: January 25, 2024		

Existing Land Use	Proposed Land Use
Agricultural	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Steve King Subdivision** to plat a one (1) Lot subdivision of approximately 20 acres. According to the applicant, the subdivision is requested to create a new lot for the creation of a permanent residence.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Highway 4 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 comment.
Water Resource District	No comment to submit.
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	Site can be serviced by a water main from 147 th St SE. No application for water service at this time.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issues with proposed 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. County Highway 4 borders the south 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.

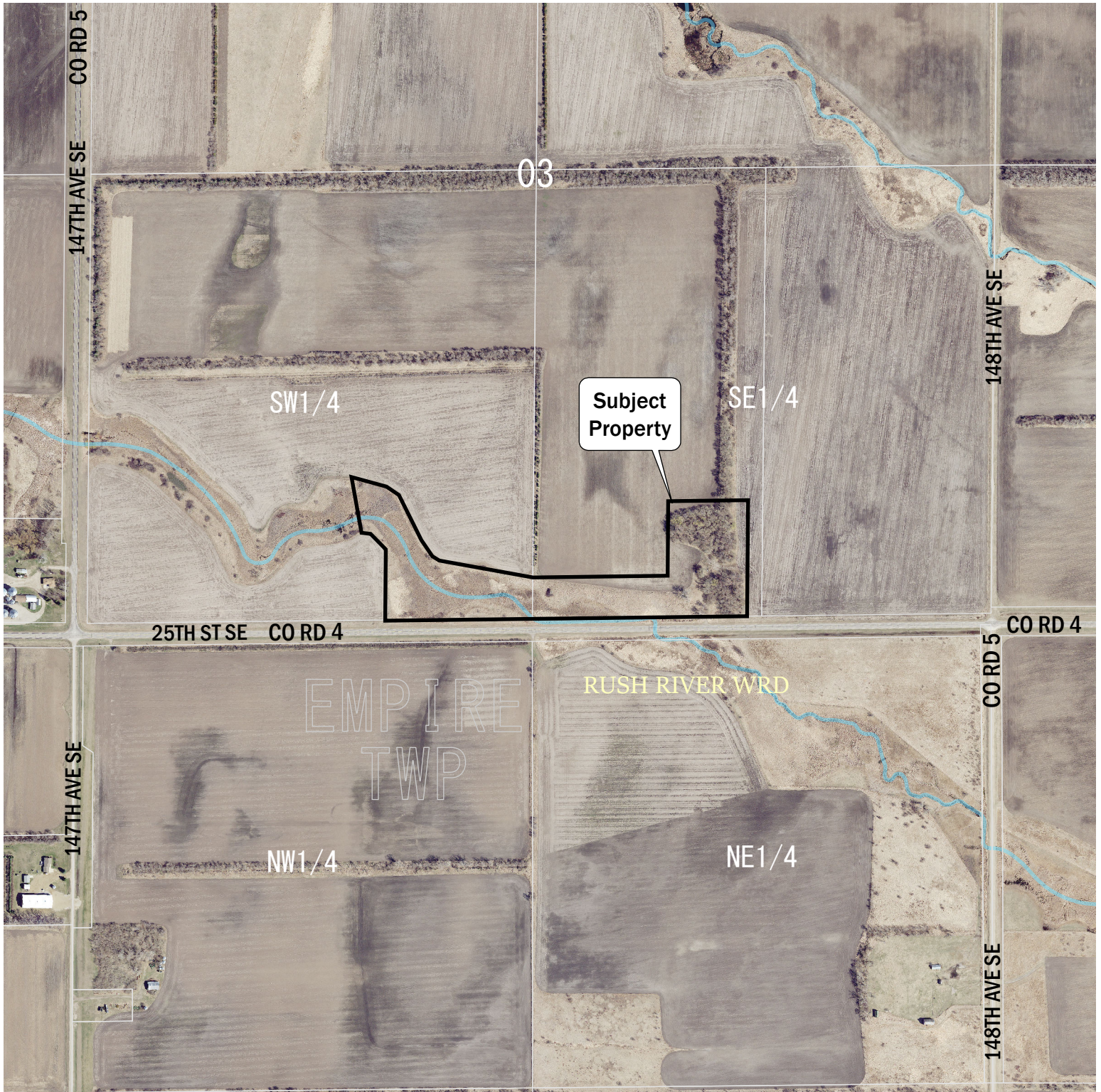
Attachments

1. Location Map
2. Plat Document

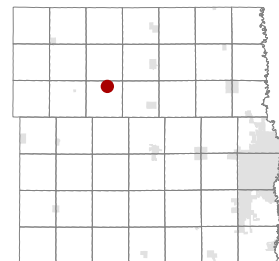
Minor Subdivision

Steve King Subdivision

Section 3, Empire Township
Township 141 North - Range 53 West



Cass County Planning Commission
January 25, 2024

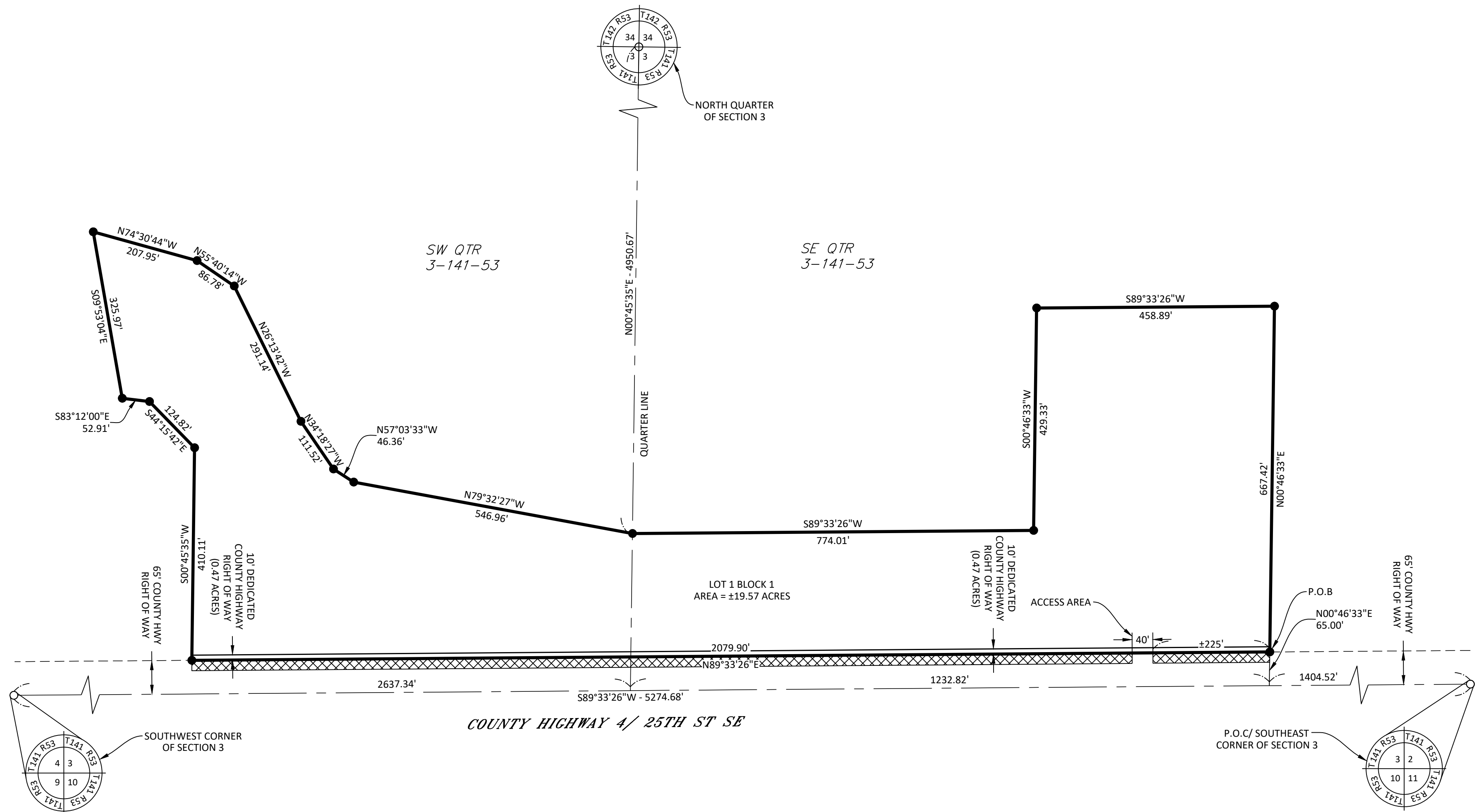


Imagery: spring 2021
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



STEVE KING SUBDIVISION

PART OF THE SOUTH HALF OF SECTION 3, T141N, R53W CASS COUNTY, NORTH DAKOTA



OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT LOWELL H. ALBERT, JR., IS THE OWNER OF THAT PART OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 141 NORTH, RANGE 53 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S89°33'26"W ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID SECTION 3 A DISTANCE OF 1404.52 FEET; THENCE N00°46'33"E A DISTANCE OF 65.00 FEET TO A POINT ON THE NORTH LINE OF THE RIGHT OF WAY OF COUNTY HIGHWAY 4. SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING N00°46'33"E A DISTANCE OF 667.42 FEET; THENCE S89°33'26"W A DISTANCE OF 458.89 FEET; THENCE S00°46'33"W A DISTANCE OF 429.33 FEET; THENCE S89°33'26"W PARALLEL WITH THE SOUTH LINE OF SAID SECTION 3 A DISTANCE OF 774.01 FEET; THENCE N79°32'27"W A DISTANCE OF 546.96 FEET; THENCE N57°03'33"W A DISTANCE OF 46.36 FEET; THENCE N34°18'27"W A DISTANCE OF 111.52 FEET; THENCE N26°13'42"W A DISTANCE OF 291.14 FEET; THENCE N55°40'14"W A DISTANCE OF 86.78 FEET; THENCE N74°30'44"W A DISTANCE OF 207.95 FEET; THENCE S09°53'04"E A DISTANCE OF 325.97 FEET; THENCE S83°12'00"E A DISTANCE OF 52.91 FEET; THENCE S44°15'42"E A DISTANCE OF 124.82 FEET; THENCE S00°45'35"W A DISTANCE OF 410.11 FEET TO THE NORTH LINE OF THE RIGHT OF WAY OF COUNTY HIGHWAY 4; THENCE N89°33'26"E ALONG SAID NORTH LINE AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 3 A DISTANCE OF 2079.90 FEET TO THE POINT OF BEGINNING.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS STEVE KING SUBDIVISION TO THE COUNTY OF CASS. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID STEVE KING SUBDIVISION, CONSISTS OF ONE LOT AND ONE BLOCK, AND CONTAINS 20.04 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: _____
LOWELL H. ALBERT, JR

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LOWELL H. ALBERT, JR., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS KING SUBDIVISION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2023.

COLE A. NESET,
REGISTERED LAND SURVEYOR
LS-7513

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CASS COUNTY ENGINEER'S APPROVAL

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____ 2024.

JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION

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

CHAD PETERSON, CHAIRMAN

ATTEST: _____
SECRETARY

CASS COUNTY BOARD OF COMMISSION'S APPROVAL

REVIEWED BY CASS COUNTY, NORTH DAKOTA THIS _____ DAY OF _____ 2024.

CHAD PETERSON

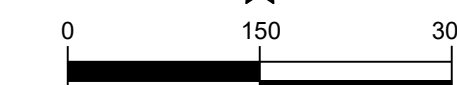
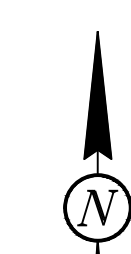
ATTEST: _____
BRANDY MADRIGGA, CASS COUNTY FINANCIAL DIRECTOR

EMPIRE TOWNSHIP

REVIEWED BY EMPIRE TOWNSHIP, CASS COUNTY, NORTH DAKOTA THIS _____ DAY OF _____ 2024.

PHIL FAUGHT, CHAIRMAN

ATTEST: _____
JENNA MCPHERSON, CLERK/ TREASURER



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- - - - EX. EASEMENT
- - - - EX. SECTION LINE
- ▬ PROPERTY BOUNDARY LINE
- ▨ NEGATIVE ACCESS AREA

SURVEY INFORMATION

DATE OF SURVEY: 08/07/2023
BASIS OF BEARING: ASSUMED BEARING OF S89°33'26"W ALONG
THE SOUTH LINE OF SECTION 3

FOR RECORDING PURPOSES ONLY





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NW ¼ of Section 7, Township 142 North, Range 49 West		
Title:	Grothmann Subdivision	Date:	01/25/24
Location:	NE ¼ of Section 7, Township 142 North, Range 49 West (Mapleton Township)	Staff Contact:	Cole Hansen
Parcel Number:	70-0000-13527-020	Water District:	Northern Cass Water District
Owner(s)/Applicant:	Adam Grothmann	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: January 25, 2024		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Grothmann Subdivision** to plat a one (1) Lot subdivision of approximately 13 acres. According to the applicant, the subdivision is requested to increase the size of the parcel.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 168th 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 comment.
Water Resource District	No comment to submit.
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 comment.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issues with proposed 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. An existing residential parcel lies to the north. Township road 168th St SE borders the west 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

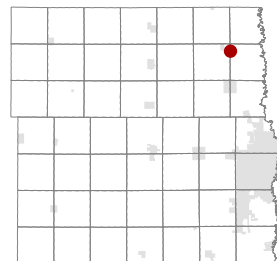
Minor Subdivision

Grothmann Subdivision

Section 7, Wisner Township
Township 142 North - Range 49 West



Cass County Planning Commission
January 25, 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.

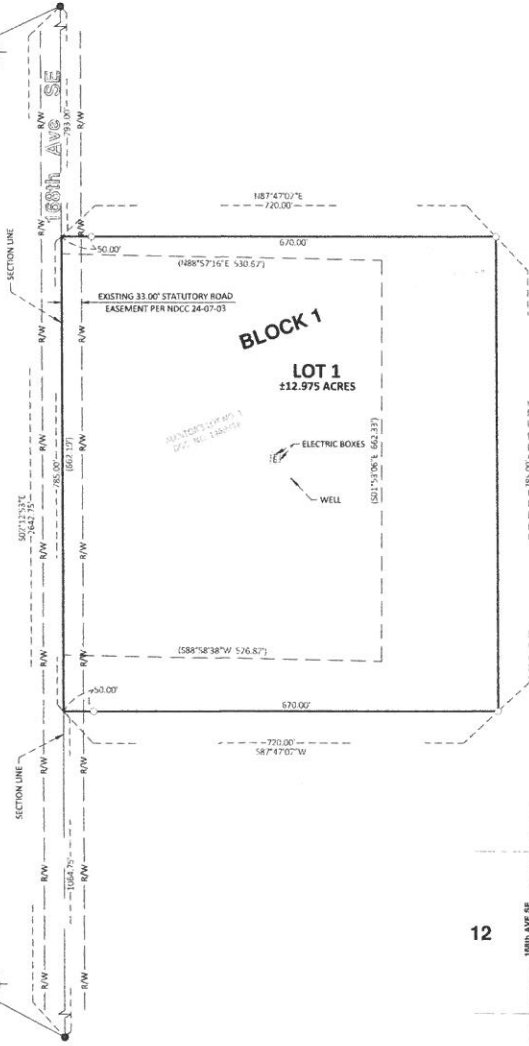


GROTHMANN SUBDIVISION

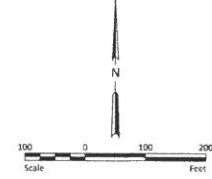
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 7, T. 142 N., R. 49 W., 5th P.M. CASS COUNTY, NORTH DAKOTA



5/8" REBAR



1/2" REBAR



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
MEASURED BEARING	N00°00'00"E
MEASURED DISTANCE	100.00'
RECORD BEARING	(N00°00'00"E)
RECORD DISTANCE	(100.00')
PLAT BOUNDARY	---
EXISTING ALLOTOR'S LOT SECTION LINE	---
EXISTING RIGHT-OF-WAY LINE	---

NW 1/4



VICINITY MAP
NOT TO SCALE

Owners' Certificate and Dedication:

Know all persons by these presents: That Adam F. Grothmann, a single person, is the owner and proprietor of that part of the Northwest Quarter of Section 7, Township 142 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

COMMENCING at the northwest corner of said Northwest Quarter; thence South 02°12'53" East, along the westerly line of said Northwest Quarter, for a distance of 793.00 feet; thence North 87°47'07" East, perpendicular to the westerly line of said Northwest Quarter, for a distance of 720.00 feet; thence South 02°12'53" East, parallel with the westerly line of said Northwest Quarter, for a distance of 785.00 feet; thence South 87°47'07" West, perpendicular to the westerly line of said Northwest Quarter, for a distance of 720.00 feet to a point of intersection with the westerly line of said Northwest Quarter; thence North 02°12'53" West, along the westerly line of said Northwest Quarter, for a distance of 785.00 feet to the TRUE POINT OF BEGINNING.

Said tract contains 12.975 acres, more or less.

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

In witness whereof we have set our hands and seals.

Owner:

 Adam F. Grothmann

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 Adam F. Grothmann, a single person, known to me 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: _____

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 P.L.S. 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

Wiser Township:

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


 Dawn Walden, Clerk

Cass County Board of Commissioners' Approval:
 Approved by Cass County, North Dakota, this _____ day of _____, 20____.

Chad M. Peterson, Chair

Attest: _____
 Brandy Madriga, Cass County Finance Director

PRELIMINARY PLAT