



## Planning Department

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### MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: April 8, 2024

SUBJECT: Consent Agenda Topic for the April 15, 2024 Commission Meeting: ASD Subdivision Application

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The Cass County Planning Commission reviewed the application of the proposed subdivision located in Rochester Township, Section 6 at a Public Hearing on March 28, 2024. The intended purpose of the subdivision is to divide farmstead and home from the tillable land and consolidate parcels.

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

<b>Entitlements Requested:</b>	<b>Minor Subdivision (1 Lot)</b> of a part of the SE ¼ of Section 6, Township 143 North, Range 55 West		
<b>Title:</b>	<b>ASD Subdivision</b>	<b>Date:</b>	03/28/24
<b>Location:</b>	SE ¼ of Section 6, Township 143 North, Range 55 West (Rochester Township)	<b>Staff Contact:</b>	Cole Hansen
<b>Parcel Number:</b>	62-0000-11426-020, 62-0000-11426-040	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	Alfred, Sarah, and Dean Johnson	<b>Engineer/Surveyor:</b>	Neset Surveys
<b>Status:</b>	Planning Commission Hearing: March 28, 2024 County Commission Hearing: April 15, 2024		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **ASD Subdivision** to plat a one (1) Lot subdivision of approximately 9.5 acres. According to the applicant, the subdivision is requested to combine two lots into one and remove the tillable land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Road 1 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 comment.
<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 comment.
<b>County Sanitarian</b>	Neither of these houses have septic systems that have been permitted, so the department cannot say that these properties comply with code requirements.
<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, west, south, and east sides of the lot. County Road 1 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

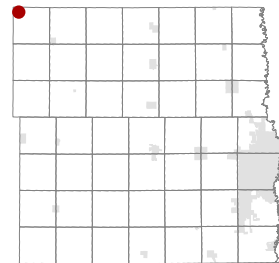
# Minor Subdivision

ASD Subdivision

Section 6, Rochester Township  
Township 143 North - Range 55 West



Cass County Planning Commission  
March 28, 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.



# ASD SUBDIVISION

PART OF THE EAST HALF OF SOUTHEAST QUARTER OF SECTION 6, T143N, R55W  
CASS COUNTY, NORTH DAKOTA

## CASS COUNTY ENGINEER'S APPROVAL

REVIEWED BY THE INTERIM 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 COMMISSION'S APPROVAL

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

CHAD PETERSON

ATTEST:  
BRANDY MADRIGGA, CASS COUNTY FINANCIAL DIRECTOR

## ROCHESTER TOWNSHIP

REVIEWED BY ROCHESTER TOWNSHIP, CASS COUNTY, NORTH DAKOTA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

MIKE WHITMORE, CHAIRMAN

ATTEST:  
MARVIN THORSON, CLERK/ TREASURER

## 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 \_\_\_\_\_, 2024.

COLE A. NESET,  
REGISTERED LAND SURVEYOR  
LS-7513

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )

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

## OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT ALFRED L. JOHNSON, SHARON A. JOHNSON, AND THE ABBY JOHNSON FAMILY TRUST, ARE THE OWNERS OF THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 143 NORTH, RANGE 55 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 SECTION 6, TOWNSHIP 143 NORTH, RANGE 55 WEST; THENCE N00°59'55"W ON AN ASSUMED BEARING ALONG THE EAST LINE OF SAID SECTION 6 A DISTANCE OF 693.02 FEET; THENCE S88°59'49"W A DISTANCE OF 75.00 FEET TO THE WEST LINE OF THE ROAD RIGHT OF WAY EASEMENT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S88°59'49"W A DISTANCE OF 114.36 FEET; THENCE N02°33'53"W A DISTANCE OF 261.20 FEET; THENCE S89°43'15"W A DISTANCE OF 380.00 FEET; THENCE N03°56'20"W A DISTANCE OF 755.00 FEET; THENCE N89°55'43"E A DISTANCE OF 540.00 FEET TO SAID WEST LINE OF THE ROAD RIGHT OF WAY; THENCE S00°59'55"E ALONG SAID WEST LINE A DISTANCE OF 991.21 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 ASD 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 ASD SUBDIVISION, CONSISTS OF ONE LOT AND ONE BLOCK, AND CONTAINS 9.55 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: \_\_\_\_\_  
ALFRED L. JOHNSON  
ABBY JOHNSON FAMILY TRUST, TRUSTEE

BY: \_\_\_\_\_  
SHARON A. JOHNSON

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ALFRED A. JOHNSON AND SHARON L. JOHNSON, TO ME KNOWN TO BE THE PERSONS 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: \_\_\_\_\_

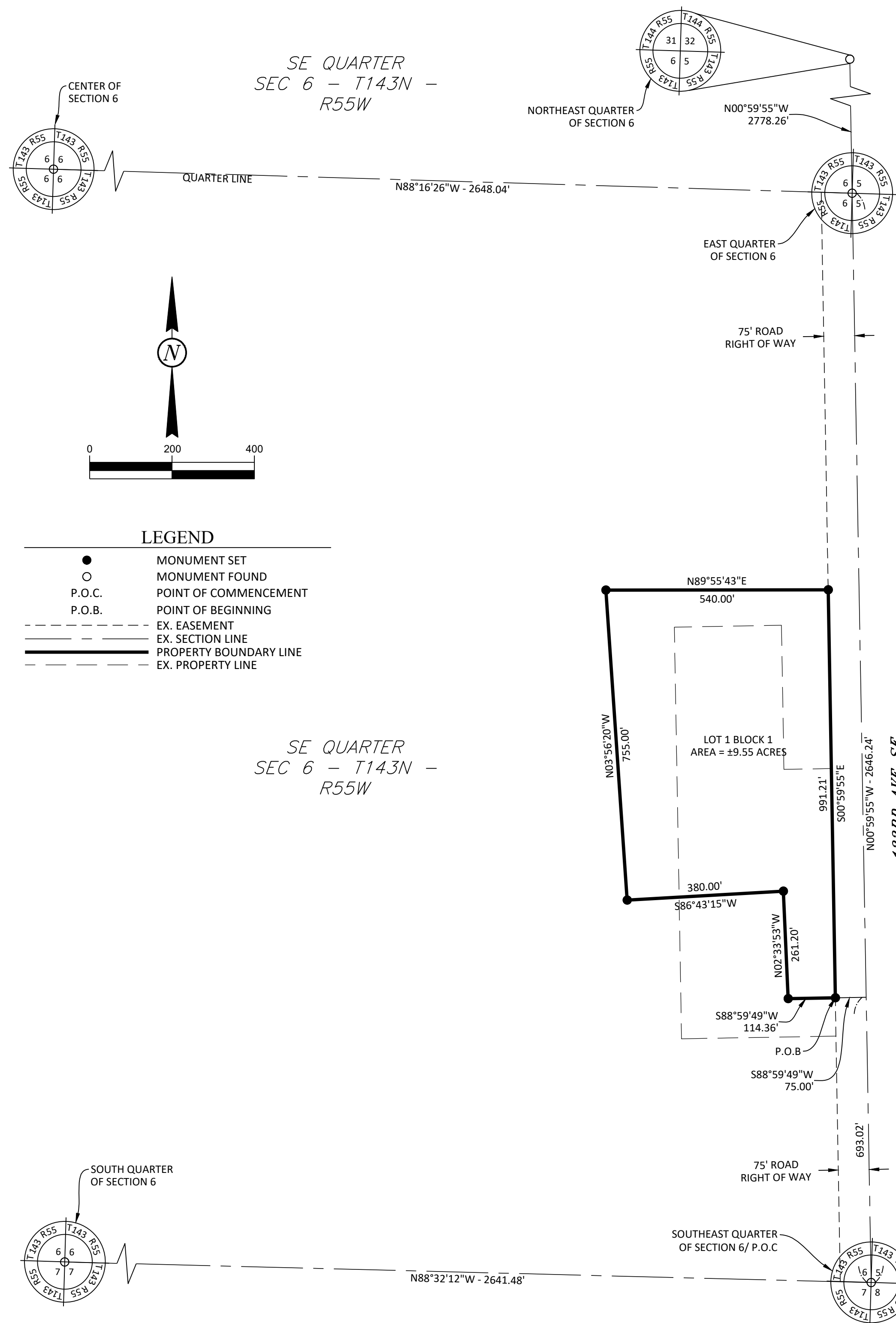
DEAN JOHNSON  
ABBY JOHNSON FAMILY TRUST, TRUSTEE

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DEAN JOHNSON, 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: \_\_\_\_\_

FOR RECORDING PURPOSES ONLY



### 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
- - - EX. PROPERTY LINE

SHEET 1 OF 1

### SURVEY INFORMATION

DATE OF SURVEY: 01/04/2024  
BASIS OF BEARING: ASSUMED BEARING OF N00°59'55"W ALONG THE EAST LINE OF SECTION 6

### NOTES

- SAID ASD SUBDIVISION IS SUBJECT TO A 20.00 FOOT EASEMENT IN THE WESTERLY 150.00 FEET OF THE SOUTHEAST QUARTER AS PER DOC. NO. 1606657 AND 1606668.

