



Planning Department

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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: May 28, 2024

SUBJECT: Consent Agenda Topic for the June 3, 2024 Commission Meeting:
Erdmann Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Warren Township, Section 4 at a Public Hearing on May 23, 2024. The intended purpose of the subdivision is to plat a buildable lot for the Soil Conservation Board to build a new facility and plat the lot a home currently sits upon.

The Planning Commission is recommending approval of the proposed plat entitlement request and Warren 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 (2 Lots) of a part of the NW ¼ of Section 4, Township 138 North, Range 50 West		
Title:	Erdmann Subdivision	Date:	04/25/24
Location:	NW ¼ of Section 4, Township 138 North, Range 50 West (Warren Township)	Staff Contact:	Cole Hansen
Parcel Number:	67-0000-12615-010, 67-0000-12615-020	Water District:	Southeast Cass Water District
Owner(s)/Applicant:	Mark & Karen Erdmann	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: April 25, 2024 County Commission Hearing: June 3, 2024		

Existing Land Use	Proposed Land Use
Residential/Agricultural	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Erdmann Subdivision** to plat a two (2) Lot subdivision of approximately 19.8 acres. According to the applicant, the subdivision is requested to plat an existing auditor’s lot and create a new lot for sale and development.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 42nd 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 comment.
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. 42nd 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

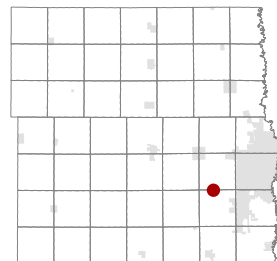
Minor Subdivision

Erdmann Subdivision

Section 4, Warren Township
Township 138 North - Range 50 West



Cass County Planning Commission
April 25, 2024

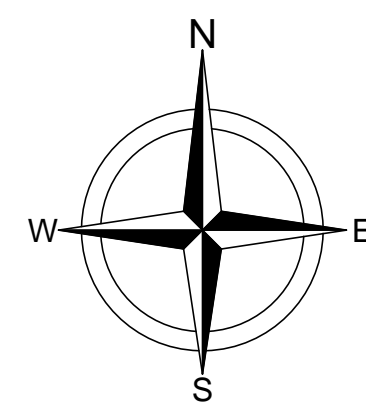
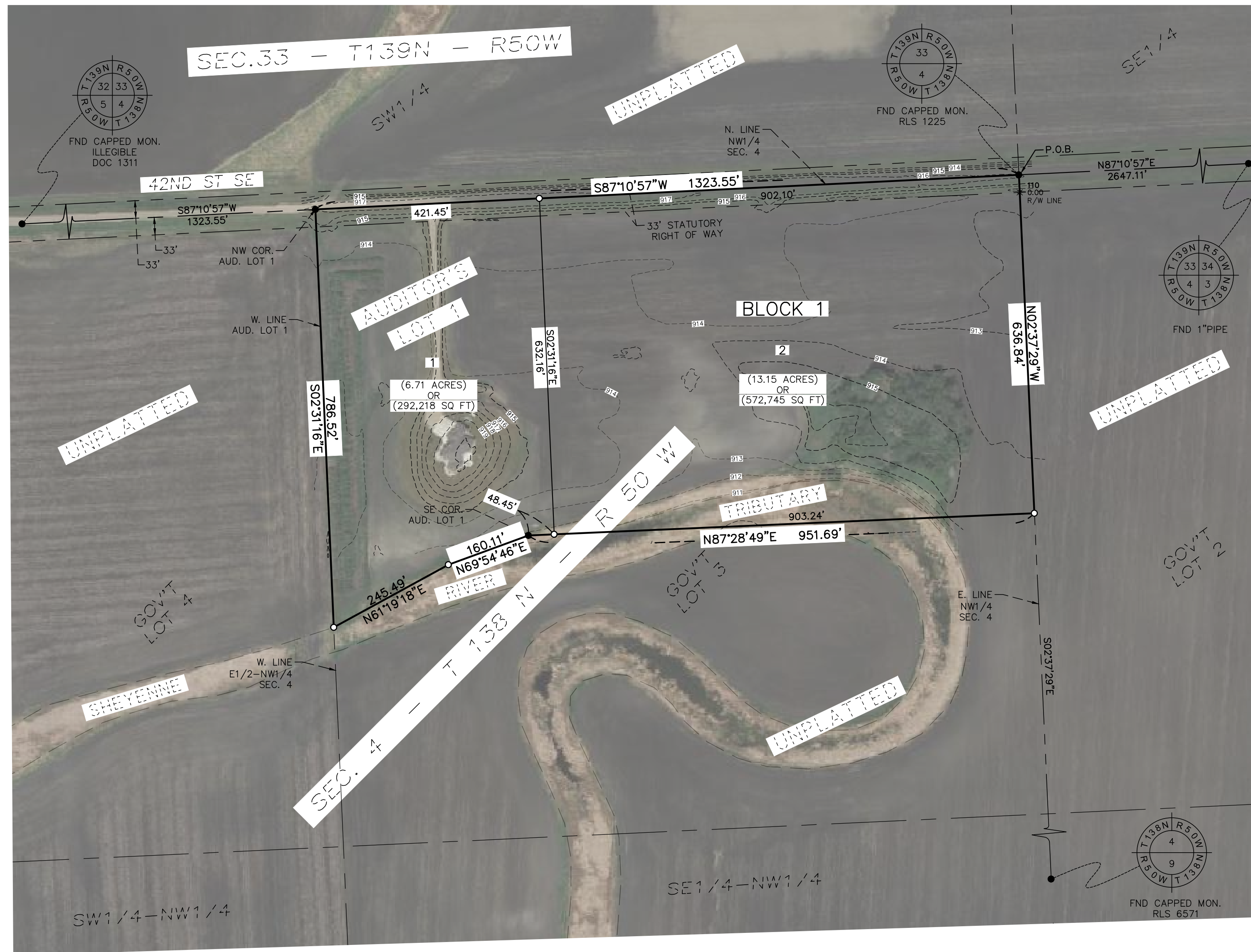


Imagery: spring 2021
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



PLAT OF ERDMANN SUBDIVISION

A REPLAT OF AUDITOR'S LOT 1 OF THE NORTHWEST QUARTER OF SECTION 4 AND A PLAT OF PART OF GOVERNMENT LOT 3 OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 138 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA



0 150
Scale in Feet

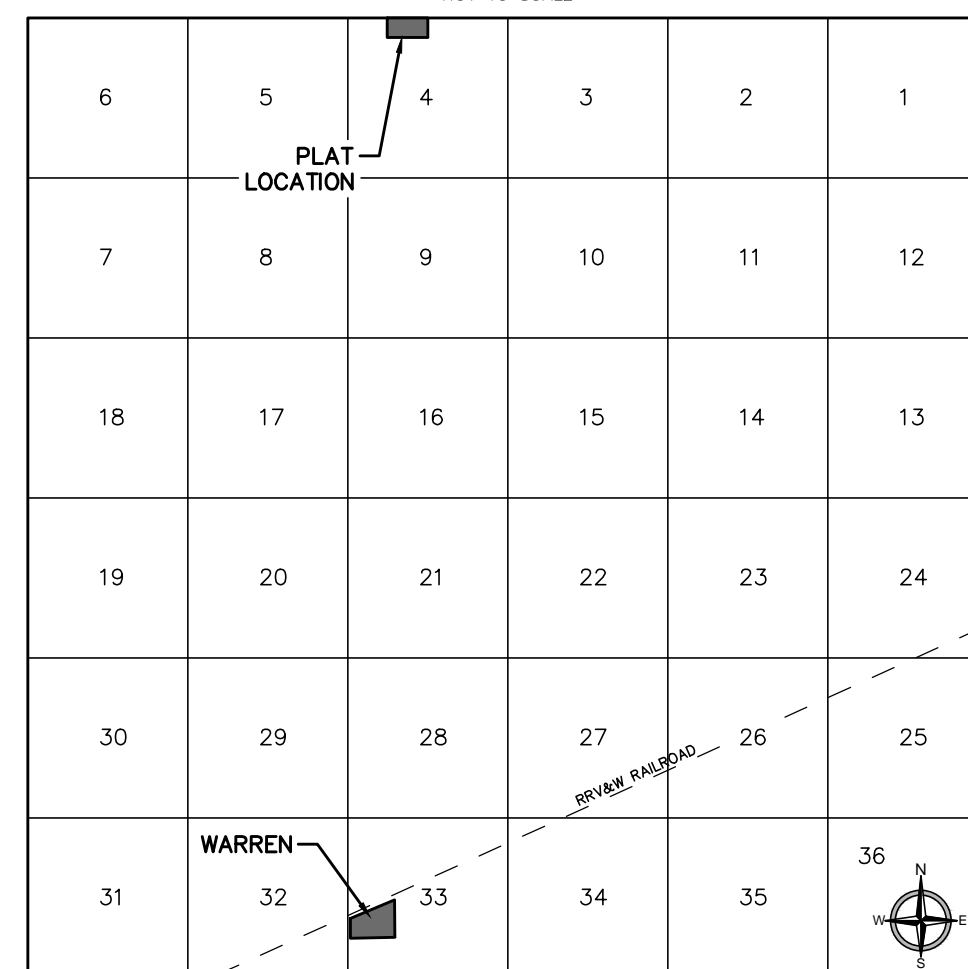
BASIS OF BEARINGS:
THE NORTH LINE OF THE
NW1/4 OF SECTION 4, T138N,
R50W HAS AN ASSUMED
BEARING OF S87°10'57\"

- LEGEND**
- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. 28251
 - IRON MONUMENT FOUND
 - P.O.B. POINT OF BEGINNING
 - SECTION LINE
 - PLAT BOUNDARY LINE
 - LOT LINE
 - - - RIGHT OF WAY LINE

NOTES

1. TOTAL PLATTED AREA: 19.86 ACRES
2. THE SUBJECT PROPERTY IS IN ZONE A - "AREAS WITH A 1% ANNUAL CHANCE OF FLOODING AND A 26% CHANCE OF FLOODING OVER THE LIFE OF THE 30-YEAR MORTGAGE.", AS INDICATED IN FIRM MAP 3802650001C, REVISED JANUARY 16, 2015.
3. CONTOURS SHOWN ARE FROM 2020 LIDAR DATA.
4. PROJECT BENCHMARK: NGS MONUMENT DESIGNATION "FIRM 12" - ROD IN SLEEVE NEAR INTERSECTION OF 40TH AVE. W. AND SHEYENNE ST. ELEVATION = 907.39' (NAVD 88 DATUM).

**VICINITY MAP
WARREN TOWNSHIP
NOT TO SCALE**



CERTIFICATE

Jacob R. Duchsherer, being duly sworn, deposes and says that he is the registered land surveyor who prepared and made the attached plat of "ERDMANN SUBDIVISION", a replat of Auditor's Lot 1 of the Northwest Quarter of Section 4 and a plat of part of Government Lot 3 of the Northwest Quarter of Section 4, Township 138 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:

Beginning at the north quarter corner of said Section 4; thence South 87 degrees 10 minutes 57 seconds West (assumed bearing) along the north line of said Northwest Quarter for a distance of 1323.55 feet to the northwest corner of Auditor's Lot 1 of said Northwest Quarter; thence South 02 degrees 31 minutes 16 seconds East along the west line of said Auditor's Lot 1 and the west line of the East Half of the Northwest Quarter (E1/2NW1/4) of said Section 4 for a distance of 786.52 feet; thence North 61 degrees 19 minutes 18 seconds East for a distance of 245.49 feet; thence North 69 degrees 54 minutes 46 seconds East for a distance of 160.11 feet to the southeast corner of said Auditor's Lot 1; thence North 87 degrees 28 minutes 49 seconds East for a distance of 951.69 feet to the east line of said Northwest Quarter; thence North 02 degrees 37 minutes 29 seconds West along the east line of said Northwest Quarter for a distance of 636.84 feet to the point of beginning.

Said tract contains 19.86 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

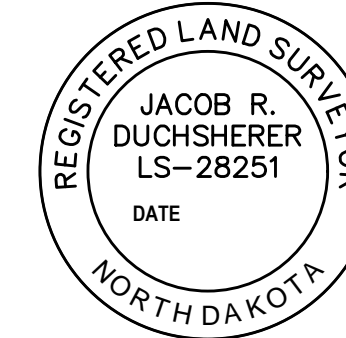
PRELIMINARY

Jacob R. Duchsherer
Registered Land Surveyor
REG. No. LS-28251

State of North Dakota)
County of Cass)

On this ____ day of _____, 2024, before me, a Notary Public in and for said County and State, personally appeared Jacob R. Duchsherer, 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



DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "ERDMANN SUBDIVISION", a replat of Auditor's Lot 1 of the Northwest Quarter of Section 4 and a plat of part of Government Lot 3 of the Northwest Quarter of Section 4, Township 138 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 Jacob R. Duchsherer, Registered Land Surveyor and that the description as shown in the certificate of the registered professional land surveyor is correct.

Owners:

Mark R. Erdmann _____ Karen D. Erdmann _____

State of North Dakota)
County of Cass)

on this ____ day of _____, 2024, before me, a notary public in and for said county and state, personally appeared Mark R. Erdmann and Karen D. Erdmann, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that they executed the same as their free act and deed.

Notary Public, Cass County, North Dakota

Mortgagee:

Bremer Bank, National Association

By: _____
Its: _____

State of North Dakota)
County of Cass)

on this ____ day of _____, 2024, before me, a notary public in and for said county and state, personally appeared _____, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he/she executed the same in the name of Bremer Bank, National Association.

Notary Public, Cass County, North Dakota

Mortgagee:

Gate City Bank

By: _____
Its: _____

State of North Dakota)
County of Cass)

on this ____ day of _____, 2024, before me, a notary public in and for said county and state, personally appeared _____, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he/she executed the same in the name of Gate City Bank.

Notary Public, Cass County, North Dakota

WARREN TOWNSHIP REVIEW

Reviewed by Warren Township, Cass County, North Dakota, this ____ day of _____, 2024.

Signed: _____
Jeff Fuchs, Chairperson

Attest: _____
Vance Kemmer, Clerk

COUNTY ENGINEER REVIEW

Reviewed by the Cass County Engineer this ____ day of _____, 2024.

Signed: _____
Tom Soucy, Cass County Engineer

CASS COUNTY PLANNING COMMISSION REVIEW

Reviewed by the Cass County Planning Commission this ____ day of _____, 2024.

Signed: _____
Ken Loughheed, Chairperson

Attest: _____
Lisa Shasky, Secretary

CASS COUNTY COMMISSION APPROVAL

Approved by Cass County, North Dakota, this ____ day of _____, 2024.

Signed: _____
Chad Peterson, Chairperson, Board of County Commissioners

Attest: _____
Brandy Madrigga, Cass County Finance Director

PROJ. NO. 23846

