



## Planning Department

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### MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: May 28, 2024

SUBJECT: Regular Agenda Topic for the June 3, 2024 Commission Meeting:  
McIntyre Subdivision Application

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The Cass County Planning Commission reviewed the application of the proposed subdivision located in Casselton Township, Section 32 at a Public Hearing on May 23, 2024. The intended purpose of the subdivision is to plat a lot for the development of a local natural gas distribution facility.

The Planning Commission is recommending approval of the proposed plat entitlement request and Casselton 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 Lots)</b> of a part of the NE ¼ of Section 32, Township 140 North, Range 52 West		
<b>Title:</b>	<b>McIntyre Farms Subdivision</b>	<b>Date:</b>	05/23/24
<b>Location:</b>	NE ¼ of Section 32, Township 140 North, Range 52 West (Casselton Township)	<b>Staff Contact:</b>	Cole Hansen
<b>Parcel Number:</b>	29-0000-02235-020	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	Richard L. Melvin	<b>Engineer/Surveyor:</b>	WBI Energy
<b>Status:</b>	Planning Commission Hearing: May 23, 2024 County Commission Hearing: June 3, 2024		

Existing Land Use	Proposed Land Use
Agricultural	Agricultural
Proposal	

The applicant is seeking approval of a minor subdivision entitled **McIntyre Farms Subdivision** to plat a one (1) Lot subdivision of approximately 1 acre. According to the applicant, the subdivision is requested to plat the lot for a utility site.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Road 23 for road access, ditches for storm sewer conveyance, rural water. The property currently does not 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 comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	No issue with proposal.
<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, and south sides of the lot and industrial land on the east side of the lot. County Road 23 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
3. Variance Application

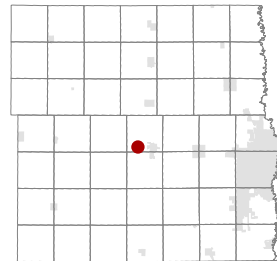
# Minor Subdivision

## McIntyre Farms

Section 32, Casselton Township  
Township 140 North - Range 52 West



Cass County Planning Commission  
May 23, 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.



# McINTYRE FARMS MINOR SUBDIVISION

C.R. DOC. NO. \_\_\_\_\_  
R.T. DOC. NO. \_\_\_\_\_

**CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL:**

REVIEWED BY CASSELTOWN TOWNSHIP, CASS COUNTY, NORTH DAKOTA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

CHAD M. PETERSON  
CHAIR

BRANDY MADRIGGA  
FINANCE DIRECTOR

**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 LOUICHEED  
CHAIRMAN

SECRETARY

CASSELTOWN TOWNSHIP

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

RYAN RADERNACHER, CHAIRMAN

ATTEST: ROBERT RUMCK, JR., CLERK/TREASURER

**OWNER'S CERTIFICATE & DEDICATION**

KNOW ALL PERSONS BY THESE PRESENTS THAT MCINTYRE FARMS, AS OWNER OF THE FOLLOWING DESCRIBED PROPERTY:

PART OF THE NORTH HALF (N1/2) OF THE NORTH HALF (N1/2) OF SECTION 32, TOWNSHIP 140 NORTH, RANGE 52 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.

HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS MCINTYRE FARMS MINOR SUBDIVISION PLAT.

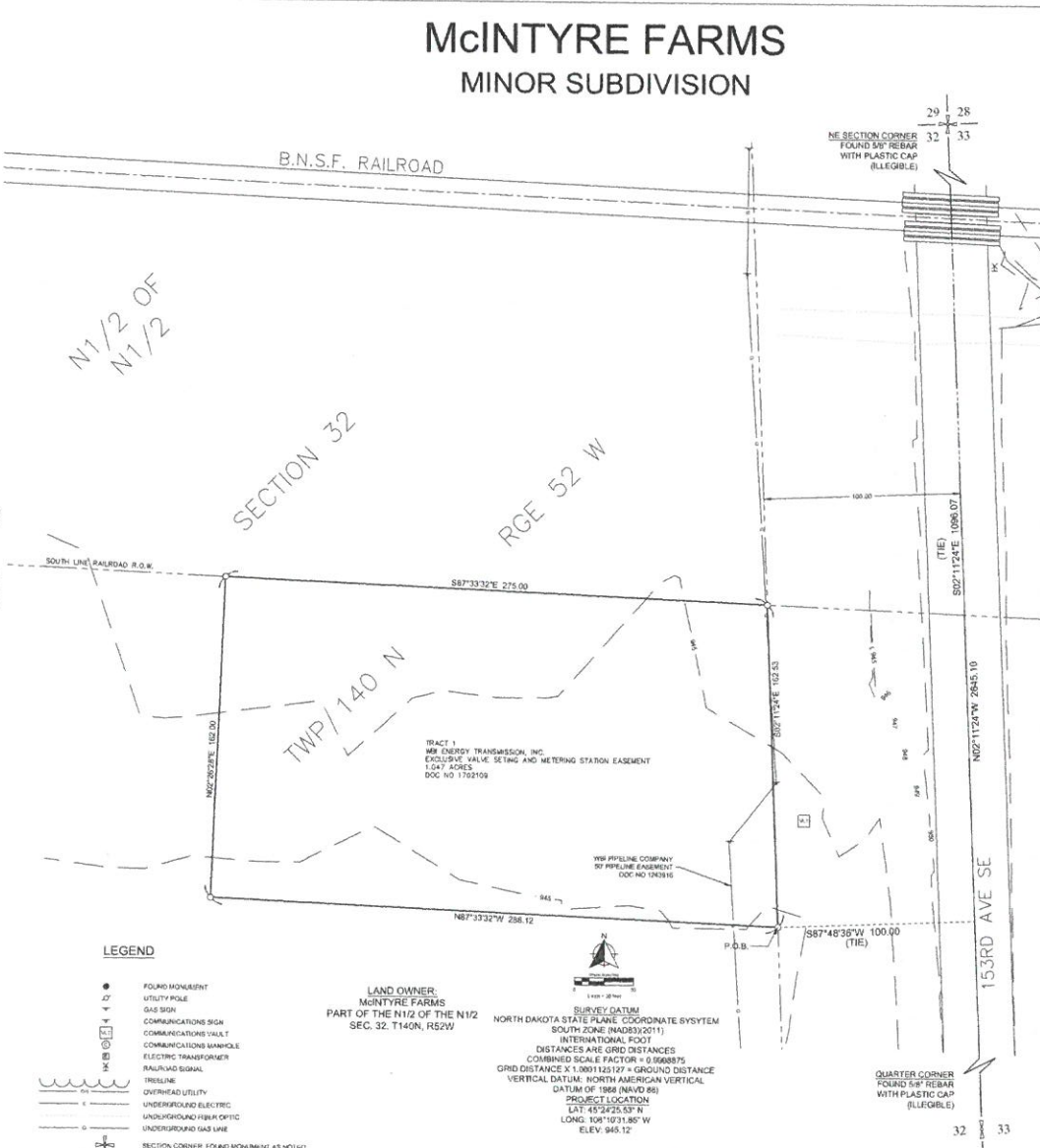
IN WITNESS WHEREOF SAID MCINTYRE FARMS, AS OWNER, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

MCINTYRE FARMS BY BRADLEY A. MCINTYRE, PARTNER

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

BE IT KNOWN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024, BEFORE ME PERSONALLY APPEARED BRADLEY A. MCINTYRE, PARTNER OF MCINTYRE FARMS, AS OWNER, ACKNOWLEDGED THE EXECUTION AND SIGNED OF THE ABOVE CERTIFICATE TO BE THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLIC, \_\_\_\_\_ COUNTY, \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_



**PROPERTY SUMMARY**

- SUBJECT PROPERTY ADDRESS IS 15026 36TH ST SE, CASSELTOWN TOWNSHIP, NORTH DAKOTA.
- SUBJECT PROPERTY'S PROPERTY IDENTIFICATION NUMBER IS 29-0300-0225-025.
- THE SUBJECT PROPERTY IS ZONED A0 LAND, PER CASS COUNTY ORD. 80-0023.

**EXISTING DESCRIPTION**

PART OF THE N1/2 OF THE N1/2 EXCEPT THE EAST 150 FEET OF SECTION 32, TOWNSHIP 140 NORTH, RANGE 52 WEST, 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PROPOSED DESCRIPTION**

A 1.047 ACRE EASEMENT BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED AS THE N1/2 OF THE N1/2 OF SECTION 32, TOWNSHIP 140 NORTH, RANGE 52 WEST, 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32 MARKED BY A 5/8\" REBAR WITH PLASTIC CAP (ILLEGIBLE) MARKING THE EAST 1/4 CORNER OF SAID SECTION 32. THENCE S 81° 02' 10\" E 150.00 FEET TO THE EAST LINE OF SAID SECTION 32 TO A POINT THERE LEAVING THE EAST LINE OF SAID SECTION 32. S 81° 42' 39\" W 100.00 FEET TO A SET IRON PIN AND 1-1/2\" ALUMINUM CAP STAMPED LS-9243 ON THE WESTERN RIGHT-OF-WAY OF 153RD AVE SE. THE POINT OF BEGINNING. THENCE N 47° 33' 32\" W 286.12 FEET TO A SET IRON PIN AND 1-1/2\" ALUMINUM CAP STAMPED LS-9243 ON THE SOUTH RAILROAD RIGHT-OF-WAY. THENCE WITH THE SOUTH RAILROAD RIGHT-OF-WAY S 87° 02' 37\" E 270.00 FEET TO A SET IRON PIN AND 1-1/2\" ALUMINUM CAP STAMPED LS-9243. THENCE LEAVING THE SOUTH RAILROAD RIGHT-OF-WAY AND WITH THE WESTERN RIGHT-OF-WAY OF 153RD AVE SE, S 101° 12' 41\" E 463.37 FEET TO THE POINT OF BEGINNING, CONTAINING 45.813 ACRES OR 1.047 ACRES 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 PROVIDE ADDITIONAL DOCUMENTS THAT MAY IMPACT DEVELOPMENT.
- THE PARCEL TRACT LIES IN AREAS OF PERMANENT FLOOD HAZARD PER FIRM NO. 380175GMR8, PRELIMINARY EFFECTIVE DATE, JANUARY 28, 2016.

**CERTIFICATE OF SURVEYOR:**

I, JAMES A. HARNED, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT I MADE THE FIELD AND OBSERVATIONS PLAT WHICH IS A CORRECT REPRESENTATION OF THE SURVEY PREPARED UNDER MY DIRECT SUPERVISION AND COMPLETED ON NOVEMBER 8, 2024. THAT ALL DISTANCES ARE CORRECT, THAT THE OUTSIDE BOUNDARY UNITS 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.



**LEGEND**

- FOUND MONUMENT
- UTILITY POLE
- GAS SIGN
- COMMUNICATIONS SIGN
- COMMUNICATIONS VAULT
- COMMUNICATIONS MANHOLE
- ELECTRIC TRANSFORMER
- RAILROAD SIGNAL
- TRAILLINE
- OVERHEAD UTILITY
- UNDERGROUND ELECTRIC
- UNDERGROUND FIBER OPTIC
- UNDERGROUND GAS LINE
- SECTION CORNER, FOUND MONUMENT AS NOTED
- QUARTER CORNER, FOUND MONUMENT AS NOTED
- SET 2\" X 2\" REBAR WITH 1-1/2\" ALUMINUM CAP (LS-9243)

LAND OWNER:  
MCINTYRE FARMS  
PART OF THE N1/2 OF THE N1/2  
SEC. 32, T140N, R52W



SURVEY DATUM:  
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM  
SOUTH ZONE (NAD83) 2011)  
INTERNATIONAL FOOT  
DISTANCES ARE GRID DISTANCES  
COMBINED SCALE FACTOR = 0.999879  
GRID DISTANCE X 1.00012157 = GROUND DISTANCE  
VERTICAL DATUM: NORTH AMERICAN VERTICAL  
DATUM OF 1988 (NAVD 88)  
PROJECT LOCATION  
LAT: 45° 24' 25.03\" N  
LONG: 106° 02' 31.86\" W  
ELEV: 945.12'

STATE OF MONTANA,  
COUNTY OF DAKOTA,  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024, PERSONALLY APPEARED JAMES A.  
HARNED, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE WITHIN  
INSTRUMENT.

NOTARY PUBLIC, \_\_\_\_\_ COUNTY, \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_



McINTYRE FARMS MINOR SUBDIVISION PLAT N1/2 OF N1/2 OF SECTION 32, TOWNSHIP 140 NORTH, RANGE 52 WEST, 5TH P.M., CASS COUNTY, NORTH DAKOTA			
Drawn by: J. Harned	Checked by: J. Harned	Date: March 12, 2024	Sheet Number: 1 OF 1



FOR CLERK & RECORDER